



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 46

(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: August 7, 2018

Vote Requirement: Majority

Department or Agency Name(s): Permit Sonoma; Economic Development Board; Department of Health Services; Auditor, Controller, Treasurer, Tax Collector

Staff Name and Phone Number:

Tim Ricard 565-7257
Amy Lyle 565-7389
Sita Kuteira 565-1106
Paul Cocking 565-2858
Marvin Moskowitz 565-6548

Supervisorial District(s):

All

Title: Cannabis Ordinance Amendments

Recommended Actions:

Hold a public hearing and at the conclusion of the hearing take the following actions:

- 1) Adopt an Ordinance amending Chapter 26 of the Sonoma County Code to allow adult use cannabis businesses, enhance neighborhood compatibility, harmonize with State cannabis laws where appropriate, and make other minor amendments, and determining exemption from the California Environmental Quality Act; and
- 2) Adopt a Resolution introducing, reading the title of, and waiving further reading of a proposed ordinance amending Chapter 14 of the Sonoma County Code to allow adult use cannabis businesses, harmonize with State cannabis laws where appropriate law, and make other minor amendments; and
- 3) Adopt a Resolution introducing, reading the title of, and waiving further reading of a proposed ordinance amending Chapter 35 of the Sonoma County Code to make certain administrative changes.

Executive Summary:

As directed by the Board of Supervisors, Cannabis Ad Hoc Committee, and the Planning Commission, the County proposes to amend the Cannabis Land Use Ordinance, Cannabis Health Ordinance, and Cannabis Business Tax Ordinance to accomplish the following:

- Require use permits for cultivation on properties under 10 acres in size in non-industrial zones;
- Allow appeal of zoning permits;
- Add new setback of 600 feet from schools for indoor cultivation in agricultural and resource zones;

- Allow reduction to the setback from public parks with a use permit under certain circumstances;
- Allow adult use/recreational cannabis operations including dispensaries (no change to existing cap of 9 dispensaries);
- Extend the term of new cannabis permits to 5 years for use permits (discretionary permits) and 2 years for zoning permits (ministerial permits);
- Allow transfer of land use permits between operators on the same site (similar to other land use permits);
- Adopt regulations for Inclusion and Exclusion Combining Districts;
- Allow 25% additional area for propagation with a use permit;
- Harmonize definitions and ordinance language to align with state law and emergency state regulations including adding new license types, which will not be taxed, and amending definitions;
- Amend other zoning code language for consistency and clarification; and
- Ensure that the three cannabis ordinances are consistent.

State Law

In 1996, voters adopted Proposition 215, entitled the Compassionate Use Act, which allowed for the use of marijuana for medicinal purposes by qualified patients, and for caregivers to provide medical marijuana and receive reimbursement for their costs. In 2004, SB 420 established a County Health ID card program, collective and cooperative cultivation, and “safe harbor” amounts for cultivation and possession. Following these enactments, many new land uses evolved and cannabis-related businesses became an increasingly notable part of the local economy.

The Medical Cannabis Regulation and Safety Act (Medical Cannabis Act) was enacted in October 2015 and provided a framework for the regulation of medical cannabis businesses. The Medical Cannabis Act eliminated the cooperative/collective model and replaced it with a commercial licensing scheme under which operators are required to obtain both local permits and state license approvals. The Medical Cannabis Act retained local control over land use whether commercial cannabis businesses are allowed and under what conditions.

On November 8, 2016, the voters of California passed the Adult Use of Marijuana Act (Adult Use Cannabis Act) legalizing non-medical adult use cannabis. On June 27, 2017, the state passed Senate Bill 94 which consolidated the regulations in Medical Cannabis Act and Adult Use Cannabis Act into the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Cannabis Act). The Cannabis Act created one regulatory system for both medicinal and adult-use cannabis. The three state cannabis licensing authorities, California Bureau of Cannabis Control, CalCannabis Cultivation Licensing, and the Manufactured Cannabis Safety Branch, issued comprehensive emergency regulations in December 2017 and readopted emergency regulations in June 2018 that are currently in effect. The draft proposed regulations were released on July 13, 2018, and are currently in the 45-day public comment period.

Sonoma County Laws

In 2006, the County adopted guidelines under Resolution No. 06-0846, providing a defense to prosecution for possession and cultivation in limited circumstances. The guidelines allowed for a

defense to be available to those qualified patients and caregivers cultivating up to 30 plants in up to 100 sq. ft. per patient, with no limit to the number of patients. The County first began permitting medical cannabis dispensaries in 2007 and currently permits dispensaries pursuant to Sonoma County Code Section 26-88-256. The Board amended dispensary regulations in 2012 to limit the number of dispensaries in the unincorporated County to a cap of nine. There are currently five permitted medical cannabis dispensaries and four in the application process. No delivery services are currently allowed separate from these permitted dispensaries.

In December 2016, the Board of Supervisors adopted a series of ordinances to establish a comprehensive local program to permit and regulate the complete supply chain of medical cannabis uses, including: cultivators, nurseries, manufacturers, transporters, distributors, testing laboratories, and dispensaries. Sonoma County's ordinances regulating medical cannabis businesses include:

1. The Medical Cannabis Zoning Ordinance setting forth permit requirements and where and how each cannabis business type may operate;
2. The Medical Cannabis Health Ordinance establishing regulations and permitting for medical cannabis dispensaries and edible manufacturing to address product safety, labeling, and advertising; and
3. The Cannabis Business Tax Ordinance imposing a tax on both medical and nonmedical commercial cannabis businesses operating in the unincorporated County.

Cannabis Business Tax

The Cannabis Business Tax (Measure A) was passed by voters in the March 7, 2017, special election with 71% voter approval. Measure A laid out a framework for taxation that set maximum allowable rates for all operator types and granted authority to the County to, among other things, set lower rates, tax certain operator types, and establish various tax administration policies. On June 13, 2017, the Board adopted Ordinance No. 6803 setting cannabis business tax rates within the voter-approved maximum rates and establishing certain regulations.

2018 Board of Supervisors and Cannabis Ad Hoc Committee Direction

CANNABIS ZONING ORDINANCE

On April 10, 2018, the Board conducted a Cannabis Ordinance Study Session and adopted a Resolution of Intention to update the existing Cannabis Ordinances. Feedback from the Board of Supervisors on the Cannabis Zoning Ordinance focused on the following three areas:

1. Consider allowing Adult Use cannabis in unincorporated Sonoma County for the full cannabis supply chain, including dispensaries;
2. Harmonize the Sonoma County Ordinance with state law and regulations where appropriate; and
3. Enhance neighborhood compatibility and overconcentration issues related to cannabis operations, in two parts.

The Ordinance amendment process is split into two parts. Part 1 has a limited scope and is focused on bringing forward amendments to immediately require use permits for cultivation on smaller parcels and other actions that could happen in quick fashion. Part 2 will include a more thorough review of

neighborhood compatibility and other implementation efforts that require robust outreach and staff analysis. Part 2 will begin in October 2018 and will likely take 12-18 months.

On April 13 and May 21, 2018, the Board of Supervisors Cannabis Ad Hoc Committee (Supervisors Gorin and Hopkins) met and provided direction to staff.

On May 30, 2018, the Cannabis Advisory Group met and provided additional direction on the recommendation of the Ad Hoc Committee.

On June 7 and June 28, 2018, the Planning Commission held public hearings to consider the proposed amendments and adopted a Resolution providing a recommendation to the Board. It should be noted that the Planning Commission was split on many of the straw votes taken on the individual issues, which are recorded in the minutes.

PLANNING COMMISSION RECOMMENDATION:

ISSUE #1: NEIGHBORHOOD COMPATIBILITY

The Planning Commission recommended requiring use permits for cultivation on properties under 10 acres in size in non-industrial zones to provide notice to neighbors and opportunity to be heard in the decision making process. Zoning permits would continue to be allowed on properties over 10 acres within agricultural zones.

The Commission also recommended allowing appeals of all zoning permits (Section 26-88-250(m) of the Draft Ordinance). Currently the Zoning Code allows appeal of zoning permits issued by Permit Sonoma. This new language would provide consistency and allow appeal of zoning permits issued by the Department of Agriculture. The appeal body would be the Board of Zoning Adjustments (BZA). Note that this appeal process would be ministerial and the BZA's authority would be limited to determining if the project met the ministerial standards contained within the Zoning Code.

The Planning Commission Recommendation includes a new setback from schools for indoor cultivation in agricultural and resource zones of 600 feet. The Commission discussed increasing all setbacks for ministerial cultivation permits, including setbacks from property lines and neighboring residences, but ultimately recommended that issue be further analyzed in Part 2 due to the need for further outreach and staff analysis.

Code Enforcement Penalties

The Commission recommended a change to the Zoning Code to clarify that most civil penalties for cannabis-related violations be applied on a daily basis. The existing code establishes the amount of civil penalties that can be charged but does not clearly state that they can be applied on a daily basis.

ISSUE #2: ALIGNMENT WITH STATE LAW

The Planning Commission recommended the following amendments to better align to State law and the State's Emergency Regulations:

1. Allow adult use/recreational cannabis operations;

2. Modify how cultivation is measured to follow state regulations using “canopy” and include a maximum allowance of 25% in additional area for propagation with a use permit;
3. Harmonize definitions and ordinance language to align with State Law and State Emergency Regulations regulating cannabis operations including adding new license types and amending definitions (See Attachment A, Exhibit A).

After further analyzing the Planning Commission’s recommendations, staff is recommending the Board not adopt the state’s canopy definition, and instead maintain the current definition of cultivation area. The primary reasons are to remain consistent with the Cannabis Tax Ordinance and because the State’s definition is subject to further change.

The Board’s original direction was to align with the state wherever possible in order to provide regulatory consistency for the cannabis industry, improve interagency collaboration, data sharing, and enforcement. However, the state agencies have not yet adopted permanent regulations and their practices and interpretations are still evolving.

At this time, staff has determined that providing guidance on cultivation area measurement will offer greater certainty to staff and the industry than to adopt the state’s canopy definition. After reviewing cultivation permit applications, going on site visits to observe local cultivation practices, and coordinating with the state to the extent possible, Permit Sonoma is prepared to draft a Policy and Procedure on cultivation area measurement that is more specific to different cultivation methods, and will request input from the cannabis industry before finalizing. The measurement discussed in the Policy and Procedure will remain within the confines of the definition of cultivation area, as approved by the voters in the Cannabis Tax Ordinance, and will not result in the increased taxation of any person.

ISSUE #3: INCLUSION COMBINING DISTRICT

The Planning Commission considered and recommended the Cannabis Inclusion Combining District as a tool for possible future application to parcels that currently do not have eligible zoning for cannabis cultivation. A range of policy options were considered and the draft Inclusion Combining District is recommended as follows:

- a) When combined with a Rural Residential (RR) or Agriculture and Residential (AR) Zone subject to all of the following criteria:
 - Property is located within Planning Area 4 or 6 (West County);
 - Property is five (5) acres in size or larger;
 - Maximum cultivation canopy shall be limited to Cottage sizes for indoor, mixed light, and outdoor or any combination thereof shown in Table 1;
 - The operator shall reside full-time on the property where the cultivation operation is occurring; and
 - The operation meets all requirements within Sections 26-88-250 through 256.
- b) When combined with a Limited Commercial (LC) Zone subject to all of the following criteria:
 - Property is five (5) acres in size or larger;
 - Cultivation is limited to indoor and mixed light;

- Maximum canopy shall be limited as shown on Table 1 for indoor, mixed light, or any combination thereof provided that the total canopy does not exceed the maximum for the parcel size;
- No cannabis dispensary or laboratory is located onsite;
- No other visitor serving commercial uses are located onsite; and
- The operation meets all requirements within Sections 26-88-250 through 256.

All cannabis uses would be required to meet the standards within the Cannabis Zoning Ordinance including setbacks to schools, surrounding residences, security plans, odor control, etc. The Inclusion Zone would be applied through a Zone Change application process which requires a public hearing process, environmental review, and final decision by the Board. No projects are being proposed for the rezoning at this time.

A total of 651 Rural Residential and Agriculture Residential parcels maybe eligible for rezoning to the Inclusion District. Of these 87 are zoned Rural Residential and 564 are Agriculture and Residential.

ISSUE #4: EXCLUSION COMBINING DISTRICT

The Commission considered a variety of policy options and recommended the creation of the Cannabis Exclusion Combining District as reflected in Attachment A, Exhibit B. This zone would be used to exclude cannabis uses on properties that meet one or more of the criteria listed below. For instance, this tool could be used to restrict cannabis within a certain area due to environmental sensitivity or neighborhood compatibility issues.

Draft Criteria for Exclusion Combining District

- a) Areas where there is inadequate road access or other conflicts;
- b) Areas where the prevalence or concentration of cannabis operations is detrimental to the residential character of area;
- c) Areas where the commercial or industrial uses are to be protected from conversion to cannabis uses;
- d) Areas where, because of topography, access, water availability or vegetation, there is a significant fire hazard;
- e) Areas with sensitive biotic resources or where significant environmental sensitivity exists; or
- f) Other areas where the Board of Supervisors determines that it is within the public interest to prohibit cannabis uses.

ISSUE #5: OTHER RECCOMENDED AMENDMENTS

As part of the Commission’s deliberation, a few additional issues were discussed and the following recommendations were included.

Cannabis Permit- Extend Length of Term

The Commission voted to extend the term of new cannabis permits from 1 year to 2 years for Zoning Permits and 5 years for Use Permits. The primary reason for longer term permits was due to the substantial investment needed to obtain the permit and implement the conditions. Use permit processing timelines are currently 6 months to one year. The Commission’s recommendation would alleviate the issue of having to reapply for the use permit renewal as soon as the permit is approved.

Allow Transferability of Permits

The Commission concurred with staff and the Board Ad Hoc to allow transfer of permits between operators/businesses on the same site similar to other land use permits. Due to changes in state law, cannabis businesses have been required to change their corporate structure from non-profit to for profit. Additionally, many cannabis businesses have begun partnering with other entities or bringing on new investors in order to fund permitting and development. Not applying restrictions on permit transfer and instead requiring notification to the County enables cannabis businesses to adjust to the changing landscape and is consistent with other land use permits. Because cannabis permits would be limited term, it is not anticipated that this policy would negatively impact implementation and enforcement of the Cannabis Program, provided that any change in ownership or control is properly documented.

Separation Criteria- Setback to Public Parks

The Commission requested policy options to address potential issues with the measurement of and possible reduction of separation criteria related to larger regional parks. The existing separation criteria requires a 1,000 foot setback from parks for outdoor and mixed light (greenhouse) cannabis cultivation sites measured from the property line of the park to the property line of the parcel with the cannabis use. The Commission expressed interest in a reduction to this setback because some parks are very remote and have little public access and it therefore eliminates properties that would otherwise be ideal for cultivation.

The Commission recommended changing the measurement to require 1,000 feet from the cultivation site instead of the property line to property line separation. The Commission also recommended allowing flexibility to grant a setback reduction on a case by case basis, provided there is an equivalent physical separation and that the operation is not visible from the park. To provide consistency for all cannabis uses this language has also been added for dispensary uses (Section 26-88-256(g)).

Staff is modifying this recommendation to maintain the current method of measuring the setback from property line to property line, but allow for a reduction of the setback with a use permit. Changing the setback measurement to run from the property line of the park to the cultivation site requires additional staff analysis and is therefore not recommended at this time.

PC Recommended Part 2 Items

Part 2 of the Cannabis Ordinance Update will include a more thorough review of neighborhood compatibility and other implementation efforts and will require robust outreach and staff analysis. Part 2 will begin in September 2018 and will likely take 12-18 months. The Planning Commission recommended that the Board consider the following in Part 2, in addition to the direction provided on April 10th:

- Increased setbacks for ministerial permits;
- Allow shared cannabis processing-only on agricultural land;
- Allow more than one acre of cannabis per property;
- Establish setbacks for cannabis cultivation from rural residential (RR), agricultural and residential (AR), and other excluded zones; and
- Allow dispensaries within industrial properties.

ENVIRONMENTAL DETERMINATION:

As set forth in the draft Ordinance, the proposed action is consistent with the previously circulated and approved Negative Declaration, adopted December 20, 2016, and categorically exempt from the California Environmental Quality Act (CEQA). The proposed action is categorically exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the project will have no significant or physical effect on the environment; under Sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment; and under Section 15321 as an action by an agency for enforcement of a law, general, rule, standard or objective administered or adopted by the agency. Additionally, the proposed action is exempt from CEQA pursuant to the Business and Professions Code Section 26055(h) (MAUCRSA) because the adoption of this ordinance requires discretionary review of cannabis operations which will include applicable environmental review under CEQA.

CANNABIS HEALTH ORDINANCE

Sonoma County Ordinance 6187 (the Cannabis Health Ordinance) was approved by the Board of Supervisors in December 2016. The ordinance was developed in an effort to provide a permitting, inspection, and enforcement program for the manufacture and sale of edible cannabis products that would provide a system of prevention and safeguards designed to minimize foodborne illnesses, ensure employee health, ensure safe food preparation practices and delineate acceptable levels of sanitation for these facilities. Since the passage of Proposition 64 in November 2016, however, the cannabis regulatory landscape has evolved to the point where a revision of this ordinance is necessary. Presented below are the highlights of the proposed ordinance modifications.

- Expand the scope of the ordinance from medical cannabis businesses to adult recreational and medicinal use.
- Definitions have been changed in order to harmonize with State definitions.
- References to existing statutes and regulations have been modified to reflect the latest changes and the regulations currently in effect.
- Remove the requirement for cannabis dispensary permit applicants to submit operation and facility plans as part of the permit process. (14-6-050a))
- Remove the ban on cannabis dispensary discounting and free samples and replace with the State requirements which do allow discounts and some give aways, specifically via a “Compassionate Use Program” which allows low income medical clients the ability to obtain cannabis products. (14-6-060(k))
- General clean-up of the ordinance and elimination of some provisions that are already stipulated by the State.

Beyond the ordinance revision, in an effort to not be more prohibitive than the State, while still maintaining health standards, Environmental Health has streamlined the application process for all affected cannabis businesses and relaxed some of the construction standards for cannabis dispensaries. In response to the State releasing draft regulations on Friday, July 13th, Environmental Health is making every effort to include relevant changes from the emergency regulations into this ordinance revision.

CANNABIS BUSINESS TAX ORDINANCE

Subsequent to voter approval of the Cannabis Business Tax ordinance on March 7, 2017, and the Board's update on June 13, 2017, the State adopted regulations pertaining to regulation of the cannabis industry. Some of these contain definitions that differ from those adopted by the Board. These differences can create confusion within the cannabis industry; cause the tax collection process to be inefficient; or make the tax over burdensome, which can cause operators to remain in the black market. As with the Land Use and Health Ordinances staff seeks to align the Cannabis Business Tax with latest state regulations and ensure consistency between the three Sonoma County Cannabis Ordinances, while ensuring that no changes are made that would require voter approval under Proposition 218.

Below are the key proposed changes to the ordinances.

- Changed the definition of "Mixed Light", "Outdoor" and added "Greenhouse" and "Hoop House" to align with the proposed Sonoma County Cannabis Land Use Ordinance and better match cultivation practices. None of these changes will affect the amount of taxes collected.
- Changed outdoor cultivation payment schedule to better align with industry cultivation. Proposed language allows the Treasurer-Tax Collector to prescribe dates. Taxes will be due in two installments, with the first installment due shortly after harvest and the second a few months later. This should allow outdoor cultivators the ability sell their crops over several months to better time sales without forcing them to potentially saturate the market. This should lessen a burden on operators and help promote compliance.
- Reduce the penalty rate from 25% to 10%. This will align the penalty for non-payment with other industries in the County. Additionally it should lessen the financial burden on cannabis taxpayers and remove an incentive to remain in the black market. It is unknown what kind of a fiscal impact this will have on tax collections.
- Allow the Board to appoint a referee to take testimony at any hearing for appeals to determinations made by the Treasurer-Tax Collector regarding Cannabis Taxes owed. If the Board appoints a referee, the referee will prepare a report to the Board for final determination of taxes, fees, interest or penalties, if any, due. This will remove the requirement the Board hear all appeals, while still providing them control and oversight of the appeal process.
- Allow the Treasurer-Tax Collector to accept/write-off de minimis amounts relating to taxable amounts due and paid. This is in line with the property tax collection procedure, reduces programmatic costs and provides efficiencies in the collection process.

Prior Board Actions:

April 10, 2018: Resolution of Intention to update existing cannabis land use ordinance.

September 12, 2017: Approval of a Resolution to modify and extend the Temporary Code Enforcement Penalty Relief Program for Land Use Permits for Cannabis Operations

July 18, 2017: Approval of the appointment of 20 members to serve on the Sonoma County Cannabis Advisory Group for a term of two years.

April 11, 2017: Approval of staffing and budgetary adjustments to implement the Cannabis Program, adoption of the 2017 Cannabis Ad Hoc Committee Charter, and approval of the Advisory Group Selection and Work Plan.

May 23, 2017: Approval of a Resolution establishing the Code Enforcement Temporary Penalty Relief Program.

December 20, 2016: Final adoption of Cannabis Land Use Ordinance.

December 13, 2016: Final adoption of Cannabis Business Tax Ordinance and Cannabis Health Ordinance.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community			
Establishing comprehensive cannabis policies is necessary to preserve our environmental resources, protect the health and safety of our communities, and ensure the industry contributes positively to the economic vitality of our County.			
Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Attachment A: Draft Cannabis Land Use Ordinance with Exhibits EXHIBIT A: Draft Cannabis Definitions Section EXHIBIT B: Draft Cannabis Zoning Code Sections			

EXHIBIT C: Draft Exclusion Combining Zone

EXHIBIT D: Draft Inclusion Combining Zone

Attachment B: Draft Cannabis Land Use Table

Attachment C: Planning Commission Staff Report and Memo

Attachment D: Planning Commission Resolution

Attachment E: Planning Commission Minutes

Attachment F: Draft Cannabis Tax Ordinance

Attachment G: Resolution introducing, reading the title of, and waiving further reading of a proposed Cannabis Tax Ordinance

Attachment H: Draft Cannabis Health Ordinance

Attachment I: Resolution introducing, reading the title of, and waiving further reading of a proposed Cannabis Health Ordinance

Attachment J: County Parcel Information

Attachment K: Cannabis Program Fiscal Overview

Related Items "On File" with the Clerk of the Board:

Public Comments Received

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO ALLOW ADULT USE CANNABIS IN SONOMA COUNTY FOR THE FULL CANNABIS SUPPLY CHAIN, ENHANCE NEIGHBORHOOD COMPATIBILITY, THE ADDITION OF NEW DEFINITIONS AND MINOR NON-SUBSTANTIVE AMENDMENTS TO HARMONIZE WITH CALIFORNIA STATE LAW AND REGULATIONS WHERE APPROPRIATE

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Findings. The proposed amendments are necessary and desirable to protect the public health, safety and environmental resources, provide a consistent regulatory pathway for the cannabis industry consistent with state regulations, foster a healthy, diverse and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.

- A. The Medical Cannabis Regulation and Safety Act (“MCRSA”), signed into law in October 2015, constructed a comprehensive framework for the regulation of medical cannabis and replaced the collective/cooperative model with a dual commercial licensing scheme at the local and state levels.
- B. On December 20, 2016, the Sonoma County Board of Supervisors adopted a series of ordinances, including the Medical Cannabis Land Use Ordinance (Ordinance Number 6189) to establish a comprehensive local cannabis program and to permit and regulate the complete supply chain of medical uses.
- C. The Senate Bill 94, known as the “2017-2018 Budget Trailer Bill”, signed into law on June 27, 2017, repealed and replaced the Medical Cannabis Regulation and Safety Act (“MCRSA”) and the Adult Use of Marijuana Act (“AUMA”) with one regulatory framework termed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”).
- D. On April 10, 2018, the Sonoma County Board of Supervisors adopted a Resolution of Intention, directing staff to explore and propose amendments to the Cannabis Ordinance to allow for Adult Use cannabis for the full supply chain and adopt new definitions and minor technical changes to harmonize with State law and regulations where appropriate.
- E. This ordinance amendment package is intended to be Part 1 of a two part policy effort to alleviate neighborhood compatibility issues and harmonize

with state regulations which were adopted after the County's adoption of the Cannabis Land Use Ordinance on December 20, 2016 (Ordinance Number 6189).

F. This ordinance is consistent with the overall goals, objectives, policies and programs of the General Plan to promote a healthy and competitive agricultural industry; stabilize farm incomes and provide opportunities for diversification of agricultural products; protect Important Farmlands; preserve biotic resources; promote energy conservation and use of renewable energy; minimize discharge of sediment, waste and other pollutants into the drainage systems; protect groundwater resources; encourage graywater systems and use of recycled water.

Section II. Section 26-02-140 (Definitions). Section 26-02-140 of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit A attached hereto.

Section III. Section 26-88-250 (Commercial cannabis uses) Section 26-88-250 of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit B attached hereto.

Section IV. Section 26-88-252 (Enforcement). Section 26-88-252 of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit B attached hereto.

Section V. Section 26-88-254 (Cannabis cultivation Commercial medical). Section 26-88-254 of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit B attached hereto.

Section VI. Section 26-88-256 (Medical cannabis dispensary uses). Section 26-88-256 of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit B attached hereto.

Section VII. Section 26-88-258 (Cannabis cultivation Personal). Section 26-88-258 is amended as shown in Exhibit B attached hereto.

Section VIII. Amendments to Zoning Districts for Commercial Cannabis Uses.

The following Subsections of Chapter 26 of the Sonoma County Code are amended for Permitted Uses:

- Section 26-04-010(p) – LIA Land Intensive Agriculture District
- Section 26-06-010(t) – LEA Land Extensive Agriculture District
- Section 26-08-010(s) – DA Diverse Agriculture District

To be read as follows:

“Commercial cannabis uses in compliance with Section 26-88-250 through 26-88-256”

The following Subsections of Chapter 26 of the Sonoma County Code are amended for Permitted Uses:

- Section 26-44-010(u) – MP Industrial Park
- Section 26-46-010(t) – M1 Limited Urban Industrial
- Section 26-48-010(y) – M2 Heavy Industrial
- Section 26-50-010(r) – M3 Limited Rural Industrial

to read as follows:

“Commercial cannabis ~~medical~~ uses in compliance with Section 26-88-250 through 26-88-256”

The following Subsections of Chapter 26 of the Sonoma County Code are amended for Uses Permitted with a Use Permit:

- Section 26-04-020 (r) – LIA Land Intensive Agriculture
- Section 26-06-020 (t) – LEA Land Extensive Agriculture
- Section 26-08-020 (t) – DA Diverse Agriculture
- Section 26-10-020 (tt) – RRD Rural and Resource Development
- Section 26-44-020 (q) – MP Industrial Park
- Section 26-46-020 (aa) – M1 Limited Urban Industrial
- Section 26-48-020 (z) – M2 Heavy Industrial
- Section 26-50-020 (aa) – M3 Limited Rural Industrial
- Section 26-34-020 (ll) – C3 General Commercial District
- Section 26-36-020 (pp) – LC Limited Commercial

to read as follows:

"Commercial cannabis ~~medical~~ uses in compliance with Section 26-88-250 through 26-88-256"

The following Subsections of Chapter 26 of the Sonoma County Code are amended:

- Section 26-30-020 (z) – C1 Neighborhood Commercial
- Section 26-32-020 (ee) – C2 Retail Business and Service
- Section 26-36-020 (oo) – LC Limited Commercial

to read as follows:

"Commercial ~~Medical~~ Cannabis Dispensary uses, in compliance with Section 26-88-250 and 26-88-256"

Section IX. Parking Regulations. The following Subsection of Chapter 26 of the Sonoma County Code are amended:

Section 26-86-010 – Required parking “Use” table

to read as follows:

~~“Medical~~ cannabis dispensary”

Section X. Cannabis Exclusion Combining District. Article 88 of Chapter 26 of the County Code is hereby amended to add a new Article 73 as shown in Exhibit C attached hereto.

Section XI. Cannabis Inclusion Combining District. Article 88 of Chapter 26 of the County Code is hereby amended to add a new Article 74 as shown in Exhibit D attached hereto.

Section XII. Environmental Determination. The Board finds that adoption of this ordinance is consistent with the previously circulated and approved Negative Declaration adopted December 20, 2016; that the project is categorically exempt from the California Environmental Quality Act under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the project will have no significant or physical effect on the environment; under sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment; and Section 15321 as an action by an agency for enforcement of a law, general, rule, standard or objective administered or adopted by the agency; and the Business and Professions Code Section 26055(h) (MAUCRSA) because the adoption of this ordinance requires discretionary review of cannabis operations which will include applicable environmental review under CEQA.

Section XIII. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section XIV. Pipeline Projects. Notwithstanding any other provision of this Ordinance, complete permit applications filed with, and deemed complete by, the review authority before the effective date of this Ordinance shall not be subject to

the additional limitations and requirements adopted herein until the land use permit, if approved, is subject to renewal.

Section XV. Effective Date. This Ordinance shall become effective 30 days from the date of its passage by a majority vote. A fair and adequate summary of this ordinance was published at least five days prior to the public hearing, and an additional summary shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in The Press Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced and adopted this 7th day of August, 2018, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ___ Rabbitt: ___ Zane: ___ Hopkins: ___ Gore: ___

Ayes: _____ Noes: _____ Absent: _____ Abstain: _____

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

Definitions in Section 26-02-140**Exhibit A**

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 premises 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.

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.~~

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 **compound** ~~ing 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.

Cannabis Zoning Code Amendments

Exhibit B

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-e~~**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.**
- (1) ~~Medical-e~~**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.
- (2) 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.
- (3) Permits for ~~medical-commercial~~ cannabis ~~uses~~ **activities** shall only be issued where written permission from the property owner or landlord is provided.
- (4) 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.~~
- (5) **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-e~~**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. ~~Zoning p~~Permits for ~~medical-commercial~~ cannabis ~~uses~~ **activities** shall be issued ~~to the operator~~ for a ~~period~~ **limited term not to exceed of two (2) years one (1) year** from the date of permit approval ~~and shall be subject to annual permit renewals~~. **Use permits for commercial cannabis activities may be approved for a limited term of up to five (5) years from the date the use permit certificate is issued, after all pre-operational**

conditions of the use permit have been met. Limited term permits shall expire and have no further effect unless a complete application for renewal is submitted. ~~The operator must apply for permit renewal~~ prior to the expiration ~~date 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, Department of~~ Agriculture/Weights & Measures and Permit and Resource Management **Department**. ~~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 review authority 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 any changes 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.

Table 1A: Allowed Cannabis Uses and Permit Requirements for Agricultural and Resource Zones

LAND USE	MAXIMUM CANOPY PER PARCEL (square feet or plant)	MINIMUM PARCEL SIZE	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Timber Preserve	Special Use Regulations	
			LIA ¹	LEA ¹	DA ¹	RRD ¹	TP		
CANNABIS USES									
Personal Cultivation	100 sq ft including up to 6 plants for adult use, per residence	None	P	P	P	P	P	26-88-250 - 254	
Commercial Cannabis Uses									
Cottage	25 plants	2 ac	CUP/ZP ²	CUP/ZP ²	CUP/ZP ²	MUP	—		
Specialty Outdoor	5,000 sq. ft. or 50 plants	3 ac	CUP	CUP/ZP ²	CUP/ZP ²	CUP	—		
Small Outdoor	5,001 - 10,000	5 ac	CUP	CUP/ZP ²	CUP/ZP ²	CUP	—		
Medium Outdoor	10,001 - 43,560	10 ac	CUP	CUP	CUP	CUP	—		
Nursery Outdoor	Limited as Expressed Above		CUP	CUP	CUP	CUP	—		
Indoor Cultivation									
Cottage	500	None	CUP/ZP ^{2,3}	CUP/ZP ^{2,3}	CUP/ZP ^{2,3,4}	MUP	—		
Specialty Indoor	501 - 5,000	None	CUP ³	CUP ³	CUP ^{3,4}	CUP ³	—		
Small Indoor	5,001 - 10,000	None	—	—	—	—	—		
Medium Indoor	10,001 - 22,000	None	—	—	—	—	—		
Nursery Indoor	Limited as Expressed Above		CUP ³	CUP ³	CUP/2 ac ^{3,4}	CUP ³	—		
Mixed Light Cultivation									
Cottage	2,500	2 ac	CUP/ZP ^{2,3}	CUP/ZP ²	CUP/ZP ²	MUP	—		
Specialty Mixed Light	2,501 - 5,000	3 ac	CUP ³	CUP	CUP	CUP	—		
Small Mixed Light	5,001 - 10,000	5 ac	CUP ³	CUP	CUP	CUP	—		
Medium Mixed Light	10,001 - 22,000	10 ac	—	—	—	—	—		
Nursery Mixed Light	Limited as Expressed Above		CUP ³	CUP	CUP	CUP	—		
TYPE OF PERMIT REQUIRED									
ZP	Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit only								
MUP	Minor Use Permit or Hearing Waiver; CEQA applies unless Cat Exempt; can add conditions								
CUP	Use Permit - noticed hearing before Planning Commission; CEQA; can add conditions								
—	Use not allowed								

Notes:
 1 Commercial Cannabis Uses on properties with a Land Conservation (Williamson Act) Act Contract are subject to Uniform Rules for Agricultural Preserves.
 2 Zoning Permit may be approved if property is 10 acres or more in size
 3 Within existing previously developed areas, including hardscape, or legally established structures built (finished) prior to January 1, 2016. No net increase in impervious surface.
 4 Two acre minimum lot size for indoor cultivation within the DA zone

Table 1B: Allowed Cannabis Uses and Permit Requirements for Commercial Zones

LAND USE	MAXIMUM CANOPY PER PARCEL	MINIMUM PARCEL SIZE	Commercial Office	Neighborhood Commercial	Retail Business and Services	General Commercial	Limited Commercial	Commercial Rural	Agricultural Services	Recreation and Visitor Serving	Special Use Regulations
			CO	C1	C2	C3	LC	CR	AS	K	
CANNABIS USES											
Personal Cultivation ¹	100 sq ft including up to 6 plants for adult use, per residence	None	P	P	P	P	P	P			26-88-250, 252, and 256
Testing/Laboratories	per use permit		—	—	—	MUP	MUP	—	—	—	
Dispensaries: Storefront and Delivery	per use permit		—	CUP	CUP	—	CUP	—	—	—	

TYPE OF PERMIT REQUIRED	
MUP	Minor Use Permit or Hearing Waiver; CEQA applies unless Cat Exempt; can add conditions
CUP	Use Permit - noticed hearing before Planning Commission; CEQA; can add conditions
—	Use not allowed

Notes 1 Personal Outdoor Cultivation is prohibited in multifamily units and in the R2 and R3 zones

Table 1C: Allowed Cannabis Uses and Permit Requirements for Industrial Zones

LAND USE	MAXIMUM CANOPY PER PARCEL (square feet or plant)	MINIMUM PARCEL SIZE	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial	Public Facilities	Special Use Regulations	
			MP	M1	M2	M3	PF		
CANNABIS USES									
Personal Cultivation ¹	100 sq ft including up to 6 plants for adult use, per residence	None	P	P	P	P	P	26-88-250 -252	
Indoor Cultivation									
Cottage	500	None	ZP	ZP	ZP	ZP	—		
Specialty Indoor	501 - 5,000	None	MUP	MUP	MUP	MUP	—		
Small Indoor	5,001 - 10,000	None	MUP	MUP	MUP	MUP	—		
Medium Indoor	10,001 - 22,000	None	MUP	MUP	MUP	MUP	—		
Nursery Indoor	Limited as Expressed Above		MUP	MUP	MUP	MUP	—		
Mixed Light Cultivation									
Cottage	2,500	2 ac	—	MUP	MUP	MUP	—		
Specialty Mixed Light	2,501 - 5,000	3 ac	—	MUP	MUP	MUP	—		
Small Mixed Light	5,001 - 10,000	5 ac	—	MUP	MUP	MUP	—		
Medium Mixed Light	10,001 - 22,000	10 ac	—	MUP	MUP	MUP	—		
Nursery Mixed Light	Limited as Expressed Above		—	MUP	MUP	MUP	—		
Testing/Laboratories			MUP	MUP	MUP	MUP	—		
Manufacturing									
Level 1 - nonvolatile solvents	per use permit		MUP	MUP	MUP	MUP	—		
Processing Only	per use permit		MUP	MUP	MUP	MUP	—		
Microbusiness ²	per use permit		MUP	MUP	MUP	MUP	—		
Distributor-Transport	per use permit		MUP	MUP	MUP	MUP	—		
Distributor-Transport Only ³	per use permit		MUP	MUP	MUP	MUP	—		
TYPE OF PERMIT REQUIRED									
ZP	Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit only								
MUP	Minor Use Permit or Hearing Waiver; CEQA applies unless Cat Exempt; can add conditions								
—	Use not allowed								

Notes
 1 Personal Outdoor Cultivation is prohibited in multifamily units and in the R2 and R3 zones
 2 Does not alter the already allowed uses and only formalizes the potential to request this combined state license type.
 3 Distributer-Transport Only restricts the licensee to only transporting cannabis of the licensee.

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, ~~W~~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.~~

~~(c)(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 **or standards** 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 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 cultivation in exceedance of the permitted cultivation area, no more than twenty dollars (\$20.00) per square foot per day for the first violation; no more than thirty dollars (\$30.00) per square foot per day for the second violation within two (2) years; and no more than fifty dollars (\$50.00) per square foot per day for the third violation within two (2) years. ~~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, ~~n~~ No 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) per day for the first violation; no more than twenty-five thousand dollars (\$25,000.00) per day for the second violation within two (2) years; and no more than fifty thousand dollars (\$50,000.00) per day for the third violation within two (2) 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~~ **cultivation** 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~~ **Department of Agriculture/Weights, and Measures**. 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 cultivation area within the county does not exceed one (1) acre. **For the purposes of this provision, the entire cultivation area 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~~ 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 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 and Vegetative Production Area.

- a. Vegetative and other non-flowering propagative cannabis plant material may be cultivated for on-site use, subject to land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements.
- b. Additional propagation and vegetative production area may be considered with a use permit, not to exceed 25% of the permitted cultivation area, provided this plant material is kept in a separate, unique area away from flowering plants.
- (43) ~~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.~~
- (53) Property Setbacks- Outdoor. Outdoor cultivation areas 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 cultivation areas shall not be visible from a public right of way. Outdoor 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** 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. **This park setback may be reduced with a use permit when it is determined that an actual physical equivalent 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. **This park setback may be reduced with a use permit when it is determined that an actual physical equivalent 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 cultivation areas shall conform to the agricultural Riparian Corridor setback set forth in Section 26-65-040. Outdoor cultivation areas shall conform to the wetland setback set forth in Section 36-16-120, unless a use permit is obtained.

(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 **or local tribe.** ~~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.~~

- (15~~11~~) 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.
- (16~~12~~) 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.
- (17~~3~~) 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~~ **obtained**.
- (18~~4~~) 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.
- (19~~5~~) 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.
- (20~~16~~) 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~~ **L**ighting 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~~-~~provided~~ below ~~for recycled water from a municipal water supplier,~~ and for emergencies requiring immediate action as determined by the ~~D~~irector. 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~~, § H(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 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.~~
- (j) Location Requirements. Property setbacks for cannabis dispensaries 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.**
- (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 **or a public park**, 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, park,** childcare center, **or** drug or alcohol treatment facility.
 - (4) Notwithstanding, the subsections ~~(g)(1) and~~ **(j)(1) and** (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.
- (k) 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.
- ~~(iiiiv)~~**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)

Cannabis Exclusion Combining District

Chapter 26 of the Sonoma County Code is amended to add a new Article 73, as follows:

Article 73. – Q Cannabis Exclusion Combining District.

Sec. 26-73-005. - Purpose.

The purpose of this district is to provide for the exclusion of cannabis related uses in the following areas:

- (a) Areas where there is inadequate road access or other conflicts;
- (b) Areas where the prevalence or concentration of cannabis operations is detrimental to the residential character of area;
- (c) Areas where the commercial or industrial uses are to be protected from conversion to cannabis uses;
- (d) Areas where, because of topography, access, water availability or vegetation, there is a significant fire hazard;
- (e) Areas with sensitive biotic resources or significant environmental sensitivity exists;
or
- (f) Other areas where the Board of Supervisors determines that it is within the public interest to prohibit cannabis uses.

Sec. 26-73-010. - Permitted uses.

All uses permitted in the base zone with which the Q combining district is applied shall be permitted in the Q combining zone, except for the establishment, operation, placement or construction of cannabis cultivation or related land uses otherwise authorized by 26-88-250 through 26-88-256.

Cannabis Inclusion Combining District

Chapter 26 of the Sonoma County Code is amended to add a new Article 74, as follows:

Article 74. – Cannabis Inclusion Combining District.**Sec. 26-74-005. - Purpose.**

The purpose of this district is to provide for the allowance of commercial cannabis cultivation operations within areas that meet certain siting criteria and the development standards of this chapter.

Sec. 26-74-010 Applicability.

This combining district may be applied to the following zones where the site meets all of the applicable criteria.

- (a) When combined with a Rural Residential (RR) or Agriculture and Residential (AR) Zones subject to all of the following criteria:
 - a. Property is located within Planning Area 4 or 6;
 - b. Property is five (5) acres in size or larger;
 - c. Maximum cultivation canopy shall be limited to Cottage sizes for indoor, mixed light, and outdoor or any combination thereof shown in Table 1;
 - d. The operator shall reside full-time on the property where the cultivation operation is occurring; and
 - e. The operation meets all requirements within the Sections 26-88-250 through 26-88-256.
- (b) When combined with a Limited Commercial (LC) Zone subject to all of the following criteria:
 - a. Property is five (5) acres in size or larger;
 - b. Cultivation is limited to indoor and mixed light;
 - c. Maximum cultivation canopy shall be limited as shown on Table 1 for indoor, mixed light, or any combination thereof provided that the total canopy does not exceed the maximum for the parcel size;
 - d. No cannabis dispensary or laboratory is located onsite;
 - e. No other visitor serving commercial uses are located onsite; and
 - f. The operation meets all requirements within the Sections 26-88-250 through 26-88-256.

Sec. 26-74-015. Permitted Uses with a Use Permit.

In addition to the uses permitted in the base zoning, commercial cannabis cultivation operations may be permitted in the Y combining district subject to approval of a conditional use permit and subject to the special use regulations in Sections 26-88-250 through 256, as applicable.

Table 1: Allowed Cannabis Uses and Permit Requirements for the Inclusion Combining District.

LAND USE	MAXIMUM CANOPY PER PARCEL (square feet or plant)	MINIMUM PARCEL SIZE	STATE LICENSE TYPE	Agriculture and Residential	Rural Residential	Limited Commercial	Special Use Regulations	
				AR	RR	LC		
CANNABIS USES								
Outdoor Cultivation								
Cottage	25 plants	5 ac	1C	CUP ¹	CUP		26-88-250-254	
Specialty Outdoor	5,000 sq. ft. or 50 plants		1	—	—	—		
Small Outdoor	5,001 - 10,000		2	—	—	—		
Medium Outdoor	10,001 - 43,560		3	—	—	—		
Nursery Outdoor	Limited as Expressed Above		4	CUP ¹	CUP	—		
Indoor Cultivation								
Cottage	500	5 ac	1C	CUP ¹	CUP	CUP		
Specialty Indoor	501 - 5,000	5 ac	1A	—	—	CUP		
Small Indoor	5,001 - 10,000	5 ac	2A	—	—	CUP		
Medium Indoor	10,001 - 22,000	5 ac	3A	—	—	CUP		
Nursery Indoor	Limited as Expressed Above		4	CUP ¹	CUP	CUP		
Mixed Light Cultivation								
Cottage	2,500	5 ac	1C	CUP ¹	CUP	CUP		
Specialty Mixed Light	2,501 - 5,000	5 ac	1B	—	—	CUP		
Small Mixed Light	5,001 - 10,000	5 ac	2B	—	—	CUP		
Medium Mixed Light	10,001 - 22,000	10 ac	3B	—	—	CUP		
Nursery Mixed Light	Limited as Expressed Above		4	CUP ¹	CUP	CUP		
TYPE OF PERMIT REQUIRED								
ZP	Permitted Use; Zoning Permit Required							
MUP	Conditionally Permitted Use; Minor Use Permit required							
CUP	Conditionally Permitted Use; Use Permit required							
—	Use not allowed							
Notes:	1 Commercial Cannabis Uses on properties with a Land Conservation (Williamson Act) Act Contract are subject to Uniform Rules for Agricultural Preserves.							

**DRAFT ORD18-0003
SUMMARY OF ALLOWED LAND USES AND PERMIT REQUIREMENTS FOR CANNABIS USES**

LAND USE				ZONING DISTRICT																											
				Agricultural			Resources		Rural Residential		Urban Residential			Commercial					Special		Industrial				Public	Public	Public				
				Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources and Rural Development	Timber Preserve	Agriculture and Residential	Rural Residential	Low Density Residential	Medium Density Residential	High Density Residential	Planned Community	Commercial Office	Neighborhood Commercial	Retail Business and Services	General Commercial	Limited Commercial	Commercial Rural	Agricultural Services	Recreation and Visitor Serving	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial	Public Facilities	Draft Cannabis Inclusion	Draft Cannabis Exclusion		
LIA ¹	LEA ¹	DA ¹	RRD ¹	TP	AR ¹	RR	R1	R2	R3	PC	CO	C1	C2	C3	LC	CR	AS	K	MP	M1	M2	M3	PF	Y	Q						
CANNABIS USES																															
Outdoor Cultivation Outlined area indicates Zoning Permits (ZP) which are processed by the Dept of Agriculture, Weights & Measures																															
Cottage	25 plants	2 ac	1C	CUP/ZP ²	CUP/ZP ²	CUP/ZP ²	MUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	CUP ³	—			
Specialty Outdoor	5,000 sq. ft. or 50 plants	3 ac	1	CUP	CUP/ZP ²	CUP/ZP ²	CUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—			
Small Outdoor	5,001 - 10,000	5 ac	2	CUP	CUP/ZP ²	CUP/ZP ²	CUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—			
Medium Outdoor	10,001 - 43,560	10 ac	3	CUP	CUP	CUP	CUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—			
Nursery Outdoor	Limited as Expressed Above		4	CUP	CUP	CUP	CUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	CUP³	—				
Indoor Cultivation																															
Cottage	500	None	1C	CUP/ZP ^{2,4}	CUP/ZP ^{2,4}	CUP/ZP ^{2,4,5}	MUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	ZP	ZP	ZP	ZP	—	CUP ³	—
Specialty Indoor	501 - 5,000	None	1A	CUP ⁴	CUP ⁴	CUP ^{4,5}	CUP ⁴	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	MUP	—	CUP ³	—
Small Indoor	5,001 - 10,000	None	2A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	MUP	—	CUP ³	—
Medium Indoor	10,001 - 22,000	None	3A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	MUP	—	CUP ³	—
Nursery Indoor	Limited as Expressed Above		4	CUP⁴	CUP⁴	CUP/2 ac⁴	CUP⁴	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	MUP	—	CUP ³	—
Mixed Light Cultivation																															
Cottage	2,500	2 ac	1C	CUP/ZP ^{2,4}	CUP/ZP ²	CUP/ZP ²	MUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	—	CUP ³	—
Specialty Mixed Light	2,501 - 5,000	3 ac	1B	CUP ⁴	CUP	CUP	CUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	—	CUP ³	—
Small Mixed Light	5,001 - 10,000	5 ac	2B	CUP ⁴	CUP	CUP	CUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	—	CUP ³	—
Medium Mixed Light	10,001 - 22,000	10 ac	3B	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	—	CUP ³	—
Nursery Mixed Light	Limited as Expressed Above		4	CUP	CUP	CUP	CUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	—	CUP ³	—
Testing/Laboratories																															
			8	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	—	—	—	
Manufacturing																															
Level 1 - nonvolatile solvents	per use permit		6	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	MUP	—	—
Dispensaries																															
Storefront and Delivery	per use permit		10	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Processing Only	per use permit			—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	MUP	—	—
Microbusiness⁵	per use permit			—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	MUP	—	—
Distributor-Transport	per use permit		11	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	MUP	—	—
Distributor-Transport Only⁶	per use permit		13	MUP	MUP	MUP	MUP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	MUP	MUP	MUP	MUP	—	—

TYPE OF PERMIT REQUIRED	
ZP	Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit only
MUP	Minor Use Permit or Hearing Waiver; CEQA applies unless Cat Exempt; can add conditions
CUP	Use Permit - noticed hearing before Planning Commission; CEQA; can add conditions
—	Use not allowed

- Notes:**
- 1 Commercial Cannabis Uses on properties with a Land Conservation (Williamson Act) Act Contract are subject to Uniform Rules for Agricultural Preserves.
 - 2 Zoning Permit may be approved if property is 10 acres or more in size
 - 3 See Sonoma County Code Section 26-74 for applicability with AR, RR, and LC.
 - 4 Within existing previously developed areas, including hardscape, or legally established structures built (finalized) prior to January 1, 2016. No net increase in impervious surface.
 - 5 Two acre minimum lot size for indoor cultivation within the DA zone
 - 5 Does not alter the allowed uses already in existence under the Cannabis Land Use Ordinance and only formalizes the potential to request this combined state license type.
 - 6 Distributer-Transport Only restricts the licensee to only transporting cannabis goods that the licensee has cultivated or manufactured.

COMBINING CULTIVATION TYPES:

For example:
 A 5-acre DA parcel would allow
 10,000 SF outdoor
 OR
 10,000 SF mixed light
 OR
 5,000 SF indoor
 OR
 Any combination not exceeding 5,000 SF indoor and 10,000 SF total



Sonoma County Planning Commission

STAFF REPORT

FILE: ORD18-0003

DATE: June 7, 2018

TIME: 1:30 pm

STAFF: Katie Olding, Planner I

Amy Lyle, Supervising Planner

**Board of Supervisors Hearing is
scheduled for August 7, 2018**

SUMMARY

Applicant: County of Sonoma

Location: The Medical Cannabis Land Use Ordinance applies to agricultural, industrial, commercial, and resource zones within the unincorporated area of Sonoma County.

Subject: Medical Cannabis Land Use Ordinance Amendments, Part 1

PROPOSAL: Consideration of a series of amendments to the Zoning Code including but not limited to allowing adult use/recreational cannabis for the full cannabis supply chain including dispensaries, options to enhance neighborhood compatibility as it relates to cannabis permitting, the creation of Cannabis Inclusion and Exclusion Combining Districts, amending definitions and ordinance language to align with state law where appropriate, and other amendments as recommended by staff.

Environmental Determination: Consistent with previously circulated and approved Negative Declaration adopted December 20, 2016; Exempt under Section 15061(b)(3) of the CEQA Guidelines; and consistent with the Business and Professionals Code Section 26055(h) (MAUCRSA)

General Plan: All, except Coastal Zone

RECOMMENDATION: Staff recommends that the Planning Commission

1. Hear the Staff Presentation,
 2. Hold a Public Hearing,
 3. Deliberate and Take Straw Votes on Policy Options, and
 4. Adopt Resolution recommending that the Board approve the Zoning Code Amendments.
- A final recommendation may be continued to an additional Planning Commission hearing date.



EXECUTIVE SUMMARY: As directed by the Board of Supervisors and the Cannabis Ad Hoc Committee, the County proposes to amend the Zoning Code to accomplish the following:

- Allow Adult Use/Recreational Cannabis Operations Including Dispensaries (no change to existing cap of 9);
- Extend the life of new cannabis permits from one year to two years;
- Allow transferability of permits between operators (similar to other land use permits);
- Require use permits for cannabis uses (cultivation including nursery) on properties less than 10 acres within Agricultural and Resource Zones;
- Create Inclusion and Exclusion Combining Districts;
- Harmonize definitions and ordinance language to align with state law and emergency state regulations regulating cannabis operations including new license types and definitions; and
- Amend other zoning code language to aid in consistency and clarification.

ANALYSIS

BACKGROUND

State Law

In 1996, voters adopted Proposition 215, entitled the Compassionate Use Act, which allowed for the use of marijuana for medicinal purposes by qualified patients, and for caregivers to provide medical marijuana and receive reimbursement for their costs. In 2004, SB 420 established a County Health ID card program, collective and cooperative cultivation, and safe harbor amounts for cultivation and possession. Following these developments, many new land uses evolved, but the interplay between federal, state, and local law was unsettled.

The Medical Cannabis Regulation and Safety Act (Medical Cannabis Act) was enacted in October 2015 and provided a framework for the regulation of medical cannabis businesses. The Medical Cannabis Act eliminated the cooperative/collective model and replaced it with a commercial licensing scheme under which operators are required to obtain both local permits and state license approvals. The Medical Cannabis Act retained local control over land use and where and whether commercial cannabis businesses are allowed and under what conditions.

On November 8, 2016, the voters of California passed the Adult Use of Marijuana Act (Adult Use Cannabis Act) legalizing non-medical adult use cannabis. On June 27, 2017 the state passed Senate Bill 94 which consolidated the regulations in Medical Cannabis Act and Adult Use Cannabis Act into the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Cannabis Act). The Cannabis Act created one regulatory system for medicinal and adult-use cannabis. The three state cannabis licensing authorities, California Bureau of Cannabis Control, CalCannabis Cultivation Licensing, and the Manufactured Cannabis Safety Branch, issued their comprehensive emergency regulations on November 16, 2017 creating the current cannabis regulatory structure.

Sonoma County Laws

The County began permitting medical cannabis dispensaries in 2007 and currently permits dispensaries pursuant to Sonoma County Code Section 26-88-126. The Board amended this code section in 2012 to

limit the number of dispensaries in the unincorporated County to a cap of nine. There are currently five permitted medical cannabis dispensaries and four in the application process.

In 2016 due to the new state medical cannabis law, the Board of Supervisors directed staff to bring forward a comprehensive cannabis ordinance. A Board of Supervisors Ad Hoc Committee on Cannabis (Ad Hoc Committee) was formed. The Ad Hoc Committee and staff conducted extensive community outreach in order to develop the Cannabis Ordinance. This outreach included town hall meetings in each supervisorial district, the establishment of a website, email list serve, project-dedicated email, online survey, and meetings with various stakeholder interest groups. An estimated 750 people attended the town hall meetings and over 1,100 people responded to the online survey.

Through these efforts, the Ad Hoc Committee and staff received feedback indicating that many Sonoma County residents support a regulatory framework that legalizes commercial medical cannabis, supports safe and affordable access to medicine, and provides opportunities for existing local cannabis operations to come into compliance. Many residents also expressed concern about crime, public safety, odor and nuisance, and other associated environmental impacts of the cannabis industry. These concerns were particularly heightened for residential neighborhoods and related most often to cultivation.

In October and November, 2016 the Planning Commission held public workshops and public hearings to gather input and make recommendations on the proposed Cannabis Ordinance based on Board direction and public comment. On November 16, 2016 the Commission provided their recommendation. In December, 2016 the Board of Supervisors held another series of workshops and public hearings and adopted a series of ordinances establishing a comprehensive local program to permit and regulate the complete supply chain of medical cannabis uses, including: cultivation, nurseries, manufacturers, transporters, distributors, testing laboratories, and dispensaries. Sonoma County's ordinances regulating medical cannabis businesses include:

1. The Medical Cannabis Land Use Ordinance setting forth permit requirements on where and how each cannabis business type may operate;
2. The Medical Cannabis Health Ordinance establishing regulations and permitting for medical cannabis dispensaries and manufacturing to address product safety, labeling and advertising; and
3. The Cannabis Business Tax Ordinance imposing a tax on both medical and nonmedical commercial cannabis businesses operating in the unincorporated County.

Cannabis Ordinance Implementation

Since Ordinance adoption staff have been focused on implementing the cannabis program. County departments hired and trained staff, developed specific rules and guidelines based on the ordinance, created support materials for businesses such as checklists and fact sheets, and built out multi-departmental online permitting, tax collection, and database systems. These implementation efforts also included an extensive public outreach and education program highlighted by the "Dirt to Dispensary" workshop series and involvement in the creation and staffing of the Cannabis Advisory Group.

The County began accepting permit applications from cannabis-related businesses on July 5, 2017. As of May 25th, 181 applications have been submitted. 130 of these are a mix of zoning and use permits

submitted to Permit Sonoma and the remainder of 51 are small outdoor cultivation Zoning Permits applications to the Department of Agriculture.

2018 Board of Supervisors and Cannabis Ad Hoc Committee Direction

On April 10, 2018, the Board conducted a Cannabis Ordinance Study Session and adopted a Resolution of Intention to update the existing Cannabis Ordinances. Feedback from the Board of Supervisors focused the following three actions:

- Consider allowing Adult Use cannabis in unincorporated Sonoma County for the full cannabis supply chain including dispensaries.
- Harmonize the Sonoma County Ordinance with state law and regulations where appropriate.
- Enhance neighborhood compatibility and overconcentration issues related to cannabis operations.

The Ordinance amendment process is split into two parts. Part 1 has a limited scope and is focused on bringing forward amendments related to state law alignment and any other actions that could happen in quick fashion. Part 2 will include a more thorough review of neighborhood compatibility and other implementation efforts that require robust outreach and staff analysis. Part 2 will begin in summer, 2018 and will likely take 12-18 months.

The Board of Supervisors Cannabis Ad Hoc Committee (Supervisors Gorin and Hopkins) met on April 13th and May 21, 2018. They have provided direction which has been incorporated into this staff report.

Table 1: Schedule of Part 1 Cannabis Ordinance Amendments

Date	Task	Request Action
May 10, 2018	Marijuana Technical Advisory Committee Meeting	A Technical Advisory Committee (TAC) consisting of various representatives from County departments will provide feedback on the amendments as they are developed.
May 21, 2018	Board of Supervisors Ad Hoc Committee	Review of staff recommendation to the Planning Commission.
May 30, 2018	Cannabis Advisory Group Meeting	The Advisory Group will provide valuable information, perspective, and feedback to the County for throughout the process of amending, the cannabis ordinances.
June 7, 2018	Planning Commission Hearing and Recommendation	At least one public hearing and meetings to deliberate and provide a recommendation to the Board.
Aug 7, 2018	Board of Supervisors Hearing and Adoption	A public hearing will be held to deliberate and take formal action to adopt the revised ordinance.

Cannabis Advisory Group Recommendations

On July 18, 2017, as part of Ordinance implementation, the Board of Supervisors approved the appointment of 20 members to serve on the Sonoma County Cannabis Advisory Group (CAG). The CAG was developed to offer a diverse perspective on the impacts of cannabis and cannabis regulations, and to provide information

and feedback to the County for developing, amending, and funding local cannabis programs and policies. The CAG has met for seven monthly meetings that have been well attended with an average of 150 people in attendance.

Within the CAG there are four Ad Hoc subgroups charged with research and development of recommendations on temporary state licenses, harmonization with state regulations, and inclusion and exclusion zones. Recommendations from the Advisory Group and Ad Hoc subgroups do not receive a formal vote, but instead reflect the opinion of the majority of the members of the group. Dissenting viewpoints are sought out by staff and the Co-Chairs, and minority and majority recommendations are often presented in writing to staff and shared with the Cannabis Ad Hoc. Recommendations, and the alternative minority recommendations of the Cannabis Advisory Group, are attached as Exhibit F.

Although the CAG has no direct decision making authority, the feedback from all members of the group was considered by staff in identifying key issues with the Cannabis Ordinance and informing the development of policy recommendations to the Ad Hoc and Planning Commission.

DISCUSSION OF ISSUES

Project Description: Consideration of a series of amendments to the Zoning Code including but not limited to:

- Allow Adult Use/Recreational Cannabis Operations Including Dispensaries (no change to existing cap of 9);
- Extend the life of new cannabis permits from one year to two years;
- Allow transferability of permits between operators (similar to other land use permits);
- Require use permits for cannabis uses (cultivation including nursery) on properties less than 10 acres within Agricultural and Resource Zones;
- Create Inclusion and Exclusion Combining Districts;
- Harmonize definitions and ordinance language to align with state law and emergency state regulations regulating cannabis operations including new license types and definitions; and
- Amend other zoning code language to aid in consistency and clarification.

ISSUE #1: ALIGNMENT WITH STATE LAW

While the County controls local permitting, cannabis operators are also required to get a state license. This dual licensing system creates difficulties for staff and cannabis operations in areas where the State and County regulations do not align. The 2016 Ordinance was written based on existing state law, the Medical Cannabis Regulation and Safety Act (MCRSA). State law has since changed to accommodate Adult Use and two versions of Emergency Regulations have been released implementing the state law. The most recent Emergency Regulations were released May 17th, 2018. The following amendments are proposed to better align with current state law and regulations.

Cannabis Adult Use/Recreational

In November, 2016 California voters passed Prop 64 to include Adult Use in the cannabis marketplace. Sonoma County voted 59% in favor. In the summer of 2017, Governor Brown signed SB 94 and AB 113, which merged the Medical and Adult Use licensing framework. With a few exceptions, Adult Use and Medical Licensing are now mirrored across the supply chain, and the State began accepting Adult Use

Licenses on January 1, 2018. Many surrounding jurisdictions have adopted Adult Use policies including Santa Rosa, Sebastopol, Cloverdale, Cotati, and Mendocino County. Staff recommends allowing all cannabis operations to have the option to function within the Medical and Adult Use market place, including dispensaries. The proposed Ordinance (Exhibit A) removes the word “medical” and includes other amendments for consistency to allow both options. Existing permitted cannabis operations would have to apply for a use permit revision, or wait until permit renewal, to include Adult Use.

New License Types:

Staff proposes the following new license types and definitions for consistency with State Law:

- **Processor:** This new license type would allow a processing facility separate from individual cultivation sites. A processing-only site conducts trimming, drying, curing, grading, or packaging of cannabis and non-manufactured cannabis products for multiple cultivators. No cultivation of cannabis plants would occur at licensed processor premises. Centralized processing would only be allowed in Industrial Zoning Districts and will likely reduce the need for onsite processing facilities in Agricultural Zoning Districts and their associated impacts.
- **Microbusiness:** The most recent change in state law created a Microbusiness option which allows smaller operators to engage in at least three (3) of the following commercial cannabis activities: cultivation (limit of 10,000 square feet), manufacturing, and distribution/transportation. The microbusiness license would only be permitted with a Minor Use Permit in the Industrial Zoning Districts as indicated on the Cannabis Land Use Table. This new opportunity does not alter the allowed uses already in existence under the Cannabis Land Use Ordinance and only formalizes the potential to request this combined state license type.
- **Self-Distributor-Transport-Only License:** This new license type allows for the transport of cannabis goods that the permit holder has cultivated or manufactured. It does not allow transport of other offsite cannabis goods. Staff recommends allowing this use to be included within the use permit process for cannabis operations. Operators would still have the choice to work with a third party distributor/transporter if they so choose.
- **Shared Manufacturing Facilities:** Manufacturing is an existing license type but staff proposes to allow manufacturing facilities to be shared among multiple operators. The most recent State Regulations allow permitted cannabis manufacturers to provide the use of the licensed space and equipment to smaller manufactures. Cannabis manufacturers wishing to utilize the space could submit an application for a share (Type S) cannabis manufacturing license at the state level. This use would still require a use permit process and expanding opportunities to multiple operators to sub-lease has no land use implication.

Zoning Code Definitions:

Cannabis Measurement- Canopy

Staff proposes adopting a slightly modified version of the state definition of canopy to replace the “Cannabis Cultivation Area” definition within current code. The most recent set of Emergency Regulations propose to measure canopy similar to our local definition, although they are named differently. The proposed change in language is minimal but any difference in measurement presents many issues for staff and cultivators. This change would provide clarity and consistency for operators as they apply for both County permits and State licenses, and for tax purposes.

Proposed Canopy Definition: The designated area(s) at a permitted premises that will contain cannabis plants at any point in time, as follows:

(1) For indoor and mixed-light license types, canopy shall be calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain cannabis plants at any point in time. If plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

(2) For outdoor license types, canopy shall be calculated in square feet and measured using physical boundaries of all area(s) that will contain cannabis plants at any point in time, including the space within the boundaries;

(a) Each unique area included in the total canopy calculation shall be separated by a physical boundary. For purposes of this section, “physical boundary” means a fence, hedgerow, garden plot, or other stable, semi-permanent structure that clearly demarcates the canopy edge.

The new definitions below are proposed to be added to the zoning code to provide consistency with state law and regulations:

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

- **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.
- **Non-manufactured Cannabis:** Flower, shake, kief, leaf, and pre-rolls.
- **Process, Processing, or Processes - Cannabis:** All activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of non-manufactured cannabis.

Other existing definitions are also proposed for amendments (within Exhibit A) to provide clarity and to better align with current state law and regulations.

ISSUE #2: NEIGHBORHOOD COMPATIBILITY

Since adoption of the Cannabis Land Use Ordinance staff has received substantial communication from individuals and neighborhood organizations about the compatibility of cannabis operations with the community. Concerns have included the concentration of cannabis businesses, consistency with adopted Area Plans, proximity to residential, setbacks from sensitive uses (parks, schools, etc), preservation of rural character, use of private roads/access, and substandard parcel sizes.

As noted previously, on April 10th the Board of Supervisors directed staff to take some action now during Part 1 (2018) and launch a more robust process for Part 2 (to conclude in 2019). The following policy options and recommendations represent staff and the Cannabis Ad Hoc Committee's suggestions for consideration and deliberation.

Cannabis Permit Requirement (Land Use Table Amendment): Staff proposes the following policy options related to cannabis permitting and whether a zoning or use permit should be required and under what different circumstances.

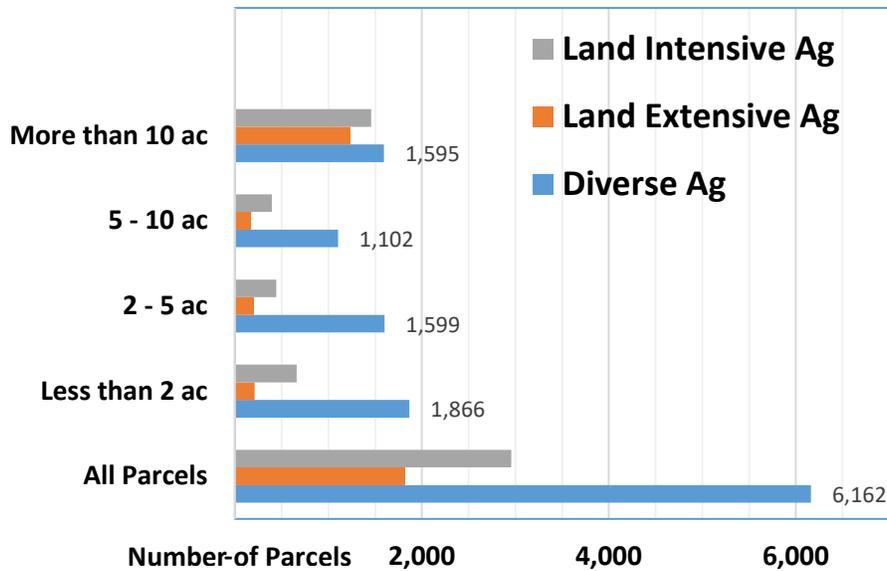
Policy Options:

1. **Require a Use Permit for All Sizes of Cultivation Operations within Non-Industrial Zones:** This option would require a conditional use permit regardless of parcel or operational size within the Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), and Diverse Agriculture (DA) zones (use permits are already required within the Resources and Rural Development (RRD) Zone). Currently cannabis cultivation up to 10,000 sq ft is allowed with a zoning permit on LEA and DA lands. These zoning permits are processed by the Department of Agriculture. This option would require use permits for all operations within agriculture and resource zoning districts and would move all permitting to Permit Sonoma. The cannabis zoning permit process would be limited cultivation up to 500 sq ft of canopy within industrial zones.

2. **Require a Use Permit for Properties less than 10 acres within Non-Industrial Zones (Staff and Ad Hoc Recommended Option):** Operators on properties under 10 acres within the LIA, LEA, and DA zones would be subject to the conditional use permit process which includes public notification, environmental review, and a public hearing process. Zoning permits would continue to be allowed on properties over 10 acres.
3. **Require a Use Permit for Properties less than 10 acres within the Diverse Agriculture (DA) Zone:** Operators on properties under 10 acres would be subject to the conditional use permit process only within the DA Zone. The large majority of smaller agricultural properties are within this zoning district (see Figure 1 below). Zoning permits would continue to be allowed on properties over 10 acres.
4. **Require Use Permits for All Cannabis Operations within the DA Zone:** This option would require all cannabis operations, regardless of parcel or operational size, to obtain a conditional use permit within the DA zoning district.
5. **Require a 10 Acre Minimum Parcel Size within the DA Zone:** This option would not allow any cannabis operations on DA properties under 10 acres in size. Currently cannabis operations are allowed on properties as small as 2 acres. 74 % (4,567) of DA parcels are under 10 acres with 26% (1,595) being over.
6. **Pipeline Provision for Applications Approved or In Process**
 - a. Allow for approved permits to continue operating until they expire.
 - b. Allow any permits that are “complete for processing,” to continue to be processed and approved, and operate until they expire.

BOS Cannabis Ad Hoc and Staff Recommendation: Option #2 and #6b. Operators on properties under 10 acres within the LIA, LEA, and DA zones would be subject to the conditional use permit process which includes public notification, environmental review, and a public hearing process. This process would allow for a case-by-case review of neighborhood compatibility issues. Zoning permits would continue to be allowed on properties over 10 acres within the LEA and DA zones.

There are currently nine zoning permits in process, and one approved that would be impacted by this amendment. Staff proposes an ordinance pipeline provision which would allow any zoning permit application deemed complete by adoption date (proposed to be August 7th, 2018), to continue as a zoning permit for one year until renewal is required.

Figure 1: Agricultural Zones and Parcel Size

Indoor Cultivation Setback from Schools (Section 26-88-254(f)(4)): To better align with state law and alleviate issues related to proximity of indoor cultivation to schools, staff proposes a 600 ft separation between these uses.

Allow Appeal of Zoning Permits Issued by the Department of Agriculture (Section 26-88-250(m)): Currently the zoning code allows appeal of zoning permits issued by Permit Sonoma. This new language would provide consistency and allow appeal of zoning permits issued by the Department of Agriculture. The appeal body would be the Board of Zoning Adjustments (BZA). Note that this appeal process would be ministerial and the BZA's authority would be limited to determining if the project met the ministerial standards contained within the zoning code.

ISSUE #3: INCLUSION ZONE

Staff proposes to create the Cannabis Inclusion Combining District as a tool for future application to parcels that do not have eligible zoning for cannabis cultivation only, but which have unique characteristics that make them worthy for consideration with a conditional use permit for cultivation. For instance, there are anomalies within zoning throughout the county where a small commercial property, surrounded by large agricultural properties, is ineligible under existing ordinance but is a logical location due to surrounding agricultural or open space use with no residential compatibility issues. This tool could also be used if there are specific neighborhoods or districts where cannabis uses are less likely to cause neighborhood compatibility or environmental issues.

The Inclusion Zone would be applied through a Zone Change application process which requires a public hearing process, environmental review, and final decision by the Board. No projects are being proposed for the rezoning at this time.

The following policy options are proposed for consideration by the Planning Commission.

Policy Options:

1. Allow Cultivation within Certain Base Zoning Districts:

- a. **Allow in Rural Residential (RR) and Agriculture Residential (AR) Zoning Districts:** This option would allow for all RR and AR properties, regardless of location or size, to apply for cannabis use permits.
- b. **Allow in Commercial Districts:** Currently the only cannabis uses allowed in commercial districts are dispensaries and laboratories. There have been a number of existing cultivators who were interested in continuing operations, one of which applied for a General Plan Amendment to move from Commercial to Agricultural Zoning but wasn't able to meet the General Plan designation criteria and was forced to withdraw the application and cease operations.
- c. **Allow in Agricultural Services District:** Currently no cannabis uses are allowed within this zoning district. There are only 13 parcels countywide within this zoning district. Allowing cannabis within this district would limit the opportunity for siting of agricultural support and commercial service uses.

2. Limit the Inclusion Zone to Certain Areas of the County or Historic Use:

- a. **Limit by Planning Areas:** The Sonoma County General Plan divides the county into nine (9) planning areas. These planning areas could be used to identify areas where AR and RR properties would be eligible for cannabis permitting.
- b. **Limit by Area Plan Area:** There are currently 8 adopted Area and Specific Plans. Cannabis applications could be included or excluded based on these boundaries.
- c. **Limit to Properties with Historic Cannabis Use:** This option would limit the RR and AR eligible properties to those with historic cannabis uses, meaning those properties where it can be proven that cannabis cultivation was occurring prior to Jan 1, 2018 (end of transition period).

3. Criteria to be used for Consideration of Inclusion Zoning:

- a. **Minimum Parcel Size:** Currently all cultivation, with the exception of indoor, has a 2 acre minimum parcel size requirement. The Inclusion Zone could express a larger minimum lot size of 5 or 10 acres. Note that only 9% of AR and RR parcels are larger than 5 acres and only 3% are over 10 acres.
- b. **Proximity to Residential Uses:** A key area of concern is neighborhood compatibility and proximity to residential uses. Criteria could be created to restrict eligibility in the following ways:
 - i. Property is located in an area with residential density no more than 1 unit/10 acres,
 - ii. No residential dwellings within a half mile of the parcel

- iii. No residential dwellings within 1,000 ft of the operation's premise.
- c. **Proximity to Agricultural Uses:** The property is within an area with other existing agricultural uses. This would require a finding that the cannabis operation would be surrounded by other types of traditional agricultural operations which would ensure a reduction in nuisance factors of noise, odor, etc.
- d. **Limitation on Size or Type of Cannabis Cultivation:**
 - i. Allow only Indoor Cultivation. This option would restrict uses to indoor only which may reduce neighborhood compatibility and nuisance issues.
 - ii. Allow only Cottage. This option would restrict the size of the cultivation to a maximum of 25 plants.
 - iii. Allow all types up to 10,000 sq ft of canopy.
 - iv. Allow all types and sizes based on the limits expressed in the Cannabis Land Use Table. This option would allow for a case by case review of the size of cultivation based on the property location, zoning, and size. Note the 1 acre of cultivation maximum would still apply.

4. Initiation of Zone Change Request

- a. Applicant Submits Request: This would allow a private party to apply for the Inclusion Zone on one or more properties.
- b. County Initiated: A zone change to add the Inclusion Zone could only be initiated by the County, as directed by the Board of Supervisors and the Cannabis Ad Hoc Committee.
- c. Allow for both private parties and the County to initiate rezoning applications for Inclusion Zones.

BOS Cannabis Ad Hoc and Staff Recommendation: Staff recommends that the Inclusion Zone be made available to RR and AR properties within Planning Areas 4 and 6, on parcels 5 acres or more, for all types and sizes of cultivation allowed on the Cannabis Land Use Table and the standards and restrictions within the Cannabis Land Use Ordinance (as proposed). Staff further recommends that the Inclusion Zone be made available to all Commercial Zoning Districts countywide for any type of cultivation based on the requirements of the Cannabis Land Use Table. This process would be initiated by a private party application through a zone change application and use permit process.

ISSUE #4: EXCLUSION ZONE

Staff proposes to create a Cannabis Exclusion Combining District similar to the exclusion zones that already exist for Accessory Dwelling Units and Vacation Rentals. This zone would be used to exclude cannabis uses on properties that meet one or more of the criteria set within the Ordinance. For instance, this tool could be used to restrict cannabis within a certain area due to environmental sensitivity or neighborhood compatibility issues. The following policy options are proposed for deliberation and recommendation of the Planning Commission:

Policy Options

1. **Criteria for Exclusion:** The Combining Zone may be placed on parcels where one or more of the following criteria are met:
 - a. Areas where there is inadequate road access or other conflicts;
 - b. Areas where the prevalence or concentration of cannabis operations is detrimental to the residential character of area;
 - c. Areas where the commercial or industrial uses are to be protected from conversion to cannabis uses;
 - d. Areas where, because of topography, access, water availability or vegetation, there is a significant fire hazard;
 - e. Areas with sensitive biotic resources or significant environmental sensitivity exists; or
 - f. Other areas where the Board of Supervisors determines that it is within the public interest to prohibit cannabis uses.

2. **Initiation of Zone Change Request**
 - a. Applicant Submits Request: This would allow a private party to apply for the Exclusion Zone on one or more properties.
 - b. County Initiated: A zone change to add the Exclusion Zone could only be initiated by the County, as directed by the Board of Supervisors and the Cannabis Ad Hoc Committee.
 - c. Allow for both private parties and the County to initiate rezoning applications for Inclusion Zones.

3. **Pipeline Provision for Applications Approved or In Process**
 - a. Allow for approved permits to continue operating until they expire.
 - b. Allow any permits that are “complete for processing” to become approved and operate until they expire.
 - c. Allow this provision to be reviewed on a case by case basis through the Exclusion Zone Application Process.

BOS Cannabis Ad Hoc and Staff Recommendation: Allow individual private party applicants or the County to initiate an Exclusion Zone application. Staff and the Ad Hoc further recommend that all of the criteria listed under Option #1 be available options within the Exclusion Zone district. It is further recommended that the pipeline provision not be prescribed at this time. The Commission and the Board should have flexibility to apply a different pipeline provision on a case by case basis depending on the situation.

ISSUE #5: OTHER STAFF RECOMMENDED CHANGES

Since adoption of the Cannabis Land Use Ordinance and the acceptance of permits beginning in July 2016, staff has found areas of the ordinance that require correction, clarification, or amendment based on experience processing permit applications. The following amendments are proposed by staff (exact language within Exhibit A):

Extend the Length of Time of Permits: Currently cannabis permits are issued for one year and require annual renewal. Staff and the Cannabis Ad Hoc Committee recommend that cannabis permits be issued for a two year period of time. Staff does not recommend retroactively extending approved applications for two

- iii. No residential dwellings within 1,000 ft of the operation's premise.
- c. **Proximity to Agricultural Uses:** The property is within an area with other existing agricultural uses. This would require a finding that the cannabis operation would be surrounded by other types of traditional agricultural operations which would ensure a reduction in nuisance factors of noise, odor, etc.
- d. **Limitation on Size or Type of Cannabis Cultivation:**
 - i. Allow only Indoor Cultivation. This option would restrict uses to indoor only which may reduce neighborhood compatibility and nuisance issues.
 - ii. Allow only Cottage. This option would restrict the size of the cultivation to a maximum of 25 plants.
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- a. Applicant Submits Request: This would allow a private party to apply for the Inclusion Zone on one or more properties.
- b. County Initiated: A zone change to add the Inclusion Zone could only be initiated by the County, as directed by the Board of Supervisors and the Cannabis Ad Hoc Committee.
- c. Allow for both private parties and the County to initiate rezoning applications for Inclusion Zones.

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ISSUE #4: EXCLUSION ZONE

Staff proposes to create a Cannabis Exclusion Combining District similar to the exclusion zones that already exist for Accessory Dwelling Units and Vacation Rentals. This zone would be used to exclude cannabis uses on properties that meet one or more of the criteria set within the Ordinance. For instance, this tool could be used to restrict cannabis within a certain area due to environmental sensitivity or neighborhood compatibility issues. The following policy options are proposed for deliberation and recommendation of the Planning Commission:

Policy Options

1. **Criteria for Exclusion:** The Combining Zone may be placed on parcels where one or more of the following criteria are met:
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 - d. Areas where, because of topography, access, water availability or vegetation, there is a significant fire hazard;
 - e. Areas with sensitive biotic resources or significant environmental sensitivity exists; or
 - f. Other areas where the Board of Supervisors determines that it is within the public interest to prohibit cannabis uses.

2. **Initiation of Zone Change Request**
 - a. Applicant Submits Request: This would allow a private party to apply for the Exclusion Zone on one or more properties.
 - b. County Initiated: A zone change to add the Exclusion Zone could only be initiated by the County, as directed by the Board of Supervisors and the Cannabis Ad Hoc Committee.
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ISSUE #5: OTHER STAFF RECOMMENDED CHANGES

Since adoption of the Cannabis Land Use Ordinance and the acceptance of permits beginning in July 2016, staff has found areas of the ordinance that require correction, clarification, or amendment based on experience processing permit applications. The following amendments are proposed by staff (exact language within Exhibit A):

Extend the Length of Time of Permits: Currently cannabis permits are issued for one year and require annual renewal. Staff and the Cannabis Ad Hoc Committee recommend that cannabis permits be issued for a two year period of time. Staff does not recommend retroactively extending approved applications for two

years. Rather, if allowed by the revised ordinance, approved applicants can apply to modify their permit to be eligible for the two year timeframe.

Transferability: Allow cannabis permits to be transferred between operators similar to other land use permits. The ordinance currently includes ambiguous language as to the transferability of permits. Due to changes in state law cannabis operators have been required to change corporate structure from non-profit to profit, and in many cases have been partnering with investors who are named in the business structure. These changes have resulted in many permits essentially being “transferred.” Because cannabis permits would be limited to two years, staff sees no harm in allowing the transfer of permits, provided that the ownership is documented.

Remove Priority Processing Policy: The program was envisioned to provide a more expedited pathway for local residents and operators. However, the majority of the 181 applicants received have requested priority processing. Staff has found this policy to be an ineffective tool and propose to remove the policy entirely.

New Indemnification Language: Standard indemnification language has been proposed by County Counsel to provide consistency between departments.

Allowance for Propagation Areas: This pertains to the propagation (mother plants, starts, seedlings) necessary to support the onsite cultivation operation, not to be confused with a nursery operation who sells seeds or seedlings. The existing code does not express an allowance or limitation on the amount of propagation area. Due to this ambiguity applicants and staff have experienced problems with clarifying the taxable area or the maximum amount of cultivation allowed on a property. Based on research of state regulations and other jurisdictions, staff is proposing the allowance of up to 5% of the floor area of cultivation to be used for non-flowering propagation. This allowance would 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.

Enforcement Section: Staff has proposed a number of amendments to make technical corrections and align language with upcoming Administrative Citation Ordinance.

Clarification of Language, Without Change to Requirements, Within the Following Sections (as seen in Exhibit A):

1. Maximum amount of cannabis allowed on a single parcel and how this is measured (no change to how this is measured) (26-88-254(e) and (f)(1))
2. Biotic Resources Section (26-88-254(f)(8))
3. Cultural and Historic Resources Section (26-88-254(f)(9))
4. Security and Fencing (26-88-254(f)(16))
5. Water Supply, proposed to be amended to “Water Source” and clarification that a hydrogeological report is required for Groundwater Availability Zone 3, consistent with the General Plan (26-88-254(g)(10)).

Non-Substantive Corrections

- a. Added separation criteria measurement to dispensary section that was mistakenly omitted.
- b. Addition of the 3rd footnote on the land use table to Indoor Cottage 500 sq ft LEA. This restricts uses to existing structures or previously disturbed areas.
- c. Land Use Tables reordered and numbered in line with the state license type.
- d. Corrections of grammar and spelling throughout.

ENVIRONMENTAL DETERMINATION:

It is the determination of staff that the proposed amendments are consistent with the previously circulated and approved Negative Declaration, adopted December 20, 2016; that the project is categorically exempt from the California Environmental Quality Act under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the project will have no significant or physical effect on the environment; under sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment; and Section 15321 as an action by an agency for enforcement of a law, general, rule, standard or objective administered or adopted by the agency; and the Business and Professions Code Section 26055(h) (MAUCRSA) because the adoption of this ordinance requires discretionary review of cannabis operations which will include applicable environmental review under CEQA.

STAFF RECOMMENDATION

RECOMMENDATION: Staff recommends that the Planning Commission

1. Hear the Staff Presentation,
2. Hold a Public Hearing,
3. Deliberate and Take Straw Votes on Policy Options, and
4. Adopt Resolution recommending that the Board approve the Zoning Code Amendments. Final recommendation may be continued to an additional Planning Commission hearing date.

FINDINGS FOR RECOMMENDED ACTION

1. The proposed amendments are necessary and desirable to protect the public health, safety and environmental resources, provide a consistent regulatory pathway for the cannabis industry consistent with state regulations, foster a healthy, diverse and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.
2. This ordinance amendment is intended to be Part 1 to a two part policy effort to alleviate neighborhood compatibility issues and harmonize with state regulations which were adopted after the County's adoption of the Cannabis Land Use Ordinance on December 20, 2016 (Ordinance #6189).
3. This ordinance is consistent with the overall goals, objectives, policies and programs of the General Plan to promote a healthy and competitive agricultural, stabilize farm incomes and provide opportunities for diversification of agricultural products; protect Important Farmlands; preserve biotic resources; promote energy conservation and use of renewable energy; minimize discharge of sediment, waste and other

pollutants into the drainage systems; protect groundwater resources; encourage graywater systems and use of recycled water.

4. It is the determination of staff that the proposed amendments are consistent with the previously circulated and approved Negative Declaration, adopted December 20, 2016; that the project is categorically exempt from the California Environmental Quality Act under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the project will have no significant or physical effect on the environment; under sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment; and Section 15321 as an action by an agency for enforcement of a law, general, rule, standard or objective administered or adopted by the agency; and the Business and Professions Code Section 26055(h) (MAUCRSA) because the adoption of this ordinance requires discretionary review of cannabis operations which will include applicable environmental review under CEQA. The Planning Commission finds on the basis of the whole record before it that this exemption reflects the independent judgment and analysis of the Commission and that there is no substantial evidence that the project will have a significant effect on the environment.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Cannabis Ordinance Amendments
 - EXHIBIT B: Draft Cannabis Land Use Table
 - EXHIBIT C: Draft Exclusion Combining Zone
 - EXHIBIT D: Draft Inclusion Combining Zone
 - EXHIBIT E: Draft Planning Commission Resolution
 - EXHIBIT F: Cannabis Advisory Group Recommendations
-

MEMO

DATE: June 28, 2018

TO: Sonoma County Planning Commission

FROM: Amy Lyle and Katie Olding, Permit Sonoma

SUBJECT: ORD18-0003, Inclusion Combining District

On June 7, 2018 the Commission reviewed and held a public hearing on the proposal to amend the Cannabis Land Use Ordinance. Included within the proposal was the Inclusion Combining District. This tool could be used for future application to parcels that do not have eligible zoning for cannabis cultivation only, but which have unique characteristics that make them worthy for consideration with a conditional use permit for cultivation. Staff has updated the recommendation with additional standards and a land use table as described below.

The following policy options are proposed for consideration by the Planning Commission.

Policy Options:

1. **Allow Cultivation within Certain Base Zoning Districts:**
 - a. **Allow in Rural Residential (RR) and Agriculture Residential (AR) Zoning Districts:** This option would allow for all RR and AR properties to apply for cannabis use permits.
 - b. **Allow within the Limited Commercial (LC) District:** Currently the only cannabis uses allowed within the LC zone are dispensaries and laboratories.
 - c. **Allow in Agricultural Services District:** Currently no cannabis uses are allowed within this zoning district. There are only 13 parcels countywide within this zoning district. Allowing cannabis within this district would limit the opportunity for siting of agricultural support and commercial service uses.
2. **Limit the Inclusion Zone to Certain Areas of the County or Historic Use:**
 - a. **Limit by Planning Areas:** The Sonoma County General Plan divides the county into nine (9) planning areas. These planning areas could be used to identify areas where AR and RR properties would be eligible for cannabis permitting.
 - b. **Limit by Area Plan Area:** There are currently 8 adopted Area and Specific Plans. Cannabis applications could be included or excluded based on these boundaries.
 - c. **Limit to Properties with Historic Cannabis Use:** This option would limit the RR and AR eligible properties to those with historic cannabis uses, meaning those properties where it can be proven that cannabis cultivation was occurring prior to Jan 1, 2018 (end of transition period).



3. Criteria to be used for Consideration of Inclusion Zoning:

- a. **Minimum Parcel Size:** Currently all cultivation, with the exception of indoor, has a 2 acre minimum parcel size requirement. The Inclusion Zone could express a larger minimum lot size of 5 or 10 acres. Note that only 9% of AR and RR parcels are larger than 5 acres and only 3% are over 10 acres.
- b. **Proximity to Residential Uses:** A key area of concern is neighborhood compatibility and proximity to residential uses. Criteria could be created to restrict eligibility in the following ways:
 - i. Property is located in an area with residential density no more than 1 unit/10 acres,
 - ii. No residential dwellings within a half mile of the parcel
 - iii. No residential dwellings within 1,000 ft of the operation's premise.
- c. **Proximity to Agricultural Uses:** The property is within an area with other existing agricultural uses. This would require a finding that the cannabis operation would be surrounded by other types of traditional agricultural operations which would ensure a reduction in nuisance factors of noise, odor, etc.
- d. **Limitation on Size or Type of Cannabis Cultivation:**
 - i. Allow only Indoor Cultivation. This option would restrict uses to indoor only which may reduce neighborhood compatibility and nuisance issues.
 - ii. Allow only Cottage. This option would restrict the size of the cultivation to a maximum of 25 plants outdoor, 500 sq ft indoor, or a 2500 sq ft mixed light greenhouse.
 - iii. Allow all types up to 10,000 sq ft of canopy.
 - iv. Allow all types and sizes based on the limits expressed in the Cannabis Land Use Table. This option would allow for a case by case review of the size of cultivation based on the property location, zoning, and size. Note the 1 acre of cultivation maximum would still apply.
 - v. Within commercial zoning restrict cultivation to indoor and mixed light.

4. Standards Applied to Eligible Properties:

- a. If residential, the operator shall reside full-time on the property where the cultivation operation is occurring.
- b. If commercial, restrict other cannabis uses such as laboratories and dispensaries.
- c. If commercial, restrict other visitor serving uses to reduce potential conflicts and security impacts.

BOS Cannabis Ad Hoc and Staff Recommendation:

Staff recommends Options 1.a.b., 2.a., 3. a. d. ii. v., and 4. a. b. and c. A summary is provided below.

- (a) When combined with a Rural Residential (RR) or Agriculture and Residential (AR) Zone subject to all of the following criteria:
 - a. Property is located within Planning Area 4 or 6;
 - b. Property is five (5) acres in size or larger;
 - c. Maximum cultivation canopy shall be limited to Cottage sizes for indoor, mixed light, and outdoor or any combination thereof shown in Table 1;
 - d. The operator shall reside full-time on the property where the cultivation operation is occurring; and

- e. The operation meets all requirements within the Sections 26-88-250-256.

Staff further recommends that the Inclusion Zone be made available to the Limited Commercial (LC) District countywide for indoor and mixed light cultivation only.

- (a) When combined with a Limited Commercial (LC) Zone subject to all of the following criteria:
 - a. Property is five (5) acres in size or larger;
 - b. Cultivation is limited to indoor and mixed light;
 - c. Maximum cultivation canopy shall be limited as shown on Table 1 for indoor, mixed light, or any combination thereof provided that the total canopy does not exceed the maximum for the parcel size;
 - d. No cannabis dispensary or laboratory is located onsite;
 - e. No other visitor serving commercial uses are located onsite; and
 - f. The operation meets all requirements within the Sections 26-88-250-256.

All cannabis uses would be required to meet the standards within the Cannabis Land Use Ordinance including setbacks to schools, surrounding residences, security plans, odor control, etc. The Inclusion Zone would be applied through a Zone Change application process which requires a public hearing process, environmental review, and final decision by the Board. No projects are being proposed for the rezoning at this time.

A total of 651 Rural Residential and Agriculture Residential parcels would be eligible for rezoning to the Inclusion District. 87 are Rural Residential and 564 are Agriculture Residential. The following table describes how this could be applied.

Resolution Number 18-008

County of Sonoma
Santa Rosa, California

June 28, 2018
ORD18-0003 Katie Olding

RESOLUTION OF THE PLANNING COMMISSION OF THE
COUNTY OF SONOMA, STATE OF CALIFORNIA,
RECOMMENDING TO THE BOARD OF SUPERVISORS THE
PROPOSED AMENDMENTS TO CHAPTER 26 OF THE ZONING
CODE TO ALLOW ADULT USE FOR THE FULL CANNABIS
SUPPLY CHAIN, ENHANCE NEIGHBORHOOD
COMPATIBILITY, CREATE CANNABIS INCLUSION AND
EXCLUSION COMBINING DISTRICTS, THE ADDITION OF NEW
DEFINITIONS AND AMENDMENTS TO HARMONIZE WITH
CALIFORNIA STATE LAW AND REGULATIONS WHERE
APPROPRIATE, AND OTHER AMENDMENTS AS NECESSARY
FOR CLARIFICATION

WHEREAS, the Medical Cannabis Regulation and Safety Act (“MCRSA”), signed into law in October 2015, constructed a comprehensive framework for the regulation of medical cannabis and replaced the collective/cooperative model with a dual commercial licensing scheme at the local and state levels; and

WHEREAS, on December 20, 2016, the Board of Supervisors adopted a series of ordinances to establish a comprehensive local program, to permit and regulate the complete supply chain of medical uses; and

WHEREAS, the Senate Bill 94, known as the “2017-2018 Budget Trailer Bill”, signed into law on June 27, 2017, repealed the Medical Cannabis Regulation and Safety Act (“MCRSA”) and the Adult Use of Marijuana Act (“AUMA”) with one regulatory framework termed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and

WHEREAS, SB 94 amended Business and Professions Code section 26055 to add subsection (h), which provides that the CEQA process does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of applications for permits, licenses, or other authorizations to engage in commercial cannabis activity, and that in order to qualify for this exemption, the discretionary review of applications provided for by any such law, ordinance, rule, or regulation shall include a requirement for any applicable environmental review pursuant to the CEQA process to occur prior to taking action on such applications; and

WHEREAS, on July 5, 2017 the County of Sonoma began accepting permit applications for cannabis-related businesses in accordance with the newly adopted Medical Cannabis Land Use Ordinance; and

WHEREAS, on November 16, 2017 the three State of California cannabis licensing authorities, California Bureau of Cannabis Control, CalCannabis Cultivation Licensing, and the

Manufactured Cannabis Safety Branch, issued their comprehensive emergency regulations creating the current cannabis regulatory structure; and

WHEREAS, on April 10, 2018 the Board of Supervisors adopted a Resolution of Intention, directing staff to explore and propose amendments to the Cannabis Ordinance to allow for Adult Use cannabis for the full supply chain, enhance neighborhood compatibility, and adopt new definitions and minor technical changes to harmonize with State law and regulations where appropriate; and

WHEREAS, it is the determination of staff that the proposed amendments are consistent with the previously circulated and approved Negative Declaration, adopted December 20, 2016; that the project is categorically exempt from the California Environmental Quality Act under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the project will have no significant or physical effect on the environment; under sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment; and Section 15321 as an action by an agency for enforcement of a law, general, rule, standard or objective administered or adopted by the agency; and the Business and Professionals Code Section 26055(h) (MAUCRSA) because the adoption of this ordinance requires discretionary review of cannabis operations which will include applicable environmental review under CEQA. The Planning Commission finds on the basis of the whole record before it that this exemption reflects the independent judgment and analysis of the Commission and that there is no substantial evidence that the project will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the attached revised Medical Cannabis Land Use Ordinance amending Chapter 26 of the Sonoma County Zoning Code.

WHEREAS, in accordance with the provisions of law, the Planning Commission held public hearings on June 7 and June 28, 2018, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings:

1. The proposed amendments are necessary and desirable to protect the public health, safety and environmental resources, provide a consistent regulatory pathway for the cannabis industry consistent with state regulations, foster a healthy, diverse and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.
2. This ordinance amendment is intended to be Part 1 to a two part policy effort to alleviate neighborhood compatibility issues and harmonize with state regulations which were adopted after the County's adoption of the Cannabis Land Use Ordinance on December 20, 2016 (Ordinance #6189).
3. This ordinance is consistent with the overall goals, objectives, policies and programs of the General Plan to promote a healthy and competitive agricultural, stabilize farm incomes and provide opportunities for diversification of agricultural products; protect

Important Farmlands; preserve biotic resources; promote energy conservation and use of renewable energy; minimize discharge of sediment, waste and other pollutants into the drainage systems; protect groundwater resources; encourage graywater systems and use of recycled water.

4. It is the determination of staff that the proposed amendments are consistent with the previously circulated and approved Negative Declaration, adopted December 20, 2016; that the project is categorically exempt from the California Environmental Quality Act under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the project will have no significant or physical effect on the environment; under sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment; and Section 15321 as an action by an agency for enforcement of a law, general, rule, standard or objective administered or adopted by the agency; and the Business and Professions Code Section 26055(h) (MAUCRSA) because the adoption of this ordinance requires discretionary review of cannabis operations which will include applicable environmental review under CEQA. The Planning Commission finds on the basis of the whole record before it that this exemption reflects the independent judgment and analysis of the Commission and that there is no substantial evidence that the project will have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the project to be exempt from CEQA and approve the proposed changes to Chapter 26 of the Sonoma County Code.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of Permit Sonoma, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Shahhosseini who moved its adoption, seconded by Commissioner Davis, and adopted on roll call by the following vote:

Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Mauritsen	Aye
Commissioner Davis	Aye
Commissioner Carr	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.



County of Sonoma
Permit & Resource Management Department

**Sonoma County Combined Planning Commission
And Board of Zoning Adjustments
MINUTES**

**Permit Sonoma
(707) 565-1900
FAX (707) 565-1103**

Date: June 7, 2018
Meeting No.: 18-06

ROLL CALL

Todd Tamura
Komron Shahhosseini
Cameron Mauritsen
Pamela Davis
Greg Carr, Chair

STAFF MEMBERS

Jennifer Barrett
Hannah Spencer
Katie Olding
Amy Lyle
Arielle Kohn, Secretary
Leslie A. Thomsen, Deputy County Counsel
Tim Ricard, Economic Development Board

1:00 PM Call to order and Pledge of Allegiance.

Approval of Minutes – N/A

Correspondence

Planning Commission/Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Michelle Miller Forestville, read from a letter about numerous violations of the Use Permit at Paul Hobbs Winery LP, which have negatively impacted the neighboring property owned by John Jenkel and ruined his view of Sonoma Mountain. Several others continued reading the same letter after their three minutes were up including Rosanne Schneider, Karen Larson and John Jenkel. Mr. Jenkel stated he was filing an appeal regarding county failure to address problems and demanded that the county hold a public hearing.

BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

Item No.: 1
Time: 1:05 pm
File: UPE16-0063
Applicant: Patricia A. Mazzucco
Owner: Patricia A. Mazzucco Trust
Cont. from: March 15, 2018
Staff: Hannah Spencer
Env. Doc: Categorical Exemption 15303, New Construction or Conversion of Small Structures (e) Accessory structures
Proposal: Request for a Use Permit to legalize a fence exceeding the maximum allowed height within the front yard setback on a corner lot.
Location: 17501 Sunset Way, Agua Caliente
APN: 056-312-001
District: 1
Zoning: R1 (Low Density Residential), B6-5 DU (5 Dwelling Units per Acre), X (Vacation Rental Exclusion Combining)

Hannah Spencer summarized the staff report, which is incorporated herein by reference. **Commissioner Mauritsen** stated he would recuse himself since he was not at the first hearing.

Public Hearing Opened: 1:27 p.m.

Mr. Broussard, representing the applicant, stated that they worked with staff and arrived at an agreement.

Public Hearing Closed: 1:29

Commission Discussion Commissioner Carr thanked the applicant for working with staff

Action: **Commissioner Carr** motioned to approve the project as recommended by staff. Seconded by **Commissioner Davis** and passed with a 4-0-1 vote.

Appeal Deadline: Ten days

Resolution No.: 18-007

Vote:

Commissioner: Tamura	Aye
Commissioner: Shahhosseini	Aye
Commissioner: Mauritsen	Abstain
Commissioner: Davis	Aye
Commissioner: Carr	Aye

Ayes: 4

Noes: 0

Absent: 0

Abstain: 1

PLANNING COMMISSION REGULAR CALENDAR

Item No.: 2
Time: 1:30 pm
File: Cannabis Program Update and ORD18-0003 Cannabis Ordinance Amendments Part 1
Applicant: County of Sonoma
Owner: N/A
Cont. from: N/A
Staff: Katie Olding and Amy Lyle

Env. Doc: Consistent with previously circulated and approved Negative Declaration adopted December 20, 2016; Exempt under Section 15061(b) (3) of the CEQA Guidelines; and consistent with the Business and Professionals Code Section 26055(h) (MAUCRSA)

Proposal: Consideration of a series of amendments to the Zoning Code including but not limited to allowing adult use/recreational cannabis for the full cannabis supply chain including dispensaries, options to enhance neighborhood compatibility as it relates to cannabis permitting, the creation of Cannabis Inclusion and Exclusion Combining Districts, amending definitions and ordinance language to align with state law where appropriate, and other amendments as recommended by staff.

Location: The Medical Cannabis Land Use Ordinance applies to agricultural, industrial, commercial, and resource zones within the unincorporated area of Sonoma County.

APN: N/A

District: ALL

Zoning: All, except Coastal Zone

Deputy Director Barrett commented that today's hearing is Part One of a two part process, The focus of today's hearing is to require use permits for cultivation to give the neighbors an opportunity to weigh in on the Cannabis permits. Part Two will involve a more comprehensive review of the ordinance and discuss possible changes to improve it. **Chair Carr** added that there may be several hearings before a decision is made, but he hoped to close the public hearing today.

Commission Disclosures: Commissioner Tamura visited two sites, met with two operators, neighborhood groups, and drove by other sites in District 2. He will submit his comments for the record. **Commissioners Mauritsen, Shahhosseini and Carr**, also met with Benziger and Pearson and neighborhood groups. **Commissioner Davis** did not meet with anyone.

Deputy Director Barrett reminded the group that today's hearing was not site-specific, especially in relation to pending applications.

Tim Ricard, Program Manager, introduced his staff team which includes staff from the Ag Commissioner, Weights and Measures, Planning and Code Enforcement. He reviewed recent changes in state law. The original ordinance was implemented in 2017, and the County is now updating it, based on guidance from the Board and community interest. After 11 months of permitting, the ordinance needs adjustment to address neighborhood concerns and align with state law and compatibility. Most applications are from District 5 and most are in the DA zoning district. 116 applications are complete for processing and 41 are incomplete.

Tyra Harrington, Code Enforcement stated that of the 578 complaints about Cannabis received since January 2017, 65 are active.

Amy Lyle summarized the staff report, which is incorporated herein by reference and which included comments received till 11:00 this morning. She reviewed the existing ordinance. The state does not consider cannabis to be agriculture, so there is no Right to Farm involved, and the decision making process is split between Ag Department, Weights and Measures, and Permit Sonoma.

Commissioner Davis asked if ministerial permits are allowed for ag lands, **Staff Lyle** said yes, as long as the project meet the standards a permit can be approved with no discretion or neighborhood notification.

Commissioner Tamura asked where the 10,000 square foot basis comes from, and **Staff Lyle** said from the 2016 state law. The Board wanted more restrictive rules.

Commissioner Tamura asked what code enforcement activity has taken place. **Staff Harrington** stated that for those applicants found to be out of compliance, 5 day notice to quit orders were issued. So far no fees have been collected or penalties assessed. Building code violations have been made. Staff is still assessing applications to see if they are complete. **Commissioner Tamura** commented that most growing operations are flying under the radar, and suggested incorporating a fine for those that don't apply. **Staff Harrington** stated that staff did not find significant environmental issues that would warrant immediate action.

Commissioner Shahhosseini asked how many complaints had been received, and **Staff Harrington** stated that they had received 508. After the June 1 deadline, it will be more proactive to seek those who are out of compliance with the ordinance.

Commissioner Tamura stated that the fines should be commensurate with value of the crop, and **Staff Harrington** stated that staff will pursue compliance with the ordinance.

Commissioner Shahhosseini commented that Code Enforcement lacks staff to address the issues, and since this affects the ability to tax, there are problems created due to the lack of ability to enforce, even with additional staff.

Commissioner Mauritson, in reference to the state not recognizing cannabis as agriculture so there is no Right to Farm, asked if staff thought that could change in the future.

Commissioner Shahhosseini asked why cannabis is not considered agricultural crop. Staff replied it is because at present, it is a cash industry, and for various reasons can't be treated the same as ag. There are also health and safety issues. **Staff Ricard** added that the Board wants to see the industry more highly regulated than other types of ag. **Commissioner Shahhosseini** said this creates a higher danger level, and **Commissioner Carr** agreed that it is a big issue.

Planning Staff **Katie Olding** reviewed the issues of neighborhood compatibility, state law harmonization, and said their work came from study session with Board that addressed neighborhood compatibility issues.

Neighborhood compatibility. The fact that growing is allowed as a ministerial permit on DA lands have resulted in much neighborhood complaints, and policy changes are proposed. If approved, applicants in the complete for processing status will be allowed to proceed, but others will be required to apply for a Use Permit, subject to renewal. No more ministerial zoning permits will be allowed through the Ag Commissioner for parcels under 10 acres in non-industrial zones. Applicants will have to apply to Permit Sonoma. **Commissioner Shahhosseini** asked how many applicants had involved public hearings and full CEQA. **Staff Olding** commented that there are ten subject to renewal and ten more in the pipeline. There is need for other options.

State law harmonization; **Staff Olding** explained that purpose of these changes are to better align county with state. References to "medical" were removed, and four more operator types were added. The use permit process will be required for some applications, and new definitions adopted for clarification of consistency and tax purposes. **Staff Olding** reviewed the power point presentation, incorporated herein and made a part hereof.

Commissioner Mauritson asked about the Use Permits process. **Staff Olding** indicated that staff can use the Use Permit Waiver noticing process, and if there are objections by neighbors, a hearing is held. If approved, most permits are subject to an annual review in which staff makes sure that the standards are being adhered to and that the applicant is in compliance with the conditions.

Commissioner Tamura asked for further discussion about sensitive areas, and asked if this was consistent with state law. **Staff Ricard** noted that the County ordinance is more inclusive, and includes parks in the setbacks.

Commissioner Shahhosseini asked about the 10,000 square foot maximum for indoor cultivation, and commented that people had complained that the 5% restriction for floor space was arbitrary. **Staff Ricard** noted that shelving can be used, which effectively increases the storage space to 25%. The amount was chosen because of the Board desire to keep a small footprint. **Commissioner Carr** stated that this needs to be clarified in the code.

Commissioner Carr asked the difference between distributor and transporter. Staff Ricard stated that the distributor takes the product from the farm and labs for testing, packages it, and delivers it to the dispensary. The transporter can only transport the product to the manufacturer or distributor, not the dispensary.

Staff Lyle reviewed the proposed **inclusion zone policy** options, which are based on zoning districts and recommend allowing growing in all commercial zones, and in Planning Areas 4 and 6 – to allow growing on AR and RR parcels over 5 acres through a zone change and use permit application.

District 5 had the most AR and DA parcels. There is a concern about concentration.

Commissioner Carr expressed concern that the inclusion zone could be a problem. He asked why only Planning Areas 4 and 6 were looked at. Staff Lyle indicated that the Ad Hoc committee felt comfortable doing it in those areas. **Commissioner Carr** suggested finding areas where we want to encourage growing, such as remote areas where there is a lot of water, and concentrate there. **Staff Lyle** stated that they wanted to look at areas where growing is not allowed currently.

Staff Lyle reviewed the proposed **Exclusion Combining District** for Cannabis.

Commissioner Carr suggested the Board fast-track the exclusion zone right away like they did for vacation rentals.

Public Hearing Opened: 3:25 p.m.

Speakers:

Terry Garrett, Co-Chair, Cannabis Advisory Group, provided written recommendations. He supports packaging and processing in the manufacturing and industrial zones, growing cannabis on already developed ag lands as a way to reduce impacts, and including the processor license as part of chain. He favored type 7 licenses with a conditional use permit in industrial zones, defining persons authorized as is defined in the Business and Professions code, and all cannabis event permits. Garrett said the 5% requirement could be arbitrary, and asked if it aligns with the state. 5% is inadequate for some growers who use different techniques. He suggested using weight, not square footage as a factor from a taxation standpoint. Include ethanol as a non-volatile substance, put the operations near business structures instead of residences, and allow those permits that are in complete for processing to remain. Eliminate the school setback for indoor cultivation.

Joanna Cedar, Cancraft stressed the importance to prioritize a viable cannabis industry in the County. It will be good for the County and could incentivize the ag community. Farmers in the AR zones have not had a clear path into the regulated market place and the current problems could have been avoided. Inclusion and exclusion zones are not a good precedent for public policy. Ms. Cedar opposed the conditional use permit in the AR, RR and AS zones. Exclusion zones would not be needed if the conditional use permit was used. Many issues are addressed in process that look at neighborhood concerns. The cultivators are being zoned out, and fewer applications turned in. Code Enforcement is not affected. Public decorum has taken a nose dive in the last few months. Cash infused from cannabis is running out, and need broader perspective is needed to move the community forward.

Cindy Schellenberg, Penngrove, represents Penngrove concerned citizens and wants Penngrove to be an exclusion zone. Their rural area has large parcels next to DA, RR and AR, and the cannabis groves have been a bone of contention for the neighbors. The County has ignored the 1982 Area Plan which serves to protect and preserve the historical agricultural land uses even more than the General Plan. There is a good reason that commercial cannabis is not recognized as agriculture. Ministerial permits should not be allowed, as it gives neighbors no chance to be involved in the permitting process. They feel blindsided and there is no mechanism to appeal the decision. Due process is being taken away. The ten acre minimum lot size is too small. The neighbors voted for adult recreational use, but not to have it change their home lives.

Alexa Wall, chair of So Co Growers stated that out of 5000 growers, only 250 applied for permits. Cannabis is an important cultural and economic driver. More conditions will destabilize the industry, and growers have not had a chance to prove the merits of their operations. This will cause the black market to increase, unregulated, and what is needed is true commitment to evolving the ordinance. The goal of the program is to provide safety and business success. The County needs to be more forward thinking and give it a chance to work.

Kristen Decker, representing Lakeville Highway residents, stated that Section 1 of the original ordinance says to protect health, safety and environmental resources and avoid nuisance factors. We need to keep sight on the original law. Neighborhood compatibility is a top issue. The staff report ignored the problem, and went into to two phases to enhance the program, effectively restricting the neighborhood.

Many complicated issues need to be resolved before expanding into a bigger footprint. Only 11 of the 58 California counties allow commercial cultivation. Only 2 of the 9 Bay Area counties allow outdoor cultivation. Alameda has allowed a maximum of 10 permits. While Sonoma County is not as permissive as Humboldt, we are close. Setbacks need to be increased, minimum lot size increased, eliminate ministerial permits for all, and Permit Sonoma needs to look at the increased burden on roadways and fire safety. Decker asked for a fast track for exclusion zones. Residents should not have to fight for basic property rights and be impacted by odor, sound, lights, security cameras, and 24 hour a day traffic.

Craig Harrison, Bennett Valley supports Save or Sonoma proposals, a 20 acre minimum for all zoning districts, and for all zoning categories. Many parcels in Bennett Valley are concentrations of ¼ Rural Residential lots next to larger parcels that have access through the neighborhood. The setbacks need to be at least 1,000 feet, and 2,000 feet for parks. The state did not put in setbacks for parks because they only had five days to respond. It is too soon to conform to the state regulations. There should be no buffer zones around parks. Bennett Valley should be an exclusion zone. There are mechanisms in place to make that happen. Identify Class 3 and 4 water areas where there are biotic resources to protect. Penalties should be increased and mandatory, and growers should use press releases. Regarding the 24 hour notice before inspection- the County does not give others that. The proposal makes it too easy for operators to cheat. Felons should be banned from cannabis – operators and landowners are in business together. Empower the code to allow private citizens to sue and collect fees when impacted by illegal growing. This will empower the neighborhood and take the burden off Permit Sonoma. Shut down unpermitted operations, many of which were started by greed. These should not be allowed. Improve the pipeline process.

Dr Jennifer Price, CCIA Supports the efforts to include definitions and adult use and extending the review time for permits to five years. They should become a vested right as other use permits do. Five year makes more sense due to capital expenditures. She stated that good applicants will work with neighbors. The CCIA considered cannabis to be an ag copy, and growers must face all that same challenges as other farmers. Sonoma County is an agricultural county. If applicants follow the rules, ministerial permits should be allowed. Appeals should be made to the Ag Commission, not Permit Sonoma. Regarding the distributor transport license, there is no reason to exclude the third party.

Rachel Zierdt, Sebastopol, said Coffee Lane, District 5 is mixed RR and DA. The neighbors are united in opposing any commercial growing in the neighborhood. Growing cannabis is a commercial activity and will affect the quality of life for the neighborhood. The ordinance needs to be changed. Adjacency and overconcentration were not addressed, and she was shocked to see it allowed in RR and AR zones in Planning Area 4 and 6. Neighbors feel thrown under the bus. Due to zoning, she can't have more than 2 garage sales a year because of traffic, or have a hair salon – so how can cannabis be allowed? It uses a lot of water. It is unfair. No ministerial permits should be allowed, increase the minimum parcel size to 20 acres exclude in AR and RR as with other districts in county. Eliminate 24 hour inspection and avoid overconcentration.

Ayn Garvish No Pot on Purvine submitted policy suggestions. Issues with concentration, inconsistency with the Area Plan, and setbacks are a problem. Abolish ministerial permits and create exclusion zones are of utmost importance. The staff recommendation falls short on the issue of neighborhood compatibility and ignores the solution. There are shortfalls with ministerial permits that are currently given by the Ag Commissioner. The permits should be issued by Permit Sonoma. The 10 acres minimum is too small and there is not discretion for ministerial permits, which restricts the public's right to due process. The proposal ignore the fact that large parcels are limited in resources, have fewer rights than small parcels, and circumvents the notification process. There is unfair vesting in the permit process which creates piecemeal permits. The staff report ignores the consensus that ministerial permits should be abolished. Garvish supported the neighborhood speakers and asked for action before it is too late.

Laura Waldbaum, Mark West Watershed representative expressed concern for the environment and asked the commission to look at the big picture. The state has mandated county planning to protect resources. The ordinance will remove capacity for protection of natural resources, and is not based on science. The ordinance is like a fox in henhouse for the General Plan. The Santa Rosa Plain is a high priority are, and additional water use will impact the basin, which is fed by the Russian River watershed tributaries. Mark West Creek used to have salmon, but land use decisions have reduced it to a trickle in summer. Water conservation is being pushed, and the Governor decreed Mark West Creek to be one of five of the most important waterways in the state. Residents told to reduce pumping, and wells have gone dry. People want to live in protected open space,

and coexist with agriculture and wildlife. People pay for the protection of public lands, but the cannabis industry does not enjoy the same mandate. Don't lose sight of what we have – find an effective way to protect natural resources. Waldbaum saw nothing about this in the draft ordinance.

Deborah Eppstein, Santa Rosa Kruger Lane, suggested that if permits are evaluated up front to meet road and fire standards, and do not pass- to deny them and not waste time. Allowing growing on private roads sets up the possibility for lawsuits, and applicants should get permission from the road property owners as part of application before being allowed to start growing. Fire risk should be a concern, and setbacks increased around parks. During the October fires, fire trucks could not get access because growers were scrambling to harvest their crops. Growers are just there for the money, and don't value the land. Eppstein supports an exclusion zone. Place growing in industrial areas, which would reduce enforcement, neighborhood compatibility issues and crime. She did not expect to have to deal with this when she bought her house, and growing attracts crime.

Art Deicke, Santa Rosa environmental consultant and CAG member, stated that in 18 months there have been no use permits approved, and the County has not been able to the make program work as envisioned by the Board in 2016. Permits have been submitted but are not clear, and while there is the potential to approve 50 to 100 permits, no applicants have had a chance to operate. Growers have not been given a chance and now there is complaint about potential issues, which is improving the black market and creating what we wanted to change. The Commission has an opportunity to make things better for the county and the industry. Diecke submitted technical written comments. He asked to clarify definitions, define permit removal, and that many things need clarification such as noise studies and setbacks from structures, such as what will cause 300 foot setback.

James Greaves, resides off Petaluma Hill Road, supports Save our Sonoma and other neighborhood groups. The Terra Bella Vista residents oppose pot groves. There are issues with the Tiger Salamander, roads and water tables. Greaves worked for 25 years in the wine industry, and he can't understand why the cannabis projects do have not have to be posted and neighbors notified. To sell alcohol in any store, notification must be posted for 60 days. It is unbelievable that this is not required for cannabis growth. He voted for it, but does not want to fight with neighbors who want to grow. Greaves opposes ministerial permits and supports exclusion zones.

Mike Benziger, opposes setbacks for parks. He is a farmer and grows certified biodynamic fruits and vegies. He grows Demeter certified medical cannabis and submitted a permit in 2017, but was denied because of his proximity to a park. All parks are not the same, and many are very rural parks with a lot of acreage. Benziger stated that the county should eliminate the setbacks around parks and base them on sensitive areas, not property lines.

Caren Woodson, regarding the idea of restricting growing to industrial zones, said that a person usually obtains agricultural produces from the producers. Cannabis is not manufactured and should be in ag zones. The proposed definitions are different from the State's for canopies, and 5% restriction does not fulfill needs of experienced cultivators. Align the ordinance with the state law. If all potential permits were approved in the County, there would be less than 100 acres.

Tawny Logan, works with permit applicants and said the ordinance needs clarification. The environment was addressed in the 2016 requirements for review of water use, and takes into account water impacts for Zone 3 and 4. The zoning permit is a slippery slope. The only way to address public safety is to find way to bring the process out of the black market. If restrictions continue, crime will increase. The county needs to look at expanding and creating pathways for operators, and to reduce restrictive policies which makes growers feel they are being punished.

Drue Banister Navarro Ranch, Cazadero resident, 40 years, has been through fires, and had many neighbors who grow. There have been problems with trespassers, garbage left on property, chemicals, broken water lines, etc. She is not opposed to growing in appropriate areas, but Navarro Ranch should be an exclusion zone. There is inadequate access, and the narrow roads do not support the increased traffic. The roads are falling into the creek and not being repaired. There are topography, access, water scarcity and fire hazards. There is no commercial ag in the area. Homeowners associations should be allowed to apply for exclusion zones. There is also concern about the annual inspection and Code Enforcement response time.

Jamie Ballachino, Leslie Road off Chalk Hill, noted there is illegal growth in his area. Ballachino can't understand the lack of enforcement on illegal growers. This is the main reason home invasions spook people. The opposing forces need to work together and work it out.

Harriet Buckwalter, St. Helena Road, Mark West watershed, stated that most parcels in the area are zoned DA or RR, and there are six enterprises within a mile of her home, but only one application. Neighborhood compatibility and enforcement are a problem. There were problems with fire evacuation, and night lighting makes her think there is another fire. Buckwalter opposed ministerial permits and is concerned about larger RR lots. Neighbors need to be part of the process. The area is environmentally sensitive – a state designed creek, and a priority area for Coho Salmon according to NOAA. Water is a big issue.

Robert Guthrie, Sebastopol representing 7 neighbors, complained about the proximity of cannabis to his land where there are small parcels. He borders a grower with DA land. He can't enjoy his property because of the odor and noise from the operation, light, smoke, truck exhaust and fans. An indoor structure was placed right on the property line. They have a video camera pointed into his back yard. Even the indoor operation smells and it may not be safe to breathe. The setbacks need to be larger. Reps 7 bordering neighbors, consider setbacks in part 1

Sherry Madrone, Cazadero resident for 40 years, cares about the neighborhood. She started an Aging in Place group two years ago. Lately a new breed has arrived who are not interested in becoming part of the community, and are there to make a profit. Growing has increased the risk of fires, accidents, and the growers don't care about the land. Strangers wander around, and there is a shortage of law enforcement in the area. The growers access their fields through the neighbor's lands. The county needs to look at other states such as Oregon to see what the problems area. She supports exclusion zones and not using the ordinance to pay for the October fires.

Cheryl Button, Navarro Ranch, Cazadero homeowners, concurred with the former speaker. She has a grove on adjacent parcel above her spring, and is concerned about seepage of nitrates into her water source. This is a water scarce area and in summer, people rely on catchment systems and tanks. She plans on testing her spring for pollutants.

Barry Wood, stated that Sonoma County has huge amounts of open space. If 1,000 foot setbacks are required this will eliminate excellent cultivation space.

Stephen Butler, Santa Rosa supports allowing distribution in the MP, M1 and M2 zoning districts. It will interface better with commercial districts than industrial districts. It makes more sense, will keep kids away from dispensaries. The Right to Farm requirement should be allowed if the site is next to existing agriculture. The 1,000 foot setback from parks does not make sense. There is more rural land appropriate for growing near parks.

Suzette Mackey, Bennett Valley resident, expressed concern about how the growers impact others. Her main concern is with odor. Cannabis cultivation will cause an enormous impact, and it is a huge injustice to residents who spent time and effort making their property their home. She supports clean air and exclusion zones. Citizens want to be protected and you can't mitigate the wind.

Carol Bokaie, Adobe Road, wants is to be an exclusion zone. There are issues of child safety, property values and the proposal favors the growers. The structure next to hers encroaches on her property rights, and she has to keep doors and windows shut because of the smell. Setbacks need to be increased.

Chris Hayes, Santa Rosa, expressed frustration. He moved his facility to a 60 acre parcel, and had the Agricultural Commission out. False accusations were made, and he was denied because of his proximity to the Sonoma Mountain Regional Open Space. There are no trails there. He now can't use the sight or do a lot split. He went where he was told to go, and there is no impact on neighbors. He asked the commission to relook at the setbacks for parks.

David Drips, Petaluma Hill Farms, Two Rock Road, stated he was kicked out of Petaluma Hill Road, moved to a 300 acre parcel, where the county told him he could be. It is not in a neighborhood. The dairy belt is an ag district and neighbors are ½ mile away. While doing what he was told, he still feels threatened. He has been to

workshops, town hall meetings, and has lost money trying to cooperate with the county. No permits have been approved and the county is already trying to change the rules.

Brantly Richardson, stated there is no real pressure to align with the state, since they could change their rules again. There should be formal signage, which could address the fears about home invasion for neighbors. The County should include language in the application process to tell the applicant to look at the CC&R's for an area they want to grow in. This would prevent problems as it would be noted in the CC&Rs if they are in or intent to be in an exclusion zone.

Charlene Stone, West County, said that cannabis will negatively impact the groundwater, which is a major concern in Sonoma County.

Phoebe Lang, Purvine Road, stated that it is wrong to say that Purvine Road is not a neighborhood, and disagreed with comments made by David Drips

Bill Krawger expressed concern about neighborhood compatibility – smells and complaints could cause the county to lose money. It could reduce property values if growing is nearby, as it needs to be mentioned in a real estate disclosure.

Public Hearing closed at 5:40

Questions and Commission requests from staff:

Commissioner Tamura requested more Sheriff Department input at the next hearing to comment on the public safety issue. **Commissioner Carr** concurred, adding that the Sheriff does not consider code violations to be a priority.

Commissioner Tamura stated that he did not participate in the original ordinance, and noted that the one year program just expired. He sees a lot of frustration and people think the County is kicking the tough decisions down the road.

Regarding minimum lot sizes, **Commissioner Shahhosseini** asked for an inventory of parcels between 5 and 10 acres for each of the planning areas. He supported growing next to certain parks, as it could provide a relief valve and avoid overconcentration in neighborhoods. He asked for a list of all the parks, open space, sizes, and some suggestions on which would be best suited for growing. **Deputy Director Barrett** said this was part of the Phase II discussion, and in Phase I staff was trying to get a quick fix for some issues. The ordinance has not been referred to state parks. **Commissioner Shahhosseini** added that the proposed ordinance is more restrictive than the state. Growers are trying to cooperate, and have had horrific experiences while no permits have been issued. There are not many growers trying to be legal and no deliberation process in place. **Deputy Director Barrett** stated that staff might not have time to deal with this before the next hearing. Staff Lyle said that County GIS website contains information for parks and open space. **Commissioner Shahhosseini** asked that power point presentations be sent to the commission ahead of time so they have a chance to review is as part of the staff report.

Commissioner Tamura asked which other agencies regulate odors. **Staff Lyle** indicated that odor was and continues to be researched. It is analyzed in a Use Permit process.

Commissioner Mauritsen said that to involve discretion could result in better compliance. He asked for clarification of the 5% floor area issue, to include a requirement for posting on roads, and expressed concern that ministerial permits are not appealable He was interested in the idea about allowing growing in industrial zones and expressed concern that there is no Right to Farm declaration for growers. Additionally, being a farmer, he stated that pesticides used in vineyards are not regulated for cannabis, and having groves near vineyards could impact the crop. He acknowledged that cannabis is here to stay, and there is need to determine how to protect both the industry and the public and to avoid future problems. He asked that the 5% footprint allowed for multiple layers be distinguished from the cultivation part.

Commissioner Davis wanted to see where the AR, DA, RRD and RR are located and to look at the surrounding zoning, and asked for more information on Planning Areas 4 and 6 so they can compare what is

currently allowed to the proposed ordinance. She wanted to consider what options there are to restrict or increase setbacks.

Commissioner Carr wanted to look at park setbacks as a guide, not an absolute. It depends on the site. He also wanted to look at the difference between a distributor and a transporter, and to relook at growing pertaining to Class 1 and 2 water zones. He asked that the cannabis grower group comments be made available, and for a staff response to the CEQA issues raised by the comments from Mark West Creek residents. **Commissioner Carr** commented that staff labored over the initial ordinance two years ago and the Board added the restriction to RR lands. Commission and staff worked very hard on this issue.

Action: Continued to June 28, 2018 at 1:05 p.m.

Appeal Deadline: N/A

Resolution No.: 18-006

Vote:

Commissioner: Tamura	aye
Commissioner: Shahhosseini	aye
Commissioner: Mauritsen	aye
Commissioner: Davis	aye
Commissioner: Carr	aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

MINUTES ADOPTED ON JUNE 28, 2018



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission

DRAFT MINUTES

Permit Sonoma

(707) 565-1900

FAX (707) 565-1103

Date: June 28, 2018

Meeting No.: 18-07

ROLL CALL

Todd Tamura
Komron Shahhosseini
Cameron Mauritsen
Pamela Davis
Greg Carr, Chair

STAFF MEMBERS

Jennifer Barrett
Katie Olding
Amy Lyle
Arielle Kohn, Secretary
Jennifer Klein, County Counsel
Tim Ricard, Economic Development Board

1:05 PM Call to order and Pledge of Allegiance.

Approval of Minutes – Combined Planning Commission and Planning Commission – June 7, 2018

Correspondence

Planning Commission/Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances Rick Savel, representing Penngrove citizens, expressed concern that the specific and area plans are not being considered in the development of ordinances. A certainty of continuity is needed. In 1999, a Public Works project, which was restricted in the specific plan, created controversy and wasted public funds because protocol and policy was not met. Thresholds are higher due to the specific plan, and there have already been lawsuits with Rohnert Park, which, in the past, only used the County General Plan to make decisions. Rohnert Park was found at fault in court. There is community-wide pandemonium about cannabis and citizens are upset that there was no public notification involved and that the specific plan was not considered. The Board seems to also deem this normal and permissible, and it can't be both. Clarification on needed. Chair Carr recommended that Mr. Savel talk to Director of PRMD and Board about this matter.

PLANNING COMMISSION REGULAR CALENDAR

Item No.: 1
Time: 1:05 pm
File: Cannabis Program Update and ORD18-0003 Cannabis Ordinance Amendments Part 1

Applicant: County of Sonoma
Owner: N/A
Cont. from: June 7, 2018
Staff: Katie Olding and Amy Lyle
Env. Doc: Consistent with previously circulated and approved Negative Declaration adopted December 20, 2016; Exempt under Section 15061(b) (3) of the CEQA Guidelines; and consistent with the Business and Professionals Code Section 26055(h) (MAUCRSA)
Proposal: Consideration of a series of amendments to the Zoning Code including but not limited to allowing adult use/recreational cannabis for the full cannabis supply chain including dispensaries, options to enhance neighborhood compatibility as it relates to cannabis permitting, the creation of Cannabis Inclusion and Exclusion Combining Districts, amending definitions and ordinance language to align with state law where appropriate, and other amendments as recommended by staff.
Location: The Medical Cannabis Land Use Ordinance applies to agricultural, industrial, commercial, and resource zones within the unincorporated area of Sonoma County.
APN: N/A
District: ALL
Zoning: All, except Coastal Zone

Chair Carr commented that the public testimony would be reserved to the six items coming back from the last hearing, which were 1) The definition of a canopy, 2) setbacks to parks, 3) Non-volatile solvent definition, 4) setbacks to schools for indoor cultivation, 5) Inspection notifications, and 6) Inclusion and Exclusion combining districts.

Amy Lyle summarized the staff report, which is incorporated herein by reference, and introduced the staff team. She also provided information about hoop houses as requested by a commissioner.

Commissioner Tamura asked what was being changed with regard to setbacks from schools for indoor cultivation. **Staff Lyle** stated that the setback was eliminated for industrially zoned areas, and reduced to 600 feet for agricultural and resource zones, consistent with state requirements.

Commissioner Shahhosseini asked if any cash storage is allowed in the industrial zones. **Staff Lyle** stated that the state is silent on the issue. **Deputy Director Barrett** noted that there are conditions that limit cash stored on site for dispensaries through the Use Permit process, but not in the standards for the ordinance. **Commissioner Shahhosseini** expressed concern about allowing a cash storage warehouse near a school. **Staff Lyle** added that there are security plans required for each permit.

Commissioner Mauritson asked if the setbacks proposed are consistent with state law, and if they could be readjusted. **Staff Lyle** stated that the state is silent about parks, and the 600 foot setback is consistent with the state; however, the commission could reconsider this. The 1,000 foot setback was adopted in the 2016 ordinance.

Commissioner Davis asked for clarification for the Inclusion Combining District, and a review of parcels that could be impacted in Planning Areas 4 and 6. She expressed concern that there are LC zoned properties in Freestone area. **Staff Lyle** stated that in LC areas operators are limited to indoor growing.

Commissioner Mauritson, regarding the canopy issue, asked for clarification about whether stacking was considered in the total of 5% propagation area. **Staff Ricard** stated that stacking was included in the 5% surface measurement for all shelves in the propagation area. He reviewed several examples/scenarios. **Commissioner Mauritson** expressed concern that people had said this was inadequate. **Commissioner Carr** asked that this be clarified in the ordinance language. **Staff Lyle** stated that it was not in the summary of options. **Commissioner Mauritson** asked whether the staff included the request for signage, and **Staff Lyle** stated that they plan to accomplish this through the administrative process, but it will not be part of the ordinance.

Commissioner Carr asked if retail sales are allowed at cultivation sites. **Staff Lyle** stated they are not. **Commissioner Carr** recalled a complaint about the 24 hour notice for inspections. Code Enforcement **Staff Harrington** stated that whether or not they give notice depends on the situation. Several agencies can be

involved, including the Sheriff. It depends on the type of violation that is taking place. Code Enforcement typically tries to notify people. Code Enforcement is not always told if other agencies go out.

Commissioner Carr, referring to the definitions for “manufacturer” and “manufacturing,” stated that propagation is not referred to in “manufacturing.” He stated that the definition of cannabis business owner was also confusing and needs clarification. **Commissioner Carr** wondered how odors can be mitigated. **Staff Lyle** said that plants can be used, but odor is difficult to mitigate.

Commissioner Mauritson asked which state laws and permits require compliance with ADA bathrooms. **Staff Lyle** indicated that this is called out in building code. Any facility that has employees and structure must provide ADA restrooms and pathways. They are working with the Ag Department on policies for outdoor cultivation to determine if ADA bathrooms will be required.

Public Hearing Opened at 1:53 p.m.

Rachel Zierdt, Sebastopol, read from the original ordinance, which states that commercial operations shall not create public nuisances, create health and safety issues, or other environmental impacts. Neighborhood compatibility was the intent of the original ordinance, which is why it was excluded in RR and AR areas. This helped to quiet the concern. Put a face to the neighbors, do not subject RR neighborhood to cultivation, and do not ignore preschool and other sensitive areas.

Laura Waldbaum, Mark West Watershed, regarding #13 of the memo, said staff found no significant impact to the Mark West Watershed, but had no scientific data to back up their assertion. The existing data contradicts staff. Ms. Waldbaum has submitted scientific studies on the watershed. While not on the agenda, County Counsel allowed her to continue. Per Ms. Waldbaum, a watershed is like a bank account, and when there is no water a deficit is created. There is not enough water supply for existing users. Water is trucked in. To just say that hydrogeologic reports will remedy the situation is wrong – there are impacts on neighboring wells and surface water. Ms. Waldbaum asked the County to use wisdom and forward thinking to protect natural resource.

Mike Benziger, Glen Ellen, stated there are 40,000 acres of state and county parks in the county. Many are very remote and heavily wooded, which create a perfect barrier to protect communities from odors. The current 1,000 foot setback eliminates many remote and isolated sites which are not near public places. The harsh landscape creates secure setbacks. Mr. Benziger supported Option C for park setbacks. He acknowledged that the commission is doing the best it can to balance options, and we need to use the sites we have. More restrictions will make it harder for growers to survive.

Barbara Cooper, Santa Rosa, opposed reduced setbacks around parks, and wanted even larger ones. She submitted written comments.

Nancy Richardson, Santa Rosa, owns land that abuts Taylor Mountain Park, and served on the Parks board 4 years. He expressed concern about the decreased setbacks. People need to enjoy parks in remote trails and mountains, and the county has no business allowing marijuana groves near parks. Citizens should not be surrounded by cannabis. People from all ages use the parks. They are an important part of development, and people deserve to feel safe and enjoy nature, and smell pine trees, ocean breezes, and eucalyptus - not cannabis. Chemicals are used which harm watersheds and tributaries. Many headwaters are located in parks. This will create new problems, not help with neighborhood compatibility. Cultivation should stay in ag zones.

Sherry Madrone, Cazadero, lives in the RRD zone and owns 40 acres. It took her 5 years to divide 2000 acres in to 40 acre parcels. This was following the commune era in Occidental, and she was told you can't have commercial uses on ranches by the County. Cannabis growers just want to make money, it will be difficult to monitor permits, how will it be regulated, and what are the impacts on water going to be? Ms. Madrone wants to be in an exclusion zone.

Joi Losee, Cazadero, expressed concern about hoop houses. She had many questions and was confused about the issue and how it will affect her. Staff Lyle will contact Ms. Losee.

Deputy Director Barrett clarified that main purpose for the hearing was to establish Use Permit regulations for cannabis cultivation on parcels less of than 10 acres. This gives neighbors the chance to be notified about upcoming projects and voice their concerns. Regarding size restrictions, staff analyzes the entire operation – including roads, septic, water, storage, drying, and parking. If uses are found incompatible, the permit can be denied, but the first step in the program is to modify the ordinance.

Chris Hayes, Santa Rosa, supported Option C for park setbacks and stated that it is better solution than to have exclusion zones that place additional restrictions before people have a chance to be approved.

Greg Dexter, prefers the Use Permit process over zoning permit for cannabis regulation, which clarifies what is going to occur and gives neighbors a chance to oppose. If there are inclusion zones allowed, we need to have exclusion zones.

Kristen Decker supported exclusion zones and stated that is the only avenue neighbors have to address problems. These include private road access, protects residents, scenic corridors, and updates land use tables to show which areas are not eligible. Canopy regulations have clear identifiable boundaries. Shelving and benches should not be used as boundaries for the canopy. The propagation area should only contain seeds and starts. Parks are public lands paid for and maintained by tax dollars, and should be preserved so they can develop over time. Wooded areas can become parking, picnic or trails. Ms. Decker opposed reducing setbacks around schools. The indoor definition needs to be strengthened to mean a permanent structure, not a greenhouse with blackout tarps.

Craig Litman, 421 Group, stated that staff is now seeking ways to relieve the prohibitions on cultivation. Many parks that are out in the sticks are suitable for growing, and Litman supported Option C. Litman opposed exclusion zones and said that cultivation can be compatible in neighborhoods. Farmers have water, tanks, machinery and that is a good reason to embrace the industry if it can be done in a safe, secure way. Topography and slope should be considered. Nurseries should be allowed aligned with state rules.

Craig Harrison, stated that residents of the County hold parks near and dear, and opposed reduced setbacks near parks. Bennett Valley, where he resides, is surrounded by parks. The parks need to have buffer zones to preserve the wild area. This is a major issue for residents. Cultivation requires lots of fertilizer, pesticides, and use of highly toxic chemicals. This can impact watersheds in the parks and we will find the damage too late. Harrison advised the Commission to be cautious and take it slow. There is no need to rush. Take a few years and then reconsider. Why force this on the whole County? State regulations have only been on an emergency basis. The Board is considering adding sales tax to support the parks. This is contradictory to what is being discussed by reducing park setbacks.

Barry Wood, supports reduced setbacks for parks in areas where there are huge areas of rugged land. He stated that it is a misnomer that cultivators don't care about open space. They hold it near and dear, which is why they love Sonoma County. Using parcel to parcel line is also infeasible and unrealistic and should not be used. Also, farmers are the best neighbors to have in fire zones, as they have water reserves, equipment, and can be the first to help in emergency situations. Most grow organically and don't use the chemicals that vineyards use.

Art Deicke, CAG, stated that the purpose of the ordinance is to make businesses legal and give cultivators and opportunity to survive. The park setback of 1,000 feet nullified many applicants, and is too restrictive. Growers need 25% of the canopy for cultivation. The ordinance is about business.

Sica Ronan, Cazadero, concurred with Mr. Deicke. The 5% restriction for cultivation is insufficient. Plants need space to grow before they can flower to increase yield. It would be more efficient to allow 25% for the nursery area. Applicants need to be given flexibility to develop their businesses. Ronan asked why nurseries were not allowed in RRD- these are remote lands, and it would be more efficient to have the nursery there. **Deputy Director Barrett** remarked that nurseries are allowed in RRD.

Amber Risucci, 421 Group, supported reduced setbacks for parks. Marijuana groves will have less of an impact than vineyards. She supported 25% propagation.

Alexa Wall, Chair Sonoma County Growers, and cannabis operator, asked for consideration of the long term impacts for exclusion zones. There is already process in place that address which areas will work for cultivation. Wall opposed exclusion zones. Regarding canopy size, 5% will not work - 20-25% is more appropriate. The one-year renewal clause should be changed to 10 years. There are already many inspections that take place during the year with many agencies.

Julie Mercer Ingram, CAG group, added that the level of inspection is astronomical and very thorough, like happens with restaurants. It is not an easy process. Ingram supported 5-10 year permit terms with mandatory inspections, adding that it takes months to get permitted. 5-10 year permits with mandatory inspections.

Brantly Richardson, CAG group, stated that the issue of inclusion zones is too broad, and should include groups who have consensus on welcoming into cultivation to an area. He cautioned against spot zoning

Nick Caston, Santa Rosa, supported no setbacks on industrial lands. Mitigations for odor can be done easier in buildings. It makes sense. It may be possible to have a viable business in industrial zones. Because of the years of investment in the project, growers need at least five years and it should become a vested right.

Kathleen Hohnstein, Santa Rosa, stated that we need to lift the cap on 9 dispensaries. There are 12 community service districts in Sonoma County and only 2 have dispensaries. This does not address people living in the unincorporated area. People need more access.

Pat Burns, Sonoma County Farm Bureau, supports all legal farming, but not illegal farming. Minimum setbacks are necessary to allow for land use and production. We need compliance with safety for growers and the community. ADA restrooms are not required in ag operations and do not need to be required for cannabis operations.

Katherine Dowdey, Sebastopol, cultivator, CAG member, commented that we are at a critical point in time. Decisions will impact viability in Sonoma County. Give it time to see if works. So far, no permit has been approved. Let the use permit process have time to prove itself. Because of onerous rules, many have relocated. Growers want to stay in Sonoma County. Propagation size needs to be increased to 25%. Looming ordinance changes with no protection provides no support. Permit holder should be able to incorporate new standards when the permit expires. Please allow growers the chance to move forward and stay in Sonoma County.

David Drips, Petaluma, local long-time resident, stated he is trying to build a business and follow the laws. The permit should be good for more than a year for business stability. The 5% propagation rule is ridiculous, and should be 50%. Similar to other agriculture, growers need to improve genetics. They are highly taxed and need cultivation space. He has bills to pay, and he needs to keep his door open. To do that he needs to be able to have space for plants to grow. He could get by with 25%. He supported reduced setbacks for parks, and supported Option C. He opposed exclusion zones, adding that zoning already does it.

Shivahn Brady, commented that farmers protect ag land uses and preserve the bucolic nature of ags lands. She is on CAG and used to be a park ranger assistant. She thanks staff for recommendations to make the ordinance more stable, is in favor of inclusion zones, as there is no pathway to compliance for farmers in historic ag regions. Too many restrictions may force people to produce on a larger scale.

Monica Boettcher, reported that an article in the LA Times estimated that there is excessive pot produced in California, and there is no legal need or consumer demand for more. There is no reason to change setback zones for parks. Parkland already has illegal growing, which makes it dangerous for rangers. Reduced setbacks will make it even more difficult to protect. There is illegal water theft going on and there are not enough rangers to patrol. Safety is an issue. Consider increasing setbacks, and look to industrial areas where property is monitored.

Sara Shrader, fibromyalgia patient, CAG member, said time is needed to evaluate the success of the program, and so far no use permits have been approved. She supported inclusion zones, reduced setbacks for parks, to align the canopy with state rules, define ethanol and Co2 as non-volatile substances, unannounced inspections, increasing the length of permits, and allowance in industrial zones. She opposed minimum acreage size. This would result in larger operations and impact smaller farmers. Applicants should listen to the neighbors and get their input early in the process to find solutions. She asked to include a clause that protects the growers if a

sensitive use moves in after the permit is approved. Allow processing on ag lands, 25% nursery, increase the number of dispensaries, decrease taxes for the first few years. Look at non-commercial gardens so patients can get medicine that they need

Carol Bokai, expressed concern about the canopy and whether growers could grow year-round. She lives near a greenhouse and has been impacted by night time activity. She is worried about crime in the area and has no recourse when things happen in the middle of the night. Ms. Bokai was worried about safety, trespassers, and wanted to know her rights. Even though he neighbors have received violations, the plants are still there. She worries day and night.

Public Hearing Closed at 3:05 p.m.

Commissioner Tamura stated that he learned a lot when he did site visits. Relevant to comments noted, he visited one small site that abuts a park where plants were not visible. The grove had been there ten years with no problem and the park acted as a barrier. This was a small scale operation. A second site was larger, and he did not notice odors at the boundary, although he was not there in high summer. Both operations had neighbor support. There is a wide range and type of operations. Some do research on strains and others have more budding plants.

Commissioner Mauritsen reflected on the last meeting and commented that the Board supports cultivation on sites over 10 acres. He wondered how the ordinance will affect the big picture and where the future will take us. He considered the 10 acre minimum from a business and neighborhood compatibility standpoint. We need to find quicker ways to get existing applications approved and through a pipeline. He opposed the ADA requirement for outdoor growing operations. From business perspective, one year for a permit is not enough. Operators make a large investment and need longer term permits- these people have committed their livelihood. **Commissioner Mauritsen** said that we should give more consideration to barriers and linear feet rather than determining distance on a parcel by parcel basis, as this eliminates many parcels.

Commissioner Davis reflected there are good actors and bad actors. The good actors are trying to be part of the system and process. The ones causing the problems are not in the room. Because of that, it is important to take time to get it right. In addition to fine tuning the ordinance, we need to keep reign on those not complying with the rules.

Deputy Director Barrett asked staff to briefly review the options.

1. Neighborhood compatibility - Staff Olding reviewed the policy option for cannabis permit requirements. The Board requested that staff address the issue. The Ad Hoc committee recommended Option 2, a Use Permit, which would allow a pathway to cultivation rather than prohibit it. This was based on the Board's April 10 response to comments from the industry and neighbors for sites where cultivation was happening on parcels of less than 10 acres. **Commissioner Tamura** expressed concern that there could be loopholes, having worked with CEQA in past matters. **Deputy Director Barrett** asked the commission to refer to the tables. The Board asked for an immediate chance for neighbors to weigh in. The commission could decide whether to change the 10 acre threshold for use permit.

Commissioner Tamura stated that Option 1 made more sense. **Deputy Director Barrett** indicated that the neighborhood groups want to eliminate ministerial permits on smaller parcels. Larger parcels do not seem to cause as many problems.

Commissioner Shahhosseini was comfortable with the staff recommendation.

Commissioner Mauritsen supported Option 5 as it is more forward-thinking, will avoid overconcentration, and foster compliance with standards. He wanted to put the best foot forward.

Commissioner Davis asked for more information about how many DA parcels are adjacent to residential parcels in her planning area. She supported the staff recommendation, expressed concern about over-regulation. She was concerned about adjacent residents.

Commissioner Carr preferred to use the approach that uses setbacks and standards to dictate whether a project need to be a ministerial or use permit. For example, park setbacks could be reduced to 600 feet with a Use Permit. The same approach could be used to put restrictive setbacks on a ministerial permit. If the applicant can meet the setbacks, they can get the permit. Otherwise, they can apply for a Use Permit. This could help get support from neighbors. Parcel size was not the issue for him. Conditions and circumstances should dictate whether a permit should be ministerial or not. Parcels under 10 acres could still present compatibility issues, and the options do not deal with setbacks around excluded zones.

Deputy Director Barrett indicated that this was going to be looked into in Part II of the ordinance.

Commissioner Carr noted that there are time constraints and the Board wants recommendations, but he expressed concern about restricting operations based on parcel size.

Commissioner Mauritson expressed concern that Option 1 takes away property rights.

Commissioner Shahhosseini remarked that the commission is trying to solve two different issues and they don't have time to create a good policy. He did not support black and white absolutes. He supported Option B, which deals with the setback issues. **Deputy Director Barrett** stated that larger operations would typically have a Use Permit – as with wineries. If we establish thresholds for the Use Permit first, we could address park setbacks, residential setbacks, and establish minimum standards that are hard and fast. The Use Permit allows more flexibility. **Commissioner Shahhosseini** asked if this would be retroactive. **Deputy Director Barrett** stated no, that it is subject to the one-year review, in which program revisions can be incorporated into the conditions of approval. Everyone will have to renew at some point, and there are pipeline provisions if people are complete for processing.

Commissioner Tamura commented that it could be a mistake to take authority away from the Ag Department for larger sites. **Commissioner Mauritson** stated that the Ag Department still has discretion and is not a free pass. They still regulate, but there is no public hearing. He expressed confidence that no public hearing is needed for larger groves. **Commissioner Tamura** comments that the grower would prefer this but the public would not. We should lay the groundwork now. **Commissioner Davis** stated that conditions should be suitable to parcels.

Andrew Smith, Ag Department, stated they worked closely with Permit Sonoma. Neighborhood compatibility issues usually occur when cultivation is occurring on parcels smaller than 10 acres. Setbacks come into play, which are currently 100 feet from the property line and 300 feet from residences. Option 2 allows most parcels able to address neighborhood compatibility issues with the Use Permit. The Ag Department considers groves under ¼ acre on 10 acres to be ministerial permits. Otherwise they need a Use Permit. **Commissioner Tamura** asked about information on quantifying odor from a 10,000 square foot grove. **Smith** stated that research is being done related to wind patterns, inversion layers and climate. Odors are prevalent in agriculture. Cannabis can be malodorous and odor is going to need to be mitigated. **Commissioner Tamura** expressed concern that all permits should not be Use Permits, but ministerial permits gives a Carte Blanche to operators. They don't distinguish between good and bad actors. Deputy Director Barrett commented that the bad actors or those that don't meet standards can be dealt with through Code Enforcement and the permit can be denied for renewal.

Commissioner Carr wanted more discretion and compatibility. **Commissioner Tamura** could not support Option 2.

Straw vote (4-1-0 in favor) to approve Option 2 and 6b, with a caveat that need we additional information about setbacks. Staff was directed to look at each of the standards in the ordinance.

Commissioner Tamura: No
Commissioner Shahhosseini: Aye
Commissioner Mauritson: Aye
Commissioner Davis: Aye
Commissioner Carr: Aye

2. Setback from Parks.

Commissioner Tamura supported the staff recommendation, noting that Parks wants to be able to comment on projects. **Commissioners Davis, Shahhosseini and Carr** concurred. **Commissioner Mauritson** opposed, and preferred to align with the state regulations. **Commissioner Carr** stated he approved reduced setbacks based on a Use Permit as it added a standard of equivalency. It gives more flexibility.

Straw vote (4-1-0 in favor) to approve Option A and C with modified language to add if determined an “equivalent” barrier exists.

Commissioner Tamura: Aye
Commissioner Shahhosseini: Aye
Commissioner Mauritson: No
Commissioner Davis: Aye
Commissioner Carr: Aye

3. Inclusion Combining District

Commissioner Davis asked if someone from Freestone zoned LC would have to apply to be in an inclusion zone, and staff replied yes.

Commissioner Shahhosseini stated that inclusion zones would not be cost effective. **Staff Lyle** said that, from a land use perspective, staff wants to make sure standards in place.

Commissioner Mauritson stated that inclusion and exclusion zones complicate the issue, create a never ending battle and adversity. He did not support them. **Commissioner Carr** concurred with **Commissioner Mauritson** that groves in remote areas are the preferable tool. The commission should be focusing on ag resources and industrial zones, as we don't yet have a grasp on what is going to happen.

Commissioner Shahhosseini commented that most complaints are about bad actors. He thought it is worth giving the chance to show that applicants can be good neighbors. Other legislation is also needed, such as allowing banking. The commission is incumbent to do something to help them.

Commissioner Tamura noted that this was what the supervisors want, and did not think it would matter to hammer out the details. Regarding bad neighbors, he questioned whether the code is strong enough to address complaints. **Deputy Director Barrett** stated that the Use Permit establishes conditions which are enforceable and have measurable standards. Inclusion zone applications would require a Use Permit and conditions that are enforceable. A public hearing is required, and bad actors can be denied through the discretionary process. This is different from enforcing a standard, and the renewal process also gives opportunity for further conditioning and public input.

Commissioner Shahhosseini asked how many permitted operations there are. **Staff Lyle** indicated that out of 13 permitted operations, there are 11 cultivation sites. **Commissioner Shahhosseini** stated it was important to note that most issues are coming from illegal operations, so the county needs to make sure we have adequate levels of control.

Straw Vote (unanimous) to approve Staff Recommendation: Options 1.a.b., 2.a., 3. a. d. ii. v., and 4. a. b. and c.)

Commissioner Tamura: Aye
Commissioner Shahhosseini: Aye
Commissioner Mauritson: Aye
Commissioner Davis: Aye
Commissioner Carr: Aye

4. Exclusion Combining District

Commissioner Mauritson said it would be a problem for property owners to make exclusion zones in areas where neighbors don't want it, and asked how the rezone could take place. **Deputy Director Barrett** stated that

if an owner initiates a request, the County can rezone. **Commissioner Carr** commented that this worked well for vacation rental zones.

Commissioner Shahhosseini expressed concern about fairness: Someone follows the rules, invests their money and then can be told they can't operate due to the exclusion zone. **Staff Lyle** added that there could be environmentally special areas where there is no pathway to get a permit. **Commissioner Carr** added that the applicants in the process could be allowed to continue. **Deputy Director Barrett** added that the exclusion zone dictates whether or not the use will be allowed, not case-by-case. Once adopted, the law comes active 30 days later. Some areas may not meet the rules, and the question is to let them continue or resubmit applications. In this case, permits are limited term, and thus a pipeline process. **Commissioner Shahhosseini** said it would make it very difficult for operators to get financing if the Board could change the zone.

Commissioner Davis was uncomfortable with neighbors being able to apply exclusion zones to other property owners. If there are legitimate reasons to exclude, she prefers it to be County initiated. Counsel commented that zone changes have to be initiated by property owners and the ultimate decision is made by the Board.

Commissioner Tamura supported exclusion zones, and wanted more information about pipeline provisions. He surmised that the issues will get taken care of on a case by case basis, and this process worked well for vacation rentals. **Commissioner Carr** stated it is a somewhat different context but the Board created exclusion zones for vacation rentals based on neighborhood desire. In this case, people do not want cannabis cultivation in their neighborhood. **Commissioner Mauritson** agreed that it is a different issue; vacation rentals were about affordability in a housing crisis. **Commissioner Shahhosseini** thought they were approaching this too early, and first the commission needs to work out other aspects before using exclusion zones in a meaningful way. He expressed concern about dire consequences.

Straw vote (3-2) to approve staff recommendation: Option 1 and 3(c)

Commissioner Tamura: Aye
Commissioner Shahhosseini: No
Commissioner Mauritson: No
Commissioner Davis: Aye
Commissioner Carr: Aye

Chair Carr reviewed the remaining issues to be discussed:

1. Propagation Area associated with canopy

The commission voted unanimously to increase the propagation area to 25% with a use permit, and staff is to further discuss the zoning permit.

Commissioner Tamura: Aye
Commissioner Shahhosseini: Aye
Commissioner Mauritson: Aye
Commissioner Davis: Aye
Commissioner Carr: Aye

2. Term of Permit for Use Permits and Zoning Permits

Commissioner Shahhosseini commented that he wants to avoid making renewal onerous for applicants. **Commissioner Mauritson** considered five years to be more reasonable. **Commissioner Carr** expressed concern that the Ag Department does not address planning issues. **Commissioner Tamura** indicated that the chances of not being able to renew are low and could be handled at an administrative level. He supported shorter terms. **Commissioner Davis** concurred.

Deputy Director Barrett asked that commission to decide how long the periods should be before the permits come into the fold. The rules will probably change again, but the ordinance was split into two parts to be able to get the use permits processed right away

Commissioner Tamura and Commissioner Davis expressed concern that the Use Permit won't meet the Phase II standards

3.1 Five years with a use permit (3-2-0 in favor)

Commissioner Tamura: No
Commissioner Shahhosseini: Aye
Commissioner Mauritson: Aye
Commissioner Davis: No
Commissioner Carr: Aye

3.2 Zoning Permit: Two years with zoning permit (3-2-0 in favor)

Commissioner Tamura: No
Commissioner Shahhosseini: Aye
Commissioner Mauritson: Aye
Commissioner Davis: Aye
Commissioner Carr: No

4. Indoor setback for schools in agricultural and resave zones: Vote (4-1-0) support.

Commissioner Tamura: Aye
Commissioner Shahhosseini: Aye
Commissioner Mauritson: Aye
Commissioner Davis: Aye
Commissioner Carr: Aye

The following discussion shall be moved to Part II:

1. Processing only facilities in agricultural zones.
2. Increasing setbacks for outdoor to be more conservative for zoning permits, without use permit.
3. Increasing code enforcement penalties.
4. Add dispensaries in industrial zones.
5. Administrative review of permits at renewal

Action: **Commissioner Shahhosseini** motioned to approve the item as recommended by staff with modifications to: 1. Allow 5-year terms on Use Permits and 2-year terms on Zoning Permits; 2. Allow 25% additional canopy area for propagation areas; and 3. Allow reduced setbacks from parks if equivalent physical barrier exists. Seconded by **Commissioner Davis** and passed with a 5-0 vote.

Appeal Deadline: N/A
Resolution No.: 18-008

Vote:

Commissioner Tamura: Aye
Commissioner Shahhosseini: Aye
Commissioner Mauritson: Aye
Commissioner Davis: Aye
Commissioner Carr: Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 35 OF THE SONOMA COUNTY CODE

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Purpose. These amendments are adopted to achieve the following purposes, among others, and directs that the provisions herein be interpreted to accomplish these purposes:

- A. To incentivize compliance and to avoid unduly burdening a nascent industry; and
- B. To reflect the update and addition of definitions to align with the proposed Sonoma County Cannabis Land Use Ordinance; and
- C. To align the Cannabis Business Tax with the latest state regulations and to ensure consistency between the three Sonoma County Cannabis Ordinances, while ensuring that no changes are made that would require voter approval under Proposition 218.
- D. At the March 7, 2017, special election, the voters of Sonoma County approved the Cannabis Business Tax Ordinance (Measure A), codified in Chapter 35 of the Sonoma County Code and updated on June 13, 2017.
- E. The Cannabis Business Tax is imposed in accordance with the state Medical Cannabis Regulation and Safety Act, specifically California Business and Professions Code section 19348, the “California Control, Regulate and Tax Adult Use of Marijuana Initiative” approved by the voters in the November 2016 election, the California Revenue and Taxation Code section 7284, and other enabling legislation.

Section II. Amendments. Chapter 35 of the Sonoma County Code is amended as follows (text to be added is shown in **bold italics**, text to be deleted is shown in ~~strikethrough~~):

- A. **Amendments to Definitions.** The following definitions within Section 35-4 are hereby amended or added:
 - 1. “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;~~ ***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 Food and Agricultural Code or Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

2. ~~“Cannabis nursery” means a location that produces cannabis clones, immature plants, and seeds for wholesale distribution, used specifically for the planting, propagation, and cultivation of cannabis.~~
3. ***“Greenhouse” means a permanent structure, including glasshouses, conservatories, hothouses, or similar structures for the covered propagation and growing of plants, constructed with a translucent roof and/or walls.***
4. ***“Hoop house” means a temporary structure used for season extension or crop protection erected for less than 180 days. Hoop houses do not include light deprivation, ventilation, artificial lighting, or any electrical components. The ends are left open and the material covering the structure is removable.***
5. “Indoor” means indoor cultivation of cannabis ***within any type of structure*** using exclusively acritical lighting.
6. “Manufacturer” means a person that conducts the production, preparation, ~~propagation,~~ or compounding of manufactured 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.
7. “Mixed-Light” means cultivation of cannabis ***using 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.~~

8. **“Nursery” means a person that produces only clones, immature plants, and seeds used specifically for the planting propagation, and cultivation of cannabis.**
9. **“Outdoor” means cultivation of cannabis 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 similar structures.**
10. **“Testing laboratory” means a *laboratory*, facility, entity, or site in the state *State of California* that offers or performs *testing tests* of cannabis or cannabis products, *and that is accredited by an accrediting body independent from all other persons involved in commercial cannabis activity in the state, and holds a valid state license and a valid local license or permit.***

B. Amendments to Reporting and Remittance of Tax. The following subsections are hereby amended or added:

1. Section 35-6(a) – Each person owing a commercial cannabis business tax ***other than on outdoor commercial cannabis cultivation***, and each person on whom a 0% tax rate is imposed, shall, on or before the last day of the month following the close of each fiscal year quarter, prepare and submit a tax statement on the form prescribed by the Treasurer-Tax Collector and remit to the Treasurer-Tax Collector the tax due. The tax due shall be no less than the quarterly installment due, but the taxpayer may at any time pay the tax due for the entire fiscal year. Each business shall pay on or before the last day of the month following the close of each calendar quarter.
2. Section 35-6(a)(1) – For outdoor commercial cannabis cultivation, the taxes owed for the first quarter of each fiscal year shall be zero. Notwithstanding the foregoing, submission of a tax statement shall still be required for the first quarter of the fiscal year for all ***are due and payable in two installments, the due dates of which are to be prescribed by the Treasurer-Tax Collector. Each person owing a commercial cannabis business tax on outdoor commercial cannabis cultivation, regardless of whether any tax is due. Total taxes owed for the fiscal year shall be paid in equal installments shall, on or before the last day due dates prescribed and published by the Treasurer-Tax Collector, prepare and submit a tax statement on the form prescribed by the Treasurer-Tax Collector and remit to the month following Treasurer-Tax Collector the close of tax due. The taxpayer may at any time pay the second, third, and fourth quarters of the fiscal year tax due for the entire fiscal year. Each outdoor commercial cannabis cultivation business shall pay on or before the due date prescribed and published by the Treasurer-Tax Collector.***

3. Section 35-6(c) – The tax statement may include a request for adjustment of the tax due to square footage authorized but not utilized for cultivation, and/or crop loss, along with evidence substantiating the square footage utilized and/or crop loss. ***The substantiating evidence must include a cultivation verification performed by the Department of Agriculture/Weights & Measures. The cultivation verification may be performed and provided within a reasonable period after submission of the tax statement requesting adjustment.*** The Any decision to prorate or adjust the tax will be made at the sole discretion of the County. A fee may be adopted by the Board of Supervisors and collected by the agency having jurisdiction or the Treasurer-Tax Collector to pay for the cost of investigating, verifying, and opining on such request for adjustment of the tax.
4. ***Section 35-6(d) – The Treasurer-Tax Collector may, as part of administering the tax and in his or her discretion, accept as complete any payment that is within \$10 of the amount due and owing at the time of payment without further action to collect the remainder due or refund the amount overpaid absent a request for refund as provided in this Chapter. Nothing in this section shall be construed as releasing any person from the payment of any money which is due and owing to the County.***

C. **Amendments to Penalties and Interest.** The following subsections are hereby amended:

1. Section 35-11(a)(1) – A penalty equal to ~~twenty-five~~ **ten** percent (~~25~~**10**%) of the amount of the tax, ~~in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one and one-half percent (1.5%) per month; and; and~~
2. Section 35-11(a)(2) – If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to ~~twenty-five~~ **ten** percent (~~25~~**10**%) of the amount of the tax, ~~plus interest at the rate of one and one-half percent (1.5%) per month on the unpaid tax.~~
3. Section 35-11(e) – The Treasurer-Tax Collector is authorized to make an assessment in the manner provided for in Sections 25 and 26 of the anticipated tax liability for up to the following four quarters, ***or, if for outdoor commercial cannabis cultivation, for the following two installments***, if any person has failed to file one or more returns or payments, or who has filed one or more delinquent returns or payments, in any twelve (12) month period, without curing the failure or delinquency within 60 days of the original due date after written notice from the Treasurer-Tax Collector of the failure or delinquency. Failure to remit the anticipated tax within 60 days of the notice of assessment shall be grounds for revocation of the County permit associated with the subject cannabis

business.

D. **Amendments to Waiver of Penalties.** The following subsections are hereby amended:

1. Section 35-12 – the Treasurer-Tax Collector may waive the first and second penalties of ~~twenty-five~~ **ten** percent each imposed upon any person if:

E. **Amendments to Enforcement – Action to Collect.** The following Subsections are hereby amended:

1. Section 35-17(a) -- Any taxes, penalties, **interest** and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the County. Any person owing money to the County under the provisions of this Chapter shall be liable in an action brought in the name of the County for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the County to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties, **interest** and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.
2. Section 35-17(b) – In addition to any other remedies available under federal, state, or local law, if any amount required to be paid to the County under this Chapter is not paid when due, the Treasurer-Tax Collector may, within three (3) years after the amount is due record a certificate of lien specifying the amount of taxes, fees, penalties, **and interest** due, and the name and address of the person as it appears on the records of Treasurer-Tax Collector. The lien shall also specify that the Treasurer-Tax Collector has complied with all provisions of this Chapter in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid, together with penalties **and interest** thereon, constitutes a lien upon all real property in the County owned by the person, or subsequently acquired by the person before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for ten (10) years from the filing of the certificate unless sooner released or otherwise discharged. A fee may be adopted by the Board of Supervisors and collected by the Treasurer-Tax Collector to pay for the cost of recording and administering the lien.

F. **Amendments to Tax Assessment – Notice Requirements.** The following section is hereby amended:

1. Section 35-26 – The notice of assessment shall be served upon the person ~~either~~ by personal delivery, **electronic mail addressed to the person at the electronic mail address he or she shall register with the Treasurer-Tax Collector for the purpose of receiving notices provided under this Chapter**, or by a deposit of the notice in the United States mail, postage

prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Treasurer-Tax Collector for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Treasurer-Tax Collector for such purpose, then to such person's last known address *or electronic mail address*. For the purposes of this Section, a service by mail is complete at the time of deposit in the United States mail. ***For purposes of this Section, a service by electronic mail is complete at the time of transmission of the electronic mail.***

G. Amendments to Tax Assessment – Hearing, Application, and Determination.

The following section is hereby amended:

1. Section 35-27 – Within ten (10) ~~calendar~~ ***business*** days after the date of service the person may apply in writing to the Treasurer- Tax Collector for a hearing on the assessment. If application for a hearing before the County is not made within the time herein prescribed, the tax assessed by the Treasurer- Tax Collector shall become final and conclusive. Within thirty (30) business days of the receipt of any such application for hearing, the Treasurer-Tax Collector shall cause the matter to be set for hearing before him or her not later than thirty-five (35) business days after the receipt of the application, unless a later date is agreed to by the Treasurer-Tax Collector and the person requesting the hearing. Notice of such hearing shall be given by the Treasurer-Tax Collector to the person requesting such hearing not later than five (5) business days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Treasurer-Tax Collector should not be confirmed and fixed as the tax due. After such hearing the Treasurer-Tax Collector shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 26 for giving notice of assessment. The amount determined to be due shall be payable after thirty (30) calendar days of written notice unless it is appealed to the Board of Supervisors.

H. Amendments to Appeal Procedure. The following section is hereby amended:

1. Section 35-28 – Appeal Procedure ***From Treasurer-Tax Collector Determination -Filing***. Any taxpayer aggrieved by any decision of the Treasurer- Tax Collector with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board of Supervisors within ten (10) ~~calendar~~ ***business*** days of the serving or mailing by the Treasurer-Tax Collector of the determination of tax due.

Section 35-29 – Appeal Hearing – Notice. Upon the filing of a notice of appeal, the Clerk shall fix a time and place for hearing such appeal, and the Clerk shall give notice in writing to such taxpayer ~~at the last known place of~~

~~address. The Treasurer Tax Collector shall present the matter to the Board of Supervisors and include evidence submitted by the taxpayer. The Treasurer Tax Collector shall also include proposed findings and a resolution of the appeal. At the hearing, both the Treasurer Tax Collector and the taxpayer shall have an opportunity to explain their case and introduce other statements or evidence. The Board of Supervisors may impose reasonable time limits on each party's presentation. The finding of the Board of Supervisors shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice in the manner prescribed in Section 26.~~

Section 35-30 – Appeal Hearing – Appointment of Referee. The Board of Supervisors may appoint a referee to take testimony at the hearing provided for in Section 28 of this Chapter, and to report his findings and recommendations to the Board. Neither the Treasurer-Tax Collector nor any officer or employee in the office of the Treasurer-Tax Collector may be appointed referee.

Section 35-31 - Appeal Hearing – Compensation of Referee. If the Board of Supervisors appoints a county officer or county employee to act as referee, he shall serve as such without any additional compensation. All time spent as a referee shall be considered as time spent by such officer or employee in performing the duties of his position.

Section 35-32 –Appeal Hearing – Conduct. At the time set for the hearing, or at the date to which the hearing may be continued by the Board of Supervisors or referee, the Board of Supervisors or referee shall hear the appellant and any other competent witnesses and decide whether the determination of the Treasurer-Tax Collector was correct or not, and if not what tax, fees, interest or penalties, if any, are due to the county from the appellant. The Board or referee may place any witnesses, including the appellant, under oath. The Board of Supervisors or referee may impose reasonable time limits on each party's presentation.

Section 35-33 - Appeal Hearing – Final Determination. The Board of Supervisors shall determine from the evidence or from a report of the referee, what tax, fees, interest or penalties, if any, are due to the county from the appellant. The decision shall be final and conclusive. The Clerk of the Board shall serve a copy of the decision upon the appellant as provided in Section 26. Any amount shall be immediately due and payable upon the service of the said notice.

Section III. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby

declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IV. This Ordinance shall become effective 30 days from the date of its passage by a majority vote. A fair and adequate summary of this ordinance was published at least five days prior to its adoption, and an additional summary shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in The Press Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 7th day of August, 2018, and finally passed and adopted this 14th day of August, 2018, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ___ Rabbitt: ___ Zane: ___ Hopkins: ___ Gore: ___

Ayes: _____ Noes: _____ Absent: _____ Abstain: _____

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors



County of Sonoma
State of California

Date: August 7, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Introducing, Reading the Title of and Waiving Further Reading of a Proposed Ordinance
Amending Chapter 35 of the Sonoma County Code**

Whereas, an ordinance of the Board of Supervisors of the County of Sonoma, State of California, entitled "An Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Amending Chapter 35 of the Sonoma County Code" has been introduced and the title read; and

Now, Therefore, Be It Resolved, that further reading of the proposed ordinance is waived.

Be It Further Resolved, that the Sonoma County Board of Supervisors will consider adoption of the proposed ordinance on August 28, 2018, in the Board of Supervisors Chambers, 575 Administration Drive, Room 102A, Santa Rosa, CA.

Supervisors:

Gorin: Rabbitt: Zane: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 14 OF THE SONOMA COUNTY CODE TO REGULATE CANNABIS DISPENSARIES AND EDIBLE CANNABIS PRODUCT MANUFACTURING PREMISES

The Board of Supervisors of the County of Sonoma, State of California, does ordain as follows:

Section I. Chapter 14 of the Sonoma County Code is hereby amended as follows:

(A) Article I, Administration and Enforcement, is amended to read:

Article I. Administration and Enforcement.

Sec. 14-1-010. In General.

The Health officer, as referred to in this Chapter, or his/her designee shall administer and enforce the provisions of this Chapter, applicable state law, and the rules and regulations promulgated by the State Department of Public Health.

This Chapter and the articles contained herein apply to the entire county and all incorporated cities and towns of the county.

Sec. 14-1-020. Definitions.

- a) "Department" means the County of Sonoma, Department of Health Services, Environmental Health and Safety Section.
- b) "Enforcement Agency" means the County of Sonoma, Department of Health Services, Environmental Health and Safety Section.
- c) "Enforcement Officer" means the agent, registered environmental health specialist or environmental health specialist trainee authorized by the Director of Health Services, Health Officer or Director of Environmental Health.
- d) "Health Officer" as referred to in this Chapter, means the Sonoma County Health Officer/Deputy Health Officer or his/her authorized representatives.
- e) "Health Permit" or "Permit" as referred to in this Chapter, means a permit or registration issued by the department for milk dairy, retail food, public swimming pool, body art, ~~medical~~ cannabis dispensary, or edible cannabis product manufacturing ~~site~~ **premises** as those terms are defined throughout this Chapter and in the California Food and Agricultural Code, and the California Health and Safety Code.
- f) "Hearing Officer" as referred to in this Chapter, means the Director of Environmental Health or his/her authorized representative.
- g) "Person" as referred to in this Chapter, includes any individual, firm, ~~association,~~ ~~organization,~~ partnership, joint venture, **association, corporation, estate, trust, business trust,** limited liability company, **estate, trusts, business trust,** receiver, syndicate, ~~corporation, company, tribe~~ or any other group or combination acting as a unit and includes the plural as well as the singular number.

Sec. 14-1-030. Requirement of Permit.

It is unlawful for any person without a health permit to control, lease, act as agent for, conduct, operate, or manage any milk dairy, retail food facility, public swimming pool, body art facility, ~~medical~~-cannabis dispensary, or edible cannabis product manufacturing ~~site~~-premises as those terms are defined throughout this Chapter.

Health permits shall be prominently posted in public view at the location or upon the equipment for which it was issued. Health permits shall not be transferable upon change of ownership of the location or equipment for which it was issued.

The holder of the health permit shall make payment to the department, on or before the anniversary date as established at the time of permit issuance, an annual fee as established by the Board of Supervisors' resolution, and as more fully set forth below.

Sec. 14-1-040. Suspensions and Revocations.

Health permits shall be valid until revoked, suspended or as conditioned by the enforcement officer.

Any health permit issued pursuant to this Chapter may be suspended or revoked for good cause by the enforcement officer. "Good cause" for the purpose of this Section, means a violation of state law, a violation of any of the provisions of this Chapter, a violation of the administrative rules or regulations adopted thereunder, a violation of any condition of such health permit, or failure to make payment of the required health permit fee to the department.

The following practices will be utilized during a permit revocation or suspension:

- a) Whenever an enforcement officer finds that a person is not operating in compliance with their health permit, a written notice to comply shall be issued to the person. If the person fails to comply within fifteen (15) days of the notice, the enforcement officer shall issue a second written notice to comply describing the acts or omissions with which the person is charged and informing them of their right to request a hearing.
- b) At any time within a fifteen-day period after service of such notice, the person may request a hearing before the hearing officer and department to show cause why the health permit should not be suspended or revoked.
- c) A failure to request a hearing within fifteen (15) days shall be deemed a waiver of a right to such a hearing.
- d) Any hearing provided for in this Section shall be conducted in accordance with Section 14-1-060.
- e) A health permit may be reinstated or a new health permit issued if the enforcement agency determines that the conditions that prompted the permit suspension or revocation no longer exist.

Sec. 14-1-050. Immediate Health Permit Suspension or Revocation.

Notwithstanding the provisions of this Chapter, and except as otherwise specifically provided by state law, the enforcement officer may immediately suspend or revoke a health

permit if the enforcement officer determines that there is an immediate threat to public health, safety, or welfare.

The enforcement officer shall serve the permit holder, within forty-eight (48) hours of the suspension or revocation, written notice of the grounds for the immediate suspension or revocation of the health permit. A person may appeal the suspension or revocation by filing a written notice to request a hearing before the hearing officer.

If a hearing is requested, it shall be conducted in accordance with Section 14-1-060.

Sec. 14-1-060. Hearing Procedure.

Whenever this Chapter provides for a hearing, the hearing shall be conducted in accordance with this Section.

- a) Upon receipt of a written request for a hearing, the hearing officer shall set a hearing date at the earliest practicable time. The hearing shall be held no later than fifteen (15) calendar days after receipt of the request for a hearing. Upon written request of the registrant or permit holder, the hearing officer may postpone a hearing date, if circumstances warrant the action. The hearing officer shall give notice of the hearing to the parties at least ten (10) calendar days before the date of the hearing.
- b) When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this fifteen-day period to expedite the permit suspension or revocation process.
- c) Neither the provisions of the Administrative Procedure Act (Government Code Section 11500 *et seq.*) nor the formal rules of evidence in civil or criminal judicial hearings shall apply to such hearing. At the hearing, the hearing officer may admit any evidence, including witness testimony, relevant to the determination of the matter, except as otherwise provided in this Chapter. A record of the hearing shall be made by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.
- d) The hearing officer shall issue a written notice of decision to the person within five (5) working days following the hearing. Notice of the written decision, including findings of facts, conclusions of law, and notification of the time period in which judicial review may be sought pursuant to Code of Civil Procedure Section 1094.6 shall be served on all parties. The notice of decision shall also specify the acts or omissions with which the person is charged, and shall state the terms of the suspension or that the health permit has been revoked. Any decision rendered by the hearing officer shall be a final administrative decision.
- e) Judicial Review. Hearing officer decisions shall be final, subject to judicial review under the provisions of California Code of Civil Procedure Sections 1094.5 and 1094.6. California Code of Civil Procedure Section 1094.6 governs limitation of time for filing petitions under Section 1094.5, as set forth in Sonoma County Code Section 1-7.5.

(B) Article VI, ~~Medical Cannabis Dispensary and Edible Cannabis Product Manufacturing Site Premises~~, ~~is hereby amended~~ ~~to~~ (Chapter 14 of the Sonoma County Code) is amended as follows:

Article VI. –~~Medical Cannabis Dispensary and Edible Cannabis Product Manufacturing Site Premises~~

Sec. 14-6-010. Purpose.

This Article provides for the enforcement of California laws and regulations pertaining to ~~medical~~ cannabis dispensaries and edible cannabis product manufacturing ~~sites~~ ~~premises~~, and to establish local requirements as authorized ~~in Health and Safety Code Section 11362.77 and the 2016 Medical Cannabis Regulation and Safety Act~~ ~~by the Medicinal and Adult-Use Cannabis Regulation and Safety Act~~.

~~All definitions, authority, scope, responsibilities, requirements, standards, conditions, exemptions, procedures and penalties described within state law are adopted and incorporated.~~

Sec. 14-6-020. In General.

Although edible cannabis products are not defined as a food in Health and Safety Code, Sonoma County requires that ~~all edible cannabis products sold at medical~~ cannabis dispensaries ~~or manufactured at~~ ~~and~~ edible cannabis product manufacturing ~~sites~~ ~~premises~~ comply with the **Medicinal and Adult-Use Cannabis Regulation and Safety Act and the relevant articles requirements** of Health and Safety Code Section 13700 *et seq.* and other applicable food safety codes, which 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.

Sec. 14-6-030. Definitions.

For the purposes of this Article:

- a) “Agency Having Jurisdiction” means the agency having delegated authority to adopt, determine, mandate or enforce ordinances and regulatory requirements established by the County of Sonoma and other jurisdictional governing bodies.
- b) “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; 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 seed or resin.** “Cannabis” also means **the separated resin, whether crude or purified, obtained from cannabis.** ~~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 include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from 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. For the purpose of this chapter “Cannabis” does not mean “industrial hemp” as defined by ~~Section 81000 of the Food and Agricultural Code or~~ Section 11018.5 of the 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.~~

- c) **“Cannabis Product”** 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.
- e)d) **“County”** means the entire county and all incorporated cities and towns of the County, which have delegated cannabis health permit authority to the Director.
- e)e) **“County Department”** means any department or agency operated by the County of Sonoma.
- e)f) **“Delivery”** means the commercial transfer of ~~medical~~ cannabis or ~~medical~~ cannabis products ~~from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory~~ to a customer. “Delivery” also includes the use by a dispensary of any technology platform owned, leased, or ~~and~~ controlled by the dispensary, ~~or independently licensed under this Chapter that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.~~ Deliveries must be made by either the owner of the dispensary or an employee of the dispensary.
- f)g) **“Director”** means the Director of the Sonoma County Department of Health Services or the Health Officer or any individual designated by the Director to act on his or her behalf, including the Director of Environmental Health and Environmental Health Specialists.
- g)h) **“Dispensary”** or **“~~Medical Cannabis~~ dDispensary”** means a facility operated in accordance with state law, where ~~medical~~ cannabis, ~~medical~~ cannabis products or devices for the use of ~~medical~~ cannabis or ~~medical~~ cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers ~~medical~~ cannabis and ~~medical~~ cannabis products as part of retail sale.
- h)i) **“Edible Cannabis Product”** means manufactured cannabis that is intended to be used orally, in whole or in part for human consumption, ~~including but not limited to chewing gum.~~ For the purposes of this chapter, **“edible cannabis product”** includes cannabis products that resemble conventional food or beverage and cannabis products that disintegrate in the mouth, but does not include any product otherwise defined as **“cannabis concentrate.”** ~~An edible cannabis product is not considered food as defined~~

~~by Section 109935 of Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.~~

- ~~ij)~~ **“Edible Cannabis Product Manufacturing Site Premises” or “Premises” means 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 licensee permittee where the commercial cannabis activity will be or is conducted. ~~The premises shall be a contiguous area and shall only be occupied by one licensee. refers to a~~ “Manufacturer” that produces, prepares, or propagates “Edible Cannabis Products.”**
- ~~jk)~~ **“Imminent Health Hazard” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that can cause infection, intoxication, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.**
- ~~kl)~~ **“Manufacturer” means a person that conducts the production, preparation, propagation or compounding of “manufactured cannabis” or medical 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 repackages or repackages medical cannabis or medical cannabis products or labels or relabels its container.**
- m) “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 to compound, blend, extract, infuse, packaging and repackaging, labeling and relabeling or otherwise making or preparing a cannabis product.**

~~l)~~

~~The term “Manufacture” includes the following processes:~~

- ~~—Extraction processes;~~
- ~~—Infusion processes;~~
- ~~—Packaging or repackaging of cannabis products;~~
- ~~—Labeling or relabeling of packages of cannabis products~~

The term “Manufacture” does not include the following:

- 1) The repacking of cannabis products from a bulk shipping container by a distributor or dispensary where the product’s original packaging and labeling is not otherwise altered.**
- 2) The placing of cannabis products into opaque packaging at a retail premises for purpose of complying with section 26070.1 of the Medicinal and Adult-Use Cannabis Regulation and Safety Act; or**

- 3) The placement of a sticker stating “FOR MEDICAL USE ONLY” on cannabis products at a retail premises, if the cannabis product is sold to a medicinal-use customer.
- 4) The collection of the resinous trichomes that are dislodged or sifted from the cannabis plant incident to cultivation activities by a licensed cultivator in accordance with the requirements of the California Department of Food and Agriculture specified in Article 4 of Chapter 1 of Division 8 of Title 3 of the California Code of Regulations; or
- 1)5) The processing of non-manufactured cannabis products, as defined in Section 8000 of Title 3 of the California Code of Regulations, by a licensed cultivator in accordance with the requirements of the California Department of Food and Agriculture specified in Article 4 of Chapter 1 of Division 8 of Title 3 of the California Code of Regulations

~~“Manufacturing” or “Manufacturing operation” means all aspects of the extraction process, and/or infusion process, and packaging and labeling processes, including processing, preparing, holding, and storing, packaging, or labeling of cannabis products.~~

~~Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.~~

~~m) “Manufacturing site” means a location 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.~~

n) “Medical cannabis,” “medical cannabis product” or ~~“cannabis product”~~ means 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.

o) “Medical Cannabis Identification Card” or “Identification Card” means a document issued by the State Department of Health Services pursuant to California Health and Safety Code Sections 11362.7 *et seq.* that identifies a person authorized to engage in the medical use of cannabis and the person's designated primary caregiver, if any, or identifies a person as a primary caregiver for a medical cannabis patient.

p) “Nonsale Distribution” means to give a ~~medical~~ cannabis product or coupon at no cost or at a nominal cost of less than 25 percent of the full retail value of the item exclusive of taxes and fees to a person who is not a dispensary.

~~p)q)~~ **“Owner” means any of the following:**

- 1) A person with an aggregate ownership interest of 20 percent or more in the ~~P~~person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- 2) The chief executive office of a nonprofit or other entity.
- 3) A member of the board of directors of a nonprofit.
- 4) The trustee(s) and all persons that have control of the trust and/or the commercial cannabis business that is held in trust
- 5) An individual who will be participating in the direction, control, or management of the person applying for a license.

~~e)r~~) “Permittee” means the “Person” acting as the owner, proprietor, manager, or operator of a ~~medical~~-cannabis dispensary who obtains a permit pursuant to this Article.

~~r)s~~) “Primary caregiver” shall have the same definition as California Health and Safety Code Section 11362.7 *et seq.*, and as may be amended, and which defines “primary caregiver” as an individual, designated by a qualified patient ~~or by a person with an identification card~~, who has consistently assumed responsibility for the housing, health, or safety of that patient ~~or person~~, and may include a licensed clinic, a licensed health care facility, a residential care facility, a hospice, or a home health agency as allowed by California Health and Safety Code Section 11362.7(d)(1-3). A primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Sections 6922, 7002, 7050, or 7120 of the Family Code.

~~s)t~~) “Qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 *et seq.*, and as may be amended, and which states that a “qualified patient” means a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have a valid medical cannabis identification card. For the purposes of this Article, a “qualified patient who has a valid identification card” shall mean a person who fulfills all of the requirements to be a “qualified patient” under California Health and Safety Code Section 11362.7 *et seq.* and also has a valid medical cannabis identification card.

Sec. 14-6-040. ~~Medical~~-Cannabis Dispensary and Edible Cannabis Product Manufacturing ~~Site~~ Premises Permits.

- a) No person shall operate in the county, any ~~medical~~-cannabis dispensary or any edible cannabis product manufacturing ~~site~~-premises or any other enterprise or establishment in which edible cannabis product is manufactured or offered for sale or sold, without a valid permit issued in accordance with this Article and a valid permit as required in Sonoma County Code Section 26-88-126(c). Such permits shall be displayed prominently in or upon the place of business for which it is issued.
- b) All applications for ~~medical~~-cannabis dispensary or edible cannabis product manufacturing ~~site~~-premises permits shall be on a form supplied by the department and

shall be accompanied by the applicable fee(s), as described in Section 14-6-050 and Section 14-6-060. The applicant for ~~medical~~ cannabis dispensary permit or edible cannabis product manufacturing ~~site~~ **premises** -permit shall set forth, under penalty of perjury, the following on the permit application:

- 1) The proposed location of the ~~medical~~ cannabis dispensary or the edible cannabis product manufacturing ~~site~~ **premises**.
 - 2) Approved use permit number as issued by the appropriate planning agency.
 - 3) The name and residence address of each ~~person~~ **owner** applying for the permit ~~and any other person who will be engaged in the management of~~ **for** the ~~medical~~ cannabis dispensary or edible cannabis product manufacturing ~~site~~ **premises**.
 - 4) A unique identifying number from at least one government issued form of identification such as a social security card, a state driver's license or identification card, or a passport for each ~~person~~ **owner** applying for the permit ~~and any other person who will be engaged in the management of medical cannabis dispensary or edible cannabis product manufacturing site~~.
 - 5) ~~Written evidence that~~ **Birth date for** each ~~person~~ **owner** applying for the permit, and ~~any other person who will be engaged in the management of medical cannabis dispensary or edible cannabis product manufacturing site~~ **to validate each owner** is at least 21 years of age.
 - 6) The Director is hereby authorized to require in the permit application any other information including but not limited to any information necessary to discover the truth of the matters set forth in the application.
- c) A permit to operate shall not be issued by the department until its inspection has determined that the proposed ~~medical~~ cannabis dispensary or edible cannabis product manufacturing ~~site~~ **premise** and its method of operation meet the specifications and conform to the provisions of Sonoma County Code Chapters 14 and 26, ~~and California Health and Safety Code Section 11362.5 et seq.~~
- d) All permits for ~~medical~~ cannabis dispensaries and edible cannabis product manufacturing ~~sites~~ **premises** shall expire on the annual renewal date. Permits are valid only for the person, location, and type of sales or activity approved. Permits shall not be transferable upon change of ownership of the dispensary or manufacturing ~~site~~ **premises**.
- e) In recommending the granting or denying of a permit and in granting or denying the same, the Director shall give particular consideration to the capacity, capitalization, complaint history of the ~~applicant~~ **owner(s)** and any other factors that in their discretion he or she deems necessary to the peace and order and welfare of the public.
- f) No ~~medical~~ cannabis dispensary permit or edible cannabis product manufacturing premise manufacturing site permit shall be issued under this Article if the Director finds:

- 1) That the applicant has provided materially false documents or testimony; or
- 2) That the applicant has not complied fully with the provisions of this Article or any county and state codes, laws and regulations; or
- 3) That the applicant has not obtained a permit from Sonoma County Planning Resource Management Department and all other approvals as required by the Agency Having Jurisdiction; or
- 4) That the operation as proposed by the applicant, if permitted, does not comply with all applicable laws, including, but not limited to, the Building, Planning, Housing, Police, Fire, and Health Codes of the County, including the provisions of this Article and regulations issued by the Director pursuant to this Article; or
- 5) That a permit for the operation of a ~~medical~~-cannabis dispensary or **edible** ~~medical~~-cannabis product manufacturing **site**~~premises~~ ~~permit~~ or a County use permit, which permit(s) had been issued to the applicant or to any other person who will be engaged in the management of the ~~medical~~-cannabis dispensary or **edible** ~~medical~~-cannabis product manufacturing **site**~~premises~~ permit has been revoked, unless more than two years have passed from the date of the revocation to the date of the application; or
- 6) That the County has revoked a permit for the operation of a business in the County which permit had been issued to the applicant ~~or to any other person who will be engaged in the management of~~ **for** the ~~medical~~-cannabis dispensary or ~~medical~~**edible** cannabis product manufacturing **site**~~premises~~ permit unless more than two years have passed from the date of the application to the date of the revocation.
- g) The Director shall notify the Sheriff's Department, Permit and Resource Management Department, Fire and Emergency Services, Agricultural Commissioner's Office and other appropriate agencies of all approved permit applications.
- h) The final permit shall contain the following language: "Issuance of this permit by the County of Sonoma is not intended to and does not authorize the violation of state or federal law."

Sec. 14-6-050. Fees.

- a) Prior to submitting the ~~medical~~-cannabis dispensary permit or edible cannabis product **premises** ~~manufacturing site~~-manufacturing premise permit application, each applicant shall submit ~~an operating and facility plan to the Department, along with a plan check~~**review application and** fee as established by the current Board of Supervisors' fee resolution.
- b) At the time of approval of the facility plan, the applicant shall submit to the Department, the ~~medical~~-cannabis dispensary or edible cannabis product manufacturing **site**~~premises~~ application and annual permit fee(s) as established by the current Board of Supervisors' fee resolution. The fee shall be calculated ~~so as~~ to recover the reasonable regulatory cost of administration and enforcement of this Article, including, for example, issuing a

~~medical~~ cannabis dispensary or edible cannabis product manufacturing ~~site~~ **premises** permit, administering the permit program, dispensary or **edible cannabis product** manufacturing ~~site~~ **premises** inspection and compliance checks, documentation of violations, **activities related to** late fees for delinquent permits, and enforcement proceedings, but shall not exceed the cost of the regulatory program authorized by this Article and by California law. All fees and interest upon proceeds of fees shall be used exclusively to fund administration and enforcement of this Article. Fees are nonrefundable, except as may be required by law.

- c) Each ~~separate location of business~~ **unique cannabis dispensary or edible cannabis product manufacturing premises** shall be deemed a separate enterprise. ~~or medical cannabis dispensary or edible product manufacturing site~~ **An application shall be submitted for each dispensary/premises** for **the** purposes of this Article.
- d) Any permit that has not been reinstated by the annual renewal date will not be valid, due to failure to submit permit fees, and shall be deemed delinquent. Permits that continue to remain delinquent will be subject to late fees at intervals of thirty (30) days and sixty (60) days past the anniversary date. **After sixty (60) days, proceedings will be initiated to revoke the permit.** The amount assessed shall be included in the fee schedule approved by resolution of the Board of Supervisors.
- e) Conditions requiring additional inspections due to noncompliance with applicable statutes/regulations will incur additional re-inspection service fees as provided in the fee schedule in effect at the time of noncompliance.

Sec.14-6-060. Operational Requirements for ~~Medical~~ Cannabis Dispensaries.

- a) ~~Medical~~ **C**annabis dispensaries shall meet all the operating criteria for the dispensing of ~~medical~~ cannabis as is required pursuant to **the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Health and Safety Code Section 11362.7 et seq.,** by this Article, by the Director's Rules and regulations for the permitting and operation of ~~medical~~ cannabis dispensaries and by all ~~other~~ **oth r** County Department guidelines.
- b) ~~Medical~~ **C**annabis dispensaries must operate in a permanently constructed structure and may not operate from a vehicle or non-permanent structure.
- c) ~~Medical~~ **C**annabis dispensaries shall sell ~~or distribute~~ only cannabis **or cannabis products** manufactured, **produced, and** processed **and tested** in the State of California, **in compliance with local requirements and the Medicinal and Adult-Use Cannabis Regulation and Safety Act.** ~~that has not left the state before arriving at the medical cannabis dispensary with the additional requirement that medical cannabis dispensaries shall sell or distribute only edible cannabis products that have been manufactured and processed in a facility permitted by a local jurisdiction and in compliance with state licensing requirements.~~
- d) It is unlawful for any person ~~or association~~ operating a medical cannabis dispensary under the provisions of this Article to permit any breach of peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly

conduct, or otherwise, or to permit such dispensary to remain open, or patrons to remain upon the premises, between the hours of 7 p.m. and 7 a.m. the next day, unless otherwise allowed by the use permit.

- e) No ~~medical~~cannabis **or cannabis** product shall be smoked, ingested or otherwise consumed on the premises or in the public right-of-way within twenty-five feet of a medical cannabis dispensary. ~~Medical~~**Cannabis** dispensaries shall post a sign near their entrances and exits providing notice of this policy.
- f) All sales and dispensing of ~~medical~~cannabis shall be conducted **by permitted in person on the premises of the medical** cannabis dispensaries **only**. Deliveries, as defined in this Article and in **Medicinal and Adult-Use Cannabis Regulation and Safety Act Health and Safety Code**, ~~can only be made by a dispensary in Sonoma County provided the medical cannabis dispensary that delivers medical cannabis or medical cannabis products~~ shall comply with the following:
 - 1) All employees of a dispensary delivering ~~medical~~ cannabis or ~~medical~~ cannabis products shall carry a copy of the dispensary's current permit authorizing those services with them during deliveries and shall present that permit upon request to county department, state and local law enforcement, employees of regulatory authorities, and other state and local agencies.
 - 2) During delivery, the permittee shall maintain a physical copy of the delivery request and shall make it available upon request of the department and law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential ~~medical~~ information.

~~The qualified patient or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the department and law enforcement officers.~~
 - 3) The employee of the dispensary who is delivering medical cannabis or medical cannabis products shall verify and document that the individual taking possession of the product is a qualified patient or primary caregiver.
- g) The ~~medical~~ cannabis dispensary shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. Nor shall alcoholic beverages be consumed on the premises or on in the public right-of-way within fifty feet of a ~~medical~~cannabis dispensary. Dispensaries shall prohibit patrons from entering or remaining on the premises if they are in possession of or are consuming alcoholic beverages or are under the influence of alcohol.
- h) The ~~medical~~cannabis dispensary shall not hold or maintain a permit as a food facility from the County of Sonoma. Food products shall not be sold or consumed on the premises.

- i) The ~~medical~~ cannabis dispensary shall not hold or maintain a tobacco retail license to sell tobacco products or tobacco paraphernalia from the County of Sonoma. Tobacco products ~~or tobacco paraphernalia~~ shall not be sold or consumed on the premises.
- j) No manufactured edible cannabis products shall be **infused with alcoholic beverages, as defined in section 23004 of the Business and Professions Code. No cannabis product shall contain any non-cannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine and caffeine. This prohibition shall not apply to products containing naturally occurring caffeine, such as coffee, tea, or chocolate.** ~~dispensed that contain other addictive substances such as nicotine or caffeine. Minimal amounts of alcohol, in as much as are residual from manufacturing or required solvents for the cannabis containing product, are allowed provided that the alcohol content is 10 percent or less, the amount of alcohol in an individual serving would not create alcohol intoxication with ingestion of a single dose, and the product is clearly labeled with both the alcohol content and a statement that "Warning: this product contains alcohol."~~
- ~~k) The medical cannabis dispensary shall not engage in the Nonsale Distribution of any medical cannabis product. Discounting practices, including the honoring or redeeming coupons to allow a consumer to purchase a medical cannabis product for less than full retail price, sale of product through multiple package discount for less than full retail price, and provision of a free or discounted item in consideration of purchase of a medical cannabis product are prohibited.~~
- k) **A cannabis dispensary shall not provide free cannabis goods to any person. A cannabis dispensary shall not allow individuals that are not employed by the dispensary to provide free cannabis or cannabis products to any person at the licensed premises. A cannabis dispensary may provide cannabis or cannabis products to a medicinal cannabis patient without charge if they meet the conditions stipulated in CCR Title 16, Division 42, Section 5411.**
- l) ~~Medical~~ Cannabis dispensaries may sell or distribute cannabis **and cannabis products** only to **adults, aged 21 or older, or to** qualified patients with a medical cannabis identification card or a verifiable, written recommendation from a physician for medical cannabis. The medical cannabis dispensary shall maintain records of all qualified patients with a valid identification card and primary caregivers with a valid identification card using only the identification card number issued by the state or County pursuant to California Health and Safety Code Section 11362.7 *et seq.* For qualified patients who present a physician recommendation in lieu of a valid identification card, the medical cannabis dispensary shall maintain a record of qualified patient identifying information in a manner consistent with patient privacy laws.
- m) ~~All advertisements must include language stating "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries" written in size 11 font or larger, and must be read in oral~~

~~advertisements.~~ Advertisements may not cater to youth or children, i.e. no cartoon characters and **shall not use any depiction or images of minors under eighteen (18) years of age.** ~~no depictions of youth utilizing cannabis.~~ Advertisements may not be placed in locations that cater to youth or children.

- n) The ~~medical~~ cannabis dispensary shall provide the Director and ~~A~~ **agencies** ~~H~~ **having jurisdiction** the name, **title**, and phone number of an on-site staff person to whom one can direct notices of complaints or violations.
- o) The ~~medical~~ cannabis dispensary shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval by the Director in order to ~~e~~ **insure** that the operation of the ~~medical~~ cannabis dispensary is consistent with the protection of the health, safety and welfare of the community, qualified patients and primary caregivers, and will not adversely affect surrounding uses.

Sec. 14-6-070. Operational Requirements for Edible Cannabis Product Manufacturing Premises~~Sites.~~

- a) Edible cannabis product manufacturing ~~premises~~ **sites** shall meet all the operating criteria for the manufacturing of ~~medical~~ cannabis containing edible products as is required pursuant to **the Medicinal and Adult-Use Cannabis Regulation and Safety Act** ~~California Health and Safety Code Section 11362.7 et seq.~~, by this Article, by the Director's Rules and Regulations for the permitting and operation of edible cannabis product manufacturing ~~premises~~ **sites** and by all other County Department agency guidelines.
- b) No ~~manufactured edible~~ cannabis products shall **contain any non-cannabinoid additive that would increase potency, toxicity or additive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine and caffeine. This prohibition shall not apply to products containing naturally occurring caffeine, such as coffee, tea, or chocolate.** ~~be produced that contain other addictive substances such as nicotine or caffeine. Minimal amounts of alcohol, in as much as are residual from manufacturing or required solvents for the cannabis containing product, are allowed provided that the alcohol content is 10 percent or less, the amount of alcohol in an individual serving would not create alcohol intoxication with ingestion of a single dose, and the product is clearly labeled with both the alcohol content and a statement that "Warning: this product contains alcohol."~~
- c) ~~E~~ **Manufactured** ~~edible~~ cannabis products shall be:
 - 1) Not designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain cannabis.
 - 2) Delineated, ~~or~~ ~~scored~~ **or otherwise similarly marked to indicate one serving into standardized serving sizes** if the cannabis product contains more than one serving and is an edible cannabis product in solid form.
 - 3) Homogenized to ensure disbursement of cannabinoids throughout the product.
 - ~~3)4)~~ **Shall not contain more than ten (10) milligrams of THC per serving.**

- d) ~~Manufactured e~~Edible cannabis products shall be labeled and in an opaque, resealable, child-resistant and tamper-evident package. Labels and packages of medical cannabis products shall meet the following requirements in addition to any state requirements:
1. ~~Medical C~~cannabis packages and labels shall not be made to be attractive to youth and children.
 2. All ~~medical e~~Cannabis product labels shall include the following information, prominently displayed and in a clear and legible font:
 - i) Manufacture date and source.
 - ii) The following statements in bold print: Product contains ~~medical~~ cannabis; Keep out of reach of children and animals; ~~for medical use only~~; the intoxicating effects of this product may be delayed by up to two hours; and this product may impair the ability to drive or operate machinery. Please use extreme caution.
 - iii) A warning if nuts or other known potential allergens are used.
 - iv) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.
 - v) Identification of the source and date of cultivation and manufacture.
- e) Edible cannabis product manufacturing premises shall not be permitted or operate as a wholesale food manufacturer, retail food facility or cottage food producer.
- f) The edible cannabis product manufacturing ~~premises~~site shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval by the Director in order to ~~e~~insure that the operation of the ~~medical~~cannabis dispensary is consistent with the protection of the health, safety and welfare of the community, qualified patients and primary caregivers, and will not adversely affect surrounding uses.

Sec. 14-6-080. Permit Program Implementation

- a) The Director shall adopt policies and create operational procedures, operational standards and marking guides for ~~medical~~cannabis dispensaries and edible cannabis product manufacturing ~~premises~~sites related to this Article. These shall include, but are not limited to:
1. A requirement that the operator require employees to wash hands and use sanitary utensils when handling cannabis;
 2. Regulations to reduce the risk to public health of edible cannabis products including requirements parallel to state and local laws regarding preparation, distribution and sale of food and restrictions on manufacturing and sale of edible

products that require time-temperature control to keep them safe for human consumption;

3. Regulations prohibiting the manufacturing, packaging and/or sale of cannabis products that are designed to be especially appealing to children or youth;
 4. Requirements on tracking and reporting of products sold; and
 5. Regulations related to management and disposal of waste products.
- b) The Director shall issue rules and regulations regarding the imposition of administrative penalties on ~~medical~~-cannabis dispensaries or edible cannabis product manufacturing ~~premises~~sites.

Sec. 14-6-090. Inspections and Penalties.

- a) The Director shall inspect each ~~medical~~-cannabis dispensary and edible cannabis product manufacturing ~~premises~~site no fewer than two times annually, for the purpose of determining compliance with the provisions of this Article, and/or the rules and regulations adopted pursuant to this Article, or in response to a complaint. If informal attempts by the Director to obtain compliance with the provisions of this Article fail, the Director may take the steps outlined in Article I of this Chapter.
- b) Every person to whom a permit shall have been granted pursuant to this Article shall post a sign in a conspicuous place in the ~~medical~~-cannabis dispensary or edible cannabis product manufacturing ~~premises~~site. The sign shall state that it is unlawful to refuse to permit an inspection by the Department of Health Services, or any city peace, fire, planning, or building official or inspector, conducted during the hours the establishment is open to the public and at all other reasonable times, of the areas of the establishment to which patrons and employees have access.
- c) 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, pursuant to the authority conferred by the Government Code, including Section 53069.4. Violations of any provision of the County Code or health permit conditions 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 day may constitute a separate violation on each day, at the discretion of the agency having jurisdiction.
 1. The Director may issue an administrative citation requiring the owner or operator of a medical cannabis dispensary or edible cannabis product manufacturing premise to take corrective action as necessary to abate a nuisance, or to protect human health and safety or the environment.
 2. An administrative citation shall not be issued for any minor violation, as defined by the Director, which is corrected immediately in the presence of the inspector. Immediate compliance in that manner shall be noted in the inspection report.

3. Any dispensary, dispensary operator, dispensary manager or manufacturer who violates any provision of this Article or any rule or regulation adopted pursuant to this Article may, after being provided notice and an opportunity to be heard, be subject to an administrative citation penalty not to exceed \$1,000 for the first violation of a provision or regulation in a two year period, \$5,000 for the second violation of the same provision or regulation in a two year period, and \$10,000 for the third and subsequent violations of the same provision or regulation in a two year period.
 4. Any dispensary, dispensary operator, dispensary manager or manufacture who operates without a health permit shall be subject to an administrative citation penalty of \$10,000 for the first offense within two years, \$25,000 for the second offense within two years, and \$50,000 for the third offense within two years.
- d) If a permit is revoked, no application for a ~~medical~~-cannabis dispensary or edible cannabis product manufacturing ~~premises~~site may be submitted by the same person for two years.

Sec. 14-6-100. Immediate Closure

- a) Notwithstanding the provisions of this Chapter, and except as otherwise specifically provided by state law, the enforcement officer may immediately suspend or revoke a health permit if the enforcement officer determines that there is an immediate threat to public health, safety, or welfare and order the ~~medical~~ cannabis dispensary or edible cannabis product manufacturer immediately closed.
- b) If interference in the performance of the duty of the enforcement officer occurs, the enforcement officer may temporarily suspend the permit and order the ~~medical~~ cannabis dispensary or edible cannabis product manufacturer immediately closed.
- c) The enforcement officer shall serve the permit holder, within forty-eight (48) hours of the suspension or revocation, written notice of the grounds for the immediate suspension or revocation of the health permit. A person may appeal the suspension or revocation by filing a written notice to request a hearing before the hearing officer.
- d) If a hearing is requested, it shall be conducted in accordance with Section 14-1-060.

Sec. 14-6-110. Reporting

- a) At least biennially, commencing in January 2019, the Director shall make a report to the Board of Supervisors that includes the following:
 - 1) Number and location of ~~medical~~-cannabis dispensaries and ~~medical~~-edible cannabis manufacturing ~~premises~~sites currently permitted and operating in the County;
 - ~~a. An estimate of the number of medical cannabis patients currently active in the County;~~
 - 2) A summary of the past year's violations of this Article and penalties assessed;

- 3) Current health, human and safety data; and
 - 4) Recommendations to the Board of Supervisors.
- b) Upon receipt of this Report, the Board of Supervisors shall consider whether any changes to County Code are warranted.

Sec. 14-6-120. Severability

If any section, subsection, sentence, clause or phrase of this Article is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter.

Section II.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III.

Adoption and implementation of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. Adoption and implementation of the standards, permit requirements, and other measures contained in the ordinance will not result in any direct physical change to the environment on their own. In the alternative, the adoption and implementation of this ordinance is exempt from CEQA pursuant to Section 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, and protection of the environment where the regulatory process involves procedures for protection of the environment. The basis for this determination is that this Ordinance does not in itself approve any construction activities, but instead establishes standards, permit requirements, and other measures that regulate health and safety at medical cannabis dispensaries and edible cannabis product manufacturing sites. These standards, permit requirements, and other measures will assure the protection of human health, which is an aspect of the environment under Public Resources Code Section 21083(b)(3), by establishing standards and enforcement measures for regulating medical cannabis dispensaries and edible cannabis product manufacturing sites. The Director of the Department of Health Services is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section IV.

This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. A summary of the Ordinance shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma introduced **revisions to Ordinance # 6187 on August 7, 2018** ~~and finally passed and adopted this~~ ~~_____ day of December, 2016~~, on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin:	Rabbitt:	Zane:	Gore:	Carrillo:
Ayes:	Noes:	Absent:	Abstain:	

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors



County of Sonoma
State of California

Date: August 7, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Introducing, Reading the Title of and Waiving Further Reading of a Proposed Ordinance
Amending Chapter 14 of the Sonoma County Code**

Whereas, an ordinance of the Board of Supervisors of the County of Sonoma, State of California, entitled "An Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Amending Chapter 14 of the Sonoma County Code To Regulate Cannabis Dispensaries and Edible Cannabis Product Manufacturing Premises" has been introduced and the title read; and

Now, Therefore, Be It Resolved, that further reading of the proposed ordinance is waived.

Be It Further Resolved, that the Sonoma County Board of Supervisors will consider adoption of the proposed ordinance on August 28, 2018, in the Board of Supervisors Chambers, 575 Administration Drive, Room 102A, Santa Rosa, CA.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

**ORD18-0003
 Attachment J: County Parcel Information**

Table 1: Sonoma County Parcel Size by Zoning District

Base Zoning District*		Less than 2 acres	2 - 5 ac	5 - 10 ac	10 - 20 ac	More than 20 acres	All Parcels
Diverse Agriculture	DA	1,868	1,600	1,101	857	748	6,147
Land Extensive Agriculture	LEA	216	202	172	179	1,059	1,828
Land Intensive Agriculture	LIA	659	443	395	518	941	2,956
Resources and Rural Development	RRD	2,127	616	613	708	3,539	7,603
Limited Urban Industrial	M1	117	58	10	3	1	189
Heavy Industrial	M2	67	37	11	2	-	117
Limited Rural Industrial	M3	52	39	25	14	2	132
Industrial Park	MP	121	69	16	3	-	209
Rural Residential	RR	16,482	2,768	854	318	120	20,542
Agriculture and Residential	AR	5,496	3,306	1,232	451	150	10,635
Limited Commercial	LC	596	57	18	2	1	674
TOTALS		27,205	9,138	4,429	3,053	6,560	50,385

*Table only includes zoning districts which already allow cannabis uses or are proposed under the Draft Inclusion Combining District.



Figure 1: Size of Diverse Agriculture (DA) Zoned Parcels by Supervisorial District

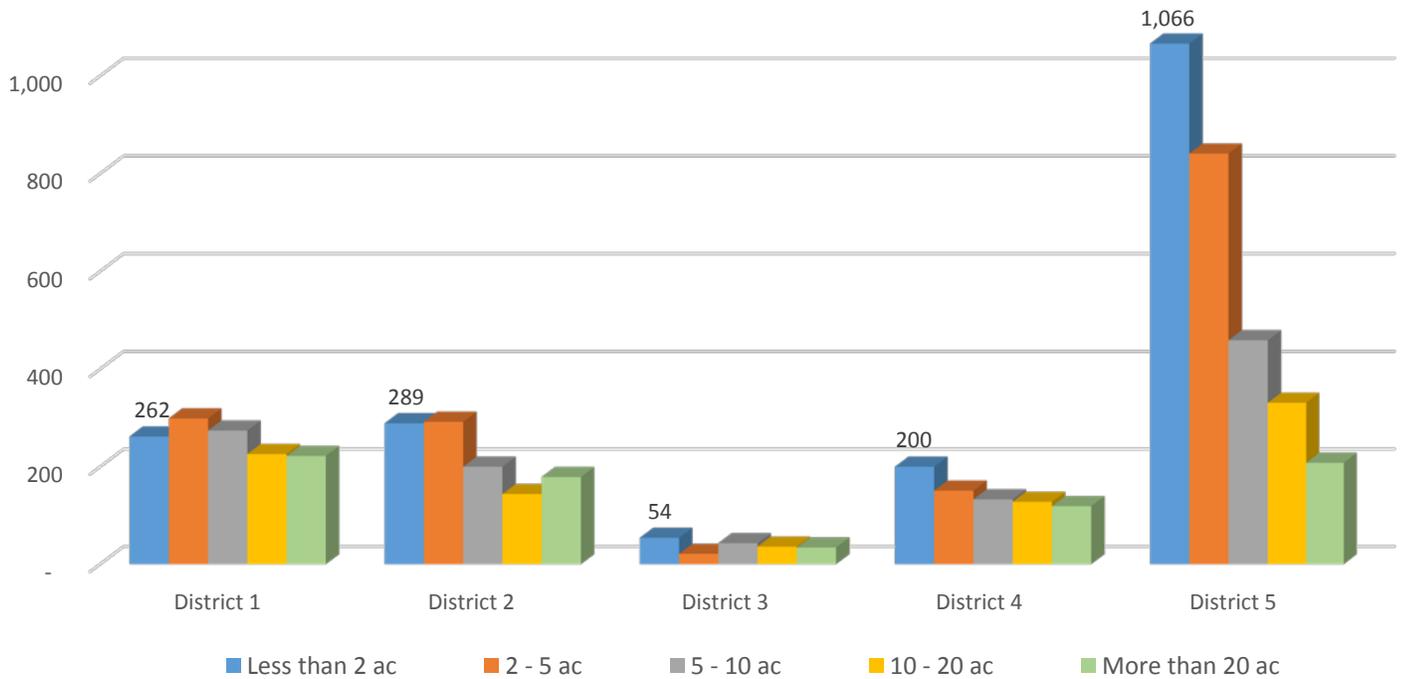


Table 2: Size of Diverse Agriculture (DA) Zoned Parcels by Supervisorial District

District	Less than 2 acres	2 - 5 ac	5 - 10 ac	10 - 20 ac	More than 20 acres	Total parcels over 2 acres
District 1	262	299	274	226	222	1,021
District 2	289	292	200	144	179	815
District 3	54	21	43	36	34	134
District 4	200	151	133	128	119	531
District 5	1,066	841	459	331	208	1,839



**ATTACHMENT K
CANNABIS PROGRAM FISCAL OVERVIEW**

Countywide Cannabis Program Summary

	FY 2017-18		FY 2018-19		Projected	Projected
Expenses	Adjusted	Actual	Expenses	Adopted	Conservative	Moderate
Permanent Labor Costs	\$ 2,089,258	\$ 1,371,386	Permanent Labor Costs	\$ 1,952,570	\$ 1,953,199	\$ 1,896,285
Extra Help	\$ 479,645	\$ 86,701	Extra Help	\$ 187,125	\$ 242,506	\$ 279,286
Non-Labor Costs	\$ 846,004	\$ 849,543	Non-Labor Costs	\$ 364,680	\$ 754,891	\$ 715,826
Total Expenses	\$ 3,414,907	\$ 2,307,630	Total Expenses	\$ 2,504,375	\$ 2,950,596	\$ 2,891,397
Revenues	Adjusted	Actual	Revenues	Adopted	Projected Conservative	Projected Moderate
Cannabis Tax	\$ 3,935,502	\$ 3,403,892	Cannabis Tax	\$ 1,363,914	\$ 1,500,000	\$ 1,700,000
Fines, Fees, Other	\$ 1,283,905	\$ 1,123,674	Fines, Fees, Other	\$ 1,230,553	\$ 1,559,375	\$ 1,666,091
Total Revenues	\$ 5,219,407	\$ 4,527,566	Total Revenues	\$ 2,594,467	\$ 3,059,375	\$ 3,366,091
# of Permanent Positions		14.0	# of Permanent Positions	14.0	14.0	14.0