

Definitions in Section 26-02-140

Applicant – Cannabis: A person that is applying for a permit to engage in commercial cannabis activity pursuant to this chapter.

Cannabis: All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed ~~that has psychoactive or medicinal properties,~~ whether growing or not; ~~including~~ the seeds thereof; **the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972.** For the purpose of this section, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the **California** Food and Agricultural Code or Section 11018.5 of the **California** Health and Safety Code, **or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.** Cannabis is classified as an agricultural product separately from other agricultural crops.

Cannabis Business Owner: A person with an aggregate ownership interest of 20 percent or more in the person applying for a permit, unless the interest is solely a security, lien, or encumbrance; the chief executive officer of a nonprofit or other entity; a member of the board of directors of a nonprofit; ~~the trustee(s) and all persons that have control of the trust and/or the commercial cannabis business that is held in trust; and/or an individual who will be participating in the direction, control, or management of the person applying for a permit.~~

Cannabis Cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. ~~for medical use, including nurseries, that is intended to be transported, processed, distributed, dispensed, delivered, or sold in accordance with the Medical Cannabis Regulation and Safety Act (MCRSA) for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.~~

~~**Cannabis Cultivation Area:** The total aggregate area(s) of cannabis cultivation on a single premise as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the dripline of the canopy expected at maturity and includes, but is not limited to, the space between plants within the cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses, green houses, and each room or area where cannabis plants are grown, as determined by the review authority.~~

Canopy: The designated area(s) at a permitted cultivation site that will contain plants at any point in their life stage as follows:

- (1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain plants at any point in their life stage, including all of the space(s) within the boundaries;
- (2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
- (3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- (4) An additional area for propagation of seeds, starts, and immature plants up to a maximum of five percent (5%) of the total permitted canopy area may be allowed to support cultivation sites other than nurseries.

Cannabis Cultivation – Indoor: ~~Cultivation of e~~Cannabis cultivation within any type of structure using exclusively artificial lighting.

Cannabis Cultivation – Mixed-Light: ~~Cultivation of e~~Cannabis cultivation using any combination of natural and supplemental artificial lighting, in a greenhouse or other similar structure using natural light, light deprivation, and/or any combination of natural and supplemental artificial lighting. ~~Greenhouses, hoop houses, hot houses and similar structures or light deprivation systems are included in this category.~~

Cannabis Cultivation – Outdoor: ~~Cultivation of e~~Cannabis cultivation using no artificial lighting conducted in the ground or in containers outdoors ~~with no covering~~. ~~Outdoor cultivation does not include greenhouses, hoop houses, hot houses or other similar structures.~~ Artificial lighting is permissible for use in propagation areas.

Cannabis Cultivation Site: The premise(s), ~~leased area(s), property, location nor facility~~ where ~~medical-commercial~~ cannabis is planted, grown, harvested, dried, cured, graded, or trimmed or ~~that does~~where all or any combination of those activities occurs.

Cannabis Dispensary: ~~a~~A facility ~~operated in accordance with state law~~, where ~~medical~~ cannabis, ~~medical~~cannabis products, or devices for the use of ~~medical~~cannabis are offered, either individually or in any combination, for retail sale, including an establishment that delivers ~~medical cannabis or medical~~cannabis and/or cannabis products as part of a retail sale.

Cannabis Distribution Facility: ~~The location or a facility where a person conducts the business of procuring medical cannabis from licensed cultivators or manufacturers for sale to licensed dispensaries, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes prior to transport to licensed dispensaries. This Facility requires a Type 11 license pursuant to the Medical Cannabis Regulation and Safety Act (MCRSA).~~ The procurement, sale, and transport of cannabis and cannabis products between licensees.

Cannabis License: A ~~state~~ license issued **by the State of California** pursuant to the **Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)**. ~~Medical Cannabis Regulation and Safety Act (MCRSA)~~.

Cannabis Licensee: Any person issued a ~~state~~ license **by the State of California** under the **Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)**. ~~Medical Cannabis Regulation and Safety Act to engage in commercial cannabis activity.~~

Cannabis Manufacturer: A person that **conducts the** ~~production~~, **prepares** ~~preparation~~, propagates, or **compounding of** ~~manufactured medical~~-cannabis; or ~~medical~~-cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages ~~medical~~-cannabis or ~~medical~~-cannabis products or labels or relabels its container., ~~that holds a valid state license and that holds a valid local license or permit.~~

~~**Manufactured cannabis** means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.~~

Cannabis Manufacturing: ~~A location~~ **All aspects of the extraction process, infusion process, and packaging and labeling processes, including preparing, holding, or storing of cannabis products. Manufacturing also includes any preparing, holding, or storing of components and ingredients.** ~~that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.~~

Cannabis – Medical: ~~Any product containing cannabis, including but not limited to flowers, buds, oils, tinctures, concentrates, extractions, and edibles~~ **Any cannabis or cannabis product** intended to be sold for use ~~by medical cannabis patients in California~~ pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. ~~For the purposes of this chapter, medical cannabis does not include industrial hemp as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.~~

Cannabis Operator: ~~The natural person or designated officer responsible for the operation of individual~~ **authorized to represent the person applying for or operating pursuant to a permit authorizing** any commercial cannabis ~~use~~ **activity pursuant to this chapter.**

Cannabis Product, medical cannabis, or medical cannabis product: ~~Any product containing cannabis, including but not limited to flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this chapter, medical cannabis does not include industrial hemp as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.~~ **Cannabis that has undergone any process whereby the plant material has**

been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Cannabis Testing Laboratory: A laboratory, facility, or entity, ~~or site~~ in the ~~state~~ State of California that offers or performs ~~testing tests~~ of cannabis or cannabis products.

Cannabis Transporter: ~~A person engaged in T~~ the physical movement ~~transfer~~ of cannabis or cannabis products from ~~the business location of one commercial cannabis business to the business location of another commercial cannabis business,~~ one licensed premises to another licensed premises. ~~for the purposes of conducting commercial cannabis activity.~~

Commercial Cannabis Activity: The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in this chapter.

Delivery: The commercial transfer of cannabis or cannabis products to a customer, including use by a retailer of any technology platform owned and controlled by the retailer.

Greenhouse: A ~~temporary or~~ permanent structure, including ~~hothouses, hoop-houses, glasshouses, conservatories, and hothouses,~~ or other similar structures for the covered propagation and growing of plants, constructed with a translucent roof and/or walls.

Hoop House – Cannabis: A temporary structure used for season extension or crop protection erected for less than 180 days where the material covering the structure is removable. Hoop houses do not have any electrical components, such as ventilation or artificial lighting, and are not used for light deprivation.

Light Deprivation: The elimination of natural light in order to induce flowering, using black out tarps or any other opaque covering.

Nonmanufactured Cannabis: Flower, shake, kief, leaf, and pre-rolls.

Nonvolatile Solvent: Any solvent used in the extraction process that is not a volatile solvent. For purposes of this chapter, ‘nonvolatile solvents’ include carbon dioxide and ethanol.

Nursery – Cannabis: An ~~establishment~~ person that produces only clones, immature plants, ~~and seeds, and other agricultural products for wholesale distribution to permitted cultivators or dispensaries,~~ used specifically for the planting, propagation, and cultivation of ~~medical~~ cannabis.

Person: An individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, tribe, or any other group or combination acting as a unit, and ~~includes~~ the plural as well as the singular ~~number~~.

Process, Processing, or Processes – Cannabis: All activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis.

Premises(s) – Cannabis: ~~A legal parcel, or a leasehold interest in land, or a leased or owned space in a building.~~ **The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or person holding a valid permit where commercial cannabis activity will be or is conducted.**

Volatile solvent: ~~Volatile solvents may~~ **Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures, including** ~~but is not limited to: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O2 or H2; and (2).~~ **For purposes of this chapter, “volatile solvent” also includes** ~~dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene as determined by the Fire Marshall.~~

Sec. 26-88-250. - Commercial cannabis uses—~~Medical~~.

- (a) Purpose. This section provides the development and operating standards for ~~personal and commercial~~ ~~medical~~ cannabis ~~uses~~ **activities** to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine and provide opportunities for economic development.
- (b) Applicability. ~~Medical~~ **Commercial** cannabis ~~uses~~ **activities** shall be permitted only in compliance with the requirements of Sections 26-88-250 through 26-88-256 and all other applicable requirements for the specific type of use and those of the underlying base zone.
- (c) Limitations on Use. **The following limitations apply to all commercial cannabis activities.**
- (1i)** ~~Medical~~ **Commercial** cannabis ~~uses~~ **activities** shall only be allowed in compliance with ~~the following sections and~~ all applicable **county** codes ~~set forth in the county code~~, including but not limited to, grading, building, plumbing, septic, electrical, fire, hazardous materials, and public health and safety.
- (2ii)** The ~~operator~~ **permit holder** shall comply with all laws and regulations applicable to the type of use and shall comply with all permit, license, approval, inspection, reporting and operational requirements of other local, state or other agencies having jurisdiction over the type of operation. The ~~operator~~ **permit holder** shall provide copies of other agency and department permits, licenses, or certificates to the review authority to serve as verification for such compliance.
- (3iii)** Permits for ~~medical~~ **commercial** cannabis ~~uses~~ **activities** shall only be issued where written permission from the property owner or landlord is provided.
- (4iv)** Tasting, promotional activities, and events related to **commercial** cannabis ~~uses~~ **activities** are prohibited. ~~Commercial cannabis uses for non-medical cannabis for adult use is prohibited.~~
- (5v)** **Commercial cannabis activities are prohibited from using volatile solvents, including but not limited to Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O2 or H2, or other dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene, as determined by the Fire Marshall.**
- (d) Permit Requirements. ~~Medical~~ **Commercial** cannabis ~~uses~~ **activities** shall be subject to the land use permit requirements as shown in Table 1A-D Allowed ~~Medical~~ Cannabis Uses and Permit Requirements. No other type of **commercial** cannabis ~~uses~~ **activities** are permitted except as specified in Table 1A-D. The county may refuse to issue any discretionary or ministerial permit, license, variance or other entitlement, which is sought pursuant to this chapter, including zoning clearance for a building permit, where the property upon which the use or structure is proposed is in violation of the county code. ~~Medical~~ **Commercial** cannabis ~~uses~~ **activities** shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services.
- (e) Term of Permit. Permits for ~~medical~~ **commercial** cannabis ~~uses~~ **activities** shall be issued ~~to the operator~~ for a period not to exceed **two (2) years** ~~one (1) year~~ from the date of permit approval and shall be subject to ~~biennial~~ **annual** permit renewals. The ~~operator~~ **permit holder** must apply for permit renewal prior to the expiration of the limited term permit. No property interest, vested right, or entitlement to receive a future permit to ~~operate~~ **conduct** a

- ~~medical-commercial~~ cannabis ~~use-activity~~ shall ever inure to the benefit of such permit holder ~~as such permits are revocable.~~
- (f) Health and Safety. ~~Medical-Commercial~~ cannabis ~~uses-activity~~ shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.
- (g) Taxes. ~~Medical-cannabis-uses~~ **Permit holders** shall comply with **Sonoma County Code Section 35, the Sonoma County Cannabis Business Tax Ordinance, and** any additional taxes that may be enacted by the voters or any additional regulations that may be promulgated.
- (h) Operator Qualifications. ~~Commercial-medical-e~~ Cannabis operators must meet the following qualifications:
- (1): ~~Commercial medical-e~~ Cannabis operators and all employees must be **at least** twenty-one (21) years of age.
 - (2): ~~Commercial medical-e~~ Cannabis operators shall be subject to background search by the California Department of Justice. Permits for commercial ~~medical-cannabis operations-activities~~ shall not be ~~permitted-approved~~ for operators with **serious or violent** felony convictions, as specified in subdivision (c) of Section ~~1192.7~~ **667.5** of the Penal Code and subdivision (c) of Section ~~667.5~~ **1192.7** of the Penal Code.
 - ~~3. Applicants providing false or misleading information in the permitting process will result in rejection of the application and/or nullification or revocation of any issued permit.~~
 - (3) Cannabis operators must have authority to legally bind the person applying for and/or operating pursuant to a permit.**
 - ~~4. Priority processing of permits for medical cannabis operations shall be given to:~~
 - a. ~~Applications that demonstrate that the person operating the cannabis use or owner(s) of the cannabis use has been an existing cannabis operator in Sonoma County prior to January 1, 2016, or~~
 - b. ~~Applications that demonstrate that the person operating the cannabis use or owner(s) of the cannabis use have been a resident of Sonoma County prior to January 1, 2016, and~~
 - c. ~~Applications that provide a local preference hiring plan.~~
 - (4) Cannabis operators must meet the definition of a cannabis business owner.**
- (i) Weights and Measures. All scales used for commercial transactions shall be registered for commercial use and sealed by the Department of Agriculture/Weights and Measures.
- (j) Tracking. ~~Commercial-medical-cannabis-operators~~ **Permit holders** shall comply with any track and trace program established by the county and state agencies. ~~Commercial-medical cannabis-operators-Permit holders~~ must maintain records tracking all ~~medical-cannabis production~~ and **cannabis** products and shall make all records related to commercial ~~medical~~ cannabis activity available to the county upon request.
- (k) Inspections. ~~Commercial-medical-cannabis-operations~~ **Premises** shall be subject to inspections by appropriate local and state agencies, including but not limited to the ~~Departments of Health Services,~~ Agriculture/Weights & Measures, and Permit and Resource Management. ~~Medical-cannabis-operations-~~ **Premises** shall be inspected at random times for

conformance with the county code and permit requirements. The inspection shall be conducted during regular business hours, with at least 24-hours' notice. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the ~~medical cannabis operation~~ permit holder to immediately cease operations.

- (l) Monitoring. **Permit holders shall be subject to M**onitoring ~~shall be required for each medical cannabis operation to be granted a permit~~. An ~~annual~~ fee may be adopted by the board of supervisors and collected by the agency having jurisdiction or the county tax collector to pay for monitoring and enforcement.
- (m) **Appeals. Appeals of any permit issuance, denial, or decision by the Department of Agriculture/Weights & Measures shall be subject to review and appeal procedures pursuant to Chapter 36. Appeals of any permit issuance, denial, or decision by the Permit and Resource Management Department shall be subject to review and appeal procedures pursuant to Chapter 26.**
- (n) **Exercise of Permit and Notification of Changes. Permits are issued to and held by the person engaged in commercial cannabis activity, and specific to the premises for which it was issued. A permit holder shall, at all times, have one cannabis operator. Prior written notice must be provided to the agency having jurisdiction for any changes to ownership or cannabis operator, and must comply with applicable code requirements. New cannabis operators shall be required to participate in an orientation and/or exam(s), as determined by the agency having jurisdiction. Permit holders shall notify the agency having jurisdiction prior to any of the following:**
 - (1) A new person meeting the definition of cannabis business owner of the permit holder.
 - (2) Change in business entity type of the permit holder.
 - (3) Change in legal business name of the permit holder.
 - (4) A new person serving as operator of the permit holder.
 - (5) A new property owner of the parcel on which the premises is located.
- (o) **Permit Renewal. Applications for permit renewal may be administratively approved by the planning director only if:**
 - (1) **The use has been conducted in accordance with this section, with the operation's approved plan, and with all applicable use permit conditions of approval;**
 - (2) **There are no outstanding violations related to health, safety, land use, or tax; and;**
 - (3) **The requirements of Section 26-92-040 are met.**

(p) **Indemnification of County.** At the time of submitting an application for a permit pursuant to Sections 26-88-250 through Section 26-88-256, the applicant, and, if different than applicant, the lawful owner(s) of the property on which applicant seeks approval to engage in any commercial cannabis activity, shall agree, as part of the application, to defend, indemnify and hold harmless the county and its agents, officers, attorneys and employees from any claim, action or proceeding brought against the county or its agents, officers, attorneys or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, appeal boards of board of supervisors, which action is brought within the applicable statute of limitations. The indemnification shall include damages awarded against the county, if any, costs of suit, attorney fees and other costs and expenses incurred in connection with such action.

Sec. 26-88-252. - Enforcement.

(a) Violations.

- (1) Any activity performed contrary to the provisions of Sections 26-88-250 through 26-88-258 is hereby declared to be a violation of this chapter and a public nuisance.
- (2) Any violation of a term, condition, or the approved plans and specifications of any permit issued pursuant to Sections 26-88-250 through 26-88-256~~8~~ shall constitute a violation of this chapter.
- (3) Each and every day during any portion of which any violation of Sections 26-88-250 through 26-88-258 or any permit issued ~~pursuant to this chapter~~thereunder is committed, continued, or allowed to continue shall be a separate offense.

(b) Enforcement. Complaints regarding **the noncompliance of commercial** ~~operations-activity or personal cultivation with Sections 26-88-250 through 26-88-258, as applicable,~~ will be addressed by the agency having jurisdiction which may conduct an investigation to determine whether there was a violation of the county code, a zoning standard, or a use permit condition. ~~s~~Sheriff reports, online searches, citations, aerial photos or neighbor documentation may constitute proof of a violation. **The agency having jurisdiction shall have discretion to investigate or prosecute any potential violation.**

~~If the agency having jurisdiction verifies that a medical cannabis use is operating in violation of the county code, is otherwise unpermitted, or that a violation of any permit condition has occurred, a notice of violation pursuant to Section 1-7.3 of the county code or an administrative citation pursuant to this section may be issued. At the discretion of the agency having jurisdiction or upon appeal, the zoning permit or use permit may be scheduled for a revocation or appeal hearing with the board of zoning adjustments pursuant to Chapter 26 or a revocation or appeal hearing pursuant to Chapter 11. If the permit is revoked, a zoning or use permit for a cannabis operation may not be reapplied for or issued for a period of at least two (2) years.~~

~~Additionally, Where the agency having jurisdiction has evidence that a violation of Sections 26-88-250 through 26-88-258 poses a significant health or safety hazard to the~~

~~owners or occupants of adjoining properties or to the surrounding community, or for other good cause shown, the agency having jurisdiction may, in its discretion, commence a judicial action to enjoin such violation without the necessity of first going through the administrative procedures set forth in Section 1-7.3 of the county code.~~

~~(e)(1) Investigative and Prosecutorial Discretion. The agency having jurisdiction shall have discretion to investigate or prosecute any potential violation.~~

~~(d)~~(c) Suspension, Revocation or Modification.

(1) Any permit, license or approval issued pursuant to this chapter may be suspended, revoked, or modified by the agency having jurisdiction, if the ~~agency~~ **Director or the Agricultural Commissioner** determines any of the following:

~~(1)~~a. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification;

~~(2)~~b. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application; or

~~(3)~~c. One (1) or more of the conditions of the original permit have not been substantially fulfilled or have been violated.

~~(e)~~ (2) **Any suspension, revocation, or modification action taken by the Department of Agriculture/Weights and Measures shall be subject to review and appeal procedures pursuant to Chapter 36. Any suspension, revocation, or modification action taken by the Permit and Resource Management Department shall be subject to review and appeal procedures pursuant to Chapter 26. The revocation of any cannabis permit shall have the effect of terminating the permit and denying the privileges granted by the permit.**

(3) Upon revocation, the permit holder and each person who meets the definition of cannabis business owner of the permit holder shall not apply for or be issued a permit for any commercial cannabis activity for a period of at least two (2) years.

~~(e) Appeals. Permits issued by the Department of Agriculture/Weights & Measures shall be subject to review and appeal procedures pursuant to Chapter 11. Permits issued by PRMD shall be subject to review and appeal procedures pursuant to Chapter 26 or Chapter 1 as determined by director. The revocation of any permit issued pursuant to this Chapter shall have the effect of terminating the permit and denying the privileges granted by the permit.~~

~~(c) Administrative Remedies. This section is not intended to, and does not, establish any criminal liability. This section provides administrative remedies for any violation of this section related to all cannabis uses. A violation of this section shall be subject to all civil enforcement and abatement methods, including the administrative procedure set forth in Section 1-7.3 of the county code. The remedies provided for in this section apply to violations verified by the agency having jurisdiction, and shall be cumulative and not exclusive. This section is not intended to, and does not, establish any criminal liability.~~

(1) Administrative Enforcement Action. A violation of Sections 26-88-250 through 26-88-258 or any permit issued thereunder shall be subject to civil enforcement and

abatement methods pursuant to Section 1-7.3 of the county code, as determined by the agency having jurisdiction.

(2) Administrative Citations. ~~In addition to all other legal remedies, criminal or civil, which may be pursued by the county to address any violation of the county code, this subsection provides for administrative citations, in the following amounts, adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.~~

a. Any person violating or causing violation of any provision of Sections 26-88-250 through 26-88-258 or any permit issued pursuant to those sections may be issued an administrative citation by the agency having jurisdiction pursuant to Section 1.7-6. ~~Violations of any provision of the county code, permit, license or approvals are subject to administrative citation. Each act, omission, or condition may be cited as a separate violation and each violation that continues, exists, or occurs on more than one (1) day may constitute a separate violation on each day, at the discretion of the agency having jurisdiction.~~

b. Any person issued an administrative citation shall be liable for and shall remit payment of any fine(s) assessed in connection with the citation in compliance with Section 1.7-6 of this code.

c. Any person issued an administrative citation may appeal the citation to a hearing officer in compliance with Section 1-7.6 of this code.

Cannabis ~~Administrative Citation~~ Civil Penalties Schedule

Violation	First Offense	Second Offense	Third Offense
Exceedance of Allowed or Permitted Cultivation-Canopy Area	\$20 per square foot	\$30 per square foot	\$50 per square foot
Non-compliance with a Standard or Condition	\$1,000	\$5,000	\$10,000
Unpermitted Cannabis Use other than cultivation area	\$10,000	\$25,000	\$50,000

(23) Civil Penalties. In addition to any and all other costs, fees, penalties and expenses which may be assessed or imposed as a result of a violation of ~~this chapter~~ the county code, the following civil penalties may be applied to violations associated with commercial cannabis activity, ~~any person who violates any provision of this chapter~~

~~shall be liable and responsible for, and shall pay to the county the following penalties,~~
as determined by the agency having jurisdiction.

~~(a.i) For each square foot of canopy in exceedance of permitted canopy, no more than twenty dollars (\$20.00) per square foot for the first offense; no more than thirty dollars (\$30.00) per square foot for the second offense; and no more than fifty dollars (\$50.00) per square foot for the third offense. For each unpermitted cannabis use, no more than ten thousand dollars (\$10,000.00) for the first violation; no more than twenty five thousand dollars (\$25,000.00) for the second violation within two (2) years; and no more than fifty thousand dollars (\$50,000.00) for the third violation within three (3) years.~~

~~(b.ii) For each violation of a standard or condition of the permit or county code, nNo more than one thousand dollars (\$1,000.00) per day for the first violation; no more than two five thousand dollars (\$25,000.00) per day for a second violation within two (2) years; and no more than five ten thousand dollars (\$510,000.00) per day for each additional violation within two (2) years for each day that the violation exists after the date of mailing or hand delivery of a notice of violation or a notice and order through to its abatement by whatever means; or.~~

~~(iii)c. For each unpermitted cannabis use, no more than ten thousand dollars (\$10,000.00) for the first violation; no more than twenty-five thousand dollars (\$25,000.00) for the second violation within two (2) years; and no more than fifty thousand dollars (\$50,000.00) for the third violation within three (3) years.No more than twenty dollars (\$20.00) per square foot of cultivation or cannabis use area for the first offense; no more than thirty dollars (\$30.00) per square foot of the cultivation or cannabis use area for the second offense; and no more than fifty dollars (\$50.00) per square foot of the cultivation or cannabis use area for the third offense.~~

~~(ivd.) In the event that the use or structure in violation may be permitted with an appropriate permit up to a maximum of fifty (50) times the amount of the standard fee for every each required approval, review, and permit.~~

~~(v) The penalty shall be imposed via the administrative process set forth in this section, as provided in Government Code section 53069.4, or may be imposed by the court, if the violation requires court enforcement without an administrative process. Acts, omissions, or conditions in violation of this section that continue, exist, or occur on more than one (1) day constitute separate violations on each day.~~

~~(34)~~ Three Strikes Penalty. Upon receipt of any combination of three (3) administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or standards issued to the owner or operator at any property or combination of properties of the same owner or operator within a two-year period, the permit for a cannabis operation is hereby automatically nullified, voided or revoked, subject to prior notice and to appeal. Appeals shall be filed within ten (10) days of the notice of revocation. Upon revocation, an application to reestablish a cannabis operation at the subject property shall not be accepted for a minimum period of two (2) years.

- ~~(4) — Liens. Whenever the amount of any civil penalty imposed pursuant to this section has not been satisfied in full within ninety (90) days and has not been timely appealed to the Superior Court in accordance with Government Code section 53069.4, subdivision (b), or if appealed, such appeal has been dismissed or denied, this obligation may be enforced as a lien against the real property on which the violation occurred.~~
- ~~(i) — The lien provided herein shall have no force and effect until recorded with the county Recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Code of Civil Procedure Section 697.340, and may be extended as provided in Code of Civil Procedure Sections 683.110 to 683.220, inclusive.~~
- ~~(ii) — Interest shall accrue on the principal amount of the lien remaining unsatisfied pursuant to the law applicable to civil money judgments.~~
- ~~(iii) — Prior to recording any such lien, the agency having jurisdiction shall prepare and file with the clerk of the board of supervisors a report stating the amounts due and owing.~~
- ~~(iv) — The clerk of the board of supervisors will fix a time, date, and place for the board of supervisors to consider the report and any protests or objections to it. The clerk of the board of supervisors shall serve the owner of the property with a hearing notice not less than ten (10) days before the hearing date. The notice must set forth the amount of the delinquent administrative penalty that is due. Notice must be delivered by first class mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll or as otherwise known. Service by mail is effective on the date of mailing and failure of owner to actually receive notice does not affect its validity.~~
- ~~(v) — Any person whose real property is subject to a lien pursuant to this section may file a written protest with the clerk of the board of supervisors and/or may protest orally at the board of supervisors meeting. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.~~
- ~~(vi) — At the conclusion of the hearing, the board of supervisors will adopt a resolution confirming, discharging, or modifying the lien amount.~~
- ~~(vii) — Within thirty days following the board of supervisors' adoption of a resolution imposing a lien, the agency having jurisdiction will file same as a judgment lien in the Sonoma County Recorder's Office.~~
- ~~(viii) — Once the county receives full payment for outstanding principal, penalties, and costs, the clerk of the board of supervisors will either record a notice of satisfaction or provide the owner with a notice of satisfaction for recordation at the Sonoma County Recorder's Office. This notice of satisfaction will cancel the county's lien under this section.~~
- ~~(ix) — The lien may be foreclosed and the real property sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. There shall be no right to trial by jury. The county shall be entitled to its attorney's fees and costs.~~

- ~~(5) — Removal of Violation. The penalties imposed by this section may not apply if the agency having jurisdiction establishes that within five (5) days after the date of mailing or hand delivery of notice of the existence of the violation, the person removed from the property the cannabis, the cannabis equipment, the use, or structure which constituted that violation.~~
- ~~(46) — Liability for Costs and Fees. In any enforcement action brought pursuant to this section, whether by administrative or judicial proceedings, each person who causes, permits, suffers, or maintains the unlawful cannabis use shall be liable for all costs incurred by the county, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible person to undertake, any abatement action in compliance with the requirements of this section. In any action by the agency having jurisdiction to abate unlawful cannabis uses under this section, whether by administrative or judicial proceedings, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorneys' fees under this subdivision shall be limited to those actions or proceedings in which the county elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the county in the action or proceeding.~~

Sec. 26-88-254. - Cannabis cultivation—Commercial ~~medical~~.

- (a) Purpose. This section establishes development criteria and operating standards for commercial ~~medical~~ cannabis cultivation ~~activities~~ as allowed by the base zone in compliance with Section 26-88-250, Commercial ~~Medical~~ Cannabis Uses.
- (b) Applicability. This section shall apply to all commercial ~~medical~~ cannabis cultivation ~~activities~~, including but not limited to, outdoor, indoor and mixed light ~~or greenhouse~~ environments and associated drying, curing, grading, and trimming facilities. ~~Medical cannabis cultivation does not include operations that manufacture cannabis products such as oils, tinctures, or edibles which are classified separately.~~ Commercial ~~medical~~ cannabis cultivation operations shall comply with ~~the following development criteria and operating standards—this section~~ in addition to the requirements of Section 26-88-250, Commercial ~~Medical~~ Cannabis Uses.
- (c) Permit Requirements. Commercial ~~medical~~ cannabis cultivation shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements. Zoning permits for outdoor cultivation ~~areas~~ shall be issued by the Agricultural Commissioner. Zoning permits and use permits for all other cultivation activities shall be issued by ~~PRMD~~ **the Permit and Resource Management Department**. New structures, roads, and fences or conversion of existing structures or **shipping containers, or similar structures**, to cannabis cultivation shall be subject to design ~~standards—review~~ **maintained by the review authority**.
- (d) Limitations on Use. All cultivation shall be conducted and maintained in compliance with this section and the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner. The Agricultural Commissioner shall ~~determine~~ **establish and publish** the applicable best management practices and shall enforce the provisions of this section for outdoor cultivation areas and management of pesticides and fertilizers for all

cultivation types. ~~Permanent~~All structures used in cultivation shall be subject to permits issued by the Permit and Resource Management Department and other agencies having jurisdiction and shall be conducted and maintained in compliance with this ~~chapter~~code.

- (e) Multiple Permits. **Multiple cultivation permit applications will be processed concurrently.** Multiple cultivation permits may be issued to a single person ~~or entity as defined herein~~, provided that the total combined **canopy cultivation area** within the county does not exceed one (1) acre. **For the purposes of this provision, the entire canopy of a permit shall be attributed in full to each person who meets the definition of cannabis business owner of the permit holder. Any natural person who owns or controls any interest, directly or indirectly, in a firm, partnership, joint venture, association, cooperative, collective, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person for the purposes of this standard.**
- (f) Development Criteria.
- (1) ~~Number of Facilities~~**Multi-Tenant Operations.** ~~No more than one (1) cultivation use/operator may be approved per contiguous parcel ownership, except in the agricultural, and industrial zones. In the agricultural and industrial zones, M~~multiple zoning permits may be issued for multi-tenant operations on a single parcel provided that the **aggregate minimum parcel size is met for the total combined cultivation area and the total combined canopy cultivation area** does not exceed the maximum area allowed for the **type of cultivation type and parcel size** in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements. ~~(i.e. Outdoor maximum is forty-three thousand five hundred sixty (43,560) square feet; Indoor/Mixed Light maximum is twenty-two thousand (22,000) square feet).~~
 - (2) Square Footage Limitations. The total combined square footage of the **canopy cultivation area** shall not exceed the maximum size thresholds as defined in Table 1A-D Allowable Cannabis Uses and Permit Requirements which provides the maximum size per parcel.
 - (3) **-Propagation Area. In order to allow vegetative and other propagative cannabis plant material to be cultivated for use on-site without impacting overall permitted canopy, a floor area of up to 5% of the size of the permitted canopy may be used for non-flowering plants provided this plant material is kept in a separate, unique area away from flowering plants.**
 - ~~(4)~~**3) In agricultural and resource zones, s**Structures and areas where cannabis is processed, dried, aged, stored, trimmed, packaged or weighed ~~and areas where equipment is stored and washed~~ shall be limited to the on-site cultivation use only. ~~No cannabis nursery shall exceed one (1) acre in size for outdoor or twenty-two thousand (22,000) square feet for indoor.~~
 - ~~(5)~~**3) Property Setbacks- Outdoor.** Outdoor ~~cultivation areas~~ **canopy** and all ~~associated~~ structures **associated with the cultivation** shall not be located in the front yard setback area and shall be screened from public view. Outdoor ~~canopy cultivation areas~~ shall not be visible from a public right of way. Outdoor ~~canopy cultivation areas~~ shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from ~~occupied~~ residences and businesses ~~structures~~ **structures** on surrounding properties.

Outdoor cultivation sites ~~and greenhouses/mixed light structures~~ shall be setback a minimum of one thousand feet (1,000') from a school providing education to K-12 grades, a public park, childcare centers, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use. **The setback from public parks may be reduced with a use permit when it is determined that an actual physical separation exists due to topography, vegetation or slope, that no offsite impacts will occur, and that the cannabis operation is not accessible or visible from the park.**

- (64) Property Setbacks- Indoor. All structures used for indoor cultivation ~~and all structures used for drying, curing, grading or trimming and all indoor cultivation structures~~ shall comply with the setbacks for the base zone and any applicable combining zone. Structures associated with ~~the~~ cultivation shall not be located in the front yard setback area and shall be screened from public view. There shall be no exterior evidence of cultivation either within or outside the structure.

Indoor cultivation within agricultural and resource zones shall be setback a minimum of six hundred feet (600') from a school providing education to K-12 grades. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use.

- (75) Property Setbacks- Mixed Light/~~Greenhouse~~. Mixed light structures shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from ~~occupied~~ residences and businesses **structures** on surrounding properties in agricultural and resource zones. Mixed Light ~~structures/greenhouses~~ in industrial zones shall be setback three hundred feet (300') from ~~occupied~~ residences on surrounding properties.

Mixed light structures in all zones shall be setback a minimum of one thousand feet (1,000') from a school providing education to K-12 grades, a public park, childcare centers, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use. The setback from public parks may be reduced with a use permit when it is determined that an actual physical separation exists due to topography, vegetation or slope, that no offsite impacts will occur, and that the cannabis operation is not accessible or visible from the park.

- (86) Airport Compatibility. All cannabis operations shall comply with the Comprehensive Airport Land Use Plan.
- (97) Building Requirements. All structures used in commercial cultivation, ~~including greenhouses require a building permit and~~ shall comply with all applicable sections of the county code. ~~Cultivation uses that provide access to the public including, but not limited to, employees, vendors, contractors, business partners, members, customers or patients shall meet county code requirements for accessibility including accessible parking, accessible path of travel, restrooms, and washing facilities.~~
- (108) Biotic Resources. Proposed cultivation operations, including all associated structures, shall require a biotic **resource** assessment at the time of application that demonstrates that the project is not located within, and will not impact sensitive or special status

species habitat, unless a use permit is obtained. Any proposed cultivation operation, including all associated structures, located within adopted federal critical habitat areas must have either all appropriate permits from the applicable state and federal agencies with jurisdiction over the listed species, or a biotic assessment concluding that the project will not result in "take" of a protected wildlife species within the meaning of either the federal or California Endangered Species Acts.

~~There shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained. Outdoor cultivation areas and related processing structures shall be located outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone). Outdoor cultivation areas shall conform to the agricultural Riparian Corridor setback set forth in Section 26-65-040.~~

~~Proposed cultivation operations shall comply with the wetland setbacks set forth in Section 11-16-150, unless a use permit is obtained.~~

(11) Conversion of Timberland. Cannabis cultivation activities, including associated structures, may only be located within a non-forested area that was in existence prior to December 20, 2016, and there shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained.

(12) Property Setbacks- Riparian Corridor Stream Conservation Areas. Structures used for cultivation shall be located outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone). Outdoor canopy shall conform to the agricultural Riparian Corridor setback set forth in Section 26-65-040 and the wetland setback areas in Section 36-16-120.

(139) Cultural and Historic Resources. Cultivation sites shall avoid impacts to significant cultural and historic resources by complying with the following standards. Sites located within a Historic District shall be subject to review by the Landmarks Commission, unless otherwise exempt, consistent with Section 26-68-020 **and shall be required to obtain a use permit.** Cultivation operations involving ground disturbing activities, including but not limited to, new structures, roads, water storage, trenching for utilities, water, wastewater, or drainage systems shall be subject to design ~~review standards~~ and referral to the Northwest Information Center and local tribes ~~for consultation.~~ **A use permit will be required if mitigation is recommended by the** ~~A~~ cultural resource survey. ~~and on-site monitor during ground disturbing activities may be required to demonstrate cultural and historic resources are protected.~~

The following minimum standards shall apply to cultivation permits involving ground disturbance. All grading and building permits shall include the following notes on the plans:

If paleontological resources or prehistoric, historic-period or tribal cultural resources are encountered during ground-disturbing work at the project location, all work in the immediate vicinity shall be halted and the operator must immediately notify the agency having jurisdiction of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist and tribal cultural resource specialist under

contract to evaluate the find and make recommendations in a report to the agency having jurisdiction.

Paleontological resources include fossils of animals, plants or other organisms. Historic-period resources include backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse. Prehistoric and tribal cultural resources include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe.

If human remains are encountered, work in the immediate vicinity will stop and the operator shall notify the agency having jurisdiction and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within twenty-four (24) hours of this identification.

- (1410) Farmland Protection. Where a commercial cultivation site is located within an Agricultural Zone (LIA, LEA, DA), the ~~primary use of the parcel shall remain in agricultural use pursuant to~~ **operation shall be consistent with** General Plan Policy AR-4a. Indoor and mixed light cultivation facilities shall not remove agricultural production within Important Farmlands, including Prime, Unique and Farmlands of Statewide Importance as designated by the state Farmland Mapping and Monitoring Program, but may offset by relocating agricultural production on a 1:1 ratio.

If the ~~facility premises~~ is located on a site under a Land Conservation Act (Williamson Act) contract, the use must **comply with the Land Conservation Act contract, any applicable Land Conservation Plan, and be listed as a compatible use in** the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, **including provisions governing the type and extent of compatible uses listed therein.** ~~and allowed by the type of contract and approved Land Conservation Plan. An application for modification of the contract and Land Conservation Plan may shall be required if either is inconsistent with proposed use.~~

- (1511) Fire Code Requirements. The ~~operator~~ **applicant** shall prepare and implement a Fire Prevention Plan for construction and ongoing operations and obtain ~~an Operational Permit~~ **any permits required** from the Fire and Emergency Services Department. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.
- (1612) Grading and Access. Cultivation sites shall be prohibited on natural slopes steeper than fifteen percent (15%), as defined by ~~Section 11-22-020 county code Chapter 11 Section 16-020~~, unless a use permit is obtained. Grading shall be subject to a grading permit in compliance with Chapter 11 of the county code.
- (173) Hazardous Materials Sites. No **commercial** cannabis ~~operation activity~~ shall be sited on a parcel listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5, unless a use permit is required.

- (184) Lighting. All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations shall be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- (195) Runoff and Stormwater Control. Runoff containing sediment or other waste or by-products shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a storm water management plan and an erosion and sediment control plan, approved by the agency having jurisdiction. The plan must include best management practices for erosion control during and after construction and permanent drainage and erosion control measures pursuant to Chapter 11 of the county code. All cultivation operators shall comply with the best management practices for Cannabis Cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides.
- (2016) Security and Fencing. A Site Security Plan shall be required ~~subject to review and approval by the Permit and Resource Management Department~~. All Site Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensor and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels. Surveillance video shall be kept for a minimum of thirty (30) days. Video must use standard industry format to support criminal investigations. ~~Motion-sensor~~ Lighting and alarms shall be installed to insure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by ~~native, non-invasive~~ fire resistant vegetation and fenced with locking gates ~~consistent with height limitations of Section 26-88-030. Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area.~~ **with a Knox lock. No outdoor or mixed light cultivation sites located on parcels adjacent to public parks shall be visible from trails or public access points.** ~~adjacent to~~ Razor wire and similar fencing ~~is discouraged and~~ shall not be permitted. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards. All structures used for cultivation shall have locking doors to prevent free access.
- (g) Operating Standards.
- (1) Compliance Inspections. All cultivation sites shall be subject to on-site compliance inspections by agencies having jurisdiction. The inspection shall be conducted during regular business hours, with at least 24-hours' notice.
 - (2) Air Quality and Odor. All indoor, ~~greenhouse~~ and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.
 - (3) Energy Use. Electrical power for indoor cultivation and mixed light operations including but not limited to illumination, heating, cooling, and ventilation, shall be provided by any combination of the following: (i) on-grid power with one hundred percent (100%) renewable source; (ii) on-site zero net energy renewable source; or (iii)

purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only.

- (4) Hazardous Materials. All cultivation operations that utilize hazardous materials shall comply with applicable hazardous waste generator, underground storage tank, above ground storage tanks, and AB 185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Sonoma County Fire and Emergency Services Department, or Agricultural Commissioner.
- (5) Hours ~~or~~ of Operation. Outdoor harvesting activities and indoor or mixed light cultivation activities may be conducted seven (7) days a week, twenty-four (24) hours per day as needed. Deliveries and shipping, and outdoor processing activities ~~including drying and trimming~~, shall be limited to the hours from 8:00 a.m. to 5:00 p.m., unless a use permit is obtained.
- (6) Noise Limits. Cultivation ~~operations~~ **activities** shall not exceed the General Plan Noise Standards Table NE-2, measured in accordance with the Sonoma County Noise Guidelines.
- (7) Occupational Safety. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, and the California Agricultural Labor Relations Act.
- (8) Waste Management. A Waste Management Plan addressing the storing, handling, and disposing of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices issued by the Agricultural Commissioner shall be submitted for review and approval by the agency having jurisdiction. ~~This~~ **The** plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose, or reuse the wastes in compliance with best management practices and county standards.
All garbage and refuse on ~~this~~ **the** site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on ~~this~~ **the** site shall not be accumulated or stored for more than seven (7) calendar days, and shall be properly disposed of before the end of the seventh day in a manner prescribed by the Solid Waste Local Enforcement Agency. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from cannabis operations must be properly stored and secured to prevent access from the public.
- (9) Waste Water Discharge. A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic wastewater anticipated, as well as disposal. All cultivation operations shall comply with the Best Management Practices issued by the Agricultural Commissioner and shall submit verification of compliance with the Waste Discharge Requirements of the ~~applicable Regional State~~ **Water Resource Quality** Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sanitary sewer, septic, irrigation, ~~greywater~~ **graywater** or bio-retention treatment systems. If

discharging to a septic system, a system capacity evaluation by a qualified sanitary engineer shall be included in the management plan. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity.

- (10) ~~Water Supply.~~ **Water Source.** An on-site water supply source adequate to meet all on site uses on a sustainable basis shall be provided. **Water use includes, but may not be limited to, irrigation water, and a permanent potable water supply for all employees.** Trucked water shall not be allowed, except as noted below ~~for recycled water from a municipal water supplier,~~ and for emergencies requiring immediate action as determined by the director. The onsite water supply shall be considered adequate with documentation of any one (1) of the following sources:

a. Municipal Water: **A municipal water supplier as defined in California Water Code Section 13575. The applicant shall provide documentation from the municipal water source** ~~The public water supplier providing water service to the site has~~ **that adequate supplies are available** to serve the proposed use.

b. Recycled Water: The use of recycled process wastewater **or captured rainwater** from an onsite use or connection to a municipal recycled water supply for ~~the non-potable cultivation~~ use, provided that an adequate on-site water supply is available for employees and other uses.

c. Surface Water: An existing legal water right and, if applicable, a Streambed Alteration Agreement issued by **the California Department of Fish and Wildlife.**

d. Groundwater Well: ~~Well Water:~~

1. The site is located in Groundwater Availability Zone 1 **or**; ~~2, or 3~~ and not within an area for which a Groundwater Management Plan has been adopted or within a high or medium priority basin as defined by the State Department of Water Resources; or

2. Within Groundwater Availability Zone **3 or**; ~~4~~, or **an** area for which a Groundwater Management Plan has been adopted or designated high or medium priority basin, the proposed use would:

a. The proposed use would not result in a net increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project; or

b. Trucked recycled water may be considered for the cultivation area with a use permit, provided that adequate on-site water supplies are available for employees and other uses; ~~or~~

cb. A qualified professional prepares a hydro-geologic report ~~acceptable to the review authority~~ providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and that the operation will not:

i. result in or exacerbate an overdraft condition in basin or aquifer;

- ii. result in reduction of critical flow in nearby streams; or
 - iii. result in well interference at offsite wells.
- (11) Groundwater Monitoring: Water wells used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point. Water meters shall be **maintained in a calibrated state and documentation shall be submitted to the Permit and Resource Management Department** at least once every five (5) years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after being turned off. Static water level shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the Permit and Resource Management Department, ~~Project Review Division~~ by January 31 of each year. The annual report shall ~~show a cumulative hydrograph~~ **include water meter readings, static water levels and** the total quarterly quantities of water pumped from well(s) used in processing, **and static water levels.**
- (12) Groundwater Monitoring Easement: Prior to the issuance of any permit **for commercial cannabis cultivation pursuant to this chapter**, an ~~e~~**E**asement is required to be recorded ~~for this project~~ to provide Sonoma County personnel access to any on-site water well serving ~~this project~~ **the proposed use** and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted **for this purpose** Monday through Friday from 8:00 a.m. to 5:00 p.m. **Easements conveyed to the County under this Section shall be signed and accepted by either the Director of Permit and Resource Management or the Agricultural Commissioner.** All easement language is subject to review and approval by **the agency having jurisdiction** ~~PRMD Project Review staff~~ and County Counsel ~~the review authority~~ prior to recordation.

(Ord. No. ~~6189~~, § II(D)(Exh. A-2), 12-20-2016)

Sec. 26-88-256. - ~~Medical-e~~Cannabis dispensary uses.

- (a) Purpose. This section provides the location and operational standards for any ~~medical~~ cannabis dispensary within the unincorporated county in order to promote the health, safety, and general welfare of its residents and businesses.
- (b) Applicability. ~~Medical-e~~Cannabis dispensaries shall be permitted only in compliance with the requirements of this section, **the requirements of Section 26-88-250**, and all other applicable requirements of the underlying zoning district.
- (c) Permit Requirements. A use permit issued in compliance with Sections 26-92-070 and 26-92-080 shall be required for any ~~medical~~-cannabis dispensary. ~~Medical-e~~Cannabis dispensaries shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services. ~~Additionally, medical-C~~cannabis dispensaries must comply with all other applicable building codes and requirements, including accessibility requirements.
- (d) Limit on Number of Dispensaries. No more than nine (9) ~~medical~~-cannabis dispensaries shall be permitted within the unincorporated county at any one (1) time.
- (e) Compliance with Operating Plan and Conditions Required. A ~~medical~~-cannabis dispensary shall submit, as a part of the use permit application, an operating plan that specifies the manner in which operations will be handled and security provided, and which details the number of employees, number of ~~patients~~**customers**, hours and days of operation allowed and approved. The operating plan shall provide that the dispensary shall require, at a minimum, **a photo identification for any person entering the site, as well as** a doctor's written recommendation in compliance with state law, **if applicable**~~as well as a photo identification for any person entering the site~~. Any ~~medical~~-cannabis dispensary approved under this section shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the dispensary is consistent with protection of the health, safety and welfare of the community, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.
- (f) Limited Term. Use permits for ~~medical~~-cannabis dispensaries shall be limited-term, and shall be issued for a maximum period of **two (2) years**~~one (1) year~~.
- ~~(g) Exercise and Renewal of Permit. Use permits for medical cannabis dispensaries shall be exercised only by the applicant and shall expire upon termination of the business for which it was issued, or upon sale or transfer of ownership of the medical cannabis dispensary. All use permits issued for a medical cannabis dispensary shall include the following provision: "This use permit shall expire upon change of tenancy or sale or transfer of the business or property." Any use permit that is abandoned for a period of six (6) months shall automatically expire, and shall become null and void with no further action required on the part of the county. A use permit renewal may be administratively approved by the planning director only if all of the following findings are made:~~
 - ~~(1) The use has been conducted in accordance with this section, with the dispensary's approved operating plan, and with all applicable use permit conditions of approval;~~
 - ~~(2) The business for which the use permit was approved has not been transferred to another owner or operator;~~

- ~~(3) There are no outstanding violations of health, safety, or land use.~~
- ~~(h) Revocation or Modification. A use permit approved under this section may be revoked or modified at any time following public hearing in accordance with Section 26 92-120.~~
- ~~(i) Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign the application for the use permit, and shall include affidavits agreeing to abide by and conform to the conditions of the use permit and all provisions of the Sonoma County code pertaining to the establishment and operation of the medical cannabis dispensary use, including, but not limited to, the provisions of this section. The affidavit(s) shall acknowledge that the approval of the medical cannabis dispensary use permit shall in no way permit any activity contrary to the Sonoma County code, or any activity which is in violation of any applicable laws.~~
- (jg) Location Requirements.
- (1) A ~~medical~~ cannabis dispensary shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.
 - (2) A ~~medical~~ cannabis dispensary shall not be established within one thousand feet (1,000') of any other ~~medical~~ cannabis dispensary, nor within five hundred feet (500') from a smoke shop or similar facility ~~selling drug paraphernalia~~.
 - (3) A ~~medical~~ cannabis dispensary shall not be established within one thousand feet (1,000') from ~~any public or private~~ a school **providing education to K-12 grades**, **public** park, childcare center, **or** drug or alcohol treatment facility. **The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis dispensary.**
 - (4) Notwithstanding, the subsections (j)(1)—(2) may be waived by the ~~decision-maker~~ **review authority** when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur.
 - (5) A ~~medical~~ cannabis dispensary proposed within the sphere of influence of a city will be referred to the appropriate city for consultation.
- (kh) Operating Standards. The following are the minimum development criteria and operational standards applicable to any ~~medical~~ cannabis dispensary use:
- (1) The building in which the dispensary is located shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes and accessibility requirements;
 - (2) The dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. The applicant shall submit a security plan ~~for review and approval by PRMD~~. The Security Plan shall remain confidential.
 - (3) The site plan, circulation, parking, lighting, facility exterior, and any signage shall be subject to design review committee review and approval. The planning director may waive this requirement where the applicant can demonstrate that existing facilities, including parking, lighting and landscaping, already meet the requirements of this section;
 - (4) No exterior signage or symbols shall be displayed which advertises the availability of cannabis, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior;

- (5) ~~No person shall be allowed onto the premises unless they are an employee, vendor or contractor of the dispensary, a primary caregiver, and/or a qualified patient or an employee of an agency having jurisdiction monitoring or investigating the terms of regulatory compliance.~~ If the dispensary denies entry for monitoring and inspection to any employee of an agency having jurisdiction, the dispensary may be closed. ~~In strict accordance with California Health and Safety Code Section 11362.5 et seq. no person under the age of eighteen (18) shall be allowed on the dispensary site.~~ **Customer access to the premises shall be limited to individuals who are at least twenty one (21) years of age and individuals who are least eighteen (18) years of age with a valid doctor's recommendation.** All ~~persons~~-**individuals** entering the site shall present a photo identification and shall establish proof of doctor's recommendation, **if applicable**, except as representing a regulatory agency. The operating plan submitted as a part of the use permit application shall specify how this provision will be complied with and enforced;
- (6) No dispensary shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises;
- (7) An exhaust and ventilation system shall be utilized to prevent off-site odors;
- (8) No dispensary shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the use permit. A dispensary may sell live starter plants, clones and seeds from qualified nurseries, but shall not cultivate or clone cannabis. A dispensary may sell manufactured cannabis, including edible products, and vaporizing devices if allowed by a permit issued by the Department of Health Services. Not more than ten percent (10%) of the floor area, up to a maximum of fifty (50) square feet may be devoted to the sale of incidental goods for personal cultivation but shall not include clothing, posters or other promotional items;-
- (9) No cannabis shall be smoked, ingested, or otherwise consumed on the premises. ~~The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings;-~~
- (10) No dispensary may increase in size without amending the use permit. The size limitation shall be included in the operational plan required by Section 26-88-~~126~~**256**(e), of this section;
- (11) Parking must meet the requirements of Section 26-86-010.
- (12) Operating days and hours shall be limited to Monday through Saturday from 7:00 a.m. to 7:00 p.m., including deliveries, or as otherwise allowed by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.
- (13) ~~Medical~~-**e**Cannabis delivery services may only be allowed with a dispensary use permit.

Sec. 26-88-258. - Cannabis cultivation—Personal.

(a) Purpose. This section establishes development criteria and operating standards for personal cannabis cultivation for medical or adult use.

(b) Cultivation of cannabis for personal use shall be subject to the following standards and limitations as allowed in the base zone ~~in compliance with Section 26-88-250~~. These standards shall apply to ~~any~~ **all types of cannabis cultivation growing environment including, but not limited to, (indoor, outdoor, and mixed light/greenhouse or indoor) unless otherwise specified. environments.**

(1) Residency Requirement. Cultivation of cannabis for personal use is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.

(2) Maximum Personal Cultivation. Cultivation of cannabis for personal use is limited to no more than one hundred (100) square feet per residence, of which up to six (6) plants can be cultivated for adult use purposes.

~~(3) Prohibition of Volatile Solvents. The use of volatile solvents, as defined herein, to manufacture cannabis products is prohibited.~~

(34) Outdoor Personal Cultivation. Cannabis plants shall not be located in front and side yard setback areas and shall not be visible from a public right of way. Outdoor cannabis cultivation is prohibited on parcels with multi-family units or in the medium and high density residential zones (R2 and R3).

~~(45)~~ Indoor and Mixed-Light Personal Cultivation.

a.(i) Indoor and mixed light personal cultivation must be contained within an enclosed accessory structure, greenhouse or garage. Cultivation within a structure approved for residential use as set forth in Chapter 7 of the county code is prohibited, unless there is no other feasible alternative location.

b. Light systems shall be fully shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure.

(5) Personal Cultivation Structures. All structures used for cultivation shall comply with the following:

~~(ii)~~**a.** All structures (including greenhouses) used for cultivation must be legally constructed with all applicable permits such as grading, building, electrical, mechanical and plumbing.

~~(iii)~~**b.** All structures associated with the cultivation shall not be located in the front yard setback area and shall adhere to the setbacks stated within the base zone. There shall be no exterior evidence of cannabis cultivation. Greenhouses shall be screened from the public right of way.

~~(iiiv)~~**c.** All structures used for cultivation shall have locking doors or gates to prevent free access. All cultivation structures shall be equipped with odor control filtration and ventilation systems adequate to prevent ~~an~~ odor, humidity, or mold.

~~(v)~~ ~~Light systems shall be fully shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure.~~

~~(vi)~~**d.** The use of generators is prohibited, except as emergency back-up systems.

~~(vii)~~(7) All cultivation ~~operators~~ shall comply with the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion **and sediment** control and management of fertilizers and pesticides.

a. Individuals are prohibited from cannabis manufacturing using volatile solvents, including but not limited to Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂, or other dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene, as determined by the Fire Marshall.

(Ord. No. [6189](#), § II(H)(Exh. A-4), 12-20-2016)