



# 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

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Tuesday, February 23, 2021

3:00 PM

Via Video Conference

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### MEETING CALLED TO ORDER

### ROLL CALL

#### 1. 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 PLANNING COMMISSION MEETING OF WEDNESDAY FEBRUARY 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](http://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](mailto: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 agendized 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: Feb 23, 2021 02:30 PM Pacific Time (US and Canada)*

*Topic: Community Development Committee Meeting*

*Please click the link below to join the webinar:*

*<https://zoom.us/j/98782524734?pwd=K21PZxo1THhZUXJ6VGh5ZUh6ZzRuQT09>*

*Passcode: 252373*

*Or iPhone one-tap :*

*US: +16699009128,,98782524734#,,,,\*252373# or +12532158782,,98782524734#,,,,\*252373#*

*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: 987 8252 4734

Passcode: 252373

International numbers available: <https://zoom.us/j/98782524734>

**1A. [21-078](#) APPROVAL OF THE MINUTES**

**Attachments:** [Approve Minutes of September 22, 2020](#)

**2. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

**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**

**Attachments:** [02232021 ADU Program](#)

[Att 1 - Floor Plans](#)

[Att 2 - Public Comments](#)

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

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

[ATT 1 - Chapter 9.28 Redline Drug Paraphernalia](#)

[ATT 2 - California Drug Paraphernalia Code](#)

[ATT 3 - Chapter 9.30 Redline Version](#)

[ATT 4 - Chapter 9.32 Version](#)

[ATT 5 - Chapter 18.2 Tables 2-6 & 2-10 Redline](#)

[ATT 6 - Chapter 18.42 Cannabis Cultivation and Microbusiness](#)

[ATT 7 - 18.42.057 Cannabis Retail Redline Version](#)

[ATT 8 - Title 18 Chapter 10 Glossary Red Line Version](#)

[ATT 9 - Cannabis Ordinances Presentation](#)

[ATT 10 - Public Comments 3B](#)

**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 February 19, 2021.

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INSERT NAME HERE

**NOTICE TO THE PUBLIC**



# City of Fort Bragg

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

## Text File

File Number: 21-078

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**Agenda Date:** 2/23/2021

**Version:** 1

**Status:** Minutes to be Approved

**In Control:** Community Development Committee

**File Type:** Minutes

**Agenda Number:** 1A.

APPROVAL OF THE MINUTES



# City of Fort Bragg

416 N Franklin Street  
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## Meeting Minutes Community Development Committee

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Tuesday, September 22, 2020

3:00 PM

Via Video Conference

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### MEETING CALLED TO ORDER

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

### ROLL CALL

Staff Present: City Manger Miller, Housing and Economic Development Coordinator McCormick, Senior Planner Sar and Administrative Assistant Munoz.

Present: 3 - Bernie Norvell, Jessica Morsell-Haye and Jessica Morsell-Haye

### ZOOM WEBINAR INVITATION

### 1. APPROVAL OF MINUTES

1A. [20-853](#)

Approve the Community Development Committee Minutes of September 8, 2020

These Committee Minutes were approved for Council review.

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

### 3. CONDUCT OF BUSINESS

3A. [20-856](#)

Provide Direction on Exhibit B of a Request for Proposals to Contract Professional Services for the Preparation of a Commercial Cannabis Cultivation Ordinance for the City of Fort Bragg

Housing and Economic Development Coordinator McCormick presented the prepared report to the Committee. The Committee asked clarifying questions of the City Manager Miller and Economic and Housing Coordinator.

Public Comment  
-Jacob Patterson

:

Discussion:

There was discussion about zoning and applicable permit requirements for commercial cannabis cultivation applications. Committee Member Morsell-Haye spoke in favor of Microbusinesses. The Committee agreed that staff should bring the item before the Council via conduct of business to confirm staff has met the councils expectations for this RFP.

**4. MATTERS FROM COMMITTEE / STAFF**

Committee Member Norvell asked for an update on the Grey Whale Inn. Per staff the property owner is applying for a building permit to abate the violation and to allow for the chain link fence while under construction.

**ADJOURNMENT**

Council Member Norvell adjourned the meeting at 3:33 PM



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## Text File

File Number: 21-068

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**Agenda Date:** 2/23/2021

**Version:** 1

**Status:** Business

**In Control:** Community Development Committee

**File Type:** Staff Report

**Agenda Number:** 3A.

Receive Report and Provide Direction to Staff Regarding the City's Pre-Approved Accessory Dwelling Unit (ADU) Program



**CITY OF FORT BRAGG**

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**COUNCIL COMMITTEE ITEM SUMMARY REPORT**

**MEETING DATE: FEBRUARY 23, 2021**  
**TO: COMMUNITY DEVELOPMENT COMMITTEE**  
**FROM: SARAH MCCORMICK, HOUSING & ECONOMIC DEVELOPMENT**  
**TITLE: RECEIVE REPORT AND PROVIDE DIRECTION TO STAFF  
REGARDING THE CITY'S PRE-APPROVED ACCESSORY  
DWELLING UNIT (ADU) PROGRAM**

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**BACKGROUND AND OVERVIEW:**

The construction of Accessory Dwelling Units (ADUs) brings much needed housing to our community. ADUs, commonly referred to as “second units” or “in-law units”, are additional attached or detached residential dwellings that provide complete independent living facilities for one or more persons. ADUs can be located on any parcel zoned for housing and are limited to 1,000 SF in size (please refer to Article IV of the Land Use and Development Code pertaining to Second Units for details).

In order to facilitate the construction of ADUs, the City developed Fort Bragg’s Pre-Approved ADU Program in 2007. This program offers residents, at no cost, engineered construction plans that have been reviewed by Mendocino County Building Inspectors. It has proven to be an effective and popular resource, however, changes to the California Building Code in 2020 caused the City plans to become outdated.

State allocated grant funds to promote housing production were identified to update Fort Bragg’s Preapproved ADU Program. The City secured professional services to prepare drawings with engineering guaranteed for thirty (30) units and/or three (3) years, whichever comes first. Jason Island, Senior Civil Engineer working with SHN Consulting, was selected through a formal request for proposal process and created two new plan sets that include architectural design and engineering for: 1) 720 SF one-bedroom unit; and 2) 960 SF two-bedroom unit.

Many thoughtful considerations are incorporated into the new designs while maintaining an architectural style consistent with the local vernacular. Designed as a craftsman style bungalow, the plans feature a low-pitch, gabled roof with overhanging eaves, and front porch under the roofline; a few exceptional features are noted below:



- Structural engineering support is situated on the exterior walls to allow flexibility with the interior floorplan (Attachment 1 – Floor Plans);
- The shape of the building allows the roofline to be oriented north/south or east/west, in order to situate the structure appropriately on a parcel; and
- Straightforward construction makes use of manufactured trusses, a slab foundation, standard window sizing, and locally available materials to help simplify the construction process and keep construction costs to a minimum.

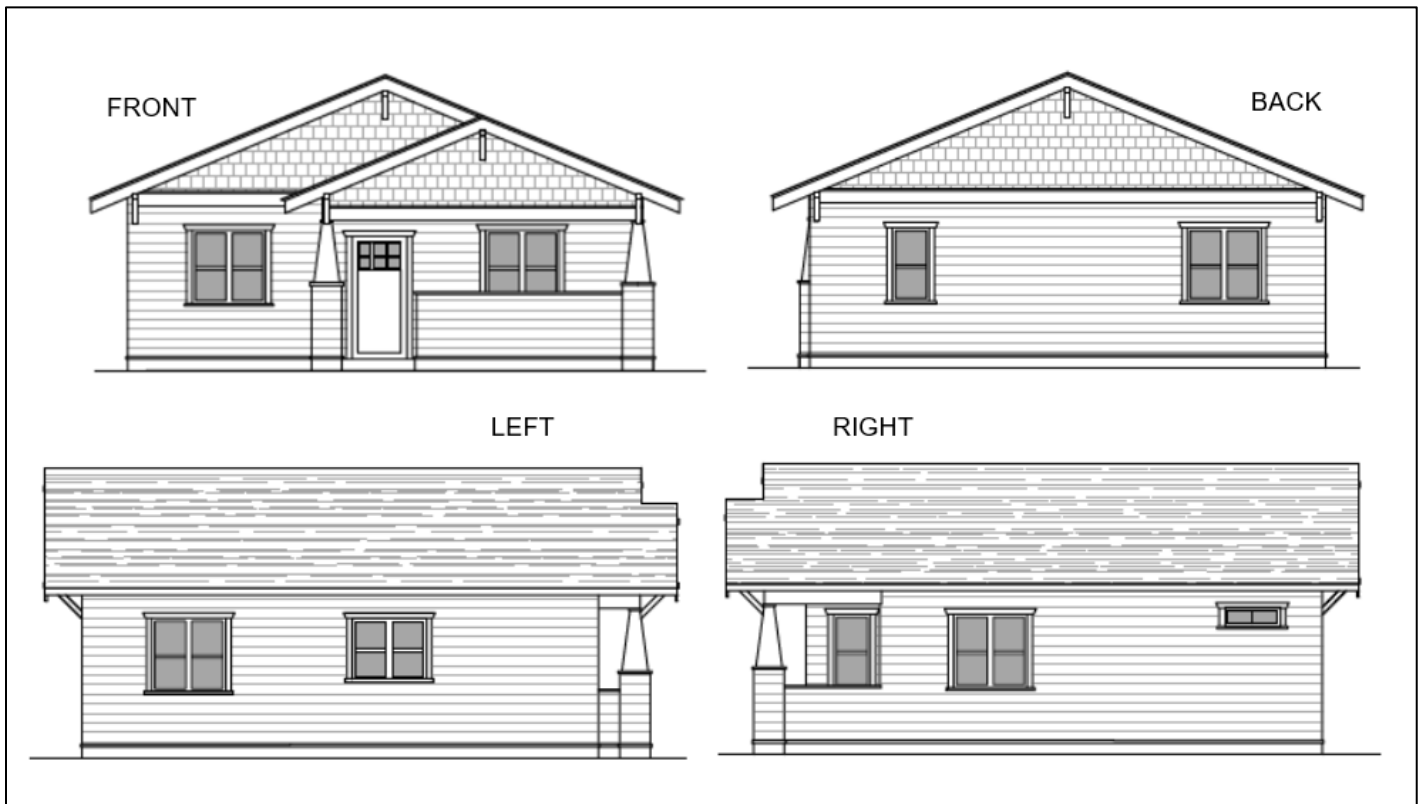


Image: One-bedroom Bungalow Elevations

**ISSUE:**

The City of Fort Bragg was approached by other jurisdictions interested in offering the City’s new ADU plans to residents of their communities. A conversation with Crescent City developed into the merits of working together to build out a robust program to boost confidence of interested property owners and simplify the construction process. In exchange for granting permission to other jurisdictions to utilize plans created for Fort Bragg, the City would receive support in the form of supplemental materials, such as detailed cost analysis, material lists, solar configurations, FAQ sheet, etc.

Staff is seeking direction from the CDC regarding a collaboration with other jurisdictions and SHN. This goodwill would strengthen the City of Fort Bragg’s ADU program, as well as support housing production in other communities.

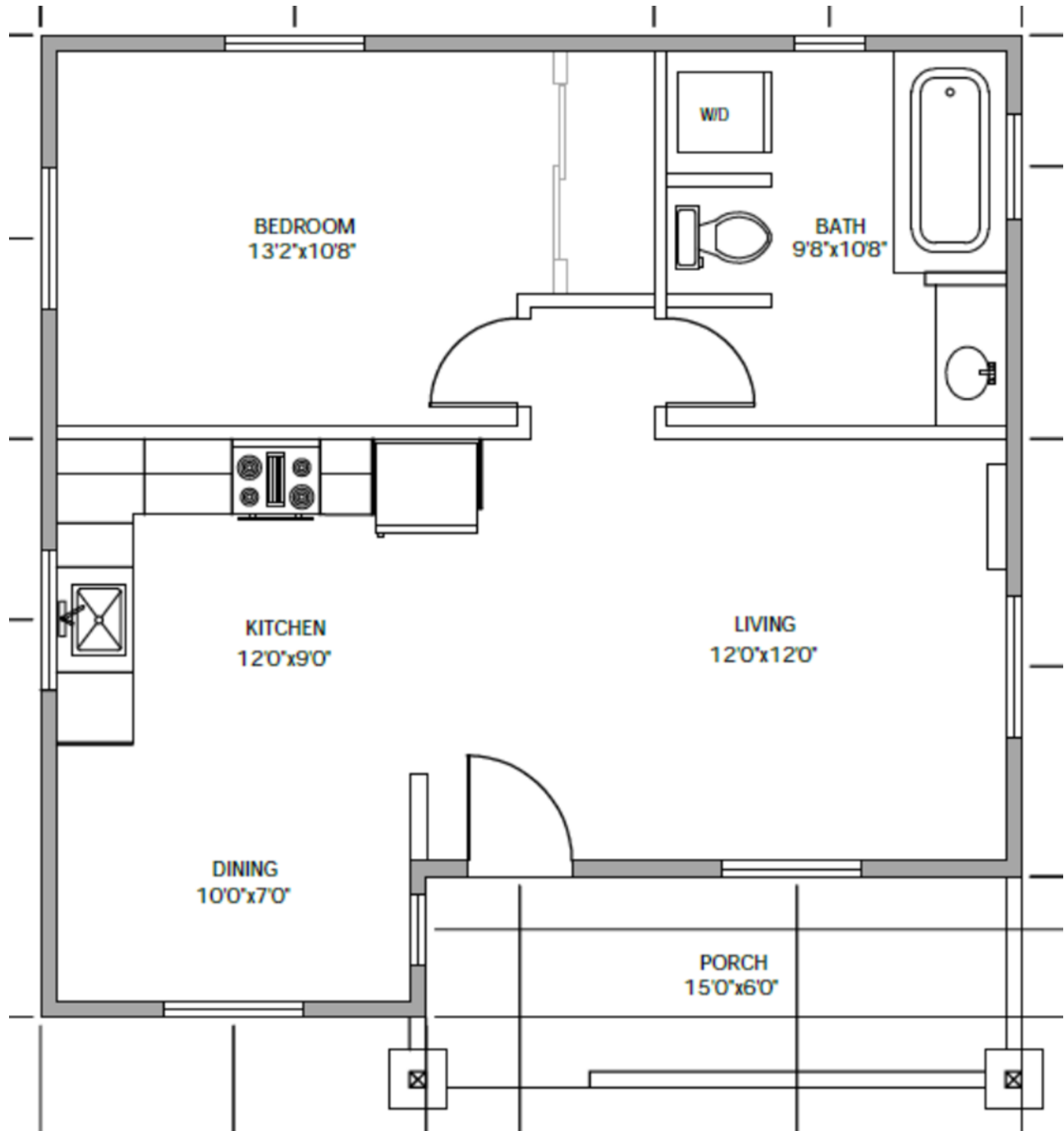
**RECOMMENDATION:**

Direct staff to prepare a Resolution for City Council consideration (as a consent calendar item), which grants Crescent City and Point Arena permission to utilize construction drawings developed by SHN for the City of Fort Bragg's Pre-Approved ADU Program.

**ATTACHMENTS:**

1. Floor Plans

Attachment 1: One-Bedroom Floor Plan



## Gonzalez, Joanna

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**From:** Jacob Patterson <jacob.patterson.esq@gmail.com>  
**Sent:** Saturday, February 20, 2021 9:25 AM  
**To:** McCormick, Sarah  
**Cc:** Gonzalez, Joanna  
**Subject:** Public Comment, 2/23/21 CDD Committee Meeting, Item 3A, ADU Plans

Sarah,

I reviewed your agenda packet for the ADU program. It is nice to see this moving forward, although I am concerned about the plans expiring after 3 years even if fewer than 30 units have been built. What are the recent stats for how many ADUs are built each year in the City? Is 30 units feasible or likely for the next three years? Do we have an option to extend the useful life of the pre-approved plans, perhaps by paying a per unit fee on behalf of the applicant? Will Point Arena or Crescent City pay a proportionate share of the cost developing the plans or do we not care since it was grant funded? If they chip in their proportionate share (perhaps based on City population) we could use the additional funding to extend the program locally. I assume those jurisdictions will have to pay a per-unit fee for the site design unless that is no longer a component of this program. The attached plans only show the one-bedroom unit. Are the two-bedroom plans available? If so, please include them in the agenda packet for public review and discussion. Overall, I like what I see so far.

Best regards,

--Jacob

**From:** Mary Rose Kaczorowski <mrkaczorowski@gmail.com>  
**Sent:** Friday, February 19, 2021 8:30 PM  
**To:** Miller, Tabatha; Norvell, Bernie; Morsell-Haye, Jessica  
**Cc:** CDD User; Gonzalez, Joanna  
**Subject:** Two comments for the next Community Development Committee meeting

Dear Mayor Norvell,  
Vice Mayor Morsell-Haye,  
City Manager Tabatha Miller,  
and Fort Bragg Planning Commissioners and Chairperson

Will you be taking Public Comments on the Feb 23, 2021 Agenda Items?  
If so please consider my comments for the record as follows: as follows.

### **Agenda Item 3-A ADU's**

Am I missing something in looking at these ADU Plans.. I am really concerned that we are forgetting that any new remodels, new buildings or ADU's may not consider the issues of heating and energy use. In the past, in creating a rental *unit*, there was not necessarily much financial motivation to *insulate* well, because the tenant is generally responsible for the bills. Nor was there much thought in efficient heating and air circulation or keeping down mold growth. I was shown a converted garage in Ft. Bragg last year by a realtor! probably illegal - that had drafts, a cement floor and no heat sources, only a hot plate and tiny mini refrig.

If you [convert a garage](#) into an accessory dwelling unit (ADU), it's important to make sure that you can heat and cool it efficiently. Not only will this allow the tenant to save you money, but it can also reduce the household's energy usage, which helps to minimize their carbon footprint. While some people heat their converted garage with a space heater, this is not the most efficient way to do it. In fact, this form of heating is extremely inefficient. Ductless heat pump may be a fix.

EXAMPLES: FYI: <https://www.mycomfortheating.com/ductless-heat-pumps-are-the-best-choice-for-adus/> and <https://d-airconditioning.com/pages/additional-dwelling-units-adu>

**you probably know this? : Title 24, Part 6 Compliance Quick Reference**

<https://aiacalifornia.org/wp-content/uploads/2020/07/ADU-Presentation.pdf>

I am sure that you have considered that the *The California Energy Commission changed its energy code in 2019 for ADU's.*

Starting January 1, 2020, all new construction, additions, and alterations to residential and commercial property buildings in California will be required to meet net-zero electricity guidelines. Title 24 also impacts residential homeowners because it applies to accessory dwelling units (ADUs). ADUs are often referred to as “secondary units,” “granny flats,” or “cottages” and are required to meet net-zero electricity guidelines. If you start an ADU project for your home after 2020, you can now adhere to the California energy standard to reduce energy consumption by adding solar panels. However, ADUs must include a solar energy system that can generate enough to offset the dwelling’s annual electrical usage.

### **Agenda Item #3B Cannabis**

How can Cannabis grows (cultivation) be allowed in Fort Bragg?

Here are excerpts from <https://www.nature.com/articles/d41586-019-02526-3>

### **Cannabis and water**

Cannabis cultivation is water intensive be it clones for full plants. In 2015, researchers from the California Department of Fish and Wildlife in Eureka found that, in four watersheds in Humboldt County, in the north of the state, cannabis cultivation could potentially drain streams — especially because the crop’s period of greatest water need coincides with California’s dry season. But the issue is impact on water sources.

### **Cannabis and indoor Cultivation**

Moving cannabis cultivation indoors introduces a different threat to the crop's sustainability: energy use. Keeping the plants alive in a windowless room requires intense light, so growers fit out facilities with the same high-pressure sodium lamps as those used in street lights. To counteract the heat that is generated by this inefficient illumination, plants are over-watered and growing rooms are furnished with heating, ventilation, and air-conditioning systems and dehumidifiers. "All these systems are fighting each other," says Derek Smith, director of the Resource Innovation Institute in Portland, Oregon, a non-profit organization that helps cannabis growers to improve energy efficiency. "It's not only an environmentally unsustainable model, it is economically unsustainable."

[PDF version \(August 2019\)](#)

My Best Regards,

Mary Rose Kaczorowski, MTS

<https://muckrack.com/mary-rose-kaczorowski>

How to pronounce my name? <https://www.youtube.com/watch?v=5Sik7LKjJTY>

[linkedin.com/in/mrk2008](https://www.linkedin.com/in/mrk2008)

"Be calm, like a giant tree in a storm."



# City of Fort Bragg

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## Text File

File Number: 21-058

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**Agenda Date:** 2/23/2021

**Version:** 1

**Status:** Business

**In Control:** Community Development Committee

**File Type:** Staff Report

**Agenda Number:** 3B.

**Receive Report and Make Recommendation to Planning Commission for Updates of Ordinances Related to Cannabis**





**CITY OF FORT BRAGG**

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**COUNCIL COMMITTEE ITEM SUMMARY REPORT**

**MEETING DATE: FEBRUARY 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**

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**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. MACURSA 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 (FBMC).

Subsequently, 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 953-2019 on November 21, 2019.

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

On March 9, 2017, the Fort Bragg City Council adopted Ordinance 928-2017, which amended Title 18 of the Inland Land Use Development Code (ILUDC) 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 952-2019 to amend Article 2, 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 industry continues to take shape under the new legal framework. It is possible that if/when the federal government declassifies cannabis from being a Schedule 1 narcotic, that there may be additional changes or requirements as well.

To date, the City of Fort Bragg has received four applications for cannabis businesses and issued three permits (two retail dispensaries and 1 manufacturer) and one was denied. Through the processing of these applications, City staff have become aware of ways that the process can be more efficient and less complicated. We have also identified areas that require more clarity in order to codify the Council's direction.

## **ANALYSIS:**

### **Chapter 9.28 Drug Paraphernalia is not consistent with new laws**

This code (see ATTACHMENT 1) is very specific to the sale of drug paraphernalia, most of which is inappropriate because the majority addresses the sale of products that can be used to cultivate or ingest cannabis products. While there are a few provisions for things like "miniature cocaine spoons and cocaine vials" to which this code might apply, staff are not aware of any stores actively displaying or selling these items specifically for drug use. In the past, staff have tried to code enforce on the display of "water pipes," "bongs," or other devices that appear to be for cannabis use. However, past legal counsel informed staff that as long as the owner claims the devices are for a use other than drugs, it is not possible to enforce this.

Additionally, staff consulted the "Getting it Right from the Start Project" from the Public Health Institute in Oakland, California. This non-profit works (for free) with Cities and Counties "to develop and share models for safer cannabis policy and provide guidance on policies that can reduce harm, protect against youth and problem cannabis use, and promote social equity. Their response to the question of how this chapter can be amended was:

*"After reading this I can understand the original intention. However, given the proliferation of online retailers selling the items this legislation bans, today it does not necessarily accomplish the intended goal. I would also point out that there are unintended consequences associated with driving people, especially youth, to the online marketplace for these very items; they are exposed to far more influential marketing and more dangerous items available through online retailers (i.e., unregulated cannabinoid-containing products, kratom, etc.)."*

The state has amended their Drug Paraphernalia Code on which the City of Fort Bragg Code is based.

#### **Possible Options:**

1. Do nothing and leave as is.
2. Update the existing drug paraphernalia code for consistency with the state code (See Attachment 2).
3. Repeal this Code and rely on state law.
4. Repeal this code and adopt a more proactive code that is comprehensive in addressing youth drug, alcohol, and tobacco use and alcohol, drug, and tobacco abuse.

- Ban the marketing of tobacco, alcohol, cannabis, or paraphernalia to children.
- Ban the display of drug and tobacco paraphernalia along the public right of way.
- Recommend that businesses selling drugs, tobacco, or alcohol provide notices outside their businesses.
- Adopt an ordinance that encourages businesses to adopt practices that support public health.

### Revise Chapter 9.30 Cannabis Businesses

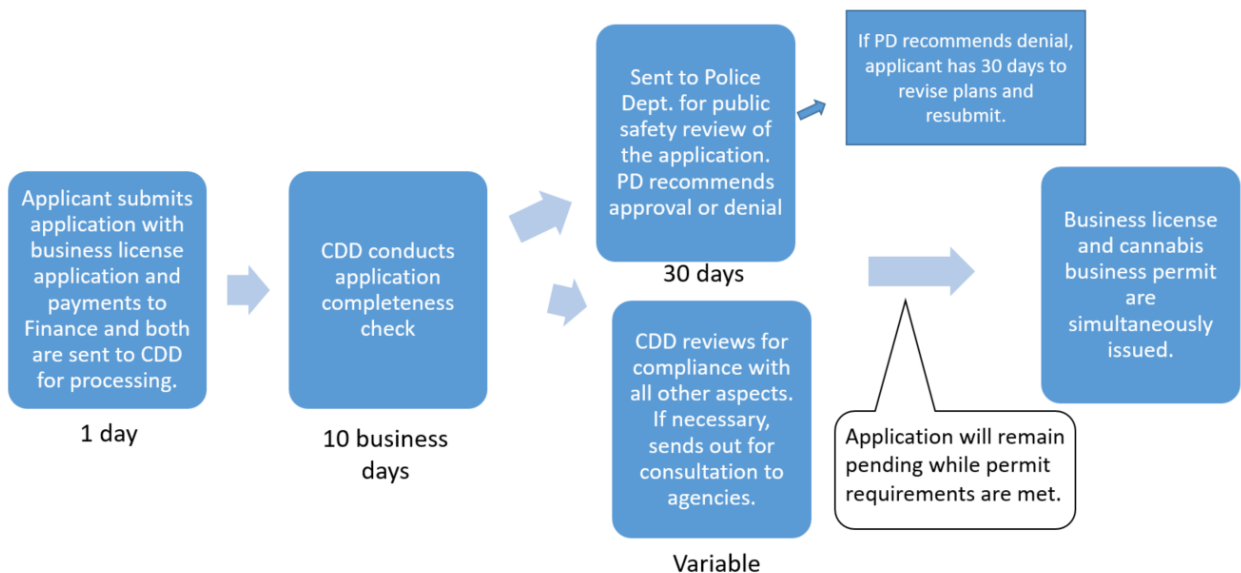
While this is a relatively new section of the code, there are two main reasons to revise this section:

- 1) Update the definitions to be more comprehensive and detailed.

The current definitions are sparse and it would be helpful in order to support the Council's wishes to expressly define all the types of cannabis businesses to establish the legal grounds that will support the areas in the ILUDC where they will be allowed. (see redline version in ATTACHMENT 3)

- 2) Update the process for City of Fort Bragg Cannabis Business Licenses to streamline the process for applicants and maximize the efficiency of staff time.

The current process is set up under the Police Department. Community Development Department (CDD) has been assisting the Police Department with the collection of the application and the processing, however, Police Department staff and CDD staff feel that it will be more efficient and effective if the applications are managed through CDD. There will be a required public safety review conducted by the Police Chief for all cannabis business permits, and a license will not be issued without approval from the Police Chief. However, CDD will be responsible for receiving, tracking, and managing the applications. This will also allow CDD to process any use permits required concurrently.



See ATTACHMENT 3 for possible updates to Chapter 9.30.

## **Add Chapter 9.32 Cannabis Cultivation**

Adding a code for Cannabis cultivation that addresses both non-commercial and commercial cannabis cultivation can serve to protect public health & safety, property values, and commercial business interests. The existing code was recently interpreted by the Planning Commission to mean that cannabis cultivation is not an allowable land use. City Council by failing to take action on the appeal of that decision, made that decision final. If Council wishes to allow cultivation, code updates are necessary to make it permissible.

The Council may wish to consider an ordinance that:

- Has minimal provisions for non-commercial cannabis cultivation as allowed under California State Law;
- Encourages practices that reduce the impacts on electricity, water, and wastewater;
- Expressly allows commercial cultivation in the City of Fort Bragg;
- Defines the difference between commercial and non-commercial cannabis cultivation;
- Requires that the property owners give permission to tenants wishing to cultivate on their property.<sup>1</sup>

Chapter 9.32 will provide definitions for cannabis activities that will make it easier for applicants and City staff to evaluate an application. It also brings the definitions in line with the state definition. For example:

The current definition for commercial cannabis cultivation is as follows:

*The planting, growing or harvesting of cannabis plants...*

The state definition for cannabis cultivation is:

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

This is an important clarification, as there have been questions as to what constitutes cultivation and what activities fall into the categories of cultivation, processing, and manufacturing.

By adopting the state's definitions for all three of these, it streamlines the transferability of the project scope for analysis by local zoning without creating additional work for the applicant.

See ATTACHMENT 4 for possible Chapter 9.32.

Possible Actions:

1. Continue with no Chapter 9.32 which means that non-commercial cannabis is unregulated by the City and commercial cultivation is not allowable.

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<sup>1</sup> Indoor cultivation can be extremely detrimental to the interior of a residence. In the event of long-term cultivation, it can result in indelible odors and impacts that are significantly heavier than normal residential use. The City is working hard to increase housing stock and preserve the condition of existing housing and may wish to consider this as a method of protecting existing housing stock.

2. Adopt an ordinance that allows both non-commercial and commercial cannabis with the following as potential issues to consider for cultivation:
  - a. Size and types of cultivations
  - b. Water usage requirements
  - c. Energy conservation and environmental recommendations

### **Amend Article 2 of the ILUDC**

In addition to establishing the grounds for cannabis cultivation in the City, it is necessary to establish the land use and zoning requirements as well. The ILUDC currently has the following provision for cannabis cultivation in 18.42.057(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.”*

While this can be read to indicate that cannabis cultivation should be allowable as an accessory use, the recent decision by the Planning Commission determined that cultivation was not an allowable use under this provision.

Taking no action would mean that the current interpretation of the code will apply to any future requests that include cultivation. If the council would like to allow cannabis cultivation as either a primary or accessory use, then the land use tables should be updated to allow the uses where appropriate.

See ATTACHMENT 5 for possible updates to ILUDC Article 2 Land Use Tables.

Per the recommendations provided by the California Department of Food and Agriculture Memo from December 19, 2019, all cannabis cultivation projects shall be evaluated for California Environmental Quality Act (CEQA). Because each project will individually be evaluated for CEQA and because the General Plan does allow for expansion of commercial and industrial activity the adoption of these ordinances does not require their own CEQA analysis. Each project will be individually evaluated for CEQA to determine whether it is exempt, requires a negative declaration, a mitigated negative declaration, or an environmental impact report. It is the responsibility of the project applicant to cover the cost of any CEQA document preparation, which shall be completed prior to the public hearing for the project.

#### Possible Actions:

- Make no changes;
- Add cannabis cultivation to the Inland Land Use Table for Industrial Zone(s);
- Add cannabis cultivation and cannabis manufacturing as allowable accessory uses in the foot notes for cannabis retail in the Land Use Tables for Commercial Zones;

- Create a new use “Cannabis Microbusiness” and add it to the ILUDC Tables for Commercial Zones;
- Create a new use “Microbusiness” in the ILUDC Tables and include cannabis under the definition in 18.42.

#### **Amend Article 4 Standards for Specific Land Uses in the ILUDC**

The sizes and types of cannabis cultivations vary greatly. A cultivation could be completely innocuous or it could have major impacts on a neighborhood. By updating 18.42, the Council has the opportunity to create guidelines that will ensure cultivations do not have major impacts and fit within the existing land uses.

It is appropriate to use this section to reiterate some of the conditions set forth in 9.30 Cannabis Businesses and to include operational and application requirements. For example, these might include:

- A prohibition on outdoor cultivation
- Requirements for employee registration and restrictions for non-public areas
- Participation in State’s Track and Trace Program
- Requirements for water and/or wastewater
- Buffer from schools or other sensitive locations

Water is one of the concerns expressed by the Council which is addressed in this section. In the case of a “change in use” for an existing structure, it is possible to compare prior water usage and potential future water uses for the site with the projected use of the project as it relates to existing allowable uses considered by the General Plan. However, in the case of new development it will be necessary to use the guidance provided in the most recent General Plan.

The City of Fort Bragg Inland General Plan from 2012 says:

*In 2010, the City produced 223 million gallons (685 acre feet) of water from its three sources or about 610,000 gallons per day. Of this water, 129 million gallons were used for residential purposes and 53 million gallons for commercial/industrial use. On a daily basis the City currently produces about 50 gallons/resident and 78 gallons/1,000 SF of commercial/industrial space. Residential development within the Inland Area through 2022 is anticipated to include 63 new residential units (156 new residents) which would require 7,8000 additional gallons of water per day; and 52,000 SF of new commercial/industrial development which will require 4,000 gallons of water per day. In total all new development proposed for the inland area will result in 12,000 additional gallons of demand, a 1.9 percent increase in water demand. The City currently has sufficient water supply and storage to meet an 8% increase in water demand, and so could accommodate the additional growth in the Inland Area without developing additional water storage. If the City constructs new 45 acre foot water storage facility, the City would be able to accommodate upwards of 20% growth in water demand. New development in the City will be required to pay its fair share of new water system improvements.*

This study gives us a methodology that can be used to vet for consistency with the General Plan.

In addition to Cannabis Cultivation, it seems reasonable to consider adding a land use type that addresses cannabis microbusinesses.

Possible actions:

- Do nothing and keep the code as is;
- Update the cannabis retail definition to be more explicit in allowing other uses and defining how to treat them in regards to “accessory use” (See ATTACHMENT 7);
- Create a new defined land use in 18.42 for Cannabis Microbusiness that will be added to the Land Use table(s) in Article 2; or
- Create a new defined land use in 18.42 for Microbusiness that will include cannabis but covers a broader scope and adds microbusiness to the Land Use Table(s) in Article 2.

See ATTACHMENT 6 and ATTACHMENT 7 for possible updates to ILUDC Article 4.

### **Amend Article 10 Glossary**

In order to provide clarity and important distinctions between types of cannabis businesses and allowable activities, it is necessary to modify the definitions in the Inland Land Use Development Code.

See ATTACHMENT 8 for possible updates to ILUDC Article 10.

### **SUMMARY OF POSSIBLE ACTIONS:**

Provide feedback, direction, and recommended edits for further review by legal counsel and then City Council for:

- Chapter 9.28 Drug Paraphernalia
- Chapter 9.30 Cannabis Businesses
- DRAFT Chapter 9.32 Cannabis Cultivation

Provide recommendations, edits, and possible amendments to the Inland Land Use Development Code Title 18 to be reviewed by legal counsel, then by Planning Commission, and final approval by City Council:

- Article 2 Land Use Tables (2-6 and 2-10) to include Cultivation and Microbusiness
- Article 4 Standards for Specific Land Uses for Cultivation and Microbusiness
- Article 10 Glossary to add Definitions specific to cannabis business activities

### **ATTACHMENT**

1. Chapter 9.28 Drug Paraphernalia
2. California State Code for Drug Paraphernalia
3. Draft updates to Municipal Code Chapter 9.30 Cannabis Businesses

4. Draft updates to Municipal Code Chapter 9.32 [Reserved]
5. Draft updates to ILUDC Title 18 Article 2 Zoning Districts and Allowable Land Uses
6. Draft updates to ILUDC Title 18 Article 4 Standards for Specific Land Uses
7. Draft updates to ILUDC 18.42.057 Cannabis Retail
8. Draft updates to ILUDC Title 18 Article 10



## Chapter 9.28 Paraphernalia Redline

### DRUG PARAPHERNALIA

#### Section

9.28.010 Purpose

9.28.020 Definitions

9.28.030 Display

9.28.040 Distribution.

9.28.050 Violation - penalty

#### 9.28.010 PURPOSE.

A. ~~The illegal use of controlled substances within the incorporated area of the City creates serious social, medical, and law enforcement problems, especially for persons under 21 years of age. The illegal use of the substances by persons under 21 years of age has reached crisis dimension. It is causing serious physical and psychological damage to the youth of this community, and impairment of educational achievement and of the efficiency of the educational system, increases in non-drug related crime, and a threat to the ability of the community to ensure future generations of responsible and productive adults; all to the detriment of the health, safety, and welfare of the citizens of the City.~~

~~B. The proliferation of the display of drug paraphernalia in retail stores within the City, and the distribution of the paraphernalia, intensifies and otherwise compounds the problem of illegal use of controlled substances within this community.~~

~~C. A ban only upon the display and distribution of drug paraphernalia to persons under 18 years of age would not be practical. The person who displays or distributes would have difficulty determining who could lawfully view or receive drug paraphernalia. The already thin staffed law enforcement agencies would be subjected to intolerable added enforcement burdens by adding age of a person who views or receives paraphernalia as an element of a prohibition upon display and distribution. A significant number of high school students are 18 years of age or older. It would be lawful to distribute paraphernalia to some students attending the same school in which the distribution to other students would be prohibited. Permitted display and distribution to adults within the community would symbolize a public tolerance of illegal drug use, making it difficult to explain the rationale of programs directed against similar abuse by youth. The problem of illegal consumption of controlled substances by adults within this community is significant and substantial, necessitating a cessation of the encouragement to drug abuse which the display and distribution of drug paraphernalia create.~~

D. This chapter is a measure which is necessary in order to discourage the illegal use of controlled substances within the City.

~~(Ord. 575, § 1, passed 1982)~~

#### 9.28.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUSINESS.** A fixed location whether indoors or outdoors, at which merchandise is offered for sale at retail.

**CONTROLLED SUBSTANCE.** Those controlled substances as set forth in Cal. Health and Safety Code §§ [11054](#), [11055](#), [11056](#), [11057](#), and [11058](#) identified as Schedules I through V, inclusive, as the sections now exist or may hereafter be amended.

**DISPLAY.** To show to a patron or place in a manner so as to be available for viewing or inspection by a patron.

**DISTRIBUTE.** To transfer ownership or a possessory interest to another, whether for consideration or as a gratuity. DISTRIBUTE includes both sales and gifts.

**DRUG PARAPHERNALIA.** All equipment, products, and materials of any kind which are intended by a person charged with a violation of this chapter for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of any law of the state. **DRUG PARAPHERNALIA** includes, but is not limited to, all of the following:

1. Kits intended for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
3. Isomerization devices intended for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment intended for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;
5. Scales and balances intended for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, intended for use in cutting controlled substances;
7. Separation gins and sifters intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons, and mixing devices intended for use in compounding controlled substances;
9. Containers and other objects intended for use in storing or concealing controlled substances;
10. Objects intended for use in injecting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Air-driven pipes; and
- j. Bongs.

11. In determining whether an object is ***DRUG PARAPHERNALIA***, a court or other authority may consider, in addition to all other logically relevant factors, the following:

- a. Statements by an owner or by anyone in control of the object concerning its use;
- b. The proximity of the object to controlled substances;
- c. The existence of any residue of controlled substances on the object;
- d. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver to persons whom he or she knows intend to use the object to facilitate a violation of the laws of the state relating to controlled substances;
- e. Instructions, oral or written, provided with the object concerning its use;
- f. Descriptive materials accompanying the object which explain or depict its use;
- g. National and local advertising concerning its use;
- h. The manner in which the object is displayed for sale;
- i. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
- j. The existence and scope of legitimate uses for the object in the community; and

- k. Expert testimony concerning its use.

**PATRON.** A person who enters a business for the purpose of purchasing or viewing, as a shopper, merchandise offered for sale at the business.

(Ord. 575, § 2, passed -- 1982; Am. Ord. 870, § 13, passed 8-25-2008)

### 9.28.030 DISPLAY.

A. ~~Except as authorized by law, it is unlawful for any person to willfully maintain or operate any business knowing, or under circumstances where one reasonably should know, that drug paraphernalia is displayed at the business. licensed by the state and permitted by the Ceity to retail cannabis products, no business shall display drug paraphernalia.~~

B. Cannabis businesses shall only display paraphernalia related to products they are licensed to sell by the State of California.

~~B.—Except as authorized by law, it is unlawful for any person who is the owner of a business, an employee thereof or one who works at the business as an agent of the owner, to willfully display drug paraphernalia at the business.~~

(Ord. 575, § 3, passed -- 1982)

### 9.28.040 DISTRIBUTION.

Except ~~as authorized by law,~~ by a state licensed and Ceity permitted cannabis retail business, it is unlawful for any person to willfully distribute to another person products designed specifically as drug paraphernalia, ~~knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of any law of the state.~~

(Ord. 575, § 4, passed -- 1982)

### 9.28.050 VIOLATION - PENALTY.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Chapter 1.12.

(Ord. 874, § 22, passed 8-25-2008)

11364.5.

(a) Except as authorized by law, no person shall maintain or operate any place of business in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away unless such drug paraphernalia is completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of 18 years not accompanied by a parent or legal guardian are excluded. Each entrance to such a room or enclosure shall be signposted in reasonably visible and legible words to the effect that drug paraphernalia is kept, displayed or offered in such room or enclosure and that minors, unless accompanied by a parent or legal guardian, are excluded.

(b) Except as authorized by law, no owner, manager, proprietor or other person in charge of any room or enclosure, within any place of business, in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away shall permit or allow any person under the age of 18 years to enter, be in, remain in or visit such room or enclosure unless that minor person is accompanied by one of his or her parents or by his or her legal guardian.

(c) Unless authorized by law, no person under the age of 18 years shall enter, be in, remain in, or visit any room or enclosure in any place of business in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred, or given away unless accompanied by one of his or her parents or by his or her legal guardian.

(d) As used in this section, "drug paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

"Drug paraphernalia" includes, but is not limited to, all of the following:

(1) Kits intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(3) Isomerization devices intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances.

(5) Scales and balances intended for use or designed for use in weighing or measuring controlled substances.

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, intended for use or designed for use in cutting controlled substances.

(7) Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, cannabis.

(8) Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding controlled substances.

- (9) Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging small quantities of controlled substances.
- (10) Containers and other objects intended for use or designed for use in storing or concealing controlled substances.
- (11) Hypodermic syringes, needles, and other objects intended for use or designed for use in parenterally injecting controlled substances into the human body.
- (12) Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body, such as the following:
  - (A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
  - (B) Water pipes.
  - (C) Carburetion tubes and devices.
  - (D) Smoking and carburetion masks.
  - (E) Roach clips, meaning objects used to hold burning material, such as a cannabis cigarette that has become too small or too short to be held in the hand.
  - (F) Miniature cocaine spoons, and cocaine vials.
  - (G) Chamber pipes.
  - (H) Carburetor pipes.
  - (I) Electric pipes.
  - (J) Air-driven pipes.
  - (K) Chillums.
  - (L) Bongs.
  - (M) Ice pipes or chillers.
- (e) In determining whether an object is drug paraphernalia, a court or other authority may consider, in addition to all other logically relevant factors, the following:
  - (1) Statements by an owner or by anyone in control of the object concerning its use.
  - (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
  - (3) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this section shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
  - (4) Instructions, oral or written, provided with the object concerning its use.
  - (5) Descriptive materials, accompanying the object which explain or depict its use.
  - (6) National and local advertising concerning its use.
  - (7) The manner in which the object is displayed for sale.
  - (8) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
  - (9) The existence and scope of legitimate uses for the object in the community.
  - (10) Expert testimony concerning its use.
- (f) This section shall not apply to any of the following:

(1) Any pharmacist or other authorized person who sells or furnishes drug paraphernalia described in paragraph (11) of subdivision (d) upon the prescription of a physician, dentist, podiatrist, or veterinarian.

(2) Any physician, dentist, podiatrist, or veterinarian who furnishes or prescribes drug paraphernalia described in paragraph (11) of subdivision (d) to his or her patients.

(3) Any manufacturer, wholesaler, or retailer licensed by the California State Board of Pharmacy to sell or transfer drug paraphernalia described in paragraph (11) of subdivision (d).

(g) Notwithstanding any other provision of law, including Section 11374, violation of this section shall not constitute a criminal offense, but operation of a business in violation of the provisions of this section shall be grounds for revocation or nonrenewal of any license, permit, or other entitlement previously issued by a city, county, or city and county for the privilege of engaging in such business and shall be grounds for denial of any future license, permit, or other entitlement authorizing the conduct of such business or any other business, if the business includes the sale of drug paraphernalia.

*(Amended by Stats. 2017, Ch. 27, Sec. 151. (SB 94) Effective June 27, 2017.)*

## **Chapter 9.30 Cannabis Business Redline Version**

### CHAPTER 9.30

#### Cannabis Businesses

##### 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 [commercial cannabis businesses activity](#) 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 MICROBUSINESS: A cannabis-related business operating under a State Type 12 license for microbusinesses, or a State cannabis license type subsequently established, and meeting the definition of "microbusiness" set forth in Business and Professions Code section 26070\(a\)\(3\)\(A\), as may be amended from time to time, which cultivates less than ten thousand \(10,000\) square feet of cannabis and acts as a licensed distributor, Level 1 manufacturer, and retailer.](#)

**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.

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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.

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COMMERCIAL CANNABIS CULTIVATION. The planting, growing, ~~or~~ harvesting, drying, curing, grading, or trimming of cannabis plants that are intended to be transported, processed, distributed, dispensed, delivered or sold.

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~~Commercial cannabis cultivation is permitted as an accessory use to a permitted cannabis business.~~

DELIVERY OF RETAIL CANNABIS – DELIVERY. 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.

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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, such as two-inch (2") by four-inch (4") or thicker studs overlaid with three-eighth-inch (3/8") or thicker plywood or the equivalent. 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 City of Fort Bragg.

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

~~PERSON WITH AN IDENTIFICATION CARD. Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 et seq., and as may be amended.~~

PRIMARY CAREGIVER. Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 et seq., and as may be amended.

QUALIFIED PATIENT. Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 et seq., and as may be amended.

#### 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.](#)

#### 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 operation of the commercial cultivation, processing, manufacture, distribution or retail sale of cannabis a cannabis business~~ unless the person first obtains and continues to maintain in full force and effect a cannabis business permit from the City and a ~~state~~ 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 [and may require additional use permits as required by the ILUDC or CLUDC.](#)

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 ~~Division 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,”](#) and [“Cannabis Microbusiness”](#) 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 ~~state~~ 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.

(Ord. 953, § 2, passed 11-12-2019)

#### 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 [10-30 business](#) 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 [10-30](#) days or more to submit a complete application.

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

#### 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 ~~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.

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

#### 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.](#)

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

[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 ~~making and filing of the application is deemed complete for the cannabis business permit and the payment of 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 an ~~investigation~~ \[public safety review\]\(#\) of the application. After the background checks and \[public safety review\]\(#\) ~~investigation~~ are complete, the Chief of Police shall either formally \[accept or reject the application in accordance with the provisions of this chapter\]\(#\) ~~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 30 days, the applicant may request more time or it will be denied by the Community Development Director.

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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.

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

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

The grounds for a rejection-denial of a cannabis business permit application shall be 1 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); ~~and/or~~
- H. The required application or renewal fees have not been paid.

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

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

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

The ~~Chief of Police~~Community Development Director shall cause a written notice of ~~his or her~~ 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 ~~Chief of Police's~~ 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.

(Ord. 953, § 2, passed 11-12-2019)

#### 9.30.120 PROCESSING OF CANNABIS BUSINESS PERMIT.

If an application is ~~not recommended for rejected approval~~ by the Chief of Police, it shall be ~~forwarded to the Community Development Department for processing~~reviewed by the Community Development Department, using the same permit process and requirements for the proposed cannabis business as defined in Title 17 (Coastal Land Use and Development Code) and/or Title 18 (Inland Land Use and Development Code), as applicable. The review process will include identification of other required permits or licenses necessary prior to operation.

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(Ord. 953, § 2, passed 11-12-2019)

#### 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 ~~currently employed by the use 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.

~~DE.~~ 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.

~~DE.~~ 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.

EF. 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.

FG. 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.

(Ord. 953, § 2, passed 11-12-2019)

#### 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.

(Ord. 953, § 2, passed 11-12-2019)

#### 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.

(Ord. 953, § 2, passed 11-12-2019)

#### 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 5 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 2 recent color passport quality photographs and, at the discretion of the Chief of Police, shall allow ~~themselves~~himself or herself 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.

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

#### 9.30.170 TRANSFER OF PERMITS.

A. A permittee shall not operate a cannabis business under the authority of a ~~C~~cannabis ~~B~~business ~~P~~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~~ Cannabis ~~b~~Business ~~P~~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 ~~P~~permit has been or may be suspended or revoked.

D. Any attempt to transfer a ~~P~~permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

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

#### 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 ~~him or her~~them that the permittee has committed any 1 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 ~~Planning Commission~~Chief of Police. 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.

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

#### 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.

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

#### 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.

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

#### 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.

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

#### 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.

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

#### 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.

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

#### 9.30.240 CRIMINAL PENALTIES.

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

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

#### 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.

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

#### 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.

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

#### 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)

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## 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 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.

**CANNABIS MICROBUSINESS.** A cannabis-related business operating under a State Type 12 license for microbusinesses, or a State cannabis license type subsequently established, and meeting the definition of "microbusiness" set forth in Business and Professions Code section 26070(a)(3)(A), as may be amended from time to time, which cultivates less than ten thousand

(10,000) square feet of cannabis and acts as a licensed distributor, Level 1 manufacturer, and retailer.

**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.

**NONCOMMERCIAL CANNABIS CULTIVATION.** The cultivation of cannabis for personal recreational or medicinal use as allowed by Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and 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.

**PRIMARY CAREGIVER.** The individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as more particularly as set forth in California Health and Safety Code §11362.7(d), as may be amended.

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

**QUALIFIED PATIENT.** A person who is entitled to the protections of Section 11362.5 of the California Health and Safety Code and who meets the definition of “qualified patient” as defined in the Health and Safety Code section 11362.7(f).

**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.

### 9.32.020 CULTIVATION OF NON-COMMERCIAL CANNABIS

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 as allowed by the California Health and Safety Code Division 10 Chapter 6 Article 2 11362.2(3)

B. Indoor cultivation of cannabis is restricted to adults over the age of 21, Qualified Patients, and Primary Caregivers: 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 in the City of Fort Bragg to cause or allow such parcel to be used for the non-commercial cultivation of cannabis plants, except as outlined below in Sections 9.32.020(C). Commercial Cannabis Cultivation is permitted only as outlined in section 09.32.030 of this Code.

C. Non-Commercial Cannabis for Personal Use. Non-Commercial Cannabis for personal use shall be cultivated within the City of Fort Bragg in conformance with the following standards:

1. An individual over the age of 21 years or a qualified patient shall be allowed to cultivate Non-Commercial Cannabis indoors on the parcel where they reside for personal use only.
2. A primary caregiver shall only cultivate Non-Commercial Cannabis for a qualified patient for whom he/she is the primary caregiver.
3. The resident shall obtain permission of the property owner for the cultivation of Cannabis.
4. The cultivation shall not be visible by normal unaided vision from a public space, per California HSC Division 10 Chapter 6 Article 2 11362.2(a)(2).
5. The use of volatile solvents or other chemicals for non-commercial cannabis cultivation or processing is prohibited.
6. Non-Commercial Cannabis cultivation is permitted only within a residential unit, a garage, or a self-contained outside accessory building that is secured, locked, and fully enclosed.
7. The Non-Commercial Cannabis cultivation shall not exceed more than six plants per household in accordance with California Health and Safety Code Division 10 Chapter Six Article 2 [11362.2(a)(3)].
8. It is recommended that Non-Commercial Cannabis cultivation use energy efficient LED lighting to minimize the environmental impact of indoor cultivation.
9. It is recommended that non-commercial cultivators use water-recycling systems and minimize the use of fertilizers and pesticides to lessen impacts on the City's water and wastewater systems.
10. The cannabis cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

### **09.32.030 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, water, sewer, 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 green house if it meets the criteria for a fully enclosed and secure structure and the cultivation is not detectable 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 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. The maximum size of a Commercial Cannabis Cultivation in the City of Fort Bragg shall not exceed XX,000 square feet of cultivation space including nursery stock, immature, and mature plants. If cultivations will have multiple levels, each level of cultivation counts as additional square footage to be added to the total. For example a 10 square foot grow with three levels would count as 30 square feet.
6. Commercial Cannabis Cultivations shall use the most energy and water efficient technology whenever possible.
7. Cannabis cultivations that exceed the projected water usage for commercial/industrial new development as identified in the most recently adopted General Plan for the City of Fort Bragg may be required to provide their own water source.
8. Cannabis cultivators shall provide a waste management plan for byproducts and waste generated by the cultivation of cannabis.

9. Commercial Cannabis cultivations should use environmentally friendly practices including Integrative Pest Management, waste reduction, and water and energy conservation.

#### **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.

#### **9.32.030 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 in equity which may be available to enforce this section or to abate a public nuisance.

DRAFT

## 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.

### 18.22.030 Commercial Zoning Districts

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	
<del>Indoor Cannabis Cultivation</del>			<del>MUP(3)</del>	<del>MUP(3)</del>	<del>MUP(3)</del>	<del>18.42.55</del>
Mixed-Light Cannabis Cultivation				MUP(3)	MUP(3)	18.42.55
Cannabis Microbusiness			MUP(5)	MUP(5)	MUP(5)	18.42.55

**Commented [OC1]:** If this goes in the "Commercial tables" a size or scope limit may be appropriate to ensure compatibility with existing commercial uses

**Commented [OC2]:** If you do UP (instead of MUP) than any retail wishing to have the microbusiness/accessory needs a UP instead of MUP

#### 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 Manufacturing Level 1 (non volatile)			MUP(3)	MUP(3)	MUP(3)	18.42.55
Cannabis Processing and Distribution			MUP(3)	MUP(3)	MUP(3)	18.42.55

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#### Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

#### Notes:

- See Article 10 for land use definitions.
- Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.

(3) Indoor cannabis, cannabis manufacturing, distribution, and processing may only be allowable as accessory to a cannabis retail permitted as microbusiness.

18.24.030 Industrial Zones Districts

LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Land Use	IL	IH	Specific Use Regulations
Crop production, horticulture, orchard, vineyard	P	P	
Indoor Cannabis Cultivation	UP	UP	18.42.55
Mixed Light Cannabis Cultivation	UP	UP	18.42.55

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Commented [OC3]: These can be discussed as MUP or UP

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 Microbusiness	P(3)	P(3)	18.42.55
Cannabis Processing and Distribution	P	P	18.42.55
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
Recycling - Small facility	P	P	18.42.150
Storage - Outdoor	UP	UP	18.42.140
Storage - Personal storage facility (mini-storage)	UP	P	

LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
	Storage - Warehouse, indoor storage	P(2)	
Wholesaling and distribution	P(2)	P	

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

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) Manufacturing, Cultivation, or Processing shall be the primary business activity using a majority of the floor space in all buildings. If retail is a component, it shall be delivery only.

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## **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 ft<sup>2</sup> 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.

## 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 or cannabis microbusiness 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 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.

**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 and may include cultivation, processing, distribution, and or light manufacturing. In no instance shall cannabis manufacturing using volatile solvents be allowable as an accessory use.~~

**F. Microbusiness Uses.** ~~Accessory~~Microbusiness 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~~as a microbusiness use.

1. A Cannabis Retail with microbusiness uses shall have a valid Cannabis Microbusiness License issued by the state of California Bureau of Cannabis Control.
2. Conditional use. Microbusiness uses may be allowed as part of an application for a retail cannabis conditional use permit.
3. A cannabis microbusiness in the Central Business District, General Commercial, or Highway Commercial 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-public entrance shall be located in either the back of the building, alleyway, or side street.
4. A cannabis microbusiness shall comply with all applicable regulations set forth in Chapters 9.30 and 9.32 of the Municipal Code.
5. A microbusiness shall provide a plan for water usage and the total number of plants and shall not create a strain on the City's water or wastewater systems.
6. Microbusiness uses in Commercial Districts shall not be detectable from the public right of way.
7. Cannabis microbusiness uses shall not create a public nuisance or disrupt the nature of the downtown walkable pedestrian-friendly neighborhood.

### 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.

**Commented [GH1]:** This phrase dates back to at least 2004 and possibly farther. It is a non-standard definition for accessory use. Through a review of codes in our region and across the country, this limitation is unique and possibly unnecessary and limiting.

- 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. **(Option 2) Cannabis Microbusiness.** A cannabis-related business operating under a State Type 12 license for microbusinesses, or a State cannabis license type subsequently established, and meeting the definition of "microbusiness" set forth in Business and Professions Code section 26070(a)(3)(A), as may be amended from time to time, which cultivates less than ten thousand (10,000) square feet of cannabis and acts as a licensed distributor, Level 1 manufacturer, and retailer.
  5. **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.
  6. **Cannabis Retail. Delivery Only.** A cannabis business that is closed to the public and conducts sales exclusively by delivery.
  7. **Clone.** A portion of a stem that is cut from a parent plant and induced to form roots by chemical, mechanical, or environmental manipulations.
  8. **Cultivation.** The planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
  9. **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.
  10. **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, such as two-inch (2") by four-inch (4") or thicker studs overlaid with three-eighth-inch (3/8") or thicker plywood or the equivalent. 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.

11. **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.
12. **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.
13. **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.
14. **Mature Plant or Mature.** A cannabis plant that is flowering.
15. **Noncommercial Cannabis Cultivation.** The cultivation of cannabis for recreational or medicinal use solely by the cultivator that meets the state guidelines for noncommercial cultivation.
16. **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.
17. **Outdoor Cultivation.** The cultivation of mature cannabis without the use of artificial lighting or light deprivation in the canopy area at any point in time at any location within the City of Fort Bragg that is not within a fully enclosed and secure structure.
18. **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.
19. **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.
20. **Watts per square foot.** The sum of the maximum wattage of all lights identified in the designated canopy area(s) in the cultivation plan divided by the sum of the dimensions in square feet of designated canopy area(s) identified in the cultivation plan.

**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 canabidol 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 **Level 1** 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").

**Microbusiness** - for the purposes of land use, a microbusiness is defined as a business that is less than 10,000 square feet in total indoor space and may include two or more of the following: retail, wholesale, distribution, manufacturing, cultivation, or similar use.

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



# Updating the City's Cannabis Codes

Heather Gurewitz, MCRP  
Associate Planner  
Community Development Department  
City of Fort Bragg

# Council Direction to Date

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- Treat cannabis businesses like other businesses
- Whenever possible incorporate cannabis businesses into the existing code
- Reduce duplication of state processes and streamline the cannabis business permitting process.



# What needs to be updated

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- Sections of the code that are outdated.
- Different sections have different definitions for the same thing.
- There is a lack of clarity in the definitions which has created difficulties for applicants and staff in providing a clear process.
- Cannabis Microbusinesses are not addressed in their own right, which has made it difficult for decision makers to approve them.

# Drug Paraphernalia

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- Code is outdated
- Two elements to existing code
  1. Expresses opposition to drug abuse and youth drug use
  2. Codified that sale of drug paraphernalia is illegal
- Has been difficult to enforce
- Seeking Direction on how to revise

# Cannabis Cultivation Ordinance

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- The current category for “Crop Production, Horticulture, Orchard, and Vineyard” is designed to allow agriculture in all parts of the City to encourage local food production and accommodate activities like the Noyo Food Forest.
- Including cannabis in this category would put unnecessary restrictions on cultivating crops that could negatively impact local food security efforts.
- It is also not appropriate because cannabis does not flourish out of doors in Fort Bragg City limits and it is almost never grown “in ground” which is a specification for this category.

# Cannabis Cultivation Ordinance Continued

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- A new 9.32 can be amended to put in minimal restrictions on personal cultivation and to provide a framework for commercial cannabis cultivation.
- In addition to the Municipal Code Chapter 9, ILUDC Title 18 needs to be amended to distinguish “cannabis cultivation” as a unique activity and provide the necessary zoning to allow cannabis cultivation.

# Recommendations to Achieve Council Goals

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- Provide direction on Municipal Code 9.28 Drug Paraphernalia
- AMEND Municipal Code Chapter 9.30 Cannabis Business Ordinance
- ADD Municipal Code Chapter 9.32 Cannabis Cultivation
- AMEND Title 18 Article 2 Inland Land Use and Development Code (ILUDC) Zoning Districts and Allowable Land Uses
- AMEND Title 18 Article 4 of the ILUDC Standards for Specific Land Uses
- AMEND Title 18 Article 10 of the ILUDC Glossary

# Business License v. Conditional Use Permit

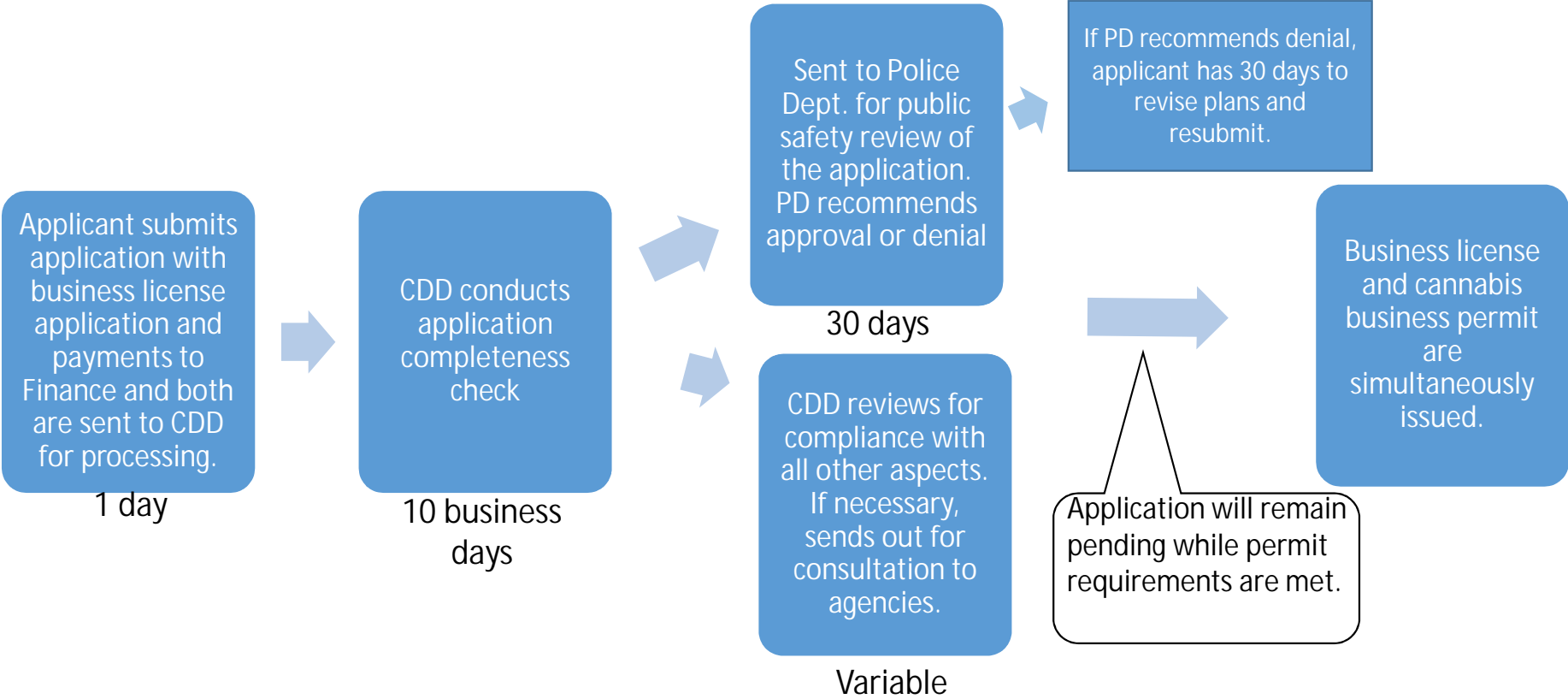
Business License	Conditional Use Permit
<ul style="list-style-type: none"><li>• Business must apply for renewal annual</li><li>• Requires applicant to be proactive in renewal process.</li></ul>	<ul style="list-style-type: none"><li>• Typically issued once and only revoked if serious issue.</li><li>• CA law says even if there is an expiration, it can't be enforced unless very good reason (could be sued)</li><li>• Goes with the land, once its allowed it must be transferrable.</li><li>• Requires city staff to be pro-active in code enforcement against a business</li></ul>

# Amending Muni Code 9.30

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- Update code to:
  - Add and clarify definitions
  - Streamline process for cannabis applicants
  - Minor changes to requirements
  - NO changes to authority

# Recommended Process for Cannabis Business Permitting





# Why is CDD the primary contact?

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- Police Department isn't set up to take in and manage land use applications
- Centralizes and streamlines the process to make it easier for the applicant:
  - City Business License and Cannabis Business Permit (issued in conjunction)
  - Land-Use Permits
  - Building Permits
  - Environmental Health (edibles)
  - Air Quality Control (manufacturing and possibly cultivation)
  - Other agencies
- PD will still have authority on applications (CDD can't approve without their review and concurrence)

# Adding Municipal Code 9.32 Cannabis Cultivation

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- Provide minimal standards non-commercial cultivation
  - Provisions for non-commercial cannabis cultivation as allowed under California State Law
  - Provides recommendations for lessening impacts on electricity, water, and wastewater
  - Define difference between commercial and non-commercial
  - Requires that the property owner give permission to cultivate on their property (?)

# Amending Muni code 9.32 Commercial Cannabis Cultivation

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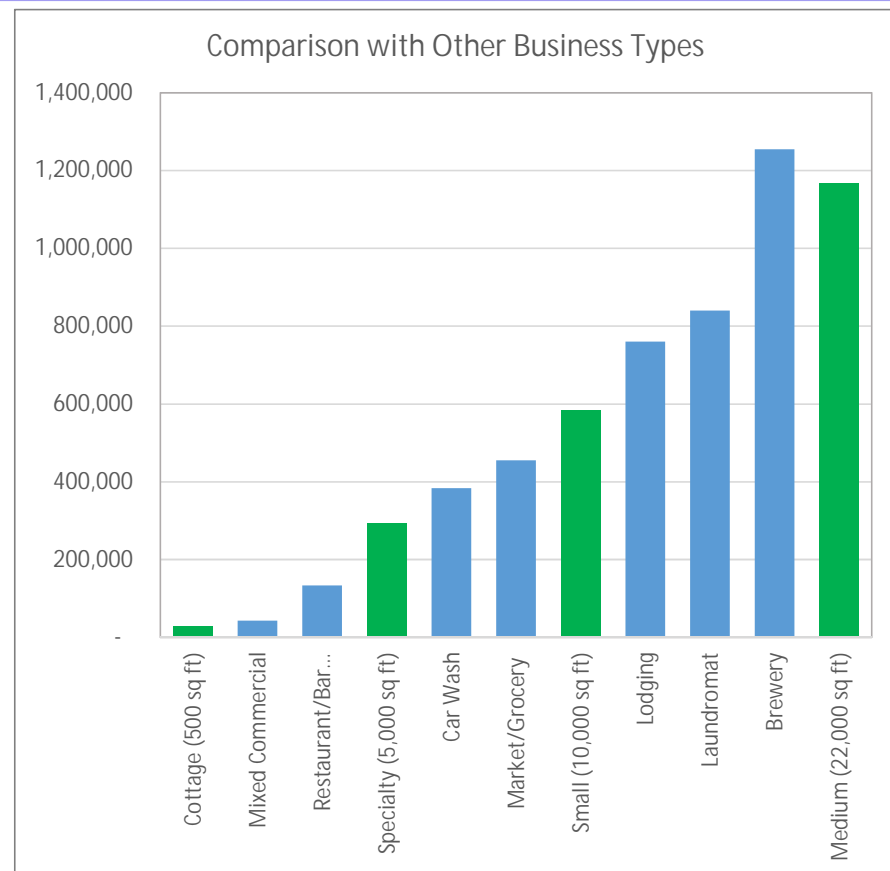
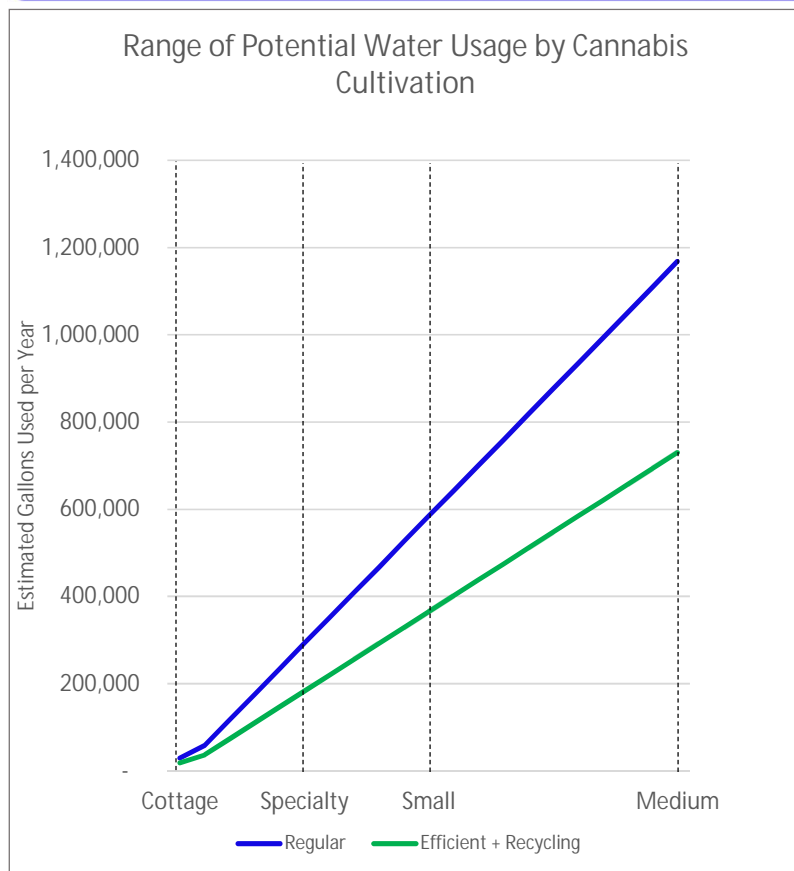
- Add Section to the code to define parameters of allowable commercial cultivation
  - Establish legal framework for commercial cultivation in the city limits
  - Set recommendations (should not shall) for energy conservation
  - Determine types of allowable grows; indoor, outdoor, mixed light
  - License and permit requirements
  - Codify distinction between non-commercial and commercial cultivation
  - Address concerns with water and CEQA

# Water

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- A commercial grow can range from under 500 ft<sup>2</sup> to over 20,000 ft<sup>2</sup>.
- Estimated water usage ranges from less than 20,000 gallons/yr to over 6 Million Gallons/year depending on size, set up, and technique.
- Microbusiness with cultivations might be comparable to existing intended uses with no significant impact on water resources
- The 2012 General Plan indicates that the city produced 78 gallons of water per 1,000 square feet of commercial/industrial space per day. Its reasonable to use this with a margin of 10% since this is average, or to use comparable uses.

# Estimated Water Usage & Comparisons



# Water for a new Cannabis Facility

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- 2012 General Plan is guiding Document
- Assumes 78 gallons /1,000 Square Feet of Commercial/Industrial
- City projected 20% growth in water demand
- New development for cannabis that exceeds existing general plan may be required to provide their own water source
- Moratorium on growing during dry months?
- CEQA analysis required based on merits of application and potential environmental impact

# Key Water Questions

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- Should the city require a water usage plan for each cultivation site or just for sites over a certain size?
- What is the threshold that requires independent water source?
- Can we incorporate timing into the code?
  - Growing season is 240 – 270 days/year
  - Months when water is tight August – October
  - Restrict to good water months? November to July

# CEQA Requirements

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- Potential Environmental Impacts:
  - Water Usage\*
  - Electricity Usage\*
  - Wastewater Discharge\*
- All projects will be evaluated to determine if it is subject to the California Environmental Quality Act (CEQA). Applicants of projects that require an Environmental Impact Report shall complete the report prior to the public hearing phase of the project.

\* Environmental impact means that it is outside of planned usage/exceeds the ability of the grid and forces



# Amending the ILUDC

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- Amend Article 2 land use tables to identify where cannabis cultivation and cannabis microbusinesses may be allowable
- Amend Article 4 to describe specific land use requirements for cultivation and microbusiness
- Amend Article 10 Glossary to include necessary definitions

# Definition Changes Examples:

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Commercial Cannabis Cultivation. The planting, growing or harvesting 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.

Cannabis Cultivation. The planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

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.

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

# Should there be a cap on size of cultivations?

State License size	Indoor Canopy	Mixed-Light Canopy
Specialty Cottage	Up to 500 ft <sup>2</sup>	Up to 2,500 ft <sup>2</sup>
Specialty	501- 5,000 ft <sup>2</sup>	2,501-5,000 ft <sup>2</sup>
Small	5,001-10,000 ft <sup>2</sup>	5,001-10,000 ft <sup>2</sup>
Medium Indoor	10,001 -20,000 ft <sup>2</sup>	10,001-22,000 ft <sup>2</sup>
Microbusiness	Up to 10,000 ft <sup>2</sup> of cultivation	

Building	Size
Safeway	~51,693 ft <sup>2</sup>
Rite Aid	~27,254 ft <sup>2</sup>
Brewery	~15,700 ft <sup>2</sup>
Former Sears Building	~9,864 ft <sup>2</sup>
Shed on GP Mill Site	~70,275ft <sup>2</sup>
Root 1 Botanicals	~5,800 ft <sup>2</sup>

# Three options for the Microbusiness Question

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1. Add more detail to existing cannabis retail definition in 18.42.57
2. Create a separate definition in 18.42 for “Cannabis Microbusiness”
3. Create a separate definition in 18.42 for “Microbusiness” and include cannabis in the new category.

# Option #1: Amend Retail Definition

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- Council approved code indicating that microbusinesses should be allowable via this method.
- Did not provide adequate direction for a project to be approvable.
- This method requires:
  - More explicit language to allow cultivation and/or manufacturing
  - Create a separate definition that removes the need to conform to accessory use.

# Option #2: Cannabis Microbusiness

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- State definition says 3 or more types of activity
  - Retail, cultivation, distribution/wholesale
  - Retail, cultivation manufacturing
  - Cultivation, manufacturing, distribution
- Previous council direction is to allow these businesses
- Creates a specific definition and defines the project as an allowable use.

# Option #3: Create Microbusiness Category

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- Direction from Council is to treat cannabis like all other businesses, therefore, create a category for all businesses that can apply to cannabis.
- Commercial retail vacancy has been a longstanding issue in CBD
- Across America, retail is changing shape  
<https://www.planning.org/planning/2018/jul/retailrealities/>
- Preserves the pedestrian nature of downtown
- Promotes and expands business opportunities
- Will require a minor use permit

# Restrictions on Microbusiness

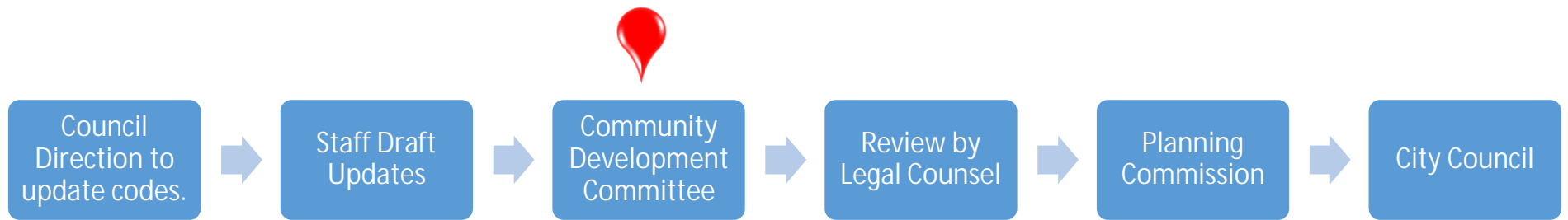
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- Retail must take up the building frontage and have a main public entrance on the main street.
- Non-retail activities shall not be visible from the public right of way
- Allowable activities will be ones that do not create significant noise, odor, traffic, or public nuisance.
- All non-retail activities must take place in a fully enclosed space not visible from the public right of way



# Next Steps

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**From:** Jenny Shattuck <jenxvann@yahoo.com>  
**Sent:** Tuesday, February 23, 2021 4:17 PM  
**To:** Gonzalez, Joanna  
**Subject:** public comment for 3b community development

I am very concerned with this presentation. After over 6 years of public meetings and input this seems to go against much of what was, what seemed, strong public support for a limited amount of stand alone, dispensaries with store front and delivery. That limit was scrapped and now there seems no limit as to how many cannabis businesses are allowed and where.

One approach that might benefit the community, existing business owners and those in the cannabis businesses would be to allow Microbusiness and dispensaries in the industrial area. This would allow for all their uses to be utilized while preserving the business district, especially the CBD. Allowing the very limited space and store fronts downtown to be turned into cultivation, manufacturing, processing or microbusiness's would be in my opinion setting precedence and forever changing the heart of our downtown, and not in a positive way.

Stand alone dispensaries with delivery seemed very supported by public input, as did a cap on how many allowed. With many in the Mitchell Creek area having to move, allowing these uses in the Industrial zone seems important and needed as that seems where it belongs.

With additional, much needed housing being added in our future, given that our water supply may be less in coming years due to climate change and drought this is also something to consider. As an example, if a planner deems CEQA is not be needed now, but if in 3 years and a few larger cultivation sites will there be a way to have cultivation cease? I

don't see that happening, or even legal, but it is something more to consider.

Thank you for your time,  
Jenny Shattuck

## REGARDING CITY OF FORT BRAGG'S ATTEMPT TO REWRITE CANNABIS ORDINANCES

What seems to be happening, or what our instincts detect is happening – is that the Council or the City Manager or the Community Development Department of Fort Bragg are engineering ordinances to fit the designs Big Cannabis, Inc. has on our small town. The city wide acceptance of cannabis retail dispensaries and the appropriate requirement of cannabis manufacturers and cultivators to locate in the industrial zone of Fort Bragg – is apparently not enough.

Presently the Fort Bragg Community Development Committee is proposing to expand those existing ordinances to essentially remove all cannabis zoning restrictions, impact studies, and most police department over view of much larger scale cannabis operations. The new CDC administrative proposals would consolidate retail, manufacturing, cultivation, and intercounty (or interstate) trucking distribution under the umbrella of any properly worded business license application; and under any roof top located anywhere, including the Central Business District of Fort Bragg. It would add the right (if the cultivator chooses) to perform these operations in whopping 10,000 square foot structures as microbusinesses; and unlimited otherwise.

In addition the newly proposed ordinances would re-wire the legal process itself. In a heartbeat of the previous time it normally requires applicants to navigate the steps for licensing. If formalized, these new mega cannabis entities could be licensed to roll across Fort Bragg in a mere 41 days (or less) from application submittal to license approval. Hardly time for prudent examination of something with so large a footprint. To accomplish this the CDC has put itself in charge of the process. With no mention of applicant background checks, this committee of less than five people threatens to relieve the police department of most application oversight except “public safety” at the cannabis site itself. And it has unsettled the scope of the background investigation process.

It should be noted here that as recently as January 2021 a cannabis project of the manufacturing/cultivation/distribution type to be located across from the Fort Bragg post office, bank, community grocery store and high density residential neighborhood - was slammed by 200 business owners and residents (signed petitions). It was then rejected by the Fort Bragg Planning Commission, and rejected again by the City Council. The cannabis ambitious administrators quickly took the defeat as an opportunity to propose the new drastic cannabis ordinance overhaul, by suggesting that the Planning Commission didn't understand how to interpret the zoning laws; and that the City Council had “failed to take action on the subsequent Appeal.”

Big Cannabis Money can invite big problems. It doesn't solve them simply because size able sales tax projections are being waived in the faces of Fort Bragg's public officials. Against the protests of the County Sheriff's Department, the county Board of Supervisors voted to massively enlarge the allowable outdoor cannabis cultivation acreage. If Fort Bragg's political leaders follow their intentions to similarly enlarge indoor operations - the final connection between big agra-nursery-manufacturing-cultivating and distribution will be in place. This beautiful small town is in very real danger of being trampled by corporate cannabis forces bigger and more cold hearted than any super-sized box store.

If we allow our officials to create legislation without due process, an “us versus them” division will follow. Those same officials will then declare “well that's the law and we must abide by it.” And our police and planning departments will then be forced to reply, “our hands are tied.” B.MANN/S.ROGERS



## Gonzalez, Joanna

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**From:** Lemos, June  
**Sent:** Tuesday, February 23, 2021 11:28 AM  
**To:** Gonzalez, Joanna  
**Subject:** FW: Community development meeting/public comment

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

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

From: suzann lina <suzannlina@gmail.com>  
Sent: Tuesday, February 23, 2021 11:27 AM  
To: Lemos, June <Jlemos@fortbragg.com>  
Subject: Community development meeting/public comment

This is regarding agenda item 3b.

As a business owner in downtown fort bragg. I am extremely concerned about the future of Fort Bragg. I am completely against Micro businesses that involve manufacturing, cultivation and processing in our commercially zoned central business district. These kinds of activities belongs in the Industrial zone. Dispensaries should be retail only. Our downtown has very limited commercial space (and water) the last thing we need is large scale grows in our tiny commercial district.

Thank you,  
Suzann Lina  
Lee's Chinese.

Sent from my iPhone

.....  
**AAB, Inc.**

**dba: Racine's *and/or* Spunky Skunk**

February 23, 2021

Ms. June Lemos  
City of Fort Bragg

RE: Marijuana Manufacturing, Processing and/or Cultivation

I just became aware of a meeting to take place this afternoon about the manufacturing, processing and/or cultivation in the downtown business district. **I oppose this.** I feel that this is inappropriate in the downtown business district. We serve a lot of families. If we loose that because parents do not want to bring their children downtown; I might as well close as they are a large part of my customer base. The manufacturing, processing and/or cultivation of marijuana should remain in the industrial zone.

Sincerely,

Susan Juntz  
President

.....  
*Racine's – Art, Office, and Paper Supplies*  
*Spunky Skunk – Toys, Games, Puzzles, & Books*

## Gonzalez, Joanna

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**From:** Lemos, June  
**Sent:** Tuesday, February 23, 2021 1:34 PM  
**To:** Gonzalez, Joanna  
**Subject:** FW: attention!

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**From:** Janet Rutherford <porchmaiden@yahoo.com>  
**Sent:** Tuesday, February 23, 2021 12:33 PM  
**To:** Lemos, June <jlemos@fortbragg.com>  
**Subject:** attention!

We do not want manufacturing processing or cultivation in our business district. It is an inappropriate use of our limited commercial space. These things belong in the industrial zone.

We suspect that proposal was written by large producer with connection to new city employee

And you might want to mention was this written by the cannabis industry or what?

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-



## Gonzalez, Joanna

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**From:** Lemos, June  
**Sent:** Tuesday, February 23, 2021 1:35 PM  
**To:** Gonzalez, Joanna  
**Subject:** FW: Community Development Meeting 3B

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

From: Sabine Brunner <beeners@littlecup.com>  
Sent: Tuesday, February 23, 2021 12:30 PM  
To: Lemos, June <Jlemos@fortbragg.com>  
Subject: Community Development Meeting 3B

Hello June,

I am writing you in regards to the meeting today at 3pm. I heard that there will be discussions about potential permitting the cultivation of Cannabis in the Central Business district.

As a small business owner in the Central District, I am against growing Cannabis in the small Central Business District. I am not opposed to growing in a more industrial area or against a Dispensary.

Just wanted to let you know.

Thank you,

Sabine Brunner  
Littlecup  
223 East Redwood Ave.  
Fort Bragg, CA 95437

707-962-3102  
Littlecup.com

## Gonzalez, Joanna

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**From:** Lemos, June  
**Sent:** Tuesday, February 23, 2021 1:32 PM  
**To:** Gonzalez, Joanna  
**Subject:** FW: Cannabis manufacturing in Fort Bragg

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

From: Amy Rutherford <amyghazal@gmail.com>  
Sent: Tuesday, February 23, 2021 12:56 PM  
To: Lemos, June <jlemos@fortbragg.com>; rayan ghazal <rayan@stanford.edu>  
Subject: Cannabis manufacturing in Fort Bragg

I am a property owner in the Fort Bragg Business District (310 N. Franklin Street), and I strongly oppose - at this time - any change in the City's Municipal Code to allow for manufacturing or cultivation of Cannabis in the Fort Bragg Business District. This is not an appropriate use of community and market space.

There is also the CRITICAL issue of WATER use and how supplies and reserves would be impacted by any changes to Cannabis manufacturing.

This needs to be addressed/evaluated on a comprehensive scale, considering all possible uses and benefits to merchants and service providers in the Business District.

Respectfully,  
Amy Rutherford  
Email: amyghazal@gmail.com

## Gonzalez, Joanna

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**From:** Lemos, June  
**Sent:** Tuesday, February 23, 2021 1:31 PM  
**To:** Gonzalez, Joanna  
**Subject:** FW: Really????!!

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**From:** Janet Rutherford <porchmaiden@yahoo.com>  
**Sent:** Tuesday, February 23, 2021 1:06 PM  
**To:** Lemos, June <Jlemos@fortbragg.com>; liz@mcn.org  
**Subject:** Really????!!

Dear J. Lemos, Fort Bragg:

We do not want manufacturing processing or cultivation in our business district. There are better places for this.

All the homes will be bought up, all the commercial sites going for 1 or 2 larger commercial concerns - sound familiar? This impoverishes everyone, including those raking in money.

I lived 50 years in Palo Alto/Portola Valley [Stanford Area] and watched those with all the ideas and all the money suck it dry so that manufacturing had to move to Gilroy/Morgan Hill, Santa Rosa, and Scott's Valley; people here, many of us refugees from those areas, and from that thinking, and we've have found a home here.

We desire cafes, shops, art galleries, and pubs with our brilliant musicians. We desire hand made creations as jackets, and things for the home. We desire, no-waste centers, Cider pubs, and tea houses. We desire to let this town and Mendocino become an outlet for all the goods we make from all the beautiful things we grow.

You see this covid crisis as making a vacuum here, it isn't. We're alive and well and ready to move as soon as we get the word, we'll flow into the streets and make beautiful things, and have a beautiful life.

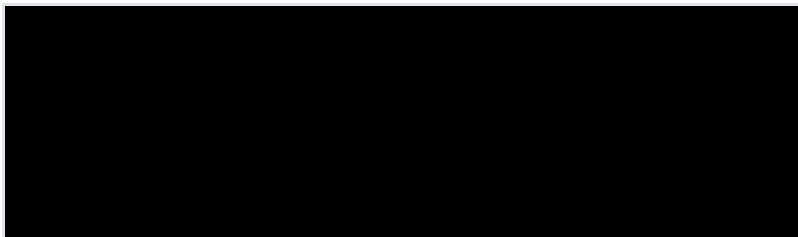
You want wealth to get here first and what you'll get is this:

Billionnaires living in an RV park, basically; a model that has not worked.

Greed was good only for the Geckos of the world and not the people - remember them? - who have to do the actual work to build/sell/cut/plant/move the goods making the new billionaire class here?

This is not Silocon Vally North and the foolishness of perpetuating such a notion becomes glaringly obvious. We're still smarting from Pacific Lumber's fiasco, and Stanford's fiasco (now, homes in Palo Alto that come on the market are bought up in China before ever being listed in the Bay Area).

[Living on four wheels: The people inside the RVs on Palo Alto's El Camino Real](#)



**Living on four wheels: The people inside the RVs on  
Palo Alto's El Camin...**

The more than 40 recreational vehicles parked along El Camino  
Real, just outside Stanford University, have been ...

Is this the William Morris grab we've been waiting for? I heard they were buying up thousands of acres of growing land in Ukiah area...to jump in on the cannabis market; poor church mice that they are. Are they looking to turn our storefronts into smokeshops? "Tied" smokeshops?

Please look to the wiser heads to work this out, and fairly for all. Please make it the best of what it can be with this lovely mindset that has been distilled through the crises and ages of boom and bust. They've held up through the worst and now deserve the best.

Certainly better than this.

Signed:

Janet Rutherford

one of those *WHO LIVE HERE!!!*

## Gonzalez, Joanna

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**From:** Lemos, June  
**Sent:** Tuesday, February 23, 2021 8:40 AM  
**To:** Gonzalez, Joanna  
**Subject:** FW: Public comment/ community development meeting

Hi Joanna:

I believe this public comment is for the CDC meeting. Please add to agenda packet.

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

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

**From:** Megan Caron <lostcoastfoundftbragg@gmail.com>  
**Sent:** Tuesday, February 23, 2021 12:45 AM  
**To:** Lemos, June <JLemos@fortbragg.com>  
**Subject:** Public comment/ community development meeting

Regarding item 3B

As a business owner in the CBD, I fully support allowing marijuana dispensaries to operate. However I am concerned about allowing cultivation as an accessory use to cannabis retail. Is this really part of our long term vision for downtown Fort Bragg? Growing marijuana in our downtown is not an appropriate use of our extremely limited commercial space. Growing marijuana belongs in our industrial zones, it absolutely has no place in our central business district. Allowing dispensaries to have accessory grows is clearly an incentive for dispensaries to establish themselves here. This could potentially create an excessive amount of marijuana dispensaries (as it has in other communities) which will unfortunately end up inflating commercial property values, making it even harder for small businesses to become established.

And that's the last thing we need.

Megan Caron  
Fort Bragg

Sent from my iPhone

## Gonzalez, Joanna

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**From:** Lemos, June  
**Sent:** Tuesday, February 23, 2021 8:41 AM  
**To:** Gonzalez, Joanna  
**Subject:** FW: Agenda item 3B

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

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

From: Cynthia Sumner <cynthsumner@gmail.com>  
Sent: Monday, February 22, 2021 9:39 PM  
To: Lemos, June <jlemos@fortbragg.com>  
Subject: Agenda item 3B

I'm writing to register concerns regarding the cultivation of cannabis as accessory use to a retail business. The space available downtown for retail opportunities is extremely limited. In consideration for services that provide for the needs of the larger community, it seems inappropriate to cultivate and process cannabis in this historical area of Fort Bragg. Additionally, it sets a precedence for industrial use within the CBD that opens the door for other types of production that may be counter productive to the long-term vision for downtown. The impact on tourism should also be considered, given that other retail options would be more beneficial as an attraction, while cannabis production could provide the opposite.

Having recently experienced drought restrictions, the consumption of a grow operation may result in negative implications for residents. In general, the proposed changes need much more public input prior to any decision being made.

Sincerely,  
Cynthia Sumner  
The Forrester Building  
301-309 E. Redwood Ave.

Sent from my iPhone

## Gonzalez, Joanna

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**From:** Lemos, June  
**Sent:** Tuesday, February 23, 2021 8:40 AM  
**To:** Gonzalez, Joanna  
**Subject:** FW: Agenda item 3b

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

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

**From:** Nicki Caito <nickicaito@icloud.com>  
**Sent:** Monday, February 22, 2021 9:43 PM  
**To:** Lemos, June <Jlemos@fortbragg.com>  
**Subject:** Agenda item 3b

Planning Commission,

I am a small business owner in the CBD, I am concerned about the possibility of the cultivation of cannabis in our downtown business district. My hope is that we keep our CBD geared toward retailers and don't allow industrial operations of any kind in the downtown business district. Thank you for your consideration.

Nicole Caito-Urbani

Sent from my iPhone

**Gonzalez, Joanna**

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**From:** noreply@granicusideas.com  
**Sent:** Monday, February 22, 2021 9:29 PM  
**To:** Gonzalez, Joanna  
**Subject:** New eComment for Community Development Committee on 2021-02-23 3:00 PM



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## New eComment for Community Development Committee on 2021-02-23 3:00 PM

Cynthia Sumner submitted a new eComment.

Meeting: Community Development Committee on 2021-02-23 3:00 PM

Item: 3B. 21-058 Receive Report and Make Recommendation to Planning Commission for Updates of Ordinances Related to Cannabis

eComment: The cultivation of cannabis as accessory use to retail business seems inappropriate for the CBD. It sets a precedence for industrial use where available commercial/retail space is already limited. Impacts on tourism should be considered. Water consumption of a grow operation during a drought may strain residential use. The proposed changes need to receive more public input prior to any decisions made. Cynthia Sumner The Forrester Building E. Redwood Ave.

[View and Analyze eComments](#)

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**From:** noreply@granicusideas.com  
**Sent:** Tuesday, February 23, 2021 7:38 AM  
**To:** Gonzalez, Joanna  
**Subject:** New eComment for Community Development Committee on 2021-02-23 3:00 PM



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## New eComment for Community Development Committee on 2021-02-23 3:00 PM

Jay Koski submitted a new eComment.

Meeting: Community Development Committee on 2021-02-23 3:00 PM

Item: 3B. 21-058 Receive Report and Make Recommendation to Planning Commission for Updates of Ordinances Related to Cannabis

eComment: The people have spoke through petitions regarding this already. There were close to 200 signatures against the last project that tried to be approved on Franklin and Alder street. You need to quit trying to force things on this town that aren't wanted. Just because you're an elected official or work for out city that does not give you the rights to go against the people who make this town. Quite trying to force these things on our CBD that is why industrial zones are created. To protect the people.

[View and Analyze eComments](#)

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