



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number:
(This Section for use by Clerk of the Board Only.)

Board of Supervisors

October 16, 2018

Majority

Permit Sonoma; Economic Development Board, Department of Agriculture/Weights & Measures

Staff Name and Phone Number:

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Supervisorial District(s):

All

Title: Cannabis Land Use Ordinance Amendments

Hold a public hearing and at the conclusion of the hearing:

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.
2. Adopt a Resolution finding the Ordinance is consistent with the General Plan and Area Plans, and determining exemption from the California Environmental Quality Act.

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

- Require a minimum lot size of 10 acres for all commercial cannabis cultivation operations in agricultural and resource zones (LIA, LEA, DA, and RRD);
- 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 (discretionary permit) under certain circumstances;
- Allow adult use/recreational cannabis operations with a use permit (discretionary permit), including dispensaries;
- Extend the term of new cannabis permits to 5 years with a use permit (discretionary permit);
- Allow changes to the permit holder and/or operator for all cannabis land use permits (similar to other land use permits) and require notification in the event of a change;

- Allow 25% additional area for propagation to support onsite cultivation 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;
- Allow up to nine centralized processing facilities on agricultural land with a use permit (discretionary permit);
- Eliminate the 24 hour notification requirement for inspections and monitoring of permitted operations; and
- Amend other zoning code language for consistency and clarification.

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 2019 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 June 7 and 28, the Planning Commission held public hearings and adopted a Resolution (Resolution #18-008) recommending the amendments to the Board of Supervisors.

On August 7, the Board of Supervisors held a public hearing on the proposed cannabis amendments. In addition to reviewing the complete package of proposed amendments and the Planning Commission recommendations, the Board took straw votes on various policy options. After the straw votes were taken the Board provided additional direction to add a pilot program to allow centralized processing facilities on agricultural land in Sonoma Valley. This issue was not fully considered by the Planning Commission during their deliberations in June, 2018.

On August 20, the Ad Hoc Committee met and requested an amendment to eliminate the 24 hour notification requirement for inspections and monitoring of permitted operations as was raised through public comment on and before August 7. This issue was also not previously considered by the Planning Commission.

Government Code Section 65857 states the Board can approve, disapprove, or modify the Planning Commission's Recommended Ordinance but any modification that was not previously considered by the Commission must be referred back for report and recommendation.

On September 6, the Planning Commission held an additional public hearing to consider the additional amendments including the allowance of centralized processing on agricultural land and removing the 24 hour notification requirement for inspections of permitted operations.

The Aug 7, Board of Supervisor's straw votes included:

1. Cannabis Permit Requirements- Minimum Parcel Size

The Board of Supervisors voted to require a minimum lot size of 10 acres for all commercial cannabis cultivation operations in agricultural and resource zones (LIA, LEA, DA, and RRD). This motion included a pipeline provision that would allow applications for commercial cannabis cultivation operations that were deemed complete for processing prior to the effective date of this ordinance to continue to be processed under the development criteria and minimum lot size in effect at the time their applications were deemed complete.

All approved cannabis permits (both zoning permits and use permits) prior to the effective date of the ordinance, or through this pipeline provision, that are on parcels under 10 acres may be renewed with a use permit. Note that this means zoning permits that do not meet the minimum parcel size under the new ordinance would need to apply for a use permit to be renewed which would require public notification, environmental review, and allow the county to require conditions to address any issues.

2. Exclusion Combining District

The Board voted to reject the creation of Cannabis Exclusion Combining Districts. The Cannabis Exclusion Combining District would allow the Board to exclude cannabis uses on properties on which a cannabis use would otherwise be allowable, based on the properties meeting one or more specified criteria such as inadequate road access, residential character, and low water availability.

3. Inclusion Combining District

The Board voted to reject the creation of Cannabis Inclusion Combining Districts. The Cannabis Inclusion Combining Districts would allow cannabis uses on a property or properties in the Rural Residential (RR), Agriculture and Residential (AR), and Limited Commercial (LC) zones subject to limitations and provided certain criteria were met, such as a minimum parcel size.

4. Setbacks from Public Parks

The Board voted to allow a reduction to the setback from public parks 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.

5. Propagation Area Allowance

The Board voted to allow up to 25% in additional propagation area, to support onsite cultivation, with a use permit. No additional propagation area would be permitted with a zoning permit.

6. Term of Cannabis Land Use Permit

The Board voted to extend the term of new cannabis permits from 1 year to 2 years for Zoning Permits, and 5 years for Use Permits.

Modified Staff Recommendations

After further review of these straw votes staff is recommending the following modifications:

1. Retain the one year permit term for all ministerial permits.
2. Retain the current requirement for Medical Cannabis cultivation for all ministerial permits.
3. Do not allow appeals of ministerial permits issued by the Department of Agriculture Weights and Measures.

Based on public comments staff is recommending that changes to the program allowing adult use and longer term permits should be limited to conditional use permits. Zoning permits would remain medical only and limited to 1 year term permits, which can be renewed.

Staff is further recommending that no appeal be allowed at this time for ministerial permits issued by the Department of Agriculture/Weights and Measures. First, the appeal would be limited in scope and only address whether or not the project met the existing standards, which may in many cases fail to address the concerns of the appellant. This appeal process would add significant staff time, cost and delays to the permitting process. The cost of the additional staff time would not be covered by the flat \$1,164 fee, which would necessitate an increase in permit fees to cover these costs. The increase in cost and time to issue these permits would largely negate the advantage of ministerial permitting over discretionary permitting for the permittee as well as set a concerning precedent for the appeal of ministerial permits that could spill over into other county issued ministerial permits.

Centralized Cannabis Processing on Agricultural Land

On August 7, the Board asked staff to add an allowance for centralized processing facilities on agricultural land in Sonoma Valley. Centralized processing means “activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis” from off-site sources. The draft ordinance already included an allowance for centralized processing facilities within industrial zones.

On September 6, the Planning Commission recommended allowing centralized processing in all agricultural zones countywide, with a cap of 9 permits allowed. Staff had recommended that this use be limited to Sonoma Valley to serve cultivators on “adjacent properties or in the immediate area.” The Planning Commission recommended allowing centralized processing of any cannabis within the “local area,” a term used in other areas of the zoning code and the General Plan.

Staff further recommends that centralized processing facilities be limited to existing structures, or previously developed areas, and require a 10 acre minimum. This use would be subject to the same

standards and setbacks as indoor cultivation which could be further limited through the use permit process. It should also be noted that centralized processing facilities are not included in the penalty relief program and would not be able to commence until individual use permits are approved and pre-operational conditions have been met.

Site Visit 24 hour Notification Requirement

On September 6, the Planning Commission recommended an amendment to eliminate the 24 hour notification requirement for inspections and monitoring of permitted operations. This would provide flexibility for staff to inspect without advance notice, although for safety it is current practice for staff to call in advance so the visit is expected. It should be noted this change only impacts inspections to permitted sites. Code enforcement staff does not have to adhere to any advance notice requirements for inspections.

ENVIRONMENTAL DETERMINATION

The proposed amendments and any corresponding administrative regulations, if any, are exempt from the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code Section 26055(h), because the Ordinance provides for a discretionary review and approval process, including CEQA review, of permits to engage in commercial cannabis activity. The Board further finds that adoption of the Ordinance is further exempt from CEQA review pursuant to Sections 15307 and 15308 of the State CEQA Guidelines 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. The basis for this determination is that the Ordinance continues existing development standards, permit requirements, and other measures for commercial cannabis activity within the unincorporated area of the county including, but not limited to, riparian setbacks, biotic resource protection, waste discharge requirements, and significant constraints on water use in the County's most water scarce areas. The Ordinance also enhances protections by increasing the minimum parcel size and adding new setbacks from sensitive uses. Further, the Ordinance expands regulation of the County's cannabis industry to encompass adult-use for the full supply chain, encouraging illegal cannabis cultivators to come into compliance with the environmental protection standards provided for in the Ordinance. The Board further finds and determines that the Ordinance is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. The basis for this determination is that the Ordinance also makes minor technical, clarifying, or conforming changes to the existing standards, permit requirements, and other measures for commercial cannabis activity within the unincorporated area of the county. Ordinance changes are largely limited to the discretionary permitting process that ensures further site- and project-specific environmental review. The adoption of the Ordinance will not result in any direct or indirect physical change to the environment, and will instead ensure the maintenance and protection of natural resources and the environment, by maintaining existing environmental standards for commercial cannabis activity within the unincorporated area of the county.

Prior Board Actions:
August 28, 2018: Final adoption of the Cannabis Business Tax and Health Ordinance amendments.
August 7, 2018: A public hearing on the Cannabis Land Use Ordinance was held and straw votes were taken.
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):			
Attachment A: Draft Cannabis Land Use Ordinance with Exhibits EXHIBIT A: Draft Cannabis Definitions Section EXHIBIT B: Draft Cannabis Zoning Code Sections EXHIBIT C: Clean Draft Cannabis Zoning Code Sections			
Attachment B: Board of Supervisors Resolution			
Attachment C: Draft Cannabis Land Use Table			
Attachment D: September 6, 2018 Planning Commission Memo			
Attachment E: September 6, 2018 Planning Commission Resolution with Exhibit			

Attachment F: September 6, 2018 Planning Commission Minutes

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, ADD NEW DEFINITIONS AND MAKE 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. Purpose and 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.

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.

- A. 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.
- B. 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 incorporated certain provisions of MCRSA into the provisions of the Adult Use of Marijuana Act (“AUMA”) to create one regulatory framework termed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”).
- C. 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.
- D. 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 (Ordinance Number 6189) on December 20, 2016.
- E. Adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA), for the reasons set forth in the Board’s Resolution No. 18-_____, adopted concurrently with this ordinance. Resolution No. 18- ____ is hereby incorporated by reference as though fully

set forth herein.

- F. This ordinance is substantially consistent with the Sonoma County General Plan, for the reasons set forth in the Board's Resolution No. 18-____, adopted concurrently with this ordinance. Resolution No. 18- ____ is hereby incorporated by reference as though fully set forth herein.

SECTION II. Sonoma County Code Chapter 26 (the Zoning Code) is hereby amended as follows:

- A. **Section 26-02-140 (Definitions).** Section 28-88-140 of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit A attached hereto.
- B. **Section 26-88-250 (Commercial cannabis uses).** Section 26-88-~~250~~^{Medical} of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit B, attached hereto.
- C. **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.
- D. **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.
- E. **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.
- F. **Section 26-88-258 (Cannabis cultivation Personal).** Section 26-88-258 is amended as shown in Exhibit B attached hereto.
- G. **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 (II) – 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"

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 III. Pipeline Projects. Notwithstanding the minimum lot size requirement, applications for commercial cannabis cultivation operations that were approved or deemed complete prior to the effective date of this ordinance may continue to be processed and reviewed under the minimum lot size in effect at the time their applications were deemed complete or approved. Any of these applications for commercial cannabis cultivation may continue to be renewed as a legal, nonconforming use under limited term use permits in compliance with the provisions of Article 94 (Nonconforming Uses), except that the cultivation area shall not be increased in size.

Section IV. 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 V. 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 16th day of October, 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 compounding of~~s 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) **Commercial cannabis uses for non-medical cannabis for adult use is prohibited, unless a use permit is obtained.**
- (2) ~~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.
- (3) 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.
- (4) Permits for ~~medical~~ commercial cannabis ~~uses~~ activities shall only be issued where written permission from the property owner or landlord is provided.
- (5) 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.~~
- (6) 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 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 eCannabis operators must meet the following qualifications:
 - (1) Commercial medical eCannabis operators and all employees must be at least twenty-one (21) years of age.
 - (2) Commercial medical eCannabis 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 or denial issued by the Department of Agriculture/Weights & Measures shall be subject to review and appeal procedures pursuant to Chapter 36. Appeals of any permit issuance or denial issued by PRMD 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 agency having jurisdiction 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 or 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 CULTIVATION AREA 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		
CANNABIS USES								
Personal Cultivation	100 sq ft including up to 6 plants for adult use, per residence	None	P	P	P	P	P	
Commercial Cannabis Uses								
Cottage	25 plants	10 ac	ZP	ZP	ZP	MUP	—	26-88-250 - 254
Specialty Outdoor	5,000 sq. ft. or 50 plants	10 ac	CUP	ZP	ZP	CUP	—	
Small Outdoor	5,001 - 10,000	10 ac	CUP	ZP	ZP	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	10 ac	ZP ²	ZP ²	ZP ²	MUP ²	—	
Specialty Indoor	501 - 5,000	10 ac	CUP ²	CUP ²	CUP ²	CUP ²	—	
Small Indoor	5,001 - 10,000	10 ac	—	—	—	—	—	
Medium Indoor	10,001 - 22,000	10 ac	—	—	—	—	—	
Nursery Indoor	Limited as Expressed Above	CUP ²	CUP ²	CUP ²	CUP ²	—		
Mixed Light Cultivation								
Cottage	2,500	10 ac	ZP ²	ZP ²	ZP ²	MUP	—	
Specialty Mixed Light	2,501 - 5,000	10 ac	CUP ²	CUP	CUP	CUP	—	
Small Mixed Light	5,001 - 10,000	10 ac	CUP ²	CUP	CUP	CUP	—	
Medium Mixed Light	10,001 - 22,000	10 ac	—	—	—	—	—	
Nursery Mixed Light	Limited as Expressed Above	CUP ²	CUP	CUP	CUP	—		
Centralized Processing								
Distributor-Transport Only ³		10 ac	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 Within existing previously developed areas, including hardscape, or legally established structures built (finalized) prior to January 1, 2016. No net increase in impervious surface.

3 Distributer-Transport Only restricts the licensee to only transporting cannabis goods that the licensee has cultivated or manufactured.

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

LAND USE	MAXIMUM CULTIVATION AREA 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 26-88-250, 252, and 256
			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			
Testing/Laboratories	per use permit		—	—	—	MUP	MUP	—	—	—	
Dispensaries: Storefront and Delivery	per use permit		—	CUP	CUP	—	CUP	—	—	—	
TYPE OF PERMIT REQUIRED											
ZP	Minor Use Permit or Hearing Waiver; CEQA applies unless Cat Exempt; can add conditions										
MUP	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 CULTIVATION AREA PER PARCEL (square feet or plant)	MINIMUM PARCEL SIZE	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial	Public Facilities	Special Use Regulations 26-88-250 -252
			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	
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								
Manufacturing				MUP	MUP	MUP	MUP	
Level 1 - nonvolatile solvents	per use permit			MUP	MUP	MUP	MUP	—
Centralized Processing	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	—
Distributer-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 cannabis 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. ~~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 17.3 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 reissued for at least two (2) years.~~

~~Additionally, Where the agency having jurisdiction has evidence that a violation of Sections 26-88-250 through 26-88-258 poses a significant health or safety hazard to the owners or occupants of adjoining properties or to the surrounding community, or for other good cause shown, the agency having jurisdiction may, in its discretion, commence a judicial action to enjoin such violation without the necessity of first going through the administrative procedures set forth in Section 17.3 of the county code.~~

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

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

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

- (1)a. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification;
 - (2)b. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application; or
 - (3)c. One (1) or more of the conditions **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, 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 ~~including centralized processing 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~~-~~may~~ 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) ~~Minimum Lot Size. A minimum lot size of 10 acres is required for all commercial cannabis operations in the agricultural and resource zones (LIA, LEA, DA, RRD).~~

(2) ~~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.~~

(32) 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.

(4) 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.

(53) Cannabis Processing. No more than nine (9) centralized cannabis processing facilities shall be permitted in Agricultural Zones within the unincorporated county at any (1) one time and shall be allowed to process cannabis grown onsite and within the local area. All other processing is limited to on-site cultivation use only.

~~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.~~

(63) 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.

- (74) 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.
- (85) 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~~s~~ **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.
- (96) Airport Compatibility. All cannabis operations shall comply with the Comprehensive Airport Land Use Plan.
- (107) 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.~~
- (118) 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.~~

- (12) **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.
- (13) **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.**
- (149) **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.

(1510) 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.~~

(1611) 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.

(1712) 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.

(183) 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~~.

(194) 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.

(2015) 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.

(2116) 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, ~~n and~~ mixed light operations, ~~and processing~~ 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 **and processing** 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 Director. The onsite water supply shall be considered adequate with documentation of any one (1) of the following sources:

- a. **Municipal Water:** A municipal water supplier as defined in California Water Code Section 13575. The applicant shall provide documentation from the municipal water source ~~The public water supplier providing water service to the site has that~~ adequate supplies **are available** to serve the proposed use.
- b. **Recycled Water:** The use of recycled process wastewater **or captured rainwater** from an onsite use or connection to a municipal recycled water supply for ~~the non-potable cultivation~~ use, provided that an adequate on-site water supply is available for employees and other uses.
- c. **Surface Water:** An existing legal water right and, if applicable, a Streambed Alteration Agreement issued by **the** California Department of Fish and Wildlife.
- d. **Groundwater Well: Well Water:**
 1. The site is located in Groundwater Availability Zone 1 **or, 2, or 3** and not within an area for which a Groundwater Management Plan has been adopted or within a high or medium priority basin as defined by the State Department of Water Resources; or
 2. Within Groundwater Availability Zone **3 or, 4, or an** area for which a Groundwater Management Plan has been adopted or designated high or medium priority basin, the proposed use would:
 - a. The proposed use would not result in a net increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project; or
 - b. Trucked recycled water may be considered for the cultivation area with a use permit, provided that adequate on-site water supplies are available for employees and other uses;~~; or~~
 - cb. A qualified professional prepares a hydro-geologic report ~~acceptable to the review authority~~ providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and that the operation will not:
 - i. result in or exacerbate an overdraft condition in basin or aquifer;
 - ii. result in reduction of critical flow in nearby streams; or

- iii. result in well interference at offsite wells.
- (11) Groundwater Monitoring: Water wells used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point. Water meters shall be **maintained in a calibrated state and documentation shall be submitted to the Permit and Resource Management Department** at least once every five (5) years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after being turned off. Static water level shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the Permit and Resource Management Department, **Project Review Division** by January 31 of each year. The annual report shall ~~show a cumulative hydrograph or 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~~Easement 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.

Sec. 26-88-256. - ~~Medical~~ eCannabis 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~~ eCannabis 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~~ eCannabis dispensaries shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services. ~~Additionally, medical~~ eCannabis 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~~ school **providing education to K-12 grades, park, childcare center, or** drug or alcohol treatment facility.
 - (4) Notwithstanding, the subsections (f)(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-~~126256~~(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~~-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.~~

(4) 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).

(5) 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:

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

~~(ii)~~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.

~~(iii)~~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.

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

~~(v)~~e. 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.

Exhibit C

Definitions in Section 26-02-140

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

Cannabis: All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed whether growing or not; 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. 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.

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: Cannabis cultivation within any type of structure using exclusively artificial lighting.

Cannabis Cultivation – Mixed-Light: Cannabis cultivation in a greenhouse or other similar structure using natural light, light deprivation, and/or any combination of natural and supplemental artificial lighting.

Cannabis Cultivation – Outdoor: Cannabis cultivation using no artificial lighting conducted in the ground or in containers outdoors.

Cannabis Cultivation Site: The premises where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed or where all or any combination of those activities occurs.

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

Cannabis Distribution: The procurement, sale, and transport of cannabis and cannabis products between licensees.

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

Cannabis Licensee: Any person issued a license by the State of California under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

Cannabis Manufacturer: A person that conducts the production, preparation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

Cannabis Manufacturing: 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.

Cannabis – Medical: Any cannabis or cannabis product intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

Cannabis Operator: The individual authorized to represent the person applying for or operating pursuant to a permit authorizing any commercial cannabis activity pursuant to this chapter.

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.

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

Cannabis Transport: The physical movement of cannabis or cannabis products from one licensed premises to another licensed premises.

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 permanent structure, including glasshouses, conservatories, 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: A person that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of 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 the plural as well as the singular.

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

Premises – Cannabis: 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: 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.

Sec. 26-88-250. - Commercial cannabis uses.

- (a) Purpose. This section provides the development and operating standards for commercial cannabis activities to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine, and provide opportunities for economic development.
- (b) Applicability. Commercial cannabis 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) Commercial cannabis uses for non-medical cannabis for adult use is prohibited, unless a use permit is obtained.
 - (2) Commercial cannabis activities shall only be allowed in compliance with all applicable county codes, including but not limited to, grading, building, plumbing, septic, electrical, fire, hazardous materials, and public health and safety.
 - (3) The 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 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.
 - (4) Permits for commercial cannabis activities shall only be issued where written permission from the property owner or landlord is provided.
 - (5) Tasting, promotional activities, and events related to commercial cannabis activities are prohibited.
 - (6) 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. Commercial cannabis activities shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements. No other type of commercial cannabis 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. Commercial cannabis activities shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services.
- (e) Term of Permit. Zoning permits for commercial cannabis activities shall be issued for a limited term not to exceed one (1) year from the date of permit approval. 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 prior to the expiration date. No

- property interest, vested right, or entitlement to receive a future permit to conduct a commercial cannabis activity shall ever inure to the benefit of such permit holder.
- (f) Health and Safety. Commercial cannabis 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. 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. Cannabis operators must meet the following qualifications:
- (1) Cannabis operators and all employees must be at least twenty-one (21) years of age.
 - (2) Cannabis operators shall be subject to background search by the California Department of Justice. Permits for commercial cannabis activities shall not be approved for operators with serious or violent felony convictions, as specified in subdivision (c) of Section 1192.7 of the Penal Code and subdivision (c) of Section 667.5 of the Penal Code.
 - (3) Cannabis operators must have authority to legally bind the person applying for and/or operating pursuant to a permit.
 - (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. Permit holders shall comply with any track and trace program established by the county and state agencies. Permit holders must maintain records tracking all cannabis and cannabis products and shall make all records related to commercial cannabis activity available to the county upon request.
- (k) Inspections. Premises shall be subject to inspections by appropriate local and state agencies, including but not limited to the Department of Agriculture/Weights & Measures and Permit and Resource Management Department. 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. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the permit holder to immediately cease operations.
- (l) Monitoring. Permit holders shall be subject to monitoring. A 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 or denial issued by the Department of Agriculture/Weights & Measures shall be subject to review and appeal procedures pursuant to Chapter 36. Appeals of any permit issuance or denial issued by PRMD 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 agency having jurisdiction 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 or 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 CULTIVATION AREA 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	
Commercial Cannabis Uses								
Cottage	25 plants	10 ac	ZP	ZP	ZP	MUP	—	26-88-250 - 254
Specialty Outdoor	5,000 sq. ft. or 50 plants	10 ac	CUP	ZP	ZP	CUP	—	
Small Outdoor	5,001 - 10,000	10 ac	CUP	ZP	ZP	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	10 ac	ZP ²	ZP ²	ZP ²	MUP ²	—	
Specialty Indoor	501 - 5,000	10 ac	CUP ²	CUP ²	CUP ²	CUP ²	—	
Small Indoor	5,001 - 10,000	10 ac	—	—	—	—	—	
Medium Indoor	10,001 - 22,000	10 ac	—	—	—	—	—	
Nursery Indoor	Limited as Expressed Above		CUP ²	CUP ²	CUP ²	CUP ²	—	
Mixed Light Cultivation								
Cottage	2,500	10 ac	ZP ²	ZP ²	ZP ²	MUP	—	
Specialty Mixed Light	2,501 - 5,000	10 ac	CUP ²	CUP	CUP	CUP	—	
Small Mixed Light	5,001 - 10,000	10 ac	CUP ²	CUP	CUP	CUP	—	
Medium Mixed Light	10,001 - 22,000	10 ac	—	—	—	—	—	
Nursery Mixed Light	Limited as Expressed Above		CUP ²	CUP	CUP	CUP	—	
Centralized Processing								
Distributor-Transport Only ³		10 ac	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 Within existing previously developed areas, including hardscape, or legally established structures built (finalized) prior to January 1, 2016. No net increase in impervious surface.

3 Distributer-Transport Only restricts the licensee to only transporting cannabis goods that the licensee has cultivated or manufactured.

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

LAND USE	MAXIMUM CULTIVATION AREA 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	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 CULTIVATION AREA 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											
Manufacturing											
Level 1 - nonvolatile solvents	per use permit		MUP	MUP	MUP	MUP	—				
Centralized Processing	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	—				
Distributer-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 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 thereunder is committed, continued, or allowed to continue shall be a separate offense.

(b) Enforcement. Complaints regarding the noncompliance of commercial cannabis 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. 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.

(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 Director or the Agricultural Commissioner determines any of the following:
 - a. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification;
 - 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
 - c. One (1) or more of the conditions or standards of the permit have not been substantially fulfilled or have been violated.
 - (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.
- (d) Administrative Remedies. 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.

- 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.
- 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 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 Standard or Condition	\$1,000	\$5,000	\$10,000
Unpermitted Cannabis Use	\$10,000	\$25,000	\$50,000

(3) 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 the county code, the following civil penalties may be applied to violations associated with commercial cannabis activity, as determined by the agency having jurisdiction.

- a. 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.
- b. For each violation of a standard or condition of the permit or county code, no more than one thousand dollars (\$1,000.00) per day for the first violation; no more than five thousand dollars (\$5,000.00) per day for a second violation within two (2) years; and no more than ten thousand dollars (\$10,000.00) per day for each additional violation within two (2) years.
- 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.

- d. 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 each required approval, review, and permit.
- (4) 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 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.
- (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.

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

- (a) Purpose. This section establishes development criteria and operating standards for commercial cannabis cultivation as allowed by the base zone in compliance with Section 26-88-250, Commercial Cannabis Uses.
- (b) Applicability. This section shall apply to all commercial cannabis cultivation, including but not limited to, outdoor, indoor, and mixed light cultivation and associated drying, curing, grading, and trimming facilities including centralized processing facilities. Commercial cannabis cultivation operations shall comply with this section in addition to the requirements of Section 26-88-250, Commercial Cannabis Uses.
- (c) Permit Requirements. Commercial 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 may be issued by the Department of Agriculture/Weights, and Measures. Zoning permits and use permits for all other cultivation activities shall be issued by 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 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 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 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 code.
- (e) Multiple Permits. Multiple cultivation permit applications will be processed concurrently. Multiple cultivation permits may be issued to a single person, 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.

(f) Development Criteria.

- (1) Minimum Lot Size. A minimum lot size of 10 acres is required for all commercial cannabis operations in the agricultural and resource zones (LIA, LEA, DA, RRD).
- (2) Multi-Tenant Operations. Multiple permits may be issued for multi-tenant operations on a single parcel provided that the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements.
- (3) 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.
- (4) 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.
- (5) Cannabis Processing. No more than nine (9) centralized cannabis processing facilities shall be permitted in Agricultural Zones within the unincorporated county at any (1) one time and shall be allowed to process cannabis grown onsite and within the local area. All other processing is limited to on-site cultivation use only.
- (6) Property Setbacks- Outdoor. Outdoor cultivation areas and all 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 residences and business structures on surrounding properties.
Outdoor cultivation sites 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.
- (7) Property Setbacks- Indoor. All structures used for indoor cultivation shall comply with the setbacks for the base zone and any applicable combining zone. Structures associated with 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.
- (8) Property Setbacks- Mixed Light. 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 residences and business structures on surrounding properties in agricultural and resource zones. Mixed Light structures in industrial zones shall be setback three hundred feet (300') from 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.
- (9) Airport Compatibility. All cannabis operations shall comply with the Comprehensive Airport Land Use Plan.
- (10) Building Requirements. All structures used in commercial cultivation shall comply with all applicable sections of the county code.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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 standards and referral

to the Northwest Information Center and local tribes. A use permit will be required if mitigation is recommended by the cultural resource survey or local tribe.

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.

- (15) Farmland Protection. Where a commercial cultivation site is located within an Agricultural Zone (LIA, LEA, DA), the 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 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 the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, including provisions governing the type and extent of compatible uses listed therein.
- (16) Fire Code Requirements. The applicant shall prepare and implement a Fire Prevention Plan for construction and ongoing operations and obtain 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.
- (17) Grading and Access. Cultivation sites shall be prohibited on natural slopes steeper than fifteen percent (15%), as defined by Section 11-22-020, unless a use permit is obtained. Grading shall be subject to a grading permit in compliance with Chapter 11 of the county code.

- (18) Hazardous Materials Sites. No commercial cannabis 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 obtained.
 - (19) 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.
 - (20) 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.
 - (21) Security and Fencing. A Site Security Plan shall be required. 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. Lighting and alarms shall be installed to insure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by non-invasive fire resistant vegetation and fenced with locking gates 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. Razor wire and similar fencing 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.
 - (2) Air Quality and Odor. All indoor 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, mixed light operations, and processing 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 of Operation. Outdoor harvesting activities and indoor or mixed light cultivation and processing activities may be conducted seven (7) days a week, twenty-four (24) hours per day as needed. Deliveries and shipping, and outdoor processing activities, 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 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. 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 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 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 State Water Resource Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sanitary sewer, septic, irrigation, 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 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 provided below and for emergencies requiring immediate action as determined by the Director. The onsite water supply shall be considered adequate with documentation of any one (1) of the following sources:

- a. Municipal Water: A municipal water supplier as defined in California Water Code Section 13575. The applicant shall provide documentation from the municipal water source 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 non-potable 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:
 1. The site is located in Groundwater Availability Zone 1 or 2, 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 or4, 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
 - c. A qualified professional prepares a hydro-geologic report 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 by January 31 of each year. The annual report shall include water meter readings, 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 easement is required to be recorded to provide Sonoma County personnel access to any on-site water well serving 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 and County Counsel prior to recordation.

Sec. 26-88-256. - Cannabis dispensary uses.

- (a) Purpose. This section provides the location and operational standards for any cannabis dispensary within the unincorporated county in order to promote the health, safety, and general welfare of its residents and businesses.
- (b) Applicability. 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 cannabis dispensary. Cannabis dispensaries shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services. 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) cannabis dispensaries shall be permitted within the unincorporated county at any one (1) time.
- (e) Compliance with Operating Plan and Conditions Required. A 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 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. Any 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) 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 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 cannabis dispensary shall not be established within one thousand feet (1,000') of any other cannabis dispensary or a public park, nor within five hundred feet (500') from a smoke shop or similar facility.
 - (3) A cannabis dispensary shall not be established within one thousand feet (1,000') from a school providing education to K-12 grades, childcare center, or drug or alcohol treatment facility.
 - (4) Notwithstanding, the subsections (f)(1) and (2) may be waived by the 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 cannabis dispensary proposed within the sphere of influence of a city will be referred to the appropriate city for consultation.
- (g) Operating Standards. The following are the minimum development criteria and operational standards applicable to any 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. 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) If the dispensary denies entry for monitoring and inspection to any employee of an agency having jurisdiction, the dispensary may be closed. 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 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 consumed on the premises;
- (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 26-88-256(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) 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. These standards shall apply to all types of cannabis cultivation (indoor, outdoor, and mixed light) unless otherwise specified.
 - (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) 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).
 - (4) Indoor and Mixed-Light Personal Cultivation.
 - a. 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:
 - a. All structures (including greenhouses) used for cultivation must be legally constructed with all applicable permits such as grading, building, electrical, mechanical and plumbing.
 - 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.
 - 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 odor, humidity, or mold.
 - d. The use of generators is prohibited, except as emergency back-up systems.
- (6) All cultivation 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.



County of Sonoma

State of California

Date: October 16, 2018

Item Number: _____
Resolution Number: _____



4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Making Findings in Support of Ordinance No. _____, 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, Add New Definitions And Make Minor
Non-Substantive Amendments To Harmonize With California State Law And Regulations
Where Appropriate**

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, including the Medical Cannabis Land Use Ordinance, which was codified in Chapter 26 of the Sonoma County Code, Sections 26-88-250 through 26-88-258; and

Whereas, the Senate Bill 94 (“SB 94”), signed into law on June 27, 2017, repealed the Medical Cannabis Regulation and Safety Act (“MCRSA”) and incorporated certain provisions of MCRSA into the provisions of the Adult Use of Marijuana Act (“AUMA”) to create 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 April 10, 2018, the Board of Supervisors adopted a Resolution of Intention, directing staff to explore and propose amendments to the Medical 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, the Planning Commission held public hearings on the proposed amendments on June 7, 2018, and June 28, 2018, and adopted Resolution Number 18-008 recommending that the Board of Supervisors adopt the proposed amendments to the Medical Cannabis Land Use Ordinance in Chapter 26 of the Sonoma County Zoning Code; and

Whereas, the Board of Supervisors held a public hearing on August 7, 2018 to consider the proposed Ordinance and Planning Commission recommendations thereon; and

Whereas, two items were raised during public comment and Board deliberations that were not previously considered by the Planning Commission and were referred back for report and recommendation pursuant to Government Code Section 65857; and

Whereas, the Planning commission held an additional public hearing on September 6, 2018, and adopted Resolution Number 18-017 recommending the following modifications: (1) eliminate the 24 hour notice requirement for inspections, (2) allow centralized processing on agriculturally zoned lands, and (3) maintain that zoning permits have a one year term and are exclusively for medical cannabis uses; and

Now, Therefore, Be It Resolved that the Board of Supervisors makes the following findings and determinations in support of its adoption of the Ordinance:

- I. **California Environmental Quality Act Findings.** The Board finds and determines that this Ordinance [and any corresponding administrative regulations, if any] is exempt from the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code Section 26055(h), because the Ordinance provides for a discretionary review and approval process, including CEQA review, of permits to engage in commercial cannabis activity. The Board further finds that adoption of the Ordinance is further exempt from CEQA review pursuant to Sections 15307 and 15308 of the State CEQA Guidelines 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. The basis for this determination is that the Ordinance

continues existing development standards, permit requirements, and other measures for commercial cannabis activity within the unincorporated area of the county including, but not limited to, riparian setbacks, biotic resource protection, waste discharge requirements, and significant constraints on water use in the County's most water scarce areas. The Ordinance also enhances protections by increasing the minimum parcel size and adding new setbacks from sensitive uses. Further, the Ordinance expands regulation of the County's cannabis industry to encompass adult-use for the full supply chain, encouraging illegal cannabis cultivators to come into compliance with the environmental protection standards provided for in the Ordinance. The Board further finds and determines that the Ordinance is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. The basis for this determination is that the Ordinance also makes minor technical, clarifying, or conforming changes to the existing standards, permit requirements, and other measures for commercial cannabis activity within the unincorporated area of the county. Ordinance changes are largely limited to the discretionary permitting process that ensures further site- and project-specific environmental review. The adoption of the Ordinance will not result in any direct or indirect physical change to the environment, and will instead ensure the maintenance and protection of natural resources and the environment, by maintaining existing environmental standards for commercial cannabis activity within the unincorporated area of the county.

II. **Consistency with General Plan 2020.** For the reasons discussed below, the Ordinance is compatible and consistent with the objectives, policies, general land uses, and programs specified in General Plan 2020 and with its implementing specific plans.

- A. In and through its prior action adopting the Medical Cannabis Land Use Ordinance, the Board has already interpreted its own General Plan and determined that cannabis uses, as defined and limited by that ordinance, are consistent with the overall intent, goals, objectives, and policies of the General Plan. More specifically, the Board determined that cannabis cultivation, as limited, is compatible with agricultural production on land designated for agricultural use (e.g., Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture districts) and that cannabis cultivation is consistent with the overall intent, goals, objectives, and policies of the General Plan.
- B. **Agricultural Resources Element.** The Ordinance is substantially consistent with the goals, objectives, and policies of the Agricultural Resources Element of the General Plan, as follows:

1. Goal AR-3 and related objectives and policies. Goal AR-3 provides that it is desirable that the County “[m]aintain the maximum amount of land in parcel sizes that a farmer would be willing to lease or buy for agricultural purposes.” The Ordinance will not impact existing parcel sizes in areas designated for agriculture and agricultural production (LIA, LEA, DA), and will not promote parcelization. The Ordinance specifies minimum parcel sizes by type of cultivation, and limits the footprint of cannabis activity on each parcel to ensure that most of each affected parcel remains in, or available for, agricultural production and that agricultural production remains the primary use of each parcel. Objective AR-3.1 provides that the County should “avoid the conversion of agricultural lands to residential or nonagricultural commercial uses.” As with the discussion above related to Goal AR-3, because the Ordinance requires minimum parcel sizes, including increasing the minimum parcel size for smaller cultivation sites, and ensures that cannabis uses are limited to a maximum ten percent of the parcel, the primary use of each parcel in agriculture designations will remain agricultural production or related uses as contemplated by the General Plan and zoning ordinance. Further, the Ordinance increases the minimum parcel size for smaller cultivation sites.
2. Goal AR-4 and related objectives and policies. Goal AR-4 provides that it is desirable to “[a]llow farmers to manage their operations in an efficient, economic manner with minimal conflict with nonagricultural uses.” To achieve this goal, Policy AR-4a provides, in pertinent part, that “[t]he primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses....” As discussed above, because the footprint of a cannabis use on any parcel with an agriculture land use designation would be a small fraction of the entire parcel size, the Ordinance ensures that the primary use of each parcel remains agricultural production and related uses.
3. Policy AR-5b provides that the County should “[c]onsider allowing the processing of non viticultural agricultural products where the processing is demonstrated to support projected or new agricultural production, provided that the processing use is proportional to the new production on site or in the local area.” The Ordinance would permit cannabis centralized processing facilities with a use permit. The discretionary process and CEQA review that will be conducted prior to any determination whether to grant a use permit would consider whether the proposed processing use would be proportional to cannabis production on site or in the local area. The use permit process would also consider other potential impacts, including impacts on existing agricultural production.

C. Land Use Element. The Ordinance is substantially consistent with the goals, objectives, and policies of the Land Use Element of the General Plan, as follows:

1. Goal LU-1 and related objectives and policies. Goal LU-1 provides that “[t]he County shall continue to use the following selected Specific Plans and Area Plans to implement this plan.” These plans include the Bennett Valley Area Plan, Penngrove Area Plan, and the Franz Valley Area Plan, discussed below.

a. The Bennett Valley Area Plan goals are to retain the rural character of the area and reflect the environmental and economic constraints, suitabilities, and sensitivities of the area. The Ordinance requires that all commercial cannabis activity is subject to restrictive design standards for the siting of new structures, visibility, lighting, and fencing similarly to any other proposed development, and in some cases the proposed ordinance is more restrictive for commercial cannabis activity such as in water scarce areas, taking into account the constraints of the area in which development may be permitted. Furthermore, the Ordinance requires minimum parcel sizes, including increasing the minimum parcel size for smaller cultivation sites, and ensures that cannabis uses are limited to a maximum ten percent of the parcel, consistent with the rural character of Bennett Valley.

b. The Penngrove Area Plan reflects the goal of accommodating a variety of rural living environments while protecting agriculture and recognizing septic and water constraints. More specifically, this area plan aims to protect and enhance the profitability of existing agriculture and protect agricultural soils for future generations. The Board has already found that the Medical Cannabis Land Use Ordinance “consistent with the overall goals, objectives, policies and programs of the General Plan to promote a healthy and competitive agricultur[e], stabilize farm incomes and provide opportunities for diversification of agricultural products; [and] protect Important Farmlands . . .” (Ord. No. 6189(U).) The Ordinance continues existing development standards, permit requirements, and other measures for commercial cannabis activity, and provides consistent, and in some cases, more restrictive protections of riparian corridors, farmland, and water resources. The Ordinance requires that excess irrigation water or effluent from cultivation activities discharging to a septic system and submit an evaluation by a qualified sanitary engineer demonstrating the system’s capacity to handle the waste. Additionally, sites within marginal groundwater areas must demonstrate that the proposed use would not result in a net increase in water use through implementation of water

conservation measures such as rainwater catchment or recycled water systems, or that the onsite groundwater supply is adequate to serve on site water needs and will not result in or exacerbate an overdraft condition in basin or aquifer, reduce critical flow in nearby streams, or cause interference at offsite wells. These stringent standards ensure that development in the area is consistent with the Plan.

c. The Franz Valley Area Plan reinforces the County's policy of protecting agriculture. As discussed above with respect to consistency with Goals AR-3 and AR-4, the Ordinance will not impact existing parcel sizes in areas designated for agriculture and agricultural production (LIA, LEA, DA), and will not promote parcelization. Also discussed above, the footprint of a cannabis use on any parcel with an agriculture land use designation would be a small fraction of the entire parcel size, so that the ordinance ensures that the primary use of each parcel remains agricultural production and related uses, consistent with the Plan's goal to keep options open for resource development and conservation by not permitting uses which would preclude the best use of the land. These standards promote diversification of agricultural products and ensure the area remains in agricultural production, consistent with this Plan.

2. Goal LU-8 and related objectives and policies. Goal LU-8 provides that the County should “[p]rotect Sonoma County’s water resources on a sustainable yield basis that avoids long term declines in available surface and groundwater resources or water quality.” The Ordinance requires an on-site water supply source to meet all on site uses on a sustainable basis. Further, the Ordinance requires that sites within Groundwater Availability Zones 3 and 4 demonstrate that the proposed use would not result in a net increase in water use through implementation of water conservation measures such as rainwater catchment or recycled water systems, or that the onsite groundwater supply is adequate to serve on site water needs and will not result in or exacerbate an overdraft condition in basin or aquifer, reduce critical flow in nearby streams, or cause interference at offsite wells. These, and other, stringent standards in the Ordinance protect water resources and avoid long term declines in water availability or quality.

3. Goal LU-9 and related objectives and policies. Goal LU-9 states that the County should “[p]rotect lands currently in agricultural production and lands with soils and other characteristics that make them potentially suitable for agricultural use. Retain large parcel sizes and avoid incompatible non agricultural uses.”

a. Objective LU-9.1 provides that the County should “[a]void conversion of lands currently used for agricultural production to nonagricultural use.” As discussed above with respect to consistency with Goals AR-3 and AR-4, the ordinance will not cause conversion of lands currently used for agricultural production to non-agricultural use. Additionally, indoor and mixed light cultivation sites shall not remove agricultural production or must offset such agricultural production at a 1:1 ratio, further ensuring farmlands are not converted to nonagricultural uses. Cannabis is an agricultural product that the Board has previously determined to be compatible with other agricultural production activity. Moreover, the parcel and use size limitations built in to the ordinance will ensure retention of larger parcel sizes and also ensure that traditional agricultural production remains the primary use of each affected parcel.

b. Objective LU-9.4 provides that the County should “[d]iscourage uses in agricultural areas that are not compatible with long term agricultural production.” In addition to the facts discussed above, the Ordinance may help to stabilize and maintain traditional but economically marginal agricultural production over the long term, by allowing for cannabis cultivation on a small portion of certain agricultural parcels but ensuring that the remainder of each such parcel remains in agricultural production.

4. Goal LU-10 and related objectives and policies. Goal LU-10 provides that “[t]he uses and intensities of any land development shall be consistent with preservation of important biotic resource areas and scenic features.” The Ordinance requires that all proposed cultivation operations, including all associated structures, demonstrate that the project is not located within, and will not impact sensitive or special status species habitat. The Ordinance requires sites within these areas obtain all appropriate permits from the applicable state and federal agencies with jurisdiction over the listed species, or a biotic assessment concluding that the proposed development will not result in a take of a protected wildlife species within the meaning of the state or federal endangered species acts. Furthermore, the Ordinance provides siting, fencing, lighting and other standards that ensure the consistency with the rural character of the County’s scenic vistas. Small scale cultivation operations in agricultural and industrial zones are subject to these stringent standards. To avoid potential visual impacts, the Ordinance requires that new structures be subject to design standards and includes required setbacks from sensitive uses. In addition to these standards, all cannabis support uses and larger operations are subject to a use permit and further CEQA analysis to ensure individual projects are consistent with the goals of preserving important biotic resource areas and scenic features.

D. Water Resources Element. The Ordinance is substantially consistent with the goals, objectives, and policies of the Water Resources Element of the General Plan, as follows:

1. Goal WR-1 and related objectives and policies. Goal WR-1 provides that the County should “[p]rotect, restore and enhance the quality of surface and groundwater resources to meet the needs of all reasonable beneficial uses.” The Ordinance prohibits runoff containing sediment or other wastes or byproducts from entering the storm drain system, waterways, or adjacent lands. Additionally, the Ordinance requires cultivation operations to comply with applicable State Water Resource Control Board discharge requirements and the Agricultural Commissioner’s best management practices for management of wastes, water, erosion control, and management of fertilizers and pesticides. The Ordinance’s stringent water supply and water quality standards ensure the protection of surface and groundwater resources, further contributing to the restoration and enhancement of the resource to meet the needs of all reasonable beneficial uses.

2. Goal WR-2 and related objectives and policies. Goal WR-2 provides that the County should “[m]anage groundwater as a valuable and limited shared resource.” The Ordinance specifies that cannabis cultivation requires an onsite water supply adequate to meet all on site uses on a sustainable basis and requires that operations within the most critical water areas demonstrate “no net increase” by using all available water conservation techniques. Sites within Groundwater Availability Zones 3 and 4 must demonstrate that the proposed use would not result in a net increase in water use through implementation of water conservation measures such as rainwater catchment or recycled water systems, or that the onsite groundwater supply is adequate to serve on site water needs and will not result in or exacerbate an overdraft condition in basin or aquifer, reduce critical flow in nearby streams, or cause interference at offsite wells. With the inclusion of these stringent standards, the Ordinance requires the use of all water conservation techniques to ensure groundwater is managed as a valuable and shared resource within the County.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings for Ordinance No. _____ ORD18-0003 upon which the findings and determinations herein are based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

DRAFT ORD18-0003

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 Within existing previously developed areas, including hardscape, or legally established structures built (finalized) prior to January 1, 2016. No net increase in impervious surface.

3 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

4 Distributer-Transport Only restricts the licensee to only transporting cannabis goods that the licensee has cultivated or manufactured.



County of Sonoma
Permit & Resource Management Department

MEMO

DATE: September 6, 2018

TO: Sonoma County Planning Commission

FROM: Amy Lyle, Supervising Planner

SUBJECT: Cannabis Ordinance Amendments, ORD18-0003

On June 28th the Planning Commission provided a recommendation to the Board of Supervisors on the Cannabis Ordinance Amendments.

On August 7th the Board of Supervisors held a public hearing on the proposed cannabis amendments. In addition to reviewing the complete package of proposed amendments and the Planning Commission recommendations, the Board took straw votes on various policy options.

On August 20th the Board of Supervisors Ad Hoc Committee met and provided direction on one additional amendment that was not previously considered by the Commission as discussed below.

The Aug 7th Board of Supervisor's straw votes included:

1. **Cannabis Permit Requirements-** The Board of Supervisors voted to require a minimum lot size of 10 acres for all commercial cannabis cultivation operations in agricultural and resource zones (LIA, LEA, DA, and RRD). This motion included a pipeline provision that would allow applications for commercial cannabis cultivation operations that were deemed complete prior to the effective date of this ordinance to continue to be processed under the development criteria and minimum lot size in effect at the time their applications were deemed complete.

All approved cannabis permits (both zoning permits and use permits) prior to the effective date of the ordinance, or through this pipeline provision, may be renewed with a use permit. Note that this means zoning permits that do not meet the minimum parcel size under the new ordinance would need to apply a use permit to be renewed which would require public notification, environmental review, and allow the county to require conditions to address any issues.

2. **Exclusion Combining District-**The Board voted to reject the creation of Cannabis Exclusion Combining Districts.
3. **Inclusion Combining District-**The Board voted to reject the creation of Cannabis Exclusion Combining Districts.



4. **Setbacks from Public Parks**-The Board voted to allow a reduction to the setback from public parks 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.
5. **Propagation Area Allowance**-The Board voted to allow up to a 25% propagation area, to support onsite cultivation, with a use permit. No additional propagation areas would be permitted with a zoning permit.
6. **Term of Cannabis Land Use Permit**- The Board voted to extend the term of new cannabis permits from 1 year to 2 years for Zoning Permits, and 5 years for Use Permits.

After further review staff is recommending modifications related to ministerial permits (zoning permits). These recommended modifications include:

1. Retain the one year permit term for all ministerial permits
2. Retain the current requirement for Medical Cannabis cultivation for all ministerial permits

Amendments Requiring Additional Consideration by the Planning Commission

Staff has identified two items that need to be considered by the Planning Commission prior to the Board's final vote. First, on August 7th, after the straw votes were taken the Board provided additional direction to add a pilot program to allow centralized processing facilities on agricultural land in Sonoma Valley. This issue was not fully considered by the Planning Commission during their deliberations in June, 2018.

On August 20th the Ad Hoc Committee met and requested an amendment to eliminate the 24 hour notification requirement for inspections and monitoring of permitted operations. This issue was also not previously considered by the Planning Commission.

Government Code Section 65857 states the Board can approve, disapprove, or modify the Planning Commission's Recommended Ordinance but any modification that was not previously considered by the Commission must be referred back for report and recommendation.

Centralized Processing on Agricultural Land

On August 7th the Board asked staff to add an allowance for centralized processing facilities on agricultural land in Sonoma Valley. Centralized processing means "activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis" from off-site sources. The draft ordinance already includes the allowance for centralized processing-only facilities within industrial zones.

Staff recommends that this use be allowed with a conditional use permit within Sonoma Valley because there are other nearby cultivation applications that, if approved, could utilize this nearby land use. The use permit process would allow a case by case review of centralized processing projects including consistency with the General Plan and environmental impacts. This use might reduce impacts associated



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2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
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with transportation, air quality, and farmland protections because it reduces the need for onsite processing facilities at individual cultivation sites.

This change would be accomplished with the following footnote added to the Cannabis Land Use Table:

Cannabis centralized processing facilities that serve cultivators on adjacent properties or in the immediate area may be permitted within Planning Area 9 (Sonoma Valley) but not within any adopted Area Plan.

Site Visit 24 hour Notification Requirement

The Cannabis Ad Hoc Committee met on August 20th, 2018 and recommended an additional amendment to the ordinance that was not previously considered. The amendment would eliminate the 24 hour notification requirement for inspections and monitoring of permitted operations. This would provide flexibility for staff to inspect without advance notice, although for safety it is current practice for staff to call in advance so the visit is expected. It should be noted this change only impacts inspections to permitted sites. Code enforcement staff does not have to adhere to any advance notice requirements for inspections.

The following amendments are recommended by the Cannabis Ad Hoc Committee:

Section 26-88-250 Commercial Cannabis Uses

(k) Inspections. Premises shall be subject to inspections by appropriate local and state agencies, including but not limited to the Agriculture/Weights & Measures and Permit and Resource Management. 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 permit holder to immediately cease operations.

Section 26-88-254 Operating Standards

(g)(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.

RECOMMENDATION: Staff recommends the Planning Commission

1. Hear the Staff Presentation and take any public comments (though a hearing is not required, public comment on any item on the agenda is required); and
2. Adopt Resolution recommending these additional Zoning Code Amendments.

Attachment A: Revised Planning Commission Resolution



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Resolution Number 18-017

County of Sonoma
Santa Rosa, California

September 6, 2018
ORD18-0003 Amy Lyle

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.

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; and

WHEREAS, the Planning Commission adopted Resolution Number 18-008 recommending that the Board of Supervisors adopt the revised Medical Cannabis Land Use Ordinance amending Chapter 26 of the Sonoma County Zoning Code; and

WHEREAS, the Board of Supervisors held a public hearing on August 7, 2018 to consider the Planning Commission recommendation; and

WHEREAS, two items were raised during public comment and Board deliberations that were not previous considered by the Planning Commission and have been referred back for report and recommendation pursuant to Government Code Section 65857; and

WHEREAS, in accordance with Government Code Section 65857 the Planning Commission met on September 6, 2018 to consider the following modifications: (1) eliminate the 24 hour notice requirement for inspections, (2) allow centralized processing on agriculturally zoned lands, and (3) maintain that zoning permits have a one year term and exclusively for medical cannabis; and

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.

NOW, THEREFORE, BE IT RESOLVED, 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, as modified by the following: (1) eliminate the 24 hour notice requirement for inspections, (2) allow centralized processing on agriculturally zoned lands, and (3) maintain that zoning permits have a one year term and exclusively for medical cannabis, 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. See Exhibit A for General Plan 2020 Consistency Findings that are incorporated herein.
4. It is the determination of the Commission that the proposed amendments, as modified herein, are categorically exempt from the California Environmental Quality Act (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 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.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the following modifications to the recommended ordinance: (1) eliminate the 24 hour notice requirement for inspections, (2) allow centralized processing countywide with a

cap of 9 on agriculturally zoned lands for production in the local area subject to minimum parcel sizes and property setbacks applicable to indoor cultivation, and (3) maintain that zoning permits have a one year term and exclusively for medical cannabis; and

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 Tamura and adopted on roll call by the following vote:

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

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0

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

SO ORDERED.

EXHIBIT A
GENERAL PLAN 2020 CONSISTENCY

Through its prior action adopting the Medical Cannabis Land Use Ordinance, the Board of Supervisors has already interpreted its own General Plan and determined that cannabis uses, as defined and limited by the ordinance, are consistent with the overall intent, goals, objectives, and policies of the General Plan. More specifically, the Board determined that cannabis cultivation is compatible with agricultural production on land designated for agricultural use (e.g., Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture districts) and consistent with the overall intent, goals, objectives, and policies of the General Plan.

For the reasons discussed below, the proposed ordinance is compatible and consistent with the objectives, policies, general land uses, and programs specified in General Plan 2020 and with its implementing specific plans.

I. **Agricultural Resources Element**

The proposed ordinance is substantially consistent with the goals, objectives, and policies of the Agricultural Resources Element of the General Plan, as follows:

- A. **Goal AR-3 and related objectives and policies.** Goal AR-3 provides, “Maintain the maximum amount of land in parcel sizes that a farmer would be willing to lease or buy for agricultural purposes.”

The proposed ordinance will not impact existing parcel sizes in areas designated for agriculture and agricultural production (LIA, LEA, DA), and will not promote parcelization. The ordinance specifies minimum parcel sizes by type of cultivation, and limits the footprint of cannabis activity on each parcel to ensure that most of each affected parcel remains in, or available for, agricultural production and that agricultural production remains the primary use of each parcel.

- B. **Goal AR-4 and related objectives and policies.** Goal AR-4 states: “Allow farmers to manage their operations in an efficient, economic manner with minimal conflict with nonagricultural uses.”

1. **Objective AR-3.1** provides that the County should “avoid the conversion of agricultural lands to residential or nonagricultural commercial uses.” As with the discussion above related to Goal AR-3, because the ordinance requires minimum parcel sizes, including increasing the minimum parcel size for smaller cultivation sites, and ensures that cannabis uses are limited to a maximum ten percent of the parcel, the primary use of each parcel in agriculture designations will remain agricultural production or related uses as contemplated by the General Plan and zoning ordinance. Further, the ordinance increases the minimum parcel size for smaller cultivation sites.

2. Policy AR-4a provides, in pertinent part, that “[t]he primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses....” As discussed above, because the footprint of a cannabis use on any parcel with an agriculture land use designation would be a small fraction of the entire parcel size, the ordinance ensures that the primary use of each parcel remains agricultural production and related uses.

3. Policy AR-5b provides that the County should “[c]onsider allowing the processing of non viticultural agricultural products where the processing is demonstrated to support projected or new agricultural production, provided that the processing use is proportional to the new production on site or in the local area.” The proposed ordinance would permit cannabis centralized processing facilities in Sonoma Valley and outside of special area plans, with a use permit. The discretionary process and CEQA review that will be conducted prior to any determination whether to grant a use permit would consider whether the proposed processing use would be proportional to cannabis production on site or in the local area. The use permit process would also consider other potential impacts, including impacts on existing agricultural production.

II. Land Use Element

A. Goal LU-9 and related objectives and policies. Goal LU-9 states that the County should “[p]rotect lands currently in agricultural production and lands with soils and other characteristics that make them potentially suitable for agricultural use. Retain large parcel sizes and avoid incompatible non agricultural uses.”

1. Objective LU-9.1 provides that the County should “[a]void conversion of lands currently used for agricultural production to non agricultural use.” As discussed above with respect to consistency with Goals AR-3 and AR-4, the ordinance will not cause conversion of lands currently used for agricultural production to non-agricultural use. Additionally, indoor and mixed light cultivation sites shall not remove agricultural production or must offset such agricultural production at a 1:1 ratio, further ensuring farmlands are not converted to non agricultural uses. Cannabis is an agricultural product that the Board has previously determined to be compatible with other agricultural production activity. Moreover, the parcel and use size limitations built in to the ordinance will ensure retention of larger parcel sizes and also ensure that traditional agricultural production remains the primary use of each affected parcel.

2. Objective LU-9.4 provides that the County should “[d]iscourage uses in agricultural areas that are not compatible with long term agricultural production.” In addition to the facts discussed above, the ordinance may help to stabilize and maintain traditional but economically marginal agricultural production over the long term, by allowing for cannabis cultivation on a small portion of certain agricultural parcels but ensuring that the remainder of each such parcel remains in agricultural production.

EXHIBIT A
GENERAL PLAN 2020 CONSISTENCY

Through its prior action adopting the Medical Cannabis Land Use Ordinance, the Board of Supervisors has already interpreted its own General Plan and determined that cannabis uses, as defined and limited by the ordinance, are consistent with the overall intent, goals, objectives, and policies of the General Plan. More specifically, the Board determined that cannabis cultivation is compatible with agricultural production on land designated for agricultural use (e.g., Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture districts) and consistent with the overall intent, goals, objectives, and policies of the General Plan.

For the reasons discussed below, the proposed ordinance is compatible and consistent with the objectives, policies, general land uses, and programs specified in General Plan 2020 and with its implementing specific plans.

I. **Agricultural Resources Element**

The proposed ordinance is substantially consistent with the goals, objectives, and policies of the Agricultural Resources Element of the General Plan, as follows:

- A. **Goal AR-3 and related objectives and policies.** Goal AR-3 provides, “Maintain the maximum amount of land in parcel sizes that a farmer would be willing to lease or buy for agricultural purposes.”

The proposed ordinance will not impact existing parcel sizes in areas designated for agriculture and agricultural production (LIA, LEA, DA), and will not promote parcelization. The ordinance specifies minimum parcel sizes by type of cultivation, and limits the footprint of cannabis activity on each parcel to ensure that most of each affected parcel remains in, or available for, agricultural production and that agricultural production remains the primary use of each parcel.

- B. **Goal AR-4 and related objectives and policies.** Goal AR-4 states: “Allow farmers to manage their operations in an efficient, economic manner with minimal conflict with nonagricultural uses.”

1. **Objective AR-3.1** provides that the County should “avoid the conversion of agricultural lands to residential or nonagricultural commercial uses.” As with the discussion above related to Goal AR-3, because the ordinance requires minimum parcel sizes, including increasing the minimum parcel size for smaller cultivation sites, and ensures that cannabis uses are limited to a maximum ten percent of the parcel, the primary use of each parcel in agriculture designations will remain agricultural production or related uses as contemplated by the General Plan and zoning ordinance. Further, the ordinance increases the minimum parcel size for smaller cultivation sites.

2. Policy AR-4a provides, in pertinent part, that “[t]he primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses....” As discussed above, because the footprint of a cannabis use on any parcel with an agriculture land use designation would be a small fraction of the entire parcel size, the ordinance ensures that the primary use of each parcel remains agricultural production and related uses.

3. Policy AR-5b provides that the County should “[c]onsider allowing the processing of non viticultural agricultural products where the processing is demonstrated to support projected or new agricultural production, provided that the processing use is proportional to the new production on site or in the local area.” The proposed ordinance would permit cannabis centralized processing facilities in Sonoma Valley and outside of special area plans, with a use permit. The discretionary process and CEQA review that will be conducted prior to any determination whether to grant a use permit would consider whether the proposed processing use would be proportional to cannabis production on site or in the local area. The use permit process would also consider other potential impacts, including impacts on existing agricultural production.

II. Land Use Element

A. Goal LU-9 and related objectives and policies. Goal LU-9 states that the County should “[p]rotect lands currently in agricultural production and lands with soils and other characteristics that make them potentially suitable for agricultural use. Retain large parcel sizes and avoid incompatible non agricultural uses.”

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County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission
DRAFT MINUTES
Permit Sonoma
(707) 565-1900
FAX (707) 565-1103

Date: September 6, 2018
Meeting No.: 18-11

ROLL CALL

Greg Carr, Chair
Todd Tamura
Komron Shahhosseini
Ariel Kelley (Item 1)
Cameron Mauritson (Item 2)
Pamela Davis, Chair

STAFF MEMBERS

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

1:05 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

PLANNING COMMISSION REGULAR CALENDAR

PC Item No.: 1
Time: 1:05 pm
File: PLP16-0011
Applicant: County of Sonoma
Owner: N/A
Cont. from: July 12, 2018
Staff: Amy Lyle
Env. Doc: Exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, title 14, §§ 15301 (existing facilities), 15305 (minor alterations in land use limitations) and

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15061(b)(3) (exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment).

Proposal: Amend the zoning code to allow hosted rentals, agricultural farmstays and marketing accommodations in the three agricultural zones (LIA, LEA, and DA). Do not amend the General Plan to allow vacation rentals, but allow existing permitted vacation rentals to be recognized and run with the land with a minor use permit.

Location: Countywide

APN: Various

District: All

Zoning: Chapter 26, Articles 4, 6 & 8 (LIA, LEA and DA)

Amy Lyle summarized the staff report, which is incorporated herein by reference, and introduced the staff team.

Commissioner Tamura asked for clarification about existing structures in Option 2 and 3. **Staff Lyle** commented that existing structures (many have kitchens) would continue to remain as legal non-conforming related to original construction. Existing structures would be allowed to remain, and the new standards would relate to anything new.

Commissioner Shahhosseini, asked for clarification of Option 2 (a) and (b). **Staff Lyle** commented that staff recommended allowing flexibility for wineries to do either or both allow transient use subject to TOT and/or to continue to limit to private use and not rent the accommodations commercially.

Commissioner Kelley asked to staff to elaborate on future marketing accommodations being in separate structures. **Staff Lyle** said the big issue is kitchens, and they are reviewed on a case by case basis. **Deputy Director Barrett** stated that if you have a kitchen, bath and bedroom it can be considered a dwelling unit and affect density, which is why we care if a marketing accommodation has a kitchen.

Commissioner Kelley, asked if a residing tenant could host rentals, rather than a owner. **Deputy Director Barrett** stated that the owner of the property must reside on site. Many wineries are often owned as a corporate entities for taxes, and can be on a separate parcel. They may not have the owner in residence. **Commissioner Kelley** asked for confirmation that of the 49 wine properties with marketing accommodations, 14 of those have a different owner than the winery. Staff confirmed this was correct.

Commissioner Tamura, referring to a letter that opposes marketing accommodations, asked staff to comment and answer why they were being proposed. **Staff Lyle** stated that there is concern about transient use on agricultural land. **Deputy Director Barrett** pointed out that Attachment D explains that marketing accommodations can be used but they have to promote agriculture products on the site and comply with the General Plan.

Public Hearing Opened: 1:25 p.m.

Speakers:

Michael Haney, Forestville, Sonoma County Vintners Association, supported marketing accommodations as an important resource for wineries. Marketing accommodations are not unique to Sonoma County and he would like to see the recognized that wineries can use them and not be subjected to TOT. They assist and facilitate wine sales and communications, and much more. They are a vital and important resource, and to reduce the resource will create additional burden on the county's recovery.

Wendy Krupnick, Santa Rosa, Family Farmers North Coast, stated that marketing accommodation should be allowed ag zones. She expressed concern about the commercial use of marketing accommodations. She did not see the connection between the General Plan prohibition of commercial uses that are not related to agriculture and when marketing accommodations become a hotel room. This seems in direct conflict with the General Plan policies for ag zones. Krupnick stated that kitchens should not be allowed, and existing ones should be converted to permanent housing. Otherwise, they are vacation rentals which are not allowed. They should be allowed in any of the agricultural zones. Having motel rooms in rural areas will have an impact on the

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surrounding communities. Existing land use regulations should be enforced. Policy Option 2 will reward those using marketing accommodations for commercial purposes, and allow without penalties for past use. Private marking accommodations should continue, but not commercial.

Mike Martini, Santa Rosa, recalled a statement from a recent hearing at Board hearing that we have the tendency to over regulate and ignore much bigger problems. At the end of the day, we are talking about 22 units approved across the county, not new structures. There are already buildings on the property. They can be used for their own staff or for marketing accommodations so clients have a place to stay. This perfectly good use happens all over the place. Distinction for rent should be the issue. Short terms rentals in county should be subject to same set of rules. Leave alone the private parties.

Jeff Zappelli, Walt Wines, Sonoma, was not in complete understanding of the subject. He agreed with the former speaker. As a winery community there are very few with accommodations. I don't think this needs to be regulated. Realistically, if you look at the economic impact, we are a very small part of that. We are not the largest industry growing in Sonoma county.

Terry Harrison indicated that Wendy Krupnick covered his discussion.

Public Hearing Closed: 1:50 p.m.

Commissioner Tamura asked staff to respond to the issue of enforcement problems and why this is proposed. **Staff Lyle** stated this is part of the larger scope of looking at marketing accommodations on agricultural lands and there was change needed to make sure standards correlated with vacation rental and farmstays, as well as to retain flexibility to operate on a transient basis. There are no enforcement issues currently, the additional standards are needed. **Deputy Director Barrett** added they have a number of new wineries requesting marketing accommodations. A recent request wanted 4. Several have asked to use them as part of their wine club promotion. Current code is for private use only, but it is now being looked at differently than in the 1980s.

Commissioner Kelley asked how marketing accommodations have been permitted vs. existing housing stock. There seems to be a correlation when we allow hosted rentals or farmstays if there is a habitable dwelling. **Staff Lyle** commented that staff wants to limit converting single family dwellings to marketing accommodations. The proposal would limit a marketing accommodation to a 640 square foot structure with no kitchen. This would protect existing housing stock. Wineries would also be eligible to host rentals and farmstays without marketing accommodations. **Commissioner Kelley** asked for clarification that a single family dwelling with a kitchen would require the owner to live there full time or could be a housing stock rental. **Staff Lyle** confirmed this to be correct. **Commissioner Kelley** expressed concern about loss of housing stock to marketing accommodations. **Commissioner Carr** commented that someone could have a vacant single family home and let people stay there without charging rent, but the main issue are those new permits for wineries that want to build separate structure for marketing accommodations, and this is what needs to be addressed.

Commissioner Davis asked how many units are allowed for farmstays and whether they can charge. **Staff Lyle** stated one unit and they can charge a fee.

Commissioner Carr agreed with speaker Martini that this is a solution looking for a problem. Tourism conflicts with agriculture production. If you have people visiting and staying overnight, and the farmer needs to spray his crops - that creates a problem. This is why marketing accommodations were conceived. **Commissioner Carr** supported Option 2(b) and stated that standards are needed in Option 3 and the kitchen issue needs to be clarified. **Staff Lyle** indicated that these are addressed in the Ordinance Attachments D and E.

Commissioner Kelley expressed concern about lack of enforcement is a concern. The community aligns with the local farmers in expressing concern about opening up agricultural lands to the public with marketing accommodations and what can result from the additional impacts. We want these accommodations within town with walking distance to goods and services.

Commissioner Shahhosseini agreed about the need to protect agricultural lands and supported preservation of housing stock in Option 2(b). He recognized the value of marketing accommodations to the industry.

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Commissioner Davis supported Option 2(b) and would like to limit to two units. **Director Barrett** stated they have approved no more than 2 on any property. **Commissioner Davis** noted that the industry has new ideas, and opposes commercialization of agricultural lands. She wants stricter documentation that the accommodations are related to the agricultural use.

Commissioner Tamura cautioned that if there is an existing home that owners to use as a marketing accommodation, it seemed overly restrictive to say they can convert it if you remove a kitchen. . **Commissioner Shahhosseini** commented that the main reason this is being discussed is to respond to new wineries that want the units created for use as a hotel.

Commissioner Kelly expressed concern about the limitation in Option 3(d) regarding farmstays. Farmers are trying to make their agricultural farms work, and want farmstays and possible marketing accommodations, as written it limits the ability to do both. **Commissioner Carr** supported 3(d) as written **Commissioner Davis** expressed concern that it would be an enforcement nightmare because wineries are going to use their accommodations differently than farmers. She supported Option 3(d).

Regarding Policy Option 3, there was general consensus that agreement on 3(a), (b) and (d), but (c) needed more discussion. **Commissioner Carr** motioned to recommend 3(a), (b) and (d) and to revise the wording in (d) to drop farmstays. **Commissioner Shahhosseini** seconded. and Commissioner Kelley stated that farmers want to have farmstays as a way to promote agriculture. After discussion, **Commissioner Shahhosseini** commented that he did not see anything wrong with having farmstay and marketing accommodations on one site. The motion failed.

Commissioner Tamura motioned to adopt Option 2(b), 3(a, b, c) and to eliminate 3(d) altogether. **Commissioner Shahhosseini** seconded. **Deputy Director Barrett** reviewed the motion for clarification purposes. The last sentence in Exhibit E will be deleted. **Commissioner Davis** and **Carr** expressed opposition for hosted rentals and vacation rental language in 3(d).

Action: **Commissioner Tamura** motioned to recommend approval of the revised standards for marketing accommodations to the Board of Supervisors. Seconded by **Commissioner Shahhosseini** and passed with a 3-2-0 vote.

Appeal Deadline: N/A

Resolution No.: 18-016

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

Ayes: 3
Noes: 2
Absent: 0
Abstain: 0

PC Item No.: 2
Time: 1:05 pm
File: ORD18-0003
Applicant: County of Sonoma
Cont. from: N/A
Staff: Amy Lyle
Env. Doc: The departments have determined 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

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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 actions are exempt from CEQA pursuant to 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.

Proposal: The Planning Commission will consider amendments to the zoning code related to the Cannabis Land Use Ordinance including a pilot program for centralized cannabis processing on agricultural land, the removal of a 24-notice for inspections, allowing adult use cannabis businesses only with a use permit, extending the term of use permits only, and other minor amendments. These items were introduced via discussion and public comment at the Board of Supervisors meeting held on August 7th. These modifications were not previously considered by the Planning Commission and have been referred back for consideration. If recommended by the Commission they will be on the Board of Supervisors' October 9th agenda, along with other previously recommended amendments.

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

APN: Various

District: All

General Plan: All, except Coastal Zone

Amy Lyle summarized the staff report, which is incorporated herein by reference, and introduced the staff team.

Commissioner Mauritson asked for clarification of Board action. **Staff Lyle** stated that they asked staff to modify the recommendation. **Deputy Director Barrett** added that they straw voted and in response to comments, and advised staff to relook at it because it does not follow the exemption we are used.

Commissioner Carr clarified that today's discussion would be limited just to the issues in the staff report.

Staff Lyle stated that two areas of code amendments came up at the Board: (1) They want centralized processing until Part II is completed as a pilot program in a limited scope for the cannabis amendment, in the Sonoma Valley area, and (2) The Cannabis Ad Hoc recommended removal of the 24 hour notification for inspections. This will provide flexibility for staff.

Commissioner Davis remarked at concerns about transporting cannabis. **Staff Lyle** indicated that a security plan would still be required and looked at on a case by case basis. Transportation would require a separate license.

Commissioner Shahhosseini asked what notification lengths other counties are using. **Staff Lyle** responded at least a day week. **Andrew Smith, Deputy Ag Commissioner**, stated that they do not require 24 hours noticed in connection with pesticide use, direct marketing, or farm sales for ag operations.

Commissioner Tamura referred to former testimony in which code enforcement gave notice, the operator moved product out, and after the inspection the product was moved back in.

Commissioner Carr asked if the Board approved the Pilot Program in Sonoma Valley. **Staff Lyle** stated they did not formally vote on that. It was requested that this be part of their final vote. **Commissioner Carr** asked for clarification about Bennett Valley. **Staff Lyle** commented that a small portion covered by Bennett Valley is covered by an area plan, and they don't want to include this in the pilot plan. **Commissioner Mauritson** asked why the pilot program was restricted to Sonoma Valley and asked if it could be extended to other areas. **Staff Lyle** commented that Supervisor Gorin suggested that her area be used as a pilot, and we can add other areas. Staff also extended the use permit review period to five years in response to comments.

Public Hearing Opened: 3:11 p.m.

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Speakers:

Art Deicke, Enviro Consultant, supported countywide central processing and didn't think we need a pilot program since we have in industrial areas. The program should not be limited to Sonoma Valley. There are a lot of reasons to do this.

Stuart Axelrod, Petaluma, wants to participate in this program due to the large number of cannabis permits. His mother in law owns land in Sonoma Valley. In addition to other health issues, she gets intense migraine headaches and opiate medicines are causing problems for her. She supports medical marijuana and wants processing on her land. What makes "Sonoma Strong" is the family farm. We need processing in all the districts.

Karen, for Mike Benzinger, Benzinger Family Farms, 40 year farmer, asked for approval of local processing on agricultural lands. Processing is important because quality is directly related to how fast the processing occurs. The small farmer needs local processing to stay in business. Processing must be approved in all the county.

Joey Ereneta, Operator/owner Terra Luna Farms in Glen Ellen, supported processing on agricultural land. He has a small farm and was affected by the fires last year and suffered a total loss. He needs to be able to process his harvest. To transport product across town will add extra traffic and odors. A local central processing location would make a big difference. Since security plans are very specific security plan, staff would be able to review use permits on a case by case basis.

Eric Pearson, Spark, advocates medical cannabis. They have worked for medical cannabis for many years. They support the processing laws and it makes sense to allow centralized processing. He asked that the language be expanded to include other parcels rather than just adjacent ones. It could be limited to local or other Sonoma County processors could continue and create a dialog and protect the neighborhoods.

Julie Mercer-Ingram, Cannabis Advisory Group Co Chair, stated that the majority of the group supports processing facilities countywide, and limiting the number of permits, which will help with traffic. The reason so many people want centralized processing largely due to the cost of building permits. Additionally, distribution has to be done by a licensed distributor which requires security for cannabis on the roads.

Brantly Richardson, Santa Rosa, CAG Member, supports the pilot program. We need to know more information about the criteria. It needs to be monitored, and observed before taking on this additional responsibility. More information is needed about the pilot program.

Laura Waldbaum, St Helena Road, said the only true inspection is one that is unannounced. If cannabis is safe enough to be in our neighborhoods, it should be subject to inspection without notice. If Code Enforcement does not feel safe, then maybe cannabis should not be allowed where people live. The proposal about processing on ag land has caused real harm in the county. We don't know anything about this pilot program. How will the neighbors be protected with cannabis in one place and law enforcement delays? Processing is not agriculture, conversion of farm land is not appropriate, and ag land is for agriculture, not for processing profit centers. Processing on ag land should not be limited to a specific planning area. Processing should be kept in industrial areas. Put the bun back in the oven, it's not fully baked.

Susanne Nethan, Santa Rosa Fire Safe section – in the Fire Standards section 30-25, exemption B, asked to include numbers F & G.

Joanna Ceder, Sebastopol, stated that with Type 13 transportation a distributor needs a transport license in order to bring it to a distributor, but it is limited and does not allow transporting processed cannabis to a retail location. The County has not approved any conditional use permits yet. The use permit process should actually fail in implementation before we try to change - specifically with inclusion and exclusion zones. It would be nice to see if it works before adding additional requirements. We are dealing with the affects from the fire, and Ceder cautioned against adding additional requirements at this time. So far the only cannabis permits that have been approved are under zoning permits.

Craig Litwin, Sebastopol 421 Group, recommended using the conditional use permit and letting it play out. If it is found inadequate, then changes can be made. Traditionally, farmers process their products on site. We are seeing more and more farmers diversifying their crops – adding cannabis to the mix. That is more of a sustainable way to farm. Processing should be included for those farmers. We are on the cutting edge to allow the processing facilities. He understands the one year zoning permit from a CEQA perspective, but he wants to make sure we are doing everything we can to streamline processes. There are bigger issues that we are going to see from a CEQA perspective. Litwin thanked staff for the work.

Sherry Madrone, Cazadero, commented that there were growers in her vicinity and she was concerned about safety and security for the neighborhood. She is concerned about cannabis attracting crime. She expressed concern about her personal safety and supported exclusion zones. Monitoring will be a serious problem.

Chris Hayes, Justice Grown CEO, stated that the ordinance is working. The ordinance has brought growers into the county. He was affected by fires, helped get rid of weeds on neighbors land, and the neighborhood is better because of him. Hayes supports central processing on site. To move product elsewhere will create an additional level of security. Hayes asked for a chance to get up and running and then changes can take place down the road.

Sandy, Valley Ford, has cannabis surrounding her property. She has been impacted by road blockage, someone put a gate on her easement, and she is concerned about personal safety. People are afraid to come to visit her. She is worried about retaliation. **Chair Carr** recommended she talk to staff to find out options.

Public Hearing Closed: 3:50 p.m.

Chair Carr asked staff to respond to **Ms. Waldbaum's** comment about the state language regarding inspections. **Staff Lyle** stated she would have to research this.

Chair Carr asked for more information regarding Fire Safe standards. **Staff Lyle** pulled up the Fire Safe standards section and identified one area of exemption because she had heard most comment about that, but there are other types available and the Fire Department is more appropriate in making recommendations.

Commissioner Carr, referring to comments by Julie Mercer about limiting the number of permits, thought this was why Supervisor Susan Gorin wanted a pilot program. He suggested limiting the number. **Staff Lyle** stated they originally did not allow ag processing on ag lands, but this could be changed as well as adding a cap to the number allowed.

Commissioner Mauritson asked for clarification that processing is not manufacturing. **Staff Lyle** confirmed that is correct. **Commissioner Mauritson** asked long it takes the Ag Commission to review a zoning permit. **Andrew Smith, Deputy Ag Commissioner** said it takes 12 weeks for the initial review for a new application. They are working on their process for renewals. Renewals could be quicker; it is easy to do a renewal, especially if there are no changes. **Commissioner Mauritson** supported limiting the number of centralized processing but was not inclined to limit it to a specific area. **Commissioner Shahhosseini** concurred.

Commissioner Tamura questioned how to come up with a number; but didn't have good information to base it on. **Commissioner Mauritson** asked, if a specific number was determined, how long it would take to increase or decrease the allowable numbers in the ag zones. **Deputy Director Barrett** stated the Planning Commission could open it up county wide with a cap on the number. There should be space to accommodate the industry and avoid overconcentration. Separation criteria can be used. **Commissioner Tamura** commented that he wants to avoid opening the floodgates and give a chance to observe how it goes to avoid rushes in specific area. **Commissioner Shahhosseini** added that the market will fluctuate to a degree as it does in the wine industry. **Commissioner Mauritson** supported centralized processing in agricultural zones all over the county. Use permits for wineries usually do not restrict custom crushing.

Commissioner Tamura reiterated that we can't treat cannabis like any other agricultural product because we aren't there yet. We want to hear all perspectives. Some of these things we will learn. There needs to be some kind of restriction that can be expanded later, and nothing is set in stone.

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Commissioner Carr supported cannabis processing on agricultural land, but there is uncertainty with the industry, and the neighborhood compatibility issue has not been resolved. A little more thought needs to go into that. We need to come up with some standards. He supported the pilot program but wants to consider limiting the number. **Commissioner Shahhosseini** fine with a limited number for now. **Commissioner Mauritson** stated he could agree on a countywide cap. **Commissioner Shahhosseini** commented that it was going to be a self regulating issue and to overregulate could cause problems.

Commissioner Shahhosseini motioned for a cap of 9, with no limit in terms of geography, as long as it is in Sonoma County. **Deputy Director Barrett** recommended using “the local area” language in the General Plan.

A

Commissioner Shahhosseini changed his motion and asked for a cap of 9 facilities and not be restricted to District 1, and to read “in the local area.” **Commissioner Tamura** second the motion.

Commissioner Tamura asked if nine was reasonable number. **Staff Lyle** said that cap on dispensaries was derived from research on what's going on in the county, and did not know how many applications that could be submitted. **Commissioner Carr** recommended that staff prepare some standards for facilities to be adopted by the Board. **Staff Lyle** stated that this type of use, if allowed for agricultural land, should have very similar standards as the others such as minimum lot size. **Commissioner Shahhosseini** stated this would allow for some diversification.

Commissioner Carr supported the motion, as long as there is some language from staff regarding standards. **Commissioner Mauritson** stated that it should be similar to cultivation. **Deputy Director Barrett** asked the Commission to make a recommendation. She stated that they need to consider the range of standards, and she heard to use the same standards as cultivation. **Commissioner Shahhosseini** said that was OK.

Counsel Klein stated that changes to the resolution need to be made and that a redline is ready for your to review. The Planning Commission authorized staff to make the changes

Changes to draft conditions:

- Establish a cap of nine centralized processing facilities in ag zones.
- Eliminate the limitation to Planning Area 9 and “adjacent and immediate” and to “in the local area.”
- Zoning Permits should remain one year term and for medical only.
- Eliminate the 24 hour notification.

Action: **Commissioner Shahhosseini** motioned to recommend approval of the revisions to the Cannabis Ordinance to the Board of Supervisors with modified standards and findings. Seconded by **Commissioner Tamura** and passed with a 4-0-1 vote.

Appeal Deadline: N/A

Resolution No.: 18-017

Vote:

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

Ayes: 4

Noes: 0

Absent: 1

Abstain: 0