



AGENCY: City of Fort Bragg  
MEETING DATE: May 3, 2021  
DEPARTMENT: Community Development  
PRESENTED BY: H Gurewitz  
EMAIL ADDRESS: hgurewitz@fortbragg.com

## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Provide Direction to Staff on Where Commercial Cannabis Cultivation, as Primary Use, Should be Allowed**

**ISSUE:**

The City Council has directed staff to prepare an ordinance to allow commercial cannabis cultivation within the City Limits. There is a broad spectrum of types and sizes of commercial cannabis cultivations. Staff is requesting direction from Council on what types and sizes should be allowed in commercial and industrial zones in the City.

**ANALYSIS:**

**Zoning**

There are four zones that have been discussed for locating commercial cannabis cultivation as a primary use. Staff is asking Council to determine which zones are appropriate:

**CG (General Commercial)** zoning district. The CG zoning district is applied to areas of the City that are appropriate for less compact and intensive commercial uses than those accommodated within the Central Business District (CBD) zone. Allowable land uses are typically more auto-oriented than pedestrian-oriented, and may include automotive and service-related uses, a wide range of retail stores, including those selling large products (appliances, home furnishings, building materials, etc.).

**CH (Highway Commercial)** zoning district. The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores.

**IL (Light Industrial)** zoning district. The IL zoning district is applied to areas of the City that are appropriate for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses that do not generate significant customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Allowable manufacturing uses and activities must be entirely within enclosed structures.

**IH (Heavy Industrial)** zoning district. The IH zoning district is applied to areas of the City that are appropriate for a range of heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses.

### Permissions

Staff is requesting direction from Council on what permissions should be required for different sizes of cannabis cultivation in the City's zones. The City of Fort Bragg Inland Land Use and Development Code (ILUDC) identifies four types of permissions:

**Permitted** – A use that is permitted is allowable by right and does not need permission from the City to conduct the activity. For example, general retail is permitted by right in the General Commercial zone and does not require special permission.

**Minor Use Permit** – A Minor Use Permit is a discretionary permit that is typically issued through an administrative process by planning staff unless it is decided by the planning director that the application needs to be reviewed by the Planning Commission. The ILUDC provides the approval criteria for a Minor Use Permit in Section 18.71.060.

**Use Permit** – A Use Permit is a discretionary permit that must be reviewed by the Planning Commission. The ILUDC provides the approval criteria for a Use Permit in Section 18.71.060.

**Not Allowable** – A use may be listed in the Land Use tables in the ILUDC as not allowable.

### Findings for Minor Use/Use Permits

Whether the permit is reviewed at the staff level or by the Planning Commission, the decision body must be able to make the following findings in order for a Minor Use or Use Permit to be issued:

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
5. The proposed use complies with any findings required by §18.22.030 (Commercial District Land Uses and Permit Requirements).

Cannabis Cultivation

Regardless of whether a cultivation is permitted by right or requires a Use Permit, the business will still require a Cannabis Business Permit (CBP) issued under Municipal Code 9.30 which will require review through the Police Department and Community Development Department. A CBP is currently an administrative permit.

All cannabis cultivations will be subject to a review under the California Environmental Quality Act.

A commercial cannabis cultivation can be less than 500 square feet to over 10,000 square feet and use a variety of different techniques which use varying amounts of electricity and water. The Council may wish to consider the following when determining what size cultivations should be allowed in which zones:

- 1. Consistency with the purpose of the zone as intended in the General Plan
- 2. Compatibility with the zone

While the State of California classifies cannabis by the mature canopy size, this metric does not provide a reasonable metric that staff can use to estimate the actual size and impacts of a cultivation. It is more reasonable to use the size of the planned fully enclosed and secure structure (FESS) with the addition of square footage from multi-level cultivation. For example, a cultivation in a 500 square foot cultivation with three levels of cultivation would be calculated as a total size of 1,500 square feet. Another reliable metric would be the total number of plants that would be cultivated.

Council may wish to determine where cannabis cultivation might be allowable, and with what level of permission: For example, Council may decide that the City will not allow cultivations over 10,000 square feet, but that a cultivation under 500 square feet is a permitted use in the industrial zone. The chart below can be used to determine sizes and permissions.

Size of Cultivation	Cannabis Business Permit (CBP) Only (administrative)	CBP + Minor Use Permit (administrative)	CBP + Use Permit (Planning Commission)	Not Allowable
under XXX ft <sup>2</sup>				
XXX-X,XXX ft <sup>2</sup>				
X,XXX – X,XXX ft <sup>2</sup>				
X,XXX-XX,XXX ft <sup>2</sup>				
Over XX,XXX ft <sup>2</sup>				

**RECOMMENDED ACTION:**

Provide direction to staff on the size and permission of cultivation for presentation to Planning Commission.

**ALTERNATIVE ACTION(S):**

- Provide direction to staff and review again before sending to Planning Commission.
- Take no action.

**FISCAL IMPACT:**

There is no significant fiscal impact from this action.

**GREENHOUSE GAS EMISSIONS IMPACT:**

The GHG impact will depend on the actions taken on cultivation policy.

**CONSISTENCY:**

The recommended action is for Council to recommend an ordinance that is consistent with the relevant City of Fort Bragg 2012 Inland General Plan Goals, Policies, and Programs:

Land Use Goal LU-1: Promote development and conservation of land in Fort Bragg according to the pattern shown on the Land Use Designations Map.

Land Use Goal LU-3: Ensure that the Central Business District remains the historic, civic, cultural, and commercial core of the community.

Land Use Goal LU-4: Promote the economic vitality of the City's existing commercial areas.

Land Use Goal LU-5: Support industrial development which is consistent with the protection, enhancement, and restoration of natural and scenic resources.

Land Use Policy LU-5.1: Siting New Industrial Development: Site new industrial development so that it is contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects on natural and scenic resources, either individually or cumulatively.

Land Policy LU-5.2: Industrial Land Use Standards: Require that industrial development avoid or minimize creating substantial pollution, noise, glare, dust, odor, or other significant adverse impacts.

**IMPLEMENTATION/TIMEFRAMES:**

Council's recommendations will be presented to Planning Commission for review and recommendations to Council. Staff will present a draft ordinance to Council with the Planning Commission recommendations for final review. The Ordinance will take effect 30 days after adoption.

**ATTACHMENTS:**

1. Staff PowerPoint Presentation

**NOTIFICATION:**

1. Cannabis Notify Me subscriber list