



Local Ballot Measure: Y

Measure Y

City of Sonoma

Measure Question

Shall the Initiative Measure amending the Municipal Code to permit personal cannabis cultivation on all residential properties and establishment and operation of cannabis businesses within the City, including commercial cultivation, manufacturing, retail, delivery, distribution, testing, and special events be adopted?

What Your Vote Means

| YES | NO |
|---|--|
| A "yes" vote will amend the municipal code. | A "no" vote will not amend the municipal code. |

For and Against Measure Y

| FOR | AGAINST |
|---|---|
| Jon Early Proponent, Citizens For Local Access | Logan Harvey Mayor Rachel Hundley Vice Mayor Madolyn Agrimonti City Council Member David Cook City Council Member Amy Harrington City Council Member |



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City Attorney's Impartial Analysis of Measure Y

If approved by a majority of the voters, Measure Y would allow – without having to get permits from the City -- the establishment and operation of commercial cannabis businesses, including commercial manufacturing, distribution, cultivation, transportation, testing, retail sales, and delivery of cannabis in all commercial zoning districts in the City. No limitations are set on the number of such businesses that can open in the City. Multiple, unspecified numbers of cannabis businesses can locate on the same parcel. Unless prohibited by the City's anti-smoking ordinance, consumption of cannabis at retail businesses is permitted. No provision is made for the City or the community to examine and mitigate, in advance of their opening, such businesses' impacts on the community and the environment.

Other than for temporary special events where cannabis may be sold and consumed, Measure Y does not require submittal of a permit application or create a procedure for the City to accept, review and act on permit applications through a public process, but instead provides that with limited exceptions, the only City approval that is required to open a cannabis business is a "zoning clearance." A "zoning clearance" is not a permit; it is a statement issued by the Planning Director that a proposed business is located within the correct zoning district and complies with the district's requirements, such as the building height limit. A "zoning clearance" is issued over the counter and without notice or hearing.

Under Measure Y, operators who were engaged in medicinal cannabis businesses before September 9, 2016, would be entitled to continue or re-commence those operations provided they state that they were operating such businesses in compliance with the Compassionate Use Act of 1996 and pay the City a fee. The City would be required to issue such an operator a certificate of compliance and allow that business to operate even if the business had violated City laws.

Only those cannabis retailers whose businesses are located in the City would be authorized to deliver cannabis to their City customers; except deliveries from out-of-city businesses would be allowed upon the payment of an enhanced fee.

The measure would permit indoor personal medical cannabis cultivation in all residential districts: unclear whether personal cultivation of adult use cannabis is permitted. Outdoor personal cultivation is not permitted. Personal cultivation cannot exceed six cannabis plants "per adult", but Measure Y does not limit the number of "adults" who are permitted to so cultivate. Thus, the number of cannabis plants allowed to be cultivated per residence cannot be determined. Additionally, Measure Y permits the indoor cultivation of up to 30 cannabis plants on any residential property by caregivers for their patients.

Cannabis businesses must be at least 600' from schools and City parks, 1000' from the Plaza, and 250' from the City library. No buffer is required between a cannabis business and daycare centers or youth facilities.

Measure Y was placed on the ballot by a petition signed by the requisite number of voters.

s/ Jeffrey A. Walter
City Attorney

Continue to next page for arguments



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Arguments and rebuttals are the opinions of the authors. They are printed exactly as submitted, including errors.

| Argument in Favor of Measure Y | Rebuttal to Argument in Favor of Measure Y |
|---|--|
| <p>Why not give Sonoma Citizens a choice: competition is a good thing whereas an exclusive cannabis licensed monopoly that corners the market is not. Why not help assure your local access to cannabis if a lone dispensary fails? Why not consider Measure Y as a tax paying economic engine for Sonoma, something to help balance out the job losses we are experiencing? Why not exercise your right to vote and bypass the tangle of bureaucracy when it needs to be bypassed?</p> <p>Measure Y businesses will not go unregulated, they will be fully vetted and regulated by the State of California. Measure Y will not create a runaway string of pot shops, which is surely the argument we will hear from the opposition. Very few of the commercial properties it would affect will be available or viable when considerations are taken into account: Location, use, access, parking, lot size, etc. As a matter of fact, the City's own August 21, 2018 consultant's report envisioned that only five properties would be viable with passage this initiative.</p> <p>Further, Urban Renewal on West Napa Street, the northern Gateway into Sonoma, needs to be encouraged. And, it's not just dispensaries that can help our economic engine: a testing lab, a light manufacturing business and a distributor could all exist symbiotically with employees, tucked away & unseen while helping local growers make ends meet, and all of them paying local taxes.</p> <p>Four long years ago, two thirds of Sonoma voters were solidly in favor of Prop. 64 to legalize cannabis access and they still are. Two years ago, ten percent of Sonoma voters happily signed this qualified ballot initiative. Please note, Measure Y also allows for residential, indoor cultivation. Now it's time for voters to decide for themselves and make their wishes clear, once again!</p> <p style="text-align: right;">s/ Jon Early Proponent, Citizens For Local Access</p> | <p>Measure Y was designed with the specific goal of primarily benefitting one business, the signatory in favor of the measure. If passed, the author stands to personally benefit by allowing more dispensaries to be opened in Sonoma and to by-pass Sonoma's public review process that is required of all other businesses.</p> <p>Yes, the Sonoma voters supported Proposition 64 - the legalization of cannabis. However, Sonomans did not vote for unregulated cannabis businesses. Sonoma has a history of striking a balance on the type and number of businesses that can open in our small town – including restrictions on big box retail and tasting rooms. The City just completed a lengthy process limiting the number of cannabis business operators to respect Sonoma's unique character. Measure Y would open the flood gates.</p> <p>In the City of Sonoma's recent competitive dispensary approval process, ten cannabis proposals were received and one local professional cannabis business was approved. With the passage of Measure Y, local control and regulation of this new industry is removed. Any cannabis dispensaries could quickly receive a permit from the State and open for business in the City, without review. Measure Y means no local review of parking, traffic, safety, security, architectural design, and compatibility with neighborhoods. Further, no environmental impacts will be evaluated.</p> <p>Sonoma already allows cannabis delivery and soon will have a retail dispensary opening in town. Sonoma is not Colorado or Los Angeles, we do not need an unlimited number of cannabis dispensaries to change our community character overnight. Vote "No" on Measure Y.</p> <p>s/ Logan Harvey Mayor</p> <p>s/ Rachel Hundley Vice Mayor</p> <p>s/ Christopher Johnson Chair, Design Review Commission</p> <p>s/ Mike Benziger Farmer/Cannabis Cultivator</p> <p>s/ Michael Coats Cannabis Advocate</p> |



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| Argument Against Measure Y | Rebuttal to Argument Against Measure Y |
|--|--|
| <p>Last year, the Sonoma City Council created detailed regulations and an exhaustive process to select seasoned cannabis (marijuana) businesses to open one cannabis retail dispensary and one delivery-only dispensary in city limits. One experienced cannabis business was chosen in August 2020 to open a retail dispensary. This business is expected to open next year after completing a rigorous review process by the Sonoma Planning Commission to ensure safe operations as a good neighbor. In the future, the City's cannabis policies will allow one delivery-only dispensary, one testing facility, and one culinary manufacturer.</p> <p>Measure Y reaches too far. Its "one size fits all" approach places no limits on the number of commercial cannabis businesses that may be opened in Sonoma. Measure Y would allow cultivation, manufacturing, distribution, testing, and retail all on one site and/or next door to one another, creating the potential for a "cannabis row" Sonoma.</p> <p>Measure Y prohibits the City of Sonoma from reviewing the operations of any cannabis business and how it would operate or fit within a neighborhood. Measure Y extensively removes all public review and input. It requires only a staff level review on basic zoning parameters. There would be no public hearings, no environmental review, and no ability for public input on building design, noise, security, fencing, parking, and other operational issues.</p> <p>Measure Y is poorly written. It is internally inconsistent and ambiguous. For example, the measure appears to prohibit outdoor personal cultivation, but would permit indoor cultivation of up to 30 plants on any residential property by caregivers for patients.</p> <p>As City Council Members, we have different opinions about cannabis in Sonoma, but we are all unanimously against Measure Y. The initiative is overly broad, confusing, and problematic. With limited restrictions and no opportunities for local input and oversight, Measure Y puts our community and future cannabis businesses at risk. Vote "No" on Measure Y.</p> <p>s/ Logan Harvey Mayor</p> <p>s/ Rachel Hundley Vice Mayor</p> <p>s/ Madolyn Agrimonti City Council Member</p> <p>s/ David Cook City Council Member</p> <p>s/ Amy Harrington City Council Member</p> | <p>The undisputed reason Sonoma will have City-allowed cannabis access in 2021 is that 767 frustrated voters, over 10%, signed Measure Y in 2018 after the Council voted to prohibit cannabis entirely, greatly motivating a subsequent counsel to change policies. If Measure Y doesn't pass, Sonoma will be left with a City-sponsored Cannabis Monopoly: no retail competition, no freedom of choice and no free enterprise, with unduly limited economic growth.</p> <p>The Council wants you to believe that Measure Y encourages unlimited cannabis businesses; however, the City's own consultant, in a costly report, identified only five viable properties within Measure Y boundaries. There's no likelihood of a "cannabis row" as the City would have you believe. They say "The initiative is overly broad, confusing and problematic." They are confused and want the voters to be confused.</p> <p>They say Measure Y "requires only a staff level review on basic zoning parameters." While technically correct, it's misleading and disingenuous since existing Commercial Zoning guidelines already allow (and do not require a review or Use Permit for) Grocery Stores, Banks, General Retail, Plant Nurseries, Auto Parts, Offices, etc.</p> <p>They state "the measure appears to prohibit outdoor personal cultivation..." It actually does not prohibit or discuss outdoor cultivation at all, although it does permit indoor cultivation.</p> <p>Measure Y does not put our community and future cannabis businesses at risk. It does, however, limit bureaucratic opposition and arbitrary decisions; the real reason the City wants to suppress your vote is because it infringes on their unchecked power.</p> <p>s/ Jon Early Proponent, Citizens For Local Access</p> <p>s/ Ken Brown Former Sonoma Mayor</p> <p>s/ Van Solkov CEO Happy Traveler Tours</p> <p>s/ Bill Boerum Healthcare Advocate</p> |



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Full Text of Measure Y

SECTION 1. TITLE

AN ORDINANCE ENACTING COMPREHENSIVE REGULATIONS FOR CANNABIS THROUGH THE AMENDMENT OF SONOMA CITY CODE SECTIONS 19.10.020, 19.10.030, and 19.10.050; AMENDING TABLE 2-1 (Residential Uses and Permit Requirements), and TABLE 2-2 (Commercial Uses and Permit Requirements); AMENDING SECTION 19.92.020 (DEFINITIONS), AND INTRODUCING NEW CHAPTER 5.36 "CANNABIS."

Section 2. FINDINGS AND DECLARATIONS:

A. Pursuant to its police powers, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), Senate Bill 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.

B. The City has previously adopted ordinances governing medical cannabis dispensaries and other personal and commercial cannabis activity within the City.

C. The City wishes to establish a uniform regulatory structure for all medical and adult use cannabis uses in the City in accordance with state law and to support the City of Sonoma's local cannabis businesses by facilitating a formal authorization process.

D. The proposed zoning amendments contained herein are consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that the amendments will direct commercial cannabis businesses to appropriate commercial districts designated to support such uses. The proposed zoning amendments are internally consistent with other applicable provisions of Title 21 of the Code in that the entirety of the Code will apply to cannabis as a new land use classification, such as identifying where the use is allowed, under what permit authority development and parking standards and processes. The proposed zoning changes will result in land uses in residentially and commercially zoned areas that are compatible with existing and future uses and will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

E. Chapter 19 of the Code is a permissive ordinance and, except as otherwise expressly provided, the amendments adopted herein do not confer any additional rights or permits related to medical use or adult use cannabis activities.

SECTION 3. PURPOSE AND INTENT

The purpose of this Act is to establish a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, transportation, testing, and sale of medical and nonmedical cannabis, including cannabis products, for use by adults 21 years and older. It is the intent of the People in enacting this Act to accomplish the following:

- (a) Take cannabis production and sales out of the hands of the illegal market and bring them into a regulatory structure that prevents access by minors and protects public safety, public health and the environment.
- (b) Strictly control the cultivation, processing, manufacture, distribution, testing and sale of cannabis.
- (c) Permit adults 21 years and older to use, possess, purchase, and grow cannabis within defined limits for use by adults 21 years and older.
- (d) Allow commercial cannabis activity to take place in the commercial zones in the City limits.
- (e) Prohibit commercial cannabis activity on properties that fall within setbacks to sensitive uses, including schools, parks, the Plaza and the City library.

SECTION 4. CHAPTER 5.36 OF THE SONOMA MUNICIPAL CODE IS HEREBY ADDED TO READ:

Chapter 5.36 Cannabis

Sections:

- 5.36.010 Purpose
- 5.36.020 Limitations on Use
- 5.36.030 Personal Cannabis Cultivation
- 5.36.040 Cannabis Businesses
- 5.36.050 General Operating Requirements
- 5.36.060 Cannabis Commercial Cultivation
- 5.36.070 Cannabis Manufacturing
- 5.36.080 Cannabis Retail and Delivery
- 5.36.090 Cannabis Distribution
- 5.36.100 Cannabis Testing
- 5.36.110 Special Permits

5.36.010 Purpose.

This Chapter provides the location and operating standards for Personal Cannabis Cultivation and for Cannabis Businesses to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to cannabis and provide opportunities for economic development.

5.36.020 Limitations on Use.

- A. Compliance with City Code. Personal Cannabis Cultivation and Cannabis Businesses shall only be allowed in compliance with this Chapter and all applicable regulations set forth in the City Code, including but not limited to, all regulations governing building, grading, plumbing, septic, electrical, fire, hazardous materials, nuisance, and public health and safety.
- B. Compliance with State laws and regulations. All Cannabis Businesses shall comply with all applicable state laws and regulations, as may be amended, including all permit, approval, inspection, reporting and operational requirements, imposed by the state and its regulatory agencies having jurisdiction over Cannabis and/or Cannabis Businesses. All Cannabis Businesses shall comply with the rules and regulations for Cannabis as may be adopted and as amended by any state agency or department including, but not limited to, the Bureau of Cannabis Control, the Department of Food and Agriculture, the Department of Public Health, the Department of Pesticide Regulation, and the Board of Equalization.
- C. Compliance with local and regional laws and regulations. All Cannabis Businesses shall comply with all applicable Sonoma County and other local and regional agency regulations, including, but not limited to, regulations issued by the Regional Water Quality Control Board, the Sonoma County Agricultural Commission, and the Sonoma County Department of Public Health.
- D. Cannabis Businesses shall provide copies of state, regional and local agency permits, approvals or certificates upon request by the City to serve as verification for such compliance.

5.36.030 Personal Cannabis Cultivation.

Indoor personal Cannabis Cultivation for medical or adult use shall be permitted only in compliance with the provisions of Division II of Title 19 (Zones and Allowable Uses) and shall be subject to the following standards and limitations.

- A. Medical and Adult Use Cannabis Maximum Limitation. The personal cultivation of cannabis is limited to no more than six mature plants per



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adult. A primary caregiver, as defined in state law, may cultivate medical cannabis exclusively for the personal medical use of no more than five specified qualified patients, with up to six plants per patient.

B. Residency requirement. Cultivation of cannabis for personal use may occur only on parcels with an existing legal residence occupied by a full-time resident.

C. The following operating requirements are applicable to personal cannabis cultivation:

1. Visibility. No visible markers or evidence indicating that cannabis is being cultivated on the site shall be visible from the public right of way.
2. Security. All enclosures and structures used for cannabis cultivation shall have security measures sufficient to prevent access by children or other unauthorized persons.
3. Prohibition of Volatile Solvents. The manufacture of cannabis products for personal non-commercial consumption shall be limited to processes that are solvent-free or that employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug and Cosmetic Act. The use of volatile solvents to manufacture cannabis products for personal consumption is prohibited.
4. All structures used for Personal Cannabis Cultivation (including accessory structures, greenhouses, and garages) must be legally constructed with all applicable Building and Fire permits (including grading, building, electrical, mechanical and plumbing) and shall adhere to the development standards within the base zone.
5. Odor Control. All structures used for cultivation shall be equipped with odor control filtration and ventilation systems such that the odors of cannabis cannot be readily detected from outside of the structure.
6. Lighting. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:
 - i. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.
7. Noise. Use of air conditioning and ventilation equipment shall comply with the Chapter 9.56 (Noise). The use of generators is prohibited, except as short-term temporary emergency back-up systems.
8. All personal cannabis cultivation shall comply with the Best Management Practices for Cannabis Cultivation issued by the Sonoma County Agricultural Commission for management of waste, water, erosion control and management of fertilizers and pesticides.

5.36.40 Cannabis Businesses.

Cannabis Businesses shall be permitted only in compliance with the provisions of Division II, Chapter 19.10 (Zones and Allowable Uses) and shall be subject to the following standards and limitations.

A. Land use. For purposes of this Chapter, Cannabis Businesses shall include the following land use classifications, all of which are further defined in Chapter 19.92 (Definitions):

- Cannabis Cultivation
- Cannabis Manufacturing — Type 6 (nonvolatile)
- Cannabis Retail and Delivery
- Cannabis Distribution
- Cannabis Testing Facilities

B. Where allowed. Cannabis Businesses shall be located in compliance with the requirements of Division II, Chapter 19.10 (Zones and Allowable Uses) and as designated on Table 2-2 (Commercial Uses) of the Zoning Code.

C. Land use permit requirements. The uses that are subject to the standards in this Chapter shall not be established or maintained except as authorized by the land use permit required by Division II.

D. Development standards. The standards for specific uses in this Chapter supplement and are required in addition to those in Title 14 (Building and Construction), and the City Code. In the event of any conflict between the requirements of this Chapter and those of title 19 or other applicable provisions of this Code, the requirements of this Chapter shall control.

5.36.050 General Operating Requirements.

The following general operating requirements are applicable to all Cannabis Businesses. In addition, requirements specific to each Cannabis Business subtype are set forth in subsections 5.36.060 (Cannabis Cultivation), 5.36.070 (Cannabis Manufacturing), 5.36.080 (Cannabis Retail and Delivery), 5.36.090 (Cannabis Distribution), 5.36.100 (Testing Facilities) and 5.36.110 (Special Events).

A. Dual licensing. The City recognizes that state law requires dual licensing at the state and local level for all Cannabis Businesses. All Cannabis Operators shall therefore be required to diligently pursue and obtain a state cannabis license upon receipt of local authorization, and shall comply at all times with all applicable state licensing requirements and conditions, including, but not limited to, operational standards such as, by way of illustration but not limitation, background checks, prior felony convictions, restrictions on multiple licenses and license types, and locational criteria.

1. Self-Certification Program. A qualifying patient, primary caregiver, or medical cannabis collective engaged in commercial medical cannabis activity in the City of Sonoma may continue to operate pending issuance of local authorization under this Chapter by certifying that they operated in compliance with the requirements of the Compassionate Use Act of 1996 (Section 11362.5 of the Health and Safety Code) and its implementing laws in the City of Sonoma before September 1, 2016 in the following manner:

a. Complete a self-certification application with the City of Sonoma Community Development Division and pay an application fee.

b. As part of the application process, the applicant agrees to: annual compliance monitoring; pay the fees for such annual compliance monitoring; grant permission for City staff to enter the property; and to providing all documentation required for compliance monitoring.

c. For certification applicants engaging in commercial medical cannabis activity in the City of Sonoma prior to September 1, 2016, and upon confirmation in the compliance monitoring, a Certificate of Recognition of Compliance and Good Standing will be issued. Such certificate will be good for one year and may be used as proof of local authorization



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to apply for temporary and annual licensure with the relevant State licensing agency.

d. If the compliance monitoring results in a finding that the applicant is not in compliance with the requirements of this article, the applicant will be notified of the non-compliance issues and what actions are needed to be taken for compliance. An applicant has 30 days to request an additional compliance monitoring inspection to determine if the certification is in compliance. If the applicant fails to request the additional compliance monitoring, the City may initiate enforcement proceeding pursuant to this chapter. An applicant may request additional time to request the additional compliance monitoring and the Planning Director may allow a one-time request up to 30 days. Additional requests for a period of time greater than 30 days may be considered by the Planning Commission.

2. It is the intent of the people of the City of Sonoma that such Certificate of Recognition of Compliance and Good Standing be deemed sufficient local authorization for commercial cannabis activity for purposes of applications for State licensure.
3. New operators. Cannabis Businesses which have received land use permit approval pursuant to this Chapter, but which do not qualify for the self-certification program, shall not be allowed to commence operations until the Cannabis Business can demonstrate that all necessary state licenses and agency permits have been obtained in compliance with any deadlines established by the state.
4. Grounds for Revocation. Failure to demonstrate dual licensing in accordance with this Chapter and within any deadlines established by state law shall be grounds for revocation of City approval. Revocation of a local permit and/or a state license shall terminate the ability of the Cannabis Business to operate until a new permit and/or state license is obtained.

B. Minors. Medical Cannabis Businesses shall only allow on the premises a person who is 18 years of age or older and who possesses a valid government-issued photo identification card, unless the minor is in the company of their parent/guardian or caregiver. Adult Use Cannabis Businesses shall only allow on the premises a person who is 21 years of age or older and who possesses a valid government-issued photo identification card (including foreign identification).

C. Setback to Sensitive Uses:

1. Schools. Cannabis Businesses shall be subject to a 600-foot minimum setback from any "school", as defined by the Health and Safety Code Section 11362.768. For purposes of this Ordinance, daycare centers and youth facilities are explicitly excluded from the definition of school and from any required setback.
2. The Plaza. Cannabis Businesses shall be subject to a 1000-foot minimum setback from the Plaza.
3. Parks. Cannabis Businesses shall be subject to a 600-foot minimum setback from any City park.
4. The Library. Cannabis Businesses shall be subject to a 250-foot minimum setback from the City Library.

D. Measurement of distance. The distance between Cannabis Retail and a sensitive use shall be made in a straight line from the boundary line of the property on which the Cannabis Retail is

located to the closest boundary line of the property on which a sensitive use is located.

- E. Location of a new sensitive use after permit issued. Establishment of a sensitive use within the required setback of a Cannabis Retail facility after such facility has obtained a Permit for the site shall not render the facility in violation of this Ordinance or State law.
- F. Inventory and tracking. Cannabis Operators shall at all times operate in a manner to prevent diversion of Cannabis and shall promptly comply with any track and trace program established by the state.
- G. Multiple permits per site. Multiple Cannabis Businesses may co-locate at the same parcel. Multiple permits may be issued for a single parcel. Multiple permit types may be issued for a single parcel. Multiple Cannabis Businesses proposed on any one site or parcel shall be granted permit approval only if all of the proposed Cannabis Businesses and their co-location are authorized by both local and state law. Cannabis Operators issued permits for multiple license types at the same physical address shall maintain clear separation between license types unless otherwise authorized by local and state law.
- H. Building and fire permits. Cannabis Operators shall meet the following requirements prior to commencing operations:
 1. The Cannabis Operator shall obtain a building permit to conform with the appropriate occupancy classification and compliance with Chapter 14 of the City Code.
 2. The Cannabis Operator shall obtain all annual operating fire permits with inspections prior to operation.
 3. The Cannabis Operator shall comply with all applicable H&SC and California Fire Code requirements related to the storage, use and handling of hazardous materials and the generation of hazardous waste. Cannabis Operators shall also obtain all required Certified Unified Program Agency (CUPA) permits including completing a California Environmental Reporting System (CERS) submission for hazardous materials inventory that meet or exceed State thresholds and any waste generation for accountability.
 4. Access with a Fire Department lock box for keys to gates and doors shall be provided.
- I. Transfer of ownership or operator. A permittee shall not transfer ownership or operational control of a Cannabis Business or transfer a permit for a Cannabis Business to another person unless and until the transferee obtains a zoning clearance from the Department stating that the transferee is now the permittee. The zoning clearance shall commit the transferee to compliance with each of the conditions of the original permit.
- J. Security. Cannabis Businesses shall provide adequate security on the premises, including lighting and alarms, to insure the public safety and the safety of persons within the facility and to protect the premises from theft. Applications for a Cannabis Business shall include a security plan that includes the following minimum security plan requirements:
 1. Security cameras. Security surveillance video cameras shall be installed and maintained in good working order to provide coverage on a twenty-four (24) hour basis of all internal and exterior areas where Cannabis is cultivated, weighed, manufactured, packaged, stored, transferred, and dispensed. The security surveillance cameras shall be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras shall remain active at



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all times and shall be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for sixty (60) days.

- 2. Alarm system. A professionally monitored robbery alarm system shall be installed and maintained in good working condition. Section 6-68.130 of the City Code requires that an alarm permit be obtained by the Sonoma Police Department prior to installing an alarm system. The alarm system shall include sensors to detect entry and exit from all secure areas and all windows. Cannabis Operators shall keep the name and contact information of the alarm system installation and monitoring company as part of the Cannabis Business's onsite books and records. Cannabis Operators shall identify a local site contact person who will be responsible for the use and shall provide and keep current full contact information to the Sonoma Police Department dispatch database as part of the alarm permitting process.
- 3. Secure storage and waste. Cannabis Products and associated product waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
- 4. Transportation. Cannabis Businesses shall implement procedures for safe and secure transportation and delivery of Cannabis, Cannabis Products and currency in accordance with state law.
- 5. Locks. All points of ingress and egress to a Cannabis Business shall be secured with Building Code compliant commercial-grade, non-residential door locks or window locks.
- 6. Emergency access. Security measures shall be designed to ensure emergency access in compliance the California Fire Code and Sonoma Fire Department standards.

K. Odor control. Cannabis Businesses shall incorporate and maintain adequate odor control measures such that the odors of Cannabis cannot be readily detected from outside of the structure in which the Business operates. Applications for Cannabis Businesses shall include an odor mitigation plan that includes the following:

- 1. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;
- 2. Staff training procedures; and
- 3. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors.

L. Lighting. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:

- 1. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting shall be Building Code compliant and comply with Section 19.40.030 (Exterior Lighting.)

2. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.

3. Motion sensor lighting is approved for cannabis facilities.

M. Noise. Use of air conditioning and ventilation equipment shall comply with the Chapter 9.56 (Noise). The use of generators is prohibited, except as short-term temporary emergency back-up systems.

N. Parking. Cannabis Businesses shall be subject to the following parking standards: cannabis retail businesses shall provide one parking space per 300 square feet of retail space; cannabis delivery and testing facilities shall be required to provide one parking space per 400 square feet of delivery or testing use; cannabis manufacturing and distribution businesses shall be required to provide one parking space per 1000 square feet of manufacturing or distribution use.

5.36.060 Cannabis Cultivation

In addition to the General Operating Requirements set forth in Section 5.36.50, this section provides additional requirements for Medical Cannabis Commercial Cultivation.

A. Permitted Use. In accordance with Table 2-2 (Commercial Uses), a zoning clearance shall be required for Commercial Cannabis Cultivation. For purposes of determining the facility size, and thus the appropriate State license, square footage shall be defined by calculating the total canopy under cultivation by the Cannabis Business.

B. Pesticides. The cultivation of Cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).

5.36.070 Cannabis Manufacturing

In addition to the General Operating Requirements set forth in Section 5.36.50, this section provides additional operational requirements for Cannabis Manufacturing.

A. Extraction processes. Cannabis Manufacturers shall utilize only extraction processes that are (a) solvent-free or that employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act, and/or (b) use solvents exclusively within a closed loop system that meets the requirements of the federal Food, Drug, and Cosmetic Act including use of authorized solvents only, the prevention of off-gassing, and certification by a California licensed engineer.

B. Loop systems. No closed loop systems shall be utilized without prior inspection and approval of the City's Building Official and Fire Code Official.

C. Standard of equipment. Manufacturing, processing and analytical testing devices used by the Cannabis Manufacturer must be UL (Underwriters Laboratories) listed or otherwise certified by an approved third party testing agency or engineer and approved for the intended use by the City's Building Official and Fire Code Official, unless such equipment is designed only for internal quality control.

D. Food handler certification. All owners, employees, volunteers or other individuals that participate in the production of edible Cannabis Products must be state certified food handlers. The valid certificate number of each such owner, employee, volunteer or other individual must be on record at the Cannabis Manufacturer's facility where that individual participates in the production of edible Cannabis Products.



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- E. Edible product manufacturing. Medical Businesses that sell or manufacture edible medical cannabis products shall obtain a Sonoma County Health Permit. Permit holders shall comply with Health and Safety Code Section 13700 *et seq.* and Sonoma County Health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.
- F. Permitted Use. In accordance with Table 2-2 (Commercial Uses), a zoning clearance shall be required for Commercial Cannabis Manufacturing.

5.36.080 Cannabis Retail and Delivery.

In addition to the General Operating Requirements set forth in Section 5.36.50, this section provides location and operating requirements for Cannabis Retail and Delivery.

- A. Permitted use. In accordance with Table 2-2 (Commercial Uses), a zoning clearance shall be required for Cannabis Retail and Delivery.
- B. Delivery Services. In addition to the requirements established in this Chapter for Cannabis Retail, the delivery of Cannabis and Cannabis Products shall be subject to the following requirements:
 1. Commercial delivery to customers at locations outside a permitted Cannabis Retail facility shall only be permitted in conjunction with a permitted Cannabis Retail facility that has a physical location located in the City of Sonoma.
 2. A Cannabis Retail facility may conduct sales exclusively by delivery.
 3. Applications for Cannabis Retail shall include a statement as to whether the use will include delivery of Cannabis and Cannabis Products to patients located outside the Cannabis Retail facility.
 4. If delivery services will be provided, 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 this Chapter and state law.
 5. Notwithstanding section 5.36.080(B)(1), delivery from dispensaries not located within the City of Sonoma shall be permitted, subject to payment of an annual fee equal to twice that of a Major Conditional Use Permit, as such fee is established annually.
- C. Operational requirements. In addition to project specific conditions of approval, Cannabis Retail shall comply with the following operational requirements:
 1. Recordkeeping. A Medical Cannabis Retail Operator shall maintain patient and sales records in accordance with state law.
 2. Protocols and requirements for patients and persons entering the site. Medical Cannabis Businesses shall only allow on the premises a person who is 18 years of age or older and who possesses a valid government-issued photo identification card, unless the minor is in the company of their parent/guardian or caregiver. Medical Cannabis Businesses shall not provide cannabis or Cannabis products to a person who is not 18 years of age or older, unless the minor is in the company of their parent/guardian or caregiver. Adult Use Cannabis Businesses shall only allow on the premises a person who is 21 years of age or older and who possesses a valid government-issued photo identification card (including foreign identification). Adult Use

Cannabis Businesses shall not provide Cannabis or Cannabis products to any person who does not possess a valid government-issued photo identification card, including foreign identification, demonstrating their date of birth.

3. Hours of operation. Cannabis Retail may operate between the hours of 9:00 a.m. to 9:00 p.m. up to seven (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 zoning clearance.
 4. Secured access. A Cannabis Retail facility shall be designed to prevent unauthorized entrance into areas containing Cannabis or Cannabis Products. Limited access areas accessible to only authorized personnel shall be established.
 5. Secured products. Cannabis and Cannabis Products that are not used for display purposes or immediate sale shall be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.
 6. Sale and display of cannabis paraphernalia. A Cannabis retail business may sell or display cannabis related paraphernalia or any implement that may be used to administer Cannabis or Cannabis Products. The sale of such products must comply with any applicable state regulations.
 7. Site management. The Cannabis Retail Operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject retailer. For purposes of this subsection, "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in nuisance activities to cease those activities, unless personal safety would be threatened in making the request.
 6. Display of permit. Cannabis Retail shall maintain a copy of its permit on display during business hours and in a conspicuous place so that the same may be readily seen by all persons entering the facility.
- F. On-site consumption. In addition to the requirements established in this Chapter for Cannabis Retail, the consumption of Cannabis and Cannabis Products shall be subject to the following requirements:
1. Patients/Customers. Patients and customers shall not be permitted to consume cannabis on the site of a Cannabis Retail facility except as permitted in accordance with Chapter 7.24 (Smoking Regulations) and state law and as follows:
 - i. Applications for Cannabis Retail shall include a statement as to whether the use will include on-site consumption by patients or customers of Cannabis and Cannabis Products.
 - ii. If on-site consumption will be included, the application shall describe the operational plan and specific extent of such provision, security protocols, and how the consumption will comply with the requirements set forth in this Chapter and state law.
 2. Employees. Employees of a Medical Cannabis Retail facility who are qualified patients may consume Medical Cannabis or Medical Cannabis Products on-site within designated spaces not visible by members of the public, provided that such consumption is in compliance with Chapter 7.24 (Smoking Regulations) and state law.
 3. Signs regarding public consumption. The entrance to a Cannabis Retail facility shall be clearly and legibly posted with a notice



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indicating that smoking and vaping of Cannabis is prohibited on site or in the vicinity of the site except as permitted in accordance with Chapter 7.24 (Smoking Regulations) and state law.

5.36.90 Distribution

In addition to the General Operating Requirements set forth in Section 5.36.50, this section provides additional operational requirements for Cannabis Distribution:

1. Permitted use. In accordance with Table 2-2 (Commercial Uses), a zoning clearance shall be required for Cannabis Distribution including transportation, as defined by Business & Professions Code 2601 (r), as may be amended from time to time.

5.36.100 Testing

In addition to the General Operating Requirements set forth in Section 5.36.50, this section provides additional operational requirements for Cannabis Testing Facilities:

1. Permitted use. In accordance with Table 2-2 (Commercial Uses), a zoning clearance shall be required for Cannabis Testing Facilities, as defined by Business & Professions Code 26011 (as), as may be amended from time to time.

5.36.110 Special Events

- A. Dual licensing. The City recognizes that state law requires Cannabis Businesses to obtain dual licensing at the state and local level for temporary special events that involve on-site cannabis sales to, and consumption by patients. Such events shall not be allowed to commence until the Cannabis Business can demonstrate that all necessary local permits, state temporary event licenses, and agency permits have been obtained in compliance with any regulations and deadlines established by the City and the state.
- B. Conditional use. Conditional Use Permit Applications for a special event shall be filed in a timely manner in accordance with City Code depending on the location of the event.

5.36.100 Grounds for Permit Revocation or Modification

The review authority may require modification, discontinuance or revocation of a Cannabis Business permit if the review authority finds that the use is operated or maintained in a manner that it:

- A. Adversely affects the health, peace or safety of persons living or working in the surrounding area;
- B. Contributes to a public nuisance; or
- C. Has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, diversion of Cannabis or Cannabis Products, public intoxication, smoking in public, harassment of passerby, littering, or obstruction of any street, sidewalk or public way; or
- D. Violates any provision of the City Code or condition imposed by a City issued permit, or violates any provision of any other local, state, regulation, or order, including those of state law or violates any condition imposed by permits or licenses issued in compliance with those laws.

SECTION 5. ADD THE FOLLOWING DEFINITIONS, IN ALPHABETICAL ORDER, TO SECTION 19.92 TO READ AND PROVIDE AS FOLLOWS:

"Ancillary" means a use that is related but subordinate to the primary or dominant use on the site.

"Cannabis" means 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. "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, and amended by the California Control, Regulate and Tax Adult Use of Marijuana Initiative, and as defined by other applicable state law. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

"Cannabis Business" means an entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

"Delivery of Cannabis" means the commercial transfer of Cannabis or Cannabis Products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer as defined in Section 26001 of the Business and Professions Code.

"Edible Cannabis Product" means a cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

"Greenhouse" means a permanent enclosed structure for the propagation and growing of plants, constructed with a translucent roof and/or walls.

"Marijuana" See "Cannabis".

"Medical Cannabis" or **"Medical Cannabis Product"** means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medical cannabis patient in California who possesses a physician's recommendation.

"Cannabis Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.

"Cannabis Distribution" means the procurement, sale, and transport of Cannabis and Cannabis Products between Cannabis Businesses.

"Cannabis Manufacturing" means the production, preparation, propagation, or compounding of cannabis or 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 cannabis or cannabis products or labels or relabels its container.

"Cannabis Manufacturing - Type 6" means the manufacturing of medical cannabis products using nonvolatile solvents, or no solvents. A Cannabis Manufacturing Level 1 Operator shall only manufacture cannabis products for sale by a permitted Cannabis Retail facility.

"Cannabis Manufacturing - Type 7" means the manufacturing of cannabis products using volatile solvents. A Cannabis Manufacturing Level 2 Operator shall only manufacture cannabis products for sale by a permitted Cannabis Retail facility. For purposes of this section, "volatile solvents" shall include all solvents described in paragraph (3) of subdivision (d) of Section 11362.3 of the Health and Safety Code, as such section may be amended.



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"Cannabis Operator" or "Operator" means the person or entity that is engaged in the conduct of any commercial Cannabis use.

"Cannabis Retail" means a facility where Cannabis or Cannabis Products are offered, either individually or in any combination, for retail sale, including an establishment that delivers Cannabis or Cannabis Products as part of a retail sale.

"Cannabis Testing Laboratory" means a laboratory, facility, or entity in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

(2) Licensed by the Bureau of Cannabis Control as a Cannabis Testing Laboratory.

6. Prohibited in /P plaza retail district. See SMC 19.50.035.

7. *Prohibited within 1000' of /P plaza retail district, 600' of any school or park, and 250' of the City Library*

Table 2-1

| Residential Uses and Permit Requirements | | | | | | | |
|--|---------------------------------|-----|-----|-----|-----|-----|--------------------------|
| Allowed Uses and Permit Requirements for Residential Districts (1) | Permit Required by District (2) | | P | UP | L | - | |
| | R- | R-R | R-L | R-S | R-M | R-H | Specific Use Regulations |
| | R-0 | R-P | HS | | | | |

AGRICULTURE, RESOURCE AND OPEN SPACE USES

| | | | | | | | | |
|--|---|---|---|---|---|---|---|------------------------|
| <i>Personal Medical cannabis Cultivation</i> | P | P | P | P | P | P | P | <i>Chapter 5.36SMC</i> |
|--|---|---|---|---|---|---|---|------------------------|

SECTION 6. SECTION 19.10.050, ZONES AND ALLOWABLE USES, OF THE SONOMA MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS: (ADDITIONS ARE *ITALICIZED*)

Table 2-2

Commercial Uses and Permit Requirements

| Allowed Uses and Permit Requirements for Commercial Zoning Districts (1) | Permit Required by District (2) | P | UP | L | - |
|--|---------------------------------|---------------|---------------------|------------------|-----------------|
| | | Use permitted | Use permit required | License required | Use not allowed |

| Land Use | C | CG | Specific Use Regulations |
|--|--------------|-----|--------------------------|
| MANUFACTURING AND PROCESSING USES | | | |
| <i>Cannabis Manufacturing-Type 6</i> | <i>P (7)</i> | --- | <i>Chapter 5.36SMC</i> |
| <i>Cannabis Distribution</i> | <i>P (7)</i> | --- | <i>Chapter 5.36SMC</i> |
| <i>Cannabis Cultivation</i> | <i>P (7)</i> | --- | <i>Chapter 5.36SMC</i> |
| <i>Cannabis Testing Facility</i> | <i>P (7)</i> | --- | <i>Chapter 5.36SMC</i> |

RETAIL TRADE

| | | | |
|-------------------------------------|--------------|-----|------------------------|
| <i>Cannabis Retail and Delivery</i> | <i>P (7)</i> | --- | <i>Chapter 5.36SMC</i> |
|-------------------------------------|--------------|-----|------------------------|

Notes:

1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.
2. New residential developments subject to the city's growth management ordinance (Chapter 19.94 SMC).
3. Supportive and transitional housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone.
4. Defined as new commercial construction or an addition to an existing commercial building, having an area of 1,000 square feet or greater.
5. Use permit required within the historic overlay zone.

SECTION 7. AMENDMENT

This Act shall be broadly construed to accomplish its stated purposes and intent. The Council may, by majority vote, amend the provisions of this Act contained in Sections 4, 5 and 6 to implement the substantive provisions of those sections, provided that such amendments are consistent with and further the purposes and intent of this Act as stated in Section 3. Amendments to this Act that enact provisions to expand the rights conferred under Section 4 shall be deemed to be consistent with and further the purposes and intent of this Act.

SECTION 8. CONSTRUCTION AND INTERPRETATION.

The provisions of this Act shall be liberally construed to effectuate its purposes and intent; provided, however, no provision or provisions of this Act shall be interpreted or construed in a manner to create a positive conflict with federal law, including the Controlled Substances Act, such that the provision or provisions of this Act and federal law cannot consistently stand together.

SECTION 9. SEVERABILITY.

If any provision of this Act, or part thereof, or the application of any provision or part to any person or circumstance is held for any reason to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SECTION 10. CONFLICTING INITIATIVES

In the event that this measure and another measure concerning the control, regulation, and licensure of nonmedical or medical cannabis appear on the same local ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void.