

RESOLUTION NO. 4547-2022

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ADOPTING A NEGATIVE DECLARATION FOR ORDINANCE 979-2022 AMENDING SECTION 18.22.30, 18.24.30, 18.42.055, 18.42.057, 18.42.059 AND 18.100.020 OF TITLE 18 (INLAND LAND USE AND DEVELOPMENT CODE) OF THE FORT BRAGG MUNICIPAL CODE.

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 (ILUDC) 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 and Public Safety Committee held a total of six public meetings to discuss and provide direction regarding changes to the ILUDC to permit and regulate cannabis businesses 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, the City is the lead agency for the completion of the Negative Declaration for the ILUDC amendment, under the California Environmental Quality Act (CEQA); and

WHEREAS, during the initial CEQA Review, two small revisions to the ordinance were made to make the ordinance self-mitigating. These revisions were made to the ordinance prior to circulating the Negative Declaration to the public and included the following. The following addition was made to 18.42.055C2d: "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." The following addition was made to 18.42.055C2f "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."

WHEREAS, a Negative Declaration has been prepared as the CEQA document for the amendment to the Inland Land Use and Development Code, and the Negative Declaration was circulated for the required public review period from April 22, 2022 to May 12, 2022; and

WHEREAS, three comments on the Negative Declaration were received during the public review period; and

WHEREAS, the Negative Declaration is included as Exhibit A to this resolution;
and

WHEREAS, the public comments are included as Exhibit B to this resolution; and

WHEREAS, staff analyzed the public comments in the staff report for this item which is incorporated herein by reference; and

WHEREAS, based on the Negative Declaration, the City Council concurs with the Community Development Department's determination that adoption of Ordinance 979-2022 amending the Inland Land Use and Development Code would not have a significant effect on the environment; and

WHEREAS, the City Council considered the Negative Declaration and Ordinance 979-2022 amending 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby find that the foregoing recitals are true and correct and made a part of this resolution; and the City Council has reviewed and considered the Negative Declaration and does hereby make the following findings:

1. The Negative Declaration was prepared, circulated and reviewed in accordance with the California Environmental Quality Act (CEQA) and the City's CEQA implementation procedures.
2. Based on the record before the Council, there is no substantial evidence that the project will have a significant effect on the environment.
3. The Negative Declaration reflects the independent judgment and analysis of the City Council.
4. The custodian of the documents that constitute the record of proceedings upon which the Council action is based is the City Clerk of the City of Fort Bragg and all documents are available for review and inspection during regular business hours in the Office of the City Clerk at Fort Bragg City Hall, 416 North Franklin Street, Fort Bragg, CA 95437.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the attached Negative Declaration for the Inland Land Use and Development Code amendments regulating cannabis manufacturing.

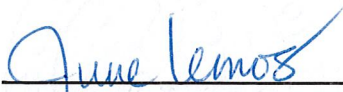
The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Norvell, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 23rd day of May, 2022, by the following vote:

AYES: Councilmembers Albin-Smith, Morsell-Haye, Peters, and Mayor Norvell.
NOES: Councilmember Rafanan.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.



Bernie Norvell
Mayor

ATTEST:



June Lemos, MMC
City Clerk