

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE TO ADD SECTION 17.42.055 “COMMERCIAL CANNABIS CULTIVATION”, SECTION 17.42.057 “CANNABIS RETAIL”, AND 17.42.059 “CANNABIS RETAIL – DELIVERY ONLY” TO ARTICLE 17.42 “STANDARDS FOR SPECIFIC LAND USES” OF THE FORT BRAGG COASTAL LAND USE AND DEVELOPMENT CODE

ORDINANCE NO. XXX-2026

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the “City”) to enact local planning and land use regulations; and

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg (“City”) adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan (“Coastal GP”) as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City’s Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, The City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

WHEREAS, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City’s Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg’s coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

WHEREAS, on February 25, 2019, the City Council of the City of Fort Bragg (“City

Council") sought to establish rules and regulations by which cannabis businesses may be permitted by considering an ordinance regulating retail, laboratory testing, manufacturing, and distribution cannabis businesses and accessory uses; and

WHEREAS, through multiple public meetings, the Public Safety Committee, Fort Bragg Police Department and City staff have received input from citizens and discussed various options for permitting cannabis businesses; and

WHEREAS, on November 21, 2019, the City Council of the City of Fort Bragg ("City Council") adopted Ordinance 953-2019 which established rules and regulations by which cannabis businesses may be permitted; and

WHEREAS, on February 23, 2022, and March 9, 2022 the Planning Commission held a duly noticed public hearing to review and make a recommendation on the adoption of the proposed amendments for retail cannabis, commercial cannabis cultivation, and cannabis microbusinesses to Title 18 Inland Land Use and Development Code and continued the meeting to a date certain; and

WHEREAS, the City Council adopted the cannabis ordinances and amended the Inland Land Use and Development Code at a noticed public hearing on May 23, 2022, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council seeks to similarly amended the Coastal Land Use and Development Code to regulate cannabis businesses; and

WHEREAS, Section 17.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council based on the findings identified in Section 17.94.060; and a resolution was transmitted to the City Council on **DATE**, 2026 that represents the Planning Commission's recommendations; and

WHEREAS, the City Council has considered all public comments and a staff report dated **DATE**, 2026 regarding the proposed ordinance; the staff report is incorporated herein by reference and available for review at City Hall during normal business hours; and

WHEREAS, the proposed minor modification to the Coastal Land Use and Development Code is set forth in its entirety in **Section 2 – Section 4** below; and

WHEREAS, the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long-range development plan" pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)).

NOW, THEREFORE, The Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA Public Resources Code §21000, et seq. and State CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; State law; all reports and public testimony submitted as part of the

City Council meeting of **DATE**, 2026 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council **does 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. On **DATE**, 2026, the Planning Commission held a properly noticed public hearing to consider recommending the proposed amendments to the Coastal Land Use and Development Code to the Fort Bragg City Council for adoption, and adopted a resolution in support of the City Council's adoption of the amendment to the CLUDC.
3. On **DATE**, 2026 the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Coastal Land Use and Development Code.
4. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City and seeks to be consistent with recently adopted State Laws regarding recreational cannabis; and
5. The proposed amendment is internally consistent with other applicable provisions of the Coastal Land Use Development Code, including its Chapters 17.42, 17.71, 17.100, and others; and the LCP Amendment is consistent with the California Coastal Act; The proposed amendment is consistent with CLUDC standards; and
6. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act; and
7. The documents and other material constituting the record for these proceedings are located at the Community Development Department; and
8. The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

Section 2. Based on the foregoing, the City Council hereby adds Section 17.42.055 - Commercial Cannabis Cultivation to the Coastal Land Use and Development Code.

17.42.055 - Commercial Cannabis Cultivation

A. Applicability. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) commercial cannabis cultivation shall comply with the standards of this section. these standards apply in addition to the other provisions of this Development Code and requirements imposed by Chapter 9.30 and any required State licenses prior to operation.

B. Definitions. Definitions of the commercial cannabis cultivation facilities regulated by this Section are in Article 10 (Definitions) under “Cannabis.”

C. Standards for Commercial Cannabis Cultivation. A minor use permit for commercial cannabis cultivation shall be approved, if it complies with the following standards:

1. Additional Permits and Licenses Required. A cannabis cultivation business shall obtain a cannabis business permit subject to Chapter 9.30 and any required State licenses prior to operation.

2. Operational Requirements. Operational requirements may include project-specific conditions of approval, the requirements set forth in Chapter 9.30, and the following operational requirements:

a. Employees. The cannabis operator shall maintain a current register of the names of all employees 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.

b. Visitors. Only employees, managers, owners, and government agency representatives are allowed in non-retail areas of the business.

c. Utilities. Commercial cannabis cultivation shall use the best available technologies for water systems and water recycling and are encouraged to use an alternate source of water from the City’s potable water system. Commercial cannabis cultivators shall use energy efficient lighting and equipment. A cannabis cultivator shall provide proof of the utility provider’s ability to provide reliable power to the cultivation site. Electricity must be exclusively provided by a renewable energy source(s), including but not limited to: (1) documented grid power supplied from a 100% renewable source, or (2) on-site renewable energy system.

d. Environmentally Friendly Practices. Cultivation projects shall use environmentally friendly practices, including integrative pest management and waste reduction. Applicant shall provide a list of all fertilizers, insecticides and fungicides to the Municipal Services District and shall enter into an agreement with the Municipal Services District regarding use of fertilizers, insecticides and fungicides if required by the Director of Public Works.

e. Odor. Cannabis cultivations shall use the best available technology to ensure odors are not detected on adjacent or nearby property or areas open to the public.

f. Lighting and Glare. All cultivation projects shall use automatic shades or another equivalent measure to prevent light, from the cultivation area, from escaping the building at night.

3. Cannabis Accessory Uses to Commercial Cultivation. Cannabis retail - delivery only and cannabis retail are permissible as accessory uses with minor use permit approval. Other accessory uses may be approved as noted in Table 2.10 of Article 2.

Section 3. Based on the foregoing, the City Council hereby adds

Section 17.42.057- Cannabis Retail to the Coastal Land Use and Development Code.

17.42.057 - Cannabis Retail

A. Applicability. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), cannabis retail shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by Chapter 9.30 and any required State licenses prior to operation.

B. Definitions. Definitions of the cannabis retail facilities regulated by this Section are in Article 10 (Definitions) under “Cannabis.”

C. Standards for Cannabis Retail. A minor use permit for cannabis retail shall be approved if it complies with the following standards:

- 1. Additional Permits and Licenses Required.** A cannabis storefront retail business shall obtain a cannabis business permit subject to Chapter 9.30 and any required State licenses prior to operation.
- 2. Operation Requirements.**
 - a. Odor.** Cannabis cultivations shall use the best available technology to ensure odors are not detected on adjacent or nearby property or areas open to the public.
 - b. 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.
 - c. Lighting and Screening.** Projects that are on properties adjacent to residential properties shall comply with §§ 17.30.050(F) and 17.30.070.
 - d. On-Site Consumption.** The consumption of cannabis at a cannabis retail use or within the parking lot or public right-of-way is prohibited.
 - e. Drive-Through Services.** Drive-through or walk-up window services in conjunction with cannabis retail are prohibited.
- 3. Location Requirements.** In order to avoid the concentration of cannabis retail land uses and maintain the downtown commercial character, and compatibility with adjacent residential uses, a cannabis retail business shall not be:
 - a.** Located within 150 feet of a school providing instruction in kindergarten or any grades 1 through 12, a child day care center or facility, a youth center as defined in the State of California Health and Safety Code Section 11353.1(e)(2), or a park. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school, youth center, day care facility, and/or park to the closest property line of the lot on which the cannabis business is proposed.

4. Accessory Uses. The primary use of a cannabis retail use shall be to sell products directly to on-site customers.

a. Accessory Uses. The following uses are permissible as accessory uses to cannabis retail. More than one accessory use is permissible; however, each accessory use shall not exceed the total square footage of the primary use.

i. Office, nursery (non-flowering) cultivation for on-site sales only; retail delivery; on-site distribution, craft cannabis manufacturing – no volatile solvents permitted, distribution, wholesale.

ii. Fire suppression sprinklers are required in all buildings with on-site nursery cultivation located in commercial districts. Nursery cultivation as an accessory use shall also comply with § 17.42.055, Commercial Cannabis Cultivation.

b. Minor Use Permit. If a permitted cannabis retail use chooses to provide an accessory use or services at a later date, a minor use permit shall be required.

c. Accessory Delivery. Sales may also be conducted by delivery, subject to the requirements of § 17.42.059.

Section 4. Based on the foregoing, the City Council hereby adds Section 17.42.059 “Cannabis Retail – Delivery Only” to the Coastal Land Use and Development Code.

17.42.059 Cannabis Retail – Delivery Only

A. Applicability. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), cannabis retail - delivery only shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by Chapter 9.30 and any required State licenses prior to operation.

B. Definitions. Definitions of the cannabis retail - delivery only facilities regulated by this Section are in Article 10 (Definitions) under “Cannabis.”

C. Standards for Cannabis Retail - Delivery Only. A minor use permit for cannabis retail shall be approved if it complies with the following operational requirements:

1. All specific conditions of approval and requirements set forth in Chapter 9.30.

2. Cannabis retail – delivery only uses shall comply with the same operational requirements applicable to cannabis retail uses (§ 17.42.057).

3. 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.

D. Operational requirements. In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, cannabis retail - delivery

only uses shall comply with the following operational requirements:

1. Cannabis retail - delivery only uses shall comply with the same operational requirements applicable to cannabis retail uses (§ 17.42.057).
2. 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.

Section 5. 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 6. Effective Date and Publication. This Ordinance shall become effective upon its certification by the Coastal Commission. Within fifteen (15) days after the passage of this Ordinance by the Coastal Commission, 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.

Section 7. Fort Bragg City Council does hereby recommend that the Coastal Commission approve Zoning Amendment 3-2026 to amend Division 17 to the Fort Bragg Municipal Code.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held _____, and adopted at a regular meeting of the City of Fort Bragg held on _____, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:**

Jason Godek, Mayor

ATTEST:

City Clerk

**PUBLISH: Date, 2026 and Date, 2026 (by summary).
EFFECTIVE DATE: 15 Day after Certification by the California Coastal Commission**

