



AGENCY: City Council
MEETING DATE: April 25, 2022
DEPARTMENT: City Manager
PRESENTED BY: David Spaur
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of Urgency Ordinance No. 981-2022 Placing a 45-Day Moratorium on the Approval of Applications and Permits for Cannabis Dispensaries in the Inland Zoning Area

ISSUE:

On [September 27, 2021](#), City Council adopted Urgency Ordinance 972-2021 imposing a 45-day moratorium on the approval of applications and permits for cannabis dispensaries in the Inland Zoning Area.

On [November 8, 2021](#), that moratorium was extended for four months through March 8, 2022 by adoption of Urgency Ordinance 975-2021.

On [February 28, 2022](#), the moratorium was again extended for a period of 45 days through April 14, 2022 by adoption of Urgency Ordinance 976-2022.

No more than two extensions of an interim urgency ordinance may be adopted according to [California Government Code Section 65858](#). A new urgency ordinance is required to continue the moratorium on cannabis permits until regulations currently under consideration concerning cannabis dispensaries are finalized, adopted by the City Council, and become effective, at which time the Council may rescind the urgency ordinance prior to its stated termination.

ANALYSIS:

Previous Meetings on Cannabis Regulations

The moratorium was initially put in place to allow the Planning Commission and the City Council time to seek public input, discuss various issues surrounding cannabis dispensaries, and provide direction regarding new regulations for cannabis cultivation and retail cannabis sales. The last several meeting agendas and minutes can be reviewed through the following links:

[Planning Commission Agenda 2/23/2022](#)

[Planning Commission Agenda 3/9/2022](#)

[Planning Commission Agenda 3/23/2022](#)

[City Council Agenda 3/28/2022](#)

[Planning Commission Minutes 2/23/2022](#)

[Planning Commission Minutes 3/9/2022](#)

[Planning Commission Minutes 3/23/2022](#)

[City Council Minutes 3/28/2022](#)

On [April 11, 2022](#), the public hearing to consider introduction of Ordinance 979-2022 relating to cannabis regulations was opened and immediately continued to a date certain, May 23, 2022, because more time was required to process the associated environmental documents.

Urgency Ordinances

Under [California Government Code Section 65858](#), a city or county may adopt an interim ordinance to temporarily prohibit certain land uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the City Council and/or Planning Commission is considering or studying. The temporary prohibition or moratorium provides municipalities time to study the impact of certain activities and develop appropriate regulations, if deemed necessary.

An urgency ordinance can be passed without advance notice to the public and is effective immediately for up to 45 days but must be approved by a four-fifths vote of the legislative body. The urgency ordinance may be extended for a total period of two years as set forth in the IMPLEMENTATION/TIMEFRAMES section of this report. Any extension of the moratorium must also be approved by a four-fifths vote of City Council.

Proposed Ordinance

Similar to the previous cannabis moratorium ordinance, the proposed ordinance would place a hold on the approval of any cannabis dispensary in the Central Business District. This would allow staff and the City Council to finalize updates to the existing Cannabis Business Regulations as directed by the City Council at its meeting of March 28, 2022.

POSSIBLE ACTION(S):

1. City Council upon review may waive the reading of the Ordinance and adopt by title only an Urgency Ordinance of the City of Fort Bragg placing a temporary moratorium on the approval of applications and permits for cannabis dispensaries.
2. Council can decide not to adopt the Urgency Ordinance.
3. Council may provide alternative direction to staff.

FISCAL IMPACT:

The impact of the 45-day temporary moratorium on cannabis dispensaries to the City's revenue is likely minimal.

GREENHOUSE GAS EMISSIONS IMPACT:

N/A

CONSISTENCY:

The City's current Inland General Plan provides support for regulating formula businesses. The current purpose statement from Element 6 of the Inland General Plan:

A. Purpose

The Community Design Element establishes goals, policies, and programs to preserve and enhance Fort Bragg's authentic, small town character. The community is defined in part by its isolated location on the magnificent coastline of Mendocino County. Its sense of place derives from its heritage as a regional center for the timber and fishing industries. As the economy evolves to a more tourism and service-based economy, the community has acknowledged the importance of maintaining the historic identity of

downtown and the integrity of the residential neighborhoods, while enhancing views and access to the coastline and planning for continued growth and development.

The Community Design Element is concerned primarily with the visual quality of the City, or what residents and visitors see. The City's appearance is essential to the quality of life in Fort Bragg. Visual quality and amenities go hand-in-hand with long-term economic development strategies, and strengthen the stability and desirability of the community. To be attractive to residents, visitors, and businesses, the City must be concerned about its appearance, physical character, and livability. Existing residential real estate values and the desirability of businesses that depend on tourism are closely tied to the visual character of the community.

Policies and Goals from the City's General Plan include:

Policy LU-3.1 Central Business District: Retain and enhance the small-scale,

Goal C-5 Regard the quality of life in Fort Bragg and maintaining community identity as more important than accommodating through-traffic.

Policy C-5.1 Community Priorities for Transportation Improvements: Place a higher priority on maintaining a sense of place and enhancing the attractiveness of the Central Business District than on efficient traffic flow and movement.

Policy CD-2.5 Strengthen the Distinctive Identity of the Central Business District: Strengthen the distinctive identity and unique sense of place of the Central Business District.

Policy CD-6.1 Protect and Preserve Buildings and Sites with Historic and Cultural Significance to the Community.

IMPLEMENTATION/TIMEFRAMES:

An urgency ordinance may remain in effect for only 45 days, unless it is extended by another four-fifths vote. Ten days prior to the expiration of the urgency ordinance or any extension, City Council will need to issue a written report describing the measure taken to alleviate the condition that led to the adoption. After notice and a hearing, a local government can extend the ordinance for either ten months and 15 days, with the option to extend it once more for an additional one-year, or once for 22 months and 15 days. Either option equates to an extension of up to two years and requires the four-fifths vote. The legislative body may rescind the urgency ordinance prior to its stated termination.

Public Hearing on Urgency Ordinance 981-2022: April 25, 2022

Effective Date of Urgency Ordinance 981-2022 if adopted: April 25, 2022

Expiration Date of Urgency Ordinance 981-2022 unless extended: June 9, 2022

Continued Public Hearing on Introduction of Ordinance 979-2022: May 23, 2022

Adoption Date of Ordinance 979-2022 if introduced on May 23, 2022: June 13, 2022

Effective Date of Ordinance 979-2022 if adopted: July 13, 2022

As shown by the above schedule, this proposed Urgency Ordinance 981-2022 will need to be extended after 45 days to allow Ordinance 979-2022 to be adopted and become effective. Anticipated date to extend the moratorium before its June 9th expiration date is May 23, 2022. At that time, a 60-day extension will allow sufficient time for the new cannabis ordinance, 979-2022, to become effective.

ATTACHMENTS:

1. Proposed Urgency Ordinance 981-2022

NOTIFICATION:

1. Cannabis Notify Me subscriber list