

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**AN ORDINANCE AMENDING CHAPTER 18.24 (INDUSTRIAL ZONING DISTRICTS), CHAPTER 18.42 (STANDARDS FOR SPECIFIC LAND USES) AND CHAPTER 18.100 (DEFINITIONS) OF THE FORT BRAGG MUNICIPAL CODE**

**ORDINANCE NO. 928-2017**

**WHEREAS**, the City of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the General Plan on December 2, 2012; and

**WHEREAS**, the City of Fort Bragg (“City”) adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

**WHEREAS**, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

**WHEREAS**, the City Council held eight meetings in 2015 and 2016 to review, discuss and provide direction regarding changes to the Inland Land Use and Development Code to define, establish and regulate cannabis manufacturing uses in response to the State of California’s adoption of the Medical Marijuana Regulation and Safety Act, comprised of State Assembly Bill 243, Assembly Bill 266 and Senate Bill 643; and

**WHEREAS**, a Negative Declaration has been prepared as the California Environmental Quality Act (CEQA) document for the amendment to the Inland Land Use and Development Code, and the City filed a Notice of Completion with the State Secretary of Resources via the State Clearinghouse, and the Negative Declaration was circulated for the required thirty day public review period from October 31, 2016 to November 30, 2016; and

**WHEREAS**, no comments on the Negative Declaration were received during the public review period; and

**WHEREAS**, the Planning Commission considered the Negative Declaration and the Inland Land Use and Development Code at a noticed public hearing on December 14, 2016, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Planning Commission adopted Resolution PC 02-2016 recommending City Council adopt the Negative Declaration and the amended Inland Land Use and Development Code; and

**WHEREAS**, the City Council considered the Negative Declaration and the amended Inland Land Use and Development Code at a noticed public hearing on February 13, 2017, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City Council adopted Resolution 3979-2017 adopting a Negative Declaration for the Inland Land Use and Development Code amendments regulating cannabis manufacturing; and

**WHEREAS**, the staff reports, Planning Commission resolution, City Council resolution, and Inland Land Use and Development Code are available for review at City Hall during normal business hours.

**NOW, THEREFORE, the City Council ordains as follows:**

**Section 1. Legislative Findings.** The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. Amending the Inland Land Use and Development Code in the manner described is consistent with the General Plan and any applicable specific plan, and internally consistent with other applicable provisions of the Inland Land Use and Development Code.
3. Amending the Inland Land Use and Development Code in the manner described will ensure that cannabis manufacturing uses are effectively regulated so that they will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

**Section 2.**

**TITLE 18 – INLAND LAND USE AND DEVELOPMENT CODE**

Table 2-10 of Section 18.24.030 entitled **Allowed Land Uses and Permit Requirements for Industrial Zoning Districts** is hereby amended to allow cannabis manufacturing uses as follows:

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P	Permitted Use, Zoning Clearance required	
	MUP	Minor Use Permit required (see Section 18.71.060)	
	UP	Use Permit required (see Section 18.71.060)	
	S	Permit requirement set by Specific Use Regulations	
	—	Use not allowed	
LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
Manufacturing/processing - Cannabis	UP	UP	18.42.055

Section 18.42.055 entitled **Cannabis Manufacturing** is hereby added to Chapter 18.42 as follows:

**18.42.055 – Cannabis Manufacturing**

This Section establishes standards for cannabis manufacturing, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). These standards apply in addition to other provisions of the Municipal Code, including but not limited to Chapter 9.33 (Cannabis Manufacturing).

- A. **Limitation on Location.** The design, location, size and operating characteristics of the cannabis manufacturing use shall be compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, hospital, non-profit organization or residential use within 200 feet of the cannabis manufacturing use. Further, the cannabis manufacturing use shall not be located within six-hundred feet of any school, day care center, or youth center.
  
- B. **Operating Standards.** Cannabis manufacturing uses shall comply with all of the following operating standards:
  - 1. **Limitations on Use.** A cannabis manufacturing use shall comply with the following limitations:
    - a) Cannabis manufacturing uses shall not conduct or engage in the retail sale of any product, goods or service. Only wholesale activities are permitted.
    - b) Accessory retail and/or distribution uses other than wholesale sales shall not be permitted in conjunction with the cannabis manufacturing use.
    - c) No cannabis shall be grown or cultivated on the property of the cannabis manufacturing use.
    - d) No cannabis or cannabis product shall be smoked, ingested, or otherwise consumed on the property.
  - 2. **Notice to Entrants.** A cannabis manufacturing use building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of twenty-one (21) are precluded from entering the premises unless they are in the presence of their parent or legal guardian. The building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis on the property is prohibited.
  - 3. **Security.** A cannabis manufacturing use shall provide adequate security on the premises, including lighting and alarms, for the safety of employees and visitors and to minimize the potential for criminal activity, including theft and unauthorized entry.
  - 4. **Employee Register.** A cannabis manufacturing use shall maintain a current register of the names of all employees currently employed by the use, and shall provide the Chief of Police with the name, phone number, and email of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the cannabis manufacturing use. The register and contact information shall be current and up-to-date at all times.
  - 5. **Off-Site Effects.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.
  - 6. **State Law.** A cannabis manufacturing use shall meet all State law requirements for cannabis manufacturing, including all State law operating criteria.

7. **Compliance with the Cannabis Manufacturing Ordinance.** As a condition of approval, the applicant shall comply with all the requirements of the Municipal Code, including but not limited to Chapter 9.33 (Cannabis Manufacturing). Such compliance will be confirmed in writing by the Police Chief prior to issuance of a business license for the facility.
- C. **Required Findings.** In order to approve a Use Permit for a cannabis manufacturing use, the Planning Commission must make the following findings:
1. The cannabis manufacturing use is compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, hospital, non-profit organization or residential use within two-hundred (200) feet of the cannabis manufacturing use; and
  2. The cannabis manufacturing use will not be located within six-hundred (600) feet of any school, day care center, or youth center.

The definition of **Cannabis** is hereby added to Section 18.100.020(C) entitled **Definitions of Specialized Terms and Phrases** as follows:

**Cannabis.** Shall have the same definition as defined by State law.

The definition of **Cannabis Manufacturing** is hereby added to Section 18.100.020(C) entitled **Definitions of Specialized Terms and Phrases** as follows:

**Cannabis Manufacturing.** 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.

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 4. Effective Date and Publication.** This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

**The foregoing Ordinance was introduced by Councilmember Cimolino at a regular meeting of the City Council of the City of Fort Bragg held on February 13, 2017, and adopted at a regular meeting of the City of Fort Bragg held on February 27, 2017, by the following vote:**

**AYES:**  
**NOES:**  
**ABSENT:**

**ABSTAIN:  
RECUSED:**

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**Lindy Peters  
Mayor**

**ATTEST:**

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**June Lemos, CMC  
City Clerk**

**PUBLISH: February 16, 2017 and March 9, 2017 (by summary).  
EFFECTIVE DATE: March 29, 2017.**