

## CANNABIS PROGRAM UPDATE

The overarching goal of the Cannabis Program Update is to expand opportunities for growth within the cannabis industry while balancing the need to increase neighborhood compatibility between cannabis uses and the surrounding neighborhoods.

This Ordinance update will repeal and replace Section 26-88-250 through 258 of the Sonoma County Code. Proposed text edits are included as noted below in the listed exhibits.

This publication does not include all alternatives or policy options that will be presented to the decision makers, as many will be informed by the Environmental Impact Report (EIR). In some instances, the project proposal is purposefully permissive to allow the EIR to study the maximum impact level which could occur. By studying the maximum project, decision makers will have more information and a wider range of possible project alternatives and policy options available to select from.

Although comments can be submitted at any time throughout this process, comments submitted within 30 days of publication of this draft Ordinance would best assist staff in the development of the final project proposal to be evaluated in the Environmental Impact Report.

### EXHIBIT A – General Plan Amendment

A-1: GP Glossary

### EXHIBIT B – Chapter 4, Cannabis License

### EXHIBIT C – Chapter 26, Article 04. Section 26-04-020. Definitions

### EXHIBIT D – Allowed Land Uses and Specific Use Standards

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D-2: Article 18. Section 26-18-020 – Ag Crop Production & Cultivation

D-3: Article 18. Section 26-18-115 – Cannabis Cultivation

D-4: Article 18. Section 26-18-270 – Cannabis Events

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### EXHIBIT E – Comparison Table

### EXHIBIT F – Pipeline Provision

Amendments to the Agricultural Resources Element of the Sonoma County General Plan is modified as follows:

### **2.1 ASSIST IN THE MARKETING AND PROMOTION OF SONOMA COUNTY'S AGRICULTURAL PRODUCTS**

Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranchers to subdivide or convert the land to nonagricultural uses.

In the future, Sonoma County can expect challenges to its resources, particularly energy and water. Currently many farms, ranches and agricultural businesses are finding innovative ways to implement renewable resource programs and conserve energy, water and soil while increasing the economic viability of agriculture and thereby strengthening the local food system. Economic sustainability is being encouraged through niche marketing, direct marketing and evolving practices improving farm business management and intergenerational transfer of farms and ranches.

In recent years, the organic agricultural industry has been established and has grown rapidly. The success of this industry is projected to influence the agricultural economy in the coming decades. In addition to generating additional income, this industry has the advantage of providing diversity in the agricultural base of the County. This element establishes policies that will assist in promoting and marketing agricultural products grown or processed in Sonoma County.

#### **GOAL AR-1:**

**Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County.**

#### **Objective AR-1.2:**

Permit marketing of products grown and/or processed in Sonoma County in all areas designated for agricultural use in compliance with applicable state regulations, including restrictions placed on cannabis advertising by the Department of Cannabis Control.

### **2.4 AGRICULTURAL USES IN DESIGNATED AGRICULTURAL PRODUCTION AREAS**

Both on the urban fringe and in the midst of agricultural areas, parcelization has occurred which has resulted in residential use being the primary use of the land. Complaints about noise, odors, flies, spraying and similar "nuisances" attendant to agricultural practices have discouraged and sometimes prevented farmers from managing their operations in an efficient and economic manner. Not only do residents complain about aspects of farming operations, but residential areas often directly affect the operations. ~~For example, residential sites can become a sanctuary for pests which could damage adjacent crops. Clear policy is needed operations.~~ For example, residential sites can become a sanctuary for pests which could damage adjacent crops. Clear policy is needed for County decision makers to balance the needs of the farmer with the concerns of ~~his or her many~~ residential neighbors.

Cannabis is unique from other agricultural crops as it is classified as a Schedule 1 substance under the Controlled Substances Act and its production and use are therefore prohibited under federal law. Largely due to this classification, the County initially defined cannabis as an agricultural product separately from other agricultural crops, and existing policies for agriculture and agriculture-related activities did not directly apply to cannabis. However, with the permitting and regulation of cannabis, the County finds that cannabis production has many similarities to traditional agricultural production but should still be considered a controlled agricultural crop due to

its federal classification and highly-regulated status and at times subject to unique regulations to protect public health and safety.

While cannabis cultivation is not new to Sonoma County, it was only first regulated and permitted on agricultural lands in 2017, following State legislation (Medical Cannabis Regulation and Safety Act of 2015) and a State ballot initiative legalizing commercial medical and adult use cannabis businesses (Proposition 64: The Adult Use of Marijuana Act). Cannabis cultivation involves agricultural production activities similar to those of other types of plant agriculture, and cannabis production is therefore considered agricultural and compatible with other agricultural uses. However, compared to most traditional agricultural production in Sonoma County, cannabis cultivation is more likely to occur within fully enclosed permanent structures utilizing artificial or supplemental lighting and imported growth media, a cultivation method that does not utilize the native soil or the sun. When located on agricultural lands, such structures result in a loss of agricultural soil. In addition, year-round cultivation within structures involves continual activity throughout the year, unlike most traditional agricultural production, resulting in many of the same physical impacts as agricultural processing and agricultural support uses. Outdoor cultivation is therefore more appropriate on agricultural lands than cultivation within structures because it conserves agricultural soil, follows a traditional seasonal farming cycle, and produces an agricultural crop utilizing the native soil, climate, and sunlight specific to the area in which it is grown.

Growth of the cannabis industry in other California counties has resulted in a trend towards large greenhouses in rural agricultural lands. Greenhouses and other agricultural structures can be compatible with surrounding agricultural areas if the size and scale of structures is subordinate to the overall production operation, so that structures support the operation rather than house it entirely. As with large wine processing facilities, large cannabis cultivation and processing facilities can begin to appear industrial in nature. Policies are needed to encourage diversified cannabis operations, which may integrate structures into the agricultural production operation, but which are not entirely contained within large structures better suited to industrial areas.

As a controlled agricultural crop, policies are needed to allow cannabis production on agricultural lands in a way that conserves agricultural soils and protects agrarian character while also protecting public health and safety.

The Agricultural Resources Element establishes policies that support the needs and practices of agriculture as the highest priority in areas designated for agricultural use. All policies in the Agricultural Resources Element include cannabis as an agricultural use, unless specifically excluded.

**GOAL AR-4:**

**Allow farmers to manage their operations in an efficient, economic manner with minimal conflict with nonagricultural uses.**

**Objective AR-4.1:**

Apply agricultural land use categories only to areas or parcels capable of the commercial production of food, fiber and plant material, or the raising and maintaining of farm animals including horses, donkeys, mules, and similar livestock. Establish agricultural production as the highest priority use in these areas or parcels. The following policies are intended to apply primarily to lands designated within agricultural land use categories.

The following policies, in addition to those in the Land Use Element, shall be used to achieve this objective:

**Policy AR-4a:** The 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. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals. \*

**Policy AR-4c:** Protect agricultural operations by establishing a buffer between an agricultural land use and residential interface. Buffers shall generally be defined as a physical separation of 100 to 200<sup>1</sup> feet and/or may be a topographic feature, a substantial tree stand, water course or similar feature. In some circumstances a landscaped berm may provide the buffer. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of farmable land. \*

**Policy AR-4d:** Apply the provisions of the Right to Farm Ordinance to all lands designated within agricultural land use categories. These provisions are not applicable to cannabis operations. \*

**Policy AR-4g:** Permanent structures used for cannabis production should be limited in size to minimize loss of agricultural soils and should be subordinate to outdoor on-site agricultural production of any type. Consider all of the following factors when making a determination:

- (1) Whether and to what extent Prime Farmland or Farmland of Statewide Importance would be permanently encumbered by structures.
- (2) The portion of the site devoted to agricultural production within permanent structures as opposed to outdoor agricultural production.
- (3) The relative number of employees needed for on-site agricultural production within permanent structures in comparison to that needed for outdoor on-site agricultural production.
- (4) The use of existing structures and infrastructure compared to new development. \*

**Policy AR-4h:** Notwithstanding AR-4a and AR-4c, due to its unique classification, cannabis production on agricultural lands should be separated from existing residential areas and established in a manner that protects public health and safety. \*

## **2.5 REGULATE THE LOCATION AND INTENSITY OF AGRICULTURE RELATED SUPPORT USES IN AGRICULTURAL AREAS**

Given its broad diversity, Sonoma County agriculture requires a variety of support activities that are available in close proximity to production sites. The determination of which support uses belong on agricultural lands involves their connection to agriculture, potential for conflicts, the size, scale and adaptability of the use, and the amount of land lost to farming. Policies are needed to permit on agricultural lands those agriculture-related uses which support agriculture without undermining production activities.

Policies for support activities should also balance the need for such uses with the continued preservation of the rural character and agricultural diversity of the County, and should support products grown in Sonoma County over those produced elsewhere. The substantial growth in the wine industry during the last decade has, for example, resulted in a trend towards larger processing facilities, facilities that may appear more industrial than rural in character. As with large wine processing facilities, large cannabis cultivation and processing facilities also can begin to appear industrial in nature. In addition, the apparent increase in the reliance of County processing facilities upon raw agricultural products imported from outside Sonoma County highlights the importance of demonstrating “connection” to local production in order to avoid County agricultural lands becoming defacto “industrial lands.”

### **GOAL AR-5:**

**Facilitate agricultural production by allowing agriculture-related support uses, such as processing, storage, bottling, canning and packaging, and agricultural support services, to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural production in the area.**

### **Objective AR-5.3:**

Ensure that agriculture-related support uses allowed on agricultural lands are only allowed when demonstrated to be necessary for and proportional to agricultural production on-site or in the local area.

**Policy AR-5b:** Consider 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. \*

**Policy AR-5d:** Define "agricultural support services" as processing services maintenance and repair of farm machinery and equipment, veterinary clinics, custom farming services, agricultural waste handling and disposal services, and other similar related services. \*

**Policy AR-5e:** Only permit agricultural support services that support local agricultural production consistent with the specific requirements of each of the three agricultural land use categories. ~~Insure~~ Ensure that such uses are subordinate to on-site agricultural production and do not adversely affect agricultural production in the area. Consider the following factors in determining whether or not an agricultural support service is subordinate to on-site agricultural production:

- (1) The portion of the site devoted to the service as opposed to production.
- (2) The extent of structure needed for the service as opposed to production.
- (3) The relative number of employees devoted to the support service use in comparison to that needed for agricultural production.
- (4) The history of agricultural production on the site.
- (5) The potential for the service facility to be converted to non-agricultural uses due to its location and access. \*

## **2.6 REGULATE THE LOCATION AND INTENSITY OF VISITOR-SERVING USES WITHIN AGRICULTURAL AREAS**

The benefits and potential adverse impacts of visitor-serving uses vary by diversity of the agricultural industry in Sonoma County. It is important to recognize that agricultural tourism directly promotes the sale of agricultural products. Activities such as special events attract customers, build a customer base, market products, and build customer loyalty. However, the economic benefits of agricultural tourism must be balanced against associated impacts such as increased traffic, particularly in areas such as in Sonoma Valley or along routes where multiple visitor-serving uses may be hosting events at the same time. In addition, visitor-serving uses must supplement agricultural production, not replace it.

Wine tasting is an important promotional component of the viticulture industry, yet the people who come to enjoy the wine country may create a conflict with necessary practices of land intensive farming. This "people versus practices" conflict suggests a limit to tourist activities in vineyard areas, most of which are sufficiently close to communities that have available sites for such visitor services as lodgings and restaurants.

In extensive agricultural areas, some conflicts between visitors and agricultural practices are less severe due to the greater amount of land available to separate the activities. In these areas, small scale lodgings and some outdoor recreational uses could promote the agricultural activity and provide a secondary income source for the farmer or rancher without hindering the primary use of the land.

While cannabis tasting rooms could provide an important opportunity for that industry, there is insufficient guidance on the impact of consumption amounts to allow cannabis tasting rooms in rural agricultural areas that lack public transportation infrastructure. Therefore, cannabis tasting rooms are excluded from allowed agricultural promotional activities. However, policies allowing all other visitor-serving uses also apply to cannabis, including special events, which may include consumption of cannabis.

The Agricultural Resources Element promotes the County's agricultural industry by establishing policies which allow specific, limited visitor-serving uses in agricultural areas.

**GOAL AR-6:**

**Allow new visitor-serving uses and facilities in some agricultural areas but limit them in scale and location. These uses must be beneficial to the agricultural industry and farm operators and compatible with long term agricultural use of the land.**

**Objective AR-6.1:**

Give the highest priority in all agricultural land use categories to agricultural production activities. Visitor-serving uses shall promote agriculture and enhance marketing of Sonoma County agricultural products but shall be secondary and incidental to agricultural production.

**Policy AR-6a:** Permit visitor-serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms [for non-cannabis agricultural products](#), sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production. Limit recreational uses to the "Land Extensive Agriculture" and "Diverse Agriculture" categories, specifically to bed and breakfast inns and campgrounds of 30 or fewer sites. \*

**Policy AR-6d:** Follow these guidelines for approval of visitor-serving uses in agricultural areas:

- (1) The use promotes and markets only agricultural products grown or processed in the local area.
- (2) The use is compatible with and secondary and incidental to agricultural production activities in the area.
- (3) The use will not require the extension of sewer and water.
- (4) The use is compatible with existing uses in the area.
- (5) Hotels, motels, resorts, and similar lodging are not allowed.
- (6) Activities that promote and market agricultural products such as tasting rooms [for non-cannabis agricultural products](#), sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.
- (7) Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor-serving activities and schedule management, as necessary, to reduce cumulative impacts. \*

**Policy AR-6f:** Local concentrations of visitor-serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber, and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:

- (1) Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis.
- (2) Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.

(3) Whether the above uses would be detrimental to the rural character of the area. \*

**Policy AR-6g:** Define in the Development Code compatible visitor-serving uses such as tasting rooms for non-cannabis agricultural products, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events which support and are incidental to local agricultural production, and define their permissible sizes and intensities. \*

Amendments to the Glossary of the Sonoma County General Plan is amended to delete or replace certain definitions and add definitions in alphabetical order to read as shown below:

**Agricultural Production Activities:** Those activities directly associated with agriculture, but not including agricultural support services, processing, and visitor-serving uses. Activities include growing, harvesting, crop storage, milking, etc. Ancillary processing of cannabis grown on-site is considered an agricultural production activity because it does not change an agricultural product from its natural state to a different form, as grapes to wine, apples to juice or sauce, agricultural crops to extracted oils, etc.

**Agricultural Support Services:** Processing services, maintenance and repair of farm machinery and equipment, veterinary clinics, custom farming services, agricultural waste handling and disposal services, and other similar services. Processing of cannabis grown off-site (i.e., "centralized processing") is considered an agricultural support service.

**Controlled Agriculture or Controlled Agricultural Crop:** A type of agriculture or agricultural crop that is subject to unique regulations but is included as agriculture (agricultural crop) in all General Plan agricultural policies unless stated otherwise. Cannabis is the only crop defined as a controlled agricultural crop. Cannabis does not include "industrial hemp" as defined by Section 81000 of the California Food and Agricultural Code.



Chapter 4, Article IX, Cannabis License is added as follows:

Chapter 4. Article IX – Cannabis Licenses

Sec. 4-300. – Title

This article is known as the cannabis license ordinance.

Sec. 4-301. – Purpose

The purpose of this article is to establish a cannabis license program for cannabis uses in unincorporated Sonoma County to ensure the uses operate in compliance with all applicable laws and regulations, to protect the regulated industry from competing black market operations, and to maintain the public health, safety, and welfare of each community and county as a whole.

Sec. 4-302. – Administration

- A. Administrative authority. This section will be administered under the direction of the board of supervisors, by and through the local authority subject to the standards and criteria contained in this section. The local authority is authorized to develop application forms and procedures and require all information necessary to verify compliance with this article.
- B. Enforcement. The local authority is the enforcing officer for purposes of enforcing this article under Chapter 1.
- C. Review. All decisions made by the local authority under this article are final, subject only to judicial review.

Sec. 4-303 – License Requirements.

- A. License Required. A cannabis use regulated under Chapter 26 must be licensed under this article. Personal cultivation exempt from the land use permit requirement under Chapter 26 is also exempt from this cannabis license requirement.
- B. Compliance Generally. A licensee must comply with all applicable laws and regulations, including holding an active state license as required by the California Department of Cannabis Control. To obtain or maintain a license the site cannot have any unresolved violations related to the cannabis operation.
- C. Consent to Inspections. A licensee must consent to inspections that may be conducted at any time during normal business hours, with or without prior notice.
- D. Term and renewal. A license expires one year from the date of issuance and must be renewed annually.
- E. Tax Compliance. A licensee must comply with Sonoma County Cannabis Business Tax Ordinance, Sonoma County Code Chapter 35.

Sec. 4-304 – License suspension or revocation.

- A. Suspension or Revocation. The local authority may suspend or revoke a license in the event of 1 or more of the following:
  - 1. License issuance was based on inaccurate or incomplete information.
  - 2. Licensee has operated in non-conformance with this article or license.
  - 3. Licensee has failed to pay permitting or licensing fees or civil penalties associated with the cannabis use.
- B. Notice of Suspension or Revocation. To suspend or revoke a license, the local authority must issue a written notice to the licensee. The notice must include:
  - 1. The address of the cannabis operation;
  - 2. License number;
  - 3. License holder; and
  - 4. Reason for suspension or revocation.

- C. Service of Notice. A notice of suspension or revocation must be sent via email and certified mail to the licensee address on file with the local authority.
- D. Effect of Suspension or Revocation.
  - 1. License Suspension. If a license is suspended, a cannabis operation cannot operate on the parcel until the suspension expires. If the license expires during the suspension a license application will not be accepted for the parcel until the suspension expires.
  - 2. License Revocation. If a license is revoked a new license cannot be issued on the same site for 1 year from the date of revocation.

Sec. 4-305 – Fees.

The board of supervisors will establish a schedule of fees for services provided under this section. Services subject to fees may include, but are not limited to, licensing, license renewal, monitoring, and enforcement. Fees may be changed from time to time by a resolution of the board of supervisors.

Amendments to Definitions in Section 26-04-020 of the Sonoma County Code is amended to delete or replace certain definitions and add definitions in alphabetical order to read as shown below:

**SECTION 1:** The following definitions shall be modified to read as follows:

**Agricultural Crop.** Any cultivated crop grown and harvested for commercial purposes ~~including cannabis, except for cannabis and other controlled substances, which are defined and classified separately.~~

**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~~ include "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 twenty percent (20%) 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, developing, propagating, or 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 ~~with~~ ~~any type of~~ a 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 Cultivation Type.** The type of cultivation is classified as outdoor, indoor or mixed light as defined herein, consistent with the state licensing scheme.~~

~~**Cannabis 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.~~

~~**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 or 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 Includes cannabis extraction process, and cannabis 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 extraction, infusion, packaging, labeling or a combination of these. 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 (1) 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.~~

~~**Hoop House Cannabis.** A temporary structure used for season extension or crop protection erected for less than one hundred eighty (180) days. Hoop houses do not include light deprivation, ventilation, artificial lighting, or any electrical components. The ends are left open and the material covering the structure is removable.~~

**Manufactured Cannabis.** 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.

~~**Marijuana.** See Cannabis.~~

~~**Medical Marijuana.** See "Cannabis—Medical."~~

**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 that produces only clones, immature plants, and seeds for wholesale distribution to permitted cultivators or dispensaries, used specifically for the planting, propagation, and cultivation of medical cannabis.~~

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

**Volatile Solvent.** Volatile solvents may include but ~~are is~~ not limited to: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O<sub>2</sub> or H<sub>2</sub>; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene as determined by the fire marshall.

**SECTION 2:** The following definitions are added in their alphabetical order to read as follows:

**Cannabis Cultivation – Personal Use.** Cannabis cultivation exempt from permitting.

**Cannabis Extraction.** Process by which cannabinoids are separated from cannabis plant material through chemical or physical means.

**Cannabis Infusion.** Process by which cannabis extract or cannabis plant material is combined with other ingredients to make a cannabis product.

**Cannabis Non-Storefront Retailer.** A facility that sells cannabis or cannabis products to a customer exclusively by delivery.

**Cannabis Premises.** The entire land area including, structures used for a cannabis operation, provided that driveways may be excluded.

**Cannabis Processing.** Drying, curing, grading, trimming, rolling, storing, of non-manufactured cannabis. Processing of cannabis grown off-site (i.e. centralized processing) is considered an agricultural support service.

**Cannabis Propagation.** Cultivation of propagative plant material, including live plants, seeds, seedlings, clones, cuttings, transplants, or other propagules used to establish plants for planting.

**Cannabis Research and Development.** Cannabis cultivation for the research or development of cannabis, cannabis strains, or cultivars.

**Exhibit C**  
*Definitions*

**Cannabis Storefront Retailer (Dispensary).** A facility that sells and delivers cannabis or cannabis products to customers.

**Nursery Wholesale, Cannabis.** An establishment that engages in the commercial production of cannabis clones, immature plants, or seeds for wholesale distribution to cannabis operations .

Table: Allowed Cannabis Land Uses

Key of symbols for Table

P = Permitted Use

P\* = Permitted Use, subject to discretionary approval criteria

C = Conditional Use

- = Prohibited Use

† = Permit requirement indicated in use regulations column

Land Use	RR Zone	AR Zone	LEA Zone	LIA Zone	DA Zone	RRD Zone	MP Zone	M1 Zone	M2 Zone	M3 Zone	C1 Zone	C2 Zone	C3 Zone	LC Zone
Cultivation	-	-	C	C	C	C	P	P	P	P	-	-	-	-
Testing Laboratories	-	-	-	-	-	-	P	P	P	P	-	-	C	-
Storefront Retail (Dispensary)	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Distribution	-	-	-	-	-	-	P	-	P	-	-	-	P	-
Processing	-	-	C	C	C	C	P	P	P	P	-	-	P	-
Manufacturing	-	-	-	-	-	-	P	P	P	P	-	-	P	-
Cannabis Events	-	-	C	C	C	C	-	-	-	-	-	-	-	-

Amendments to Section 26-18-020 Agricultural Crop Production and Cultivation of the Sonoma County Code is modified as follows:

**Sec. 26-18-020. Agricultural crop production and cultivation.**

**A. Definition.** The commercial growing and harvesting of agricultural crops.

1. Includes:

- a. Growing and harvesting shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops.
- b. The preparation of soil for the raising of agricultural crops.
- c. Incidental cleaning, storage, packing, and similar preparation of crops grown on site, at the time of harvest or shortly thereafter.
- d. Growing of plants in temporary membrane-covered frame structures (i.e., hoop houses).
- e. Includes Cannabis Cultivation subject to use standards (Sec. 26-18-115)

2. Excludes:

- ~~a. Cannabis Cultivation.~~
- b. Agricultural support services.
- b. Visitor-serving uses.
- c. Processing of agricultural crops where the crop is changed from its natural state to a different form (see "agricultural processing").
- d. The growing and harvesting of crops in greenhouses or similar structures (see "indoor crop cultivation").

**B. Standards.**

- 1. Crop production must comply with applicable provisions of Article 65 (RC riparian corridor combining zone) and Chapter 36 (vineyard and orchard development ordinance); which may require a use permit.
- 2. Temporary membrane-covered frame structures (i.e., hoop houses) may only be erected for less than 180 days per twelve-month period and cannot include ventilation, heating, artificial light, or any other electrical components, including electrical conduit or use of portable generators.



Section 26-18-115 Cannabis Cultivation is added as follows:

**Sec. 26-18-115. Cannabis Cultivation.**

- A. Definition. Planting, growing, propagating, or harvesting of cannabis plants.
1. Includes: Outdoor, mixed-light, and indoor cannabis cultivation; wholesale cannabis nursery.
  2. Excludes:
    - a. Hemp Cultivation. (Chapter 37)
    - b. Centralized cannabis processing. (See Sec 26-20-025).
- B. Permits.
1. Cannabis license (Chapter 4, Article IX) required.
  2. Use Permit required in LIA, LEA, DA, RRD.
  3. Use Permit required in MP, M1, M2, M3, where urban services (water and sewer) are not available.
  4. Exemption – Personal Cultivation. Cannabis cultivation up to 6 plants is allowed accessory to a residential dwelling unit in all zoning districts, and is exempt from the permit and license requirements and standards in this section except for (C)(5).
- C. Standards.
1. Applicable to all zone districts:
    - a. Odor control. A structure containing cannabis must be equipped with a filtration and ventilation system to control odors, humidity, and mold, provided that structures containing only packaged cannabis products may be excluded from this requirement.
    - b. Lighting. All lighting is to be fully shielded and downward casting so that it does not spill over onto neighboring properties. For operations cultivating within structures, all light is to be fully contained so that little to no light escapes at a level that is visible from neighboring parcels.
    - c. Accessory uses. Cannabis cultivation may include accessory uses that directly support the onsite cannabis cultivation, such as: propagation, research and development, processing, manufacturing, packaging and labeling, distribution, and other similar support uses as determined by the Director.
    - d. Generators. Generator use is prohibited, except for emergency back-up.
    - e. Propagation, Research and Development. Propagative and research and development plant material that is not located within the cannabis canopy cannot be distributed, manufactured, or sold.
  2. MP, M1, M2, M3 zones:
    - a. Outdoor cultivation is prohibited.
    - b. Accessory Uses. Accessory retail is prohibited.
  3. LIA, LEA, DA zones: Indoor and mixed light cultivation must be consistent with General Plan Policies AR-4g.
  4. LIA, LEA, DA, RRD zones:
    - a. Minimum lot size of 5 acres.
    - b. Canopy.

- i. Maximum canopy. Canopy is limited to 10% of the parcel. Canopy in structures is subject to development standards in Sec. 26-06-040 and Sec. 26-16-010.
      - ii. Canopy measurement. Canopy is the total area within the cannabis premises that will contain mature plants and is measured based on clearly identifiable boundaries, such as trellis netting, walls or other partitions, shelves, hedgerows, garden beds, or fencing. If mature plants are cultivated using a shelving system, the surface area of each level is included in the total canopy calculation. Canopy may be noncontiguous if each canopy area has an identifiable boundary.
    - c. Setbacks.
      - i. Property line setback. The cannabis premises must be setback at least 100 feet from each property line.
      - ii. Residential Land Use setback. The cannabis premises must be setback at least 600 feet from all properties within Residential Zoning Districts include Low, Medium, and High Density Residential (R1, R2 & R3), Rural Residential (RR), Agriculture and Residential (AR), and Planned Community (PC).
      - iii. Incorporated City boundaries. The cannabis premises must be setback at least 600 feet from incorporated City boundaries.
      - iv. Sensitive Use setback.
        - i. Distance. The cannabis premises must be setback at least 1,000 feet from each property line of a parcel with a sensitive use.
        - ii. Definition of sensitive use. Sensitive uses include, K-12 schools, public parks, day care centers, and alcohol or drug treatment facilities. In this section, a public park includes existing Federal Recreation Areas, State Parks, Regional Parks, Community Parks, Neighborhood Parks, and Class I Bikeways as designated in the Sonoma County General Plan, but not proposed public parks that have not yet been constructed.
    - d. Best Management Practices. Outdoor cultivation must comply with best management practices for cannabis cultivation issued by the Department of Agriculture/Weights & Measures for erosion and sediment control and management of wastes, water, fertilizers, and pesticides.
    - e. Hoop Houses. Outdoor cultivation may use temporary membrane-covered frame structures (i.e., hoop houses) in accordance with Section 26-18-020.
    - f. Accessory Uses.
      - i. Accessory manufacturing is limited to chemical extraction using carbon dioxide, extraction by physical or mechanical means, and infusion of non-ingestible products from cannabis grown on-site.
      - ii. Accessory retail is allowed in compliance with the standards of Farm Retail Sales (Sec. 26-18-140 & Sec. 26-88-215), except that food sampling and on-site cannabis consumption are prohibited.
  5. Personal Cultivation Standards
    - a. Personal cultivation must comply with best management practices for cannabis cultivation issued by the Department of Agriculture/Weights & Measures for erosion and sediment control and management of wastes, water, fertilizers, and pesticides.
    - b. Outdoor Personal Cultivation

- i. Cultivation of cannabis cannot be located within the front and side yard setback areas as required by the base zoning district and cannot be visible from a public right of way.
  - ii. Outdoor cannabis cultivation is prohibited on parcels with multi-family units or in medium and high-density residential zones (R2 and R3).
  - iii. All lighting must be fully shielded, downward casting, and cannot spill over onto neighboring properties.
- c. Personal Cultivation – Structures.
- i. All lighting must be fully contained so that little to no light escapes at a level that is visible from neighboring parcels.
  - ii. The use of generators is prohibited, except as emergency back-up systems.

Section 26-18-270 Cannabis Events is added as follows:

**Sec. 26-18-270. Cannabis Events.**

- A. Definition. "Cannabis event" means an event that includes cannabis promotional activities, which may include consumption, offered to the general public.
  - 1. Includes.
    - a. Any cannabis event associated with a cannabis land use permit.
    - b. Cannabis events not associated with a cannabis land use permit that occur more frequently than Periodic Special Events, Section 26-22-120.
  - 2. Excludes. Periodic Special Events, Section 26-22-120.
- B. Applicable Zones. This section applies to parcels zoned LIA - Land Intensive Agriculture, LEA-Land Extensive Agriculture, DA -Diverse Agriculture, and RRD -Resources and Rural Development.
- C. Permits. Use Permit required for Cannabis Events.
- D. Operating Standards.
  - 1. Number and size of events.
    - a. Small-scale events.
      - 1. Attendees: 25 or fewer. But the number of attendees may be increased if attendees are shuttled from an offsite location as specified in the use permit.
      - 2. Annual small-scale events allowed: up to 104 event days.
    - b. Large scale events.
      - 1. Attendees: Any number greater than 25.
      - 2. Annual large-scale events allowed: up to 2 events with up to 2 event days each.
  - 2. Hours of Operation. The maximum hours of operation for a cannabis event are 10:00 am to 10:00 pm, unless further limited by the use permit.
  - 3. On-Site Parking.
    - a. On-site parking must include 1 space per 2.5 attendees and 1 space per event employee.
    - b. This parking standard may be reduced in accordance with Article 86, Parking Regulations, Section 26-86-010(i) and when attendees are shuttled from an offsite location as specified in the use permit.
    - c. Required parking may be satisfied by on-site unimproved overflow parking areas.
    - d. No parking is permitted along a public or private roadway.
  - 4. Food Service. Food service is allowed as specified below.
    - a. Food must feature local foods and food products.
    - b. Food cannot be prepared on-site.
    - c. Attendees may bring outside food on-site during events.
    - d. Retail sales of pre-packaged food is allowed only during the event and only for on-site consumption.
  - 5. Traffic Management. A traffic management and parking plan is required to address the maximum number of attendees visiting during a cannabis event. For an event exceeding

100 attendees and for an event that uses overflow parking, the traffic management plan must include the following:

- a. Provisions for event coordination to avoid local traffic delays.
  - b. Parking attendants for each day of the event.
  - c. A shuttle plan, if shuttling is proposed, to support each day of the event. A convenient and secure "park and ride" area must be provided.
  - d. A plan for on-site parking requirements and queuing of traffic.
  - e. Enforcement of the on-street parking restrictions.
  - f. Subsequent changes to the approved Traffic Management Plan must be submitted in advance to the Permit and Resource Management Department.
6. Noise. Cannabis events must not exceed the general plan noise standards Table NE-2, measured in accordance with the Sonoma County noise guidelines.

Section 26-20-025 Centralized Cannabis Processing is added as follow:

**Sec. 26-20-025. Centralized Cannabis Processing**

- A. **Definition.** Cannabis processing facility for plant materials grown on- and off site.
- B. **Permits.**
  - 1. Cannabis license (Chapter 4 Article IX).
  - 2. Use Permit required within the Agricultural Zoning Districts.
- C. **Standards.**
  - 1. LEA, LIA, DA, RRD zones: centralized processing must conform to the minimum parcel size and setbacks required for cannabis cultivation (Sec. 26-18-115)
  - 2. LEA, LIA, DA zones: centralized processing must be consistent with General Plan Policy AR-X.

Amendments to the following, Section 26-20-040 Laboratories, Section 26-20-08 Manufacturing/processing, medium and Section 26-20-160 Storage: Wholesale and Distribution of the Sonoma County Code is modified as follows.

**Sec. 26-20-040. Laboratories.**

- A. **Definition.** A facility for scientific research and the design, development, and testing of products in advance of product manufacturing.
  - 1. Includes: Assembly of related products from parts produced off site where the manufacturing activity is secondary to the research and development activities; cannabis testing laboratory.
- B. **Permits.**
  - 1. Cannabis license (Chapter 4, Article IX).
- C. **Standards.** No unique use-specific standards.

**Sec. 26-20-080. Manufacturing/processing, medium.**

- A. **Definition.** A facility accommodating manufacturing processes that involve and/or produce food products, cannabis products, building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under manufacturing/processing light but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels.
  - 1. Includes: Bakeries and catering services, cooperage and bottling works; food and beverage processing, cabinet shops, welding, sheet metal and machine shops, furniture shops, machinery manufacturing, metal product fabrication.
- B. **Permits.**
  - 1. Cannabis license (Chapter 4, Article IX)
- C. **Standards.** No unique use-specific standards.

**Sec. 26-20-160. Storage: Wholesale and distribution.**

- A. **Definition.** A facility that sells merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acts as agents or brokers in buying merchandise for or selling merchandise to customers; and cannabis distribution facilities.
  - 1. Includes: Storage, processing; packaging; and shipping facilities for mail order and e-commerce retail facilities and cannabis non storefront retailers.

2. Excludes: Cannabis storefront retail (dispensaries).

**B. Permits.**

1. Cannabis license (Chapter 4, Article IX)

C. **Standards.** No unique use-specific standard

Amendments to Section 26-22-120 Periodic Special Events of the Sonoma County Code is modified as follows:

**Sec. 26-22-120. Periodic special events.**

- A. **Definition.** A periodic event such as a parade, concert, festival, race or gathering which attracts a large gathering of people either by direct participation, or as spectators.
- B. **Zoning Permit Required.** A zoning permit is required for all periodic special events, except the following, which are not considered periodic special events:
  - 1. Events conducted entirely within dedicated rights-of-way where event organizers have secured necessary encroachment or other permits;
  - 2. Events conducted entirely within a building for which all necessary county permits have been secured, provided that the events are within the scope of the use for which the building was permitted;
  - 3. Events conducted at fairgrounds or events conducted at outdoor spectator facilities for which a use permit has been obtained, provided that the outdoor event is within the scope of the use permit;
  - 4. An event which has all of the following characteristics:
    - a. Has no live amplified music;
    - b. Does not involve an admission fee either for participants or spectators;
    - c. Is a one (1) day event conducted between the hours of seven a.m. and eleven p.m.;
    - d. Does not involve overnight sleeping of participants or spectators;
    - e. Is not conducted more than one (1) calendar day in a thirty-day period;
    - f. Is not accompanied by newspaper, internet, social media, radio or television advertising or printed leaflets distributed to the public at large; and
    - g. Does not involve the sale of food or beverages.
    - h. Does not involve sale or consumption of cannabis.**
  - 5. All periodic special events may be subject to requirements of sheriff, public health, fire services, building inspection, public works, or other permitting agencies not specified in this article. Event hosts are responsible for securing approvals from applicable agencies.
- C. **Standards.**
  - 1. Periodic special events subject to a zoning permit shall comply with the following requirements, in addition to the requirements of other applicable agencies:
    - a. The event shall comply with all local and state fire codes.
    - b. Noise shall be managed in accordance with the noise element of the Sonoma County general plan.
    - c. A courtesy notice shall be posted on the property at least ten (10) days in advance of the event, which states the nature and duration of the event. Notice of the event and contact information for the event host, including a telephone number at which the event host can be reached before and at all times during the event, shall be provided at least forty-eight (48) hours before the event to at least one (1) resident of each adjacent lot. The notice shall state that a request for a public hearing may be submitted to the project planner at least 10 days in advance of the date specified on the notice.
    - d. Periodic Special Events are "restricted nonagricultural uses" in the LEA, LIA, and DA Districts. See Section 26-06-030.E for additional applicable provisions.



Section 26-18-025 Cannabis Storefront Retail is added as follows:

**Sec. 26-26-025. Cannabis Storefront Retail (Dispensary)**

- A. **Definition.** A facility that sells and delivers cannabis or cannabis products to customers.
- B. **Permits.** Cannabis license (Chapter 4 Article IX).
- C. **Standards.**
  - 1. Accessory packaging and labeling of cannabis products sold by the retailer.
  - 2. Onsite consumption in conformance with Chapter 14, Article VI and/or Chapter 32 Health Code.

The majority of text edits to the code fall into one of these categories: 1) Regulate cannabis more similarly to other uses; 2) Remove duplicative regulations to streamline permitting; and 3) Remove provisions that apply solely to ministerial cannabis permits.

The purpose of this table is to outline the proposed text edits and provide an explanation when revising text, repealing text, and removing duplicative code requirements.

CURRENT CANNABIS ORDINANCE	PROPOSED CANNABIS ORDINANCE
<p align="center"><b>SECTION 26-88-250.</b></p> <p align="center"><b>COMMERCIAL CANNABIS USES.</b></p>	
<ul style="list-style-type: none"> <li>1-year and 5-year term limits</li> </ul>	<ul style="list-style-type: none"> <li>Eliminate term limits and allow permits to run with the land.</li> <li>Permit renewals are costly and time intensive and have shown little value beyond what could be accomplished through monitoring inspections and the existing authority to modify, suspend, or revoke a permit based on noncompliance or nuisance.</li> <li>All cannabis uses will require issuance of an annual County Cannabis License, Chapter 4, Article IX.</li> </ul>
<ul style="list-style-type: none"> <li>Tax requirement and compliance from the Cannabis Ordinance</li> </ul>	<ul style="list-style-type: none"> <li>Cannabis uses are required to pay local taxes under the Sonoma County Cannabis Business Tax Ordinance, Sonoma County Code Chapter 35.</li> <li>Remove duplicative requirement from the Cannabis Ordinance and rely on proposed Cannabis Licensing program and tax ordinance enforcement.</li> </ul>
<ul style="list-style-type: none"> <li>Operator qualifications including;               <ol style="list-style-type: none"> <li>Cannabis operators and all employees must be twenty-one (21) years of age</li> <li>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.</li> <li>Cannabis operators must have authority to legally bind the person applying for and/or operating pursuant to a permit.</li> <li>Cannabis operators must meet the definition of a cannabis business owner.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>MAUCRSA and the DCC impose comprehensive regulations for cannabis license holders, including but not limited to the following: minimum age requirement for employees and customers; review of criminal history, civil judgments or violations of labor standards; business ownership; restrictions on access and location of licensed premises (e.g., cannot be directly associated with a residence or a business selling alcohol or tobacco).</li> <li>Remove overlapping requirements from the Cannabis Ordinance and rely on state licensing.</li> </ul>

**CANNABIS ORDINANCE UPDATE - EXISTING VS PROPOSED COMPARISON CHART**

<b>CURRENT CANNABIS ORDINANCE</b>	<b>PROPOSED CANNABIS ORDINANCE</b>
<ul style="list-style-type: none"> <li>Compliance with the Department of Cannabis Control Track and Trace program</li> </ul>	<ul style="list-style-type: none"> <li>MAUCRSA and the DCC implements a robust seed to sale track and trace system (B&amp;P § 26067-26069). DCC requires all licensees to comply with the track and trace program (4 CCR 15047.1-15051). The track and trace system requires license holders to tag individual plants or batches of plants with unique identifiers that stay connected to the plants from cultivation through the entire supply chain to sale to track all cannabis activity at every stage in the process. License holders must submit regular reports of tagged inventory (including plants and cannabis products), which are reviewed by DCC for accuracy; discrepancies must be audited and reconciled.</li> <li>Remove overlapping requirements from the Cannabis Ordinance and rely on state licensing.</li> </ul>
<b>CANNABIS CULTIVATION</b>	
<b>SECTION 26-88-254. CANNABIS CULTIVATION, COMMERCIAL</b>	<b>ARTICLE 18. AGRICULTURE AND RESOURCE BASED USE STANDARDS</b>
<ul style="list-style-type: none"> <li>10-acre minimum parcel size in Agricultural and Resource zones</li> </ul>	<ul style="list-style-type: none"> <li>5-acre minimum parcel size in Agricultural and Resource zones</li> </ul>
<ul style="list-style-type: none"> <li>One acre cap per operator</li> </ul>	<ul style="list-style-type: none"> <li>Eliminate cap per operator</li> </ul>
<ul style="list-style-type: none"> <li>One acre cap per parcel</li> </ul>	<ul style="list-style-type: none"> <li>Limit canopy to 10% of the parcel in Agricultural and Resource zoning and by building lot coverage in Industrial zoning.</li> </ul>
<ul style="list-style-type: none"> <li>Prohibition on tasting, promotional activities and events related to commercial cannabis activities.</li> </ul>	<ul style="list-style-type: none"> <li>Allow for limited visitor serving uses accessory to a land use permit.</li> <li>Allow special events involving cannabis with a Special Event Permit or under a Use Permit subject to cannabis event use standards in Section 26-18-270.</li> </ul>
<ul style="list-style-type: none"> <li>Prohibition on accessory retail at cultivation sites</li> </ul>	<ul style="list-style-type: none"> <li>Allow for accessory retail to occur within a fully enclosed and secure building.</li> </ul>
<ul style="list-style-type: none"> <li>Prohibition on the use of volatile solvents</li> </ul>	<ul style="list-style-type: none"> <li>Allow use of volatile solvents in Industrial zoning.</li> </ul>
<ul style="list-style-type: none"> <li>Prohibition on manufacturing in Agricultural and Resource zones</li> </ul>	<ul style="list-style-type: none"> <li>Allow for limited accessory manufacturing in Agricultural and Resource zones: chemical extraction (carbon dioxide only), mechanical extraction, infusion of non-ingestible products.</li> </ul>

**CANNABIS ORDINANCE UPDATE - EXISTING VS PROPOSED COMPARISON CHART**

<b>CURRENT CANNABIS ORDINANCE</b>	<b>PROPOSED CANNABIS ORDINANCE</b>
<ul style="list-style-type: none"> <li>Cap on number of centralized processing facilities in Agricultural and Resource zones (9)</li> </ul>	<ul style="list-style-type: none"> <li>Eliminate the cap on centralized processing facilities in Agricultural and Resource Zones.</li> </ul>
<ul style="list-style-type: none"> <li>Compliance with the Comprehensive Airport Land Use Plan</li> </ul>	<ul style="list-style-type: none"> <li>All projects located within the Comprehensive Airport Land Use Plan (CALUP) area must comply with the applicable standards for development.</li> <li>Remove duplicative requirement from Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Require Building Code compliance</li> </ul>	<ul style="list-style-type: none"> <li>All structures must comply with the California Building Code.</li> <li>Remove duplicative requirement from Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Biotic Resource Assessment requirement</li> </ul>	<ul style="list-style-type: none"> <li>Any site located within a Biotic Habitat Combining Zone must comply with Article 66 of the Zoning Code.</li> <li>Any use which requires review under the California Environmental Quality Act (CEQA) requires Biotic Assessment of the site.</li> <li>Remove duplicative requirement from Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Compliance with Riparian Corridor combining zone</li> </ul>	<ul style="list-style-type: none"> <li>Any site with a Riparian Corridor Combining Zone must comply with Article 65 of the Zoning Code.</li> <li>Remove duplicative requirement from Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Conversion of Timberland compliance</li> </ul>	<ul style="list-style-type: none"> <li>Timberland Conversions must comply with Section 26-88-140 and Section 26-88-150 of the Zoning Code.</li> <li>Remove duplicative requirement from Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Cultural and Historic Resource compliance requirement</li> </ul>	<ul style="list-style-type: none"> <li>Any use which requires review under the California Environmental Quality Act (CEQA) requires assessment of the site’s cultural, historical, and Tribal resources and/or referral to the Northwest Information Center.</li> <li>Any site within a Historic District Combining Zone must comply with Article 68 of the Zoning Code.</li> <li>Remove duplicative requirement from Cannabis Ordinance.</li> </ul>

**CANNABIS ORDINANCE UPDATE - EXISTING VS PROPOSED COMPARISON CHART**

CURRENT CANNABIS ORDINANCE	PROPOSED CANNABIS ORDINANCE
<ul style="list-style-type: none"> <li>Farmland Protection requirement: compliance with General Plan Policy AR-4a, compliance with the Williamson Act Contract, protection of lands designated as Important Farmlands.</li> </ul>	<ul style="list-style-type: none"> <li>Any use which requires review under the California Environmental Quality Act (CEQA) requires assessment of potential impacts to farmland.</li> <li>Compliance with the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones is required for any project located on a site which is under a Williamson Act Contract.</li> <li>Compliance with General Plan Agricultural Resources Element policies is required for any project within an Agricultural Zone District. As part of this project a General Plan Amendment is proposed to allow cannabis cultivation as ‘controlled’ agriculture to provide consistency with the General Plan Agricultural Resources Element.</li> <li>Remove duplicative requirement from Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Compliance with the Fire Code</li> </ul>	<ul style="list-style-type: none"> <li>All uses must comply with Chapter 13 of the Sonoma County Code.</li> <li>Remove duplicative requirement from the Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Hazardous Materials requirement; cannabis sites rest</li> </ul>	<ul style="list-style-type: none"> <li>Operations will be required to comply with permit requirements and maintain applicable permits from the Fire Prevention Division, certified unified program agency (CUPA) and the Department of Agriculture/Weights and Measures.</li> <li>Remove duplicative requirement from Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Grading: limit slopes to 15% without a use permit and require compliance with grading ordinance.</li> </ul>	<ul style="list-style-type: none"> <li>Remove ministerial slope limitation because all cultivation permits will be discretionary.</li> <li>All development must comply with Chapter 11 of the Sonoma County Code.</li> <li>Remove duplicative requirement from Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Runoff and stormwater control: require storm water management plans and erosion and sediment control plans and compliance with the grading ordinance and the Department of Agriculture/Weights and Measures.</li> </ul>	<ul style="list-style-type: none"> <li>Compliance with the Department of Agriculture/Weights &amp; Measures Best Management Practices is required in Sec. 26-18-115.</li> </ul>

CANNABIS ORDINANCE UPDATE - EXISTING VS PROPOSED COMPARISON CHART

CURRENT CANNABIS ORDINANCE	PROPOSED CANNABIS ORDINANCE
<ul style="list-style-type: none"> <li>Security requirements; site security plan, security camera and alarm systems, prohibition on firearms at cultivation site, fencing requirements, screening requirement of outdoor and mixed light cultivation.</li> </ul>	<ul style="list-style-type: none"> <li>The DCC enforces comprehensive regulations for cannabis license holders, including but not limited to the following: requires and verifies controlled access to licensed premises, sign-in logs, alarms, video surveillance, secured loading and unloading and delivery requirements.</li> <li>Remove duplicative requirements from the Cannabis Ordinance. Rely on state licensing and DCC security requirements (CCR Title 4, Division 19, Sec. 15042-15047).</li> </ul>
<ul style="list-style-type: none"> <li>Compliance inspection requirement</li> </ul>	<ul style="list-style-type: none"> <li>Compliance inspection required under the proposed Cannabis License program.</li> <li>Additionally rely on Sonoma County Code Enforcement Division’s standard enforcement procedures and DCC inspections and enforcement (CCR Title 4, Division 19, Sec. 17800-17817).</li> </ul>
<ul style="list-style-type: none"> <li>Energy use requirement; on- grid power 100% renewable, on-site zero net energy renewable source; purchase of carbon offsets</li> </ul>	<ul style="list-style-type: none"> <li>Energy impacts of the proposed ordinance will be evaluated in the CEQA EIR process in the Energy and Greenhouse Gas Emissions sections.</li> <li>Defer to Chapter 7, Building Code requirements.</li> </ul>
<ul style="list-style-type: none"> <li>Hours of Operation requirements which currently allows for cultivation activities to occur 24 hours a day, 7 days a week as needed and limits deliveries, shipping and outdoor processing activities to 8:00am – 5:00pm unless a Use Permit is obtained</li> </ul>	<ul style="list-style-type: none"> <li>Cultivation will be permitted on a discretionary basis in the Agricultural and Resource Zones; the discretionary permit process can limit Hours of Operation to reduce site-specific impacts.</li> </ul>
<ul style="list-style-type: none"> <li>Compliance with General Plan Noise Standard, Table NE-2</li> </ul>	<ul style="list-style-type: none"> <li>All uses are required to comply with the General Plan Noise Standard, Table NE-2</li> <li>Remove duplicative requirement from the Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Occupational Safety requirements; compliance with all applicable federal, state and local laws and regulations governing California Agricultural Employers.</li> </ul>	<ul style="list-style-type: none"> <li>Commercial uses are required to comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, including, federal and state wage and hour laws, CAL/OSHA, OSHA, and the California Agricultural Labor Relations Act.</li> <li>Remove duplicative requirement from the Cannabis Ordinance.</li> </ul>

CURRENT CANNABIS ORDINANCE	PROPOSED CANNABIS ORDINANCE
<p><u>Setbacks (Cultivation)</u></p> <p>Agricultural and Resource Zones:</p> <ul style="list-style-type: none"> <li>• <b>Outdoor:</b> 100 ft from property lines; 300 ft from offsite residences; 1,000 ft from sensitive uses</li> <li>• <b>Indoor:</b> Comply with the Base Zone District; 600 ft from Schools (K-12)</li> <li>• <b>Mixed Light:</b> 100 ft from property lines; 300 ft from offsite residences; 1,000 ft from sensitive uses</li> <li>• <b>Park Setback Exception</b></li> </ul> <ul style="list-style-type: none"> <li>• <u>Sensitive Use(s):</u> Schools (K-12), public parks; childcare centers; and alcohol/drug treatment facilities</li> <li>• Measured from property line to property line.</li> </ul> <p>Industrial Zones:</p> <ul style="list-style-type: none"> <li>• Indoor: Comply with the Base Zone District; 600 ft from Schools (K-12)</li> </ul>	<p><u>Setbacks (Cultivation)</u></p> <p>Agricultural and Resource Zones:</p> <ul style="list-style-type: none"> <li>• <b>Outdoor:</b> 100 ft from property lines; 1,000 ft from sensitive uses</li> <li>• <b>Indoor:</b> 100 ft from property lines; 1,000 ft from sensitive uses</li> <li>• <b>Mixed Light:</b> 100 ft from property lines; 1,000 ft from sensitive uses</li> <li>• <b>Eliminate the Park Setback Exception</b></li> </ul> <ul style="list-style-type: none"> <li>• 600 ft setback from all Residential Zones (RR, AR, R1, R2, R3, PC) and incorporated City boundaries</li> <li>• <u>Sensitive Use(s):</u> Schools (K-12); public parks; day care centers; alcohol/drug treatment facilities</li> <li>• Measured from property line of the sensitive use to the cannabis premises.</li> </ul> <p>Industrial Zones:</p> <ul style="list-style-type: none"> <li>• Comply with the Base Zone District</li> </ul>

CURRENT CANNABIS ORDINANCE	PROPOSED CANNABIS ORDINANCE
<b>STOREFRONT AND NON-STOREFRONT RETAIL (DISPENSARY) USES</b>	
<b>SECTION 26-88-256. DISPENSARY USES</b>	<b>ARTICLE 26. RETAIL USE STANDARDS</b>
<ul style="list-style-type: none"> <li>Prohibition consumption at dispensaries</li> </ul>	<ul style="list-style-type: none"> <li>Allow for onsite consumption at store front retailers (i.e. dispensaries) only.</li> <li>Dependent on County Health Ordinance and revision of Chapter 14 and/or Chapter 32 of the Sonoma County Code.</li> </ul>
<ul style="list-style-type: none"> <li>Delivery only allowed as accessory to a storefront operation</li> </ul>	<ul style="list-style-type: none"> <li>Allow cannabis non-storefront retail (i.e. delivery) in accordance with zoning regulations for wholesale and distribution facilities.</li> <li>Continue to allow delivery as part of a store front retailer.</li> </ul>
<ul style="list-style-type: none"> <li>Cap on number of Dispensaries allowed (9)</li> </ul>	<ul style="list-style-type: none"> <li>Eliminate the cap on store front retailers (i.e. dispensaries)</li> </ul>
<ul style="list-style-type: none"> <li>Prohibition of signage at Dispensaries from the Cannabis Ordinance</li> </ul>	<ul style="list-style-type: none"> <li>Any new signage is required to comply with Article 84 of the Zoning Code.</li> <li>The DCC places restrictions on advertising and marketing to limit possible exposure to persons under 21.</li> </ul>
<ul style="list-style-type: none"> <li>Remove customer access requirements from the Cannabis Ordinance</li> </ul>	<ul style="list-style-type: none"> <li>The DCC enforces comprehensive regulations for cannabis retail uses, including but not limited to the following: restrictions on access to retailer premises and customer access to retail area; restrictions on location of licensed premises (e.g., cannot be directly associated with a residence or a business selling alcohol or tobacco); daily limits on retail sales to an individual.</li> <li>Rely on state licensing, specifically DCC retailer requirements (CCR Title 4, Division 19, Sec. 15400-15427).</li> <li>Remove duplicative requirement from the Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Prohibition on a Dispensary maintaining a license from the State Department of Alcoholic Beverage Control</li> </ul>	<ul style="list-style-type: none"> <li>Rely on state licensing, specifically DCC retailer requirements (CCR Title 4, Division 19, Sec. 15400-15427).</li> <li>Remove duplicative requirement from the Cannabis Ordinance.</li> </ul>
<ul style="list-style-type: none"> <li>Prohibition on accessory retail of immature plants and accessory goods or promotional items</li> </ul>	<ul style="list-style-type: none"> <li>Rely on state licensing, specifically DCC retailer requirements (CCR Title 4, Division 19, Sec. 15400-15427).</li> </ul>



CANNABIS ORDINANCE UPDATE - EXISTING VS PROPOSED COMPARISON CHART

CURRENT CANNABIS ORDINANCE	PROPOSED CANNABIS ORDINANCE
<ul style="list-style-type: none"> <li>Hours of Operation requirements</li> </ul>	<ul style="list-style-type: none"> <li>The DCC enforces comprehensive regulations for cannabis retail uses, including hours of operation requirements for storefront retailers.</li> <li>Rely on state licensing, specifically DCC retailer requirements (CCR Title 4, Division 19, Sec. 15400-15427).</li> <li>Remove duplicative requirement from the Cannabis Ordinance.</li> </ul>
<p><u>Setbacks (Supply Chain Uses)</u></p> <p><b>Dispensaries</b> – 100 ft from residential zoning, 1,000 ft from another dispensary, 500 ft from a smoke shop, 1,000 ft from sensitive uses.</p> <ul style="list-style-type: none"> <li>Setback Waiver allowed.</li> </ul>	<p><u>Setbacks (Supply Chain Uses)</u></p> <p><b>Store Front Retailers</b> (i.e., dispensaries) – Eliminate all setback requirements; must comply with structural setback requirements of the base zone district similar to other retail service uses, such as convenience stores.</p>
<b>OTHER SUPPLY CHAIN USES</b>	
<b>SECTION 26-88-250. TABLE 1B ALLOWED CANNABIS USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONES</b>	
<ul style="list-style-type: none"> <li>Use permit required for testing laboratories</li> </ul>	<ul style="list-style-type: none"> <li>Testing laboratories allowed by right in Industrial Zones and by Use Permit in the General Commercial (C3) Zone consistent with use standards for Testing Laboratories, Section 26-20-040.</li> </ul>
<b>SECTION 26-88-250. TABLE 1C ALLOWED CANNABIS USES AND PERMIT REQUIREMENTS FOR INDUSTRIAL ZONES</b>	
<ul style="list-style-type: none"> <li>Use permit required for testing laboratories</li> </ul>	<ul style="list-style-type: none"> <li>Testing laboratories allowed by right in Industrial Zones and by Use Permit in the General Commercial (C3) Zone consistent with use standards for Testing Laboratories, Section 26-20-040.</li> </ul>
<ul style="list-style-type: none"> <li>Use permit required for manufacturing operations</li> <li>Prohibition on use of volatile solvents</li> </ul>	<ul style="list-style-type: none"> <li>Manufacturing operations allowed by right consistent with Section 26-20-080.</li> <li>Eliminate prohibition on use of volatile solvents.</li> </ul>
<ul style="list-style-type: none"> <li>Use permit required for distribution operations</li> <li>Use permit required for distributor/transport only</li> </ul>	<ul style="list-style-type: none"> <li>Distribution operations allowed by right consistent with Section 26-20-160.</li> <li>Distribution allowed accessory to cultivation in all zones.</li> </ul>

Staff's recommendation for a "pipeline provision" for all approved uses, whether operating or not, and all land use applications currently in the permitting process is as follows:

## SETBACKS

**For the purposes of this pipeline provision, "setbacks" means sensitive use setbacks adopted by this ordinance and does not apply to any other applicable setback, such as base zoning development setbacks, riparian corridor, stream or wetland setbacks, building or fire code setbacks.**

### **Policy Option 1. Legal Nonconforming**

#### 1A. Permit holders.

1. Uses within new setbacks. All approved cannabis uses as of the effective date of the ordinance, or portions of these uses, that do not conform to new sensitive use setbacks would be allowed to continue as legal nonconforming uses subject to Article 94 – Nonconforming Uses (see below for full text of code section), which includes provisions for continuance, repair, maintenance, reconstruction, and termination of nonconforming uses.
  - a. Sec. 26-94-010(b) would be amended to include outdoor cultivation as a use subject to one-time 10% expansion under this section. The operation would be allowed a one-time expansion not to exceed 10% of the approved outdoor canopy area within a setback with a Use Permit. The 10% canopy expansion would be calculated separately from the floor area expansion under 1A.1.b. below (i.e., if applicable, an operation could expand outdoor canopy by 10% and total floor area by 10%).
  - b. The operation would be allowed a one-time expansion not to exceed 10% of the total existing floor area for any structures within a setback with a Use Permit. The 10% floor area expansion would be calculated separately from the canopy expansion under 1A.1.a. above (i.e., if applicable, an operation could expand outdoor canopy by 10% and total floor area by 10%).
  - c. The operation would be allowed to replace an existing use with another use of the same or less intensity within a setback with a Use Permit, in conformance with 1A.1.a. and 1A.1.b. above (i.e., the replacement use cannot result in expansion of outdoor canopy area or floor area that exceeds the limits set above). For example, space within a structure currently allocated to cultivation could potentially be converted to accessory processing or accessory manufacturing. The key consideration to allowing such a modification is whether the change would result in an intensification of use for the overall operation.
  - d. Cannabis would be considered an agricultural use for the purposes of Sec. 26-94-020. Agricultural structures damaged or destroyed would be allowed to be rebuilt on the original foundation footprint.

- e. Cannabis would be considered an agricultural use for the purposes of Sec. 26-94-040. Remodeling, ordinary maintenance, and repairs to any agricultural structures would be allowed.
  - f. The operation would be subject to Sec. 26-94-030. If the operation were to cease for a continuous period of one year, the operation would lose nonconforming status and the use could not be reinitiated.
  - g. Notwithstanding 1A.1.f. above, Sec. 26-94-030 would be amended to extend the non-operating threshold to two years for outdoor cultivation only. If outdoor cultivation were to cease for a continuous period of two years, the operation would lose nonconforming status and the use could not be reinitiated.
2. Uses outside new setbacks. Any approved uses outside new sensitive use setbacks would not be considered legal nonconforming, and any modification or expansion of uses outside new sensitive use setbacks would be allowed with a Use Permit. For example, if a structure or outdoor cultivation area is located partly within a new sensitive use setback, expansion of the portion that is not within the setback would not be limited by Article 94.
- 1B. Applications in process. Applications accepted as complete by the effective date of the ordinance could continue to be processed as proposed, even if proposed outdoor cultivation and/or existing or proposed structures are entirely or partly within a setback. Proposed uses that do not conform to new sensitive use setbacks would, including outdoor cultivation and all structures proposed for use in the operation, would be considered legal nonconforming uses after permit issuance. Such operations would be subject to 1A.1. above. Similarly, any changes to the proposal within the setback could not intensify the use or increase outdoor cultivation or structures by more than 10%.

Notes on Policy Option 1. Legal Nonconforming:

- a) This option would likely result in phase out of nonconforming uses over time, as nonconforming uses which cease for a continuous period of one year - or two years for outdoor cultivation only - lose nonconforming status and cannot be reinitiated.
- b) This option allows for modified or expanded uses fully consistent with current code (i.e., any modification or expansion outside of setbacks); such uses are not subject to Article 94 – Nonconforming Uses.
- c) This option allows for a one-time ten percent expansion, unlike policy option 2 below (Setback Exception – Approved Uses), but otherwise is more restrictive as the use is not allowed to intensify within the setback, the use is subject to phase-out, and there are restrictions on reconstructions, repairs and maintenance. This option is much more restriction than the recommended policy (Setback Exception – Approved and Modified/Expanded Uses), which grants a setback exception to all approved, modified, or expanded cannabis uses.

**Policy Option 2. Setback Exception – Approved Uses**

2A. Permit Holders.

1. Approved uses within new setbacks. Setbacks would not apply to uses that were approved as of the effective date of the ordinance. Therefore, approved uses, including outdoor cultivation and all structures approved for use in the operation, would be able to continue at approved locations, even if located entirely or partly within a new sensitive use setback.
2. Modified or expanded uses within new setbacks. Setbacks would apply to modified or expanded uses that are not approved as of the effective date of the ordinance.
  - a. The operation would not be allowed to expand any outdoor cultivation activities within a new sensitive use setback beyond those approved as of the effective date of the ordinance, including outdoor canopy area, outdoor propagation area, or outdoor research and development area.
  - b. The operation would not be allowed to construct new structures for use in the cannabis operation beyond those approved as of the effective date of the ordinance within a new sensitive use setback.
  - c. The operation would be allowed to replace or expand uses within structures approved for use in the operation as of the effective date of the ordinance with a Use Permit, provided that such uses would not result in expansion of total floor area. Modified uses allowed under this option would not be required to be of lower intensity than approved uses being replaced, but such uses would be subject to environmental review and potentially be limited to minimize impacts.
3. Uses outside new setbacks. Modification or expansion of uses outside new sensitive use setbacks would be allowed with a Use Permit. For example, if a structure or outdoor cultivation area is located partly within a new sensitive use setback, expansion of the portion that is not within the setback would be allowed consistent with current code.

2B. Applications in process. Setbacks would not apply to applications accepted as complete by the effective date of the ordinance, and such applications could continue to be processed as proposed, even if proposed outdoor cultivation and/or existing or proposed structures are entirely or partly within a setback. After permit issuance, operations would be subject to 2A.1. and 2A.2. above.

Notes on Policy Option 2. Setback Exception – Approved Uses:

- a) This option allows current permit holders to continue their approved operation in perpetuity, as the operation would not be subject to the nonconforming use termination provision (Sec. 26-94-030). This option eliminates the possibility of “phase out” of the nonconforming use due to non-operation (i.e., under this option the approved Use Permit runs with the land in perpetuity).

- b) This option prohibits all expansion of outdoor cultivation activities and construction of new structures within new sensitive use setbacks but allows modification and intensification of uses within approved structures.
- c) This option allows for less footprint-related expansion potential than policy option 1 (Nonconforming Uses) which would allow for limited expansion within a setback consistent with Article 94. However, this option otherwise provides greater flexibility and less restrictions than policy option 1, as this option allows greater expansion, modification, and intensification of uses within approved structures, does not impose limits on reconstruction, repair, or maintenance of structures, and does not make the operation subject to phase-out. This option is much more restriction than the recommended policy (Setback Exception – Approved and Modified/Expanded Uses), which grants a setback exception to all approved, modified, or expanded cannabis uses.

**Recommended Policy. Setback Exception – Approved and Modified/Expanded Uses**

A. Permit holders.

- 1. Approved uses. Setbacks would not apply to uses that were approved at the effective date of the ordinance. Therefore, approved uses, including outdoor cultivation and all structures approved for use in the operation, would be able to continue at approved locations, even if located entirely or partly within a setback.
- 2. Modified or expanded uses. Setbacks would not apply to modified or expanded uses. Permit holders could apply for a Use Permit Modification to allow modified or expanded uses (i.e., uses not part of current approval) consistent with uses allowed by current code; such uses could be located entirely or partly within a setback.

- B. Applications in process. Setbacks would not apply to applications accepted as complete by the effective date of the ordinance and such applications could continue to be processed as proposed, even if proposed outdoor cultivation and/or existing or proposed structures are entirely or partly within a new setback. After permit issuance, operations would be subject to A.1. and A.2. above.

**Notes on Recommended Policy. Setback Exception – Approved and Modified/Expanded Uses:**

- a) This option would allow current permit holders to continue their approved operation in perpetuity, as the operation would not be subject to the nonconforming use termination provision (Sec. 26-94-030). This option would eliminate the possibility of “phase out” of the nonconforming use due to non-operation (i.e., under this option the approved Use Permit runs with the land in perpetuity).
- b) This option would allow expansion of the operation on the permitted parcel consistent with new uses allowed by current code, even if such uses are located entirely or partly

within a new setback. This option is the least restrictive and allows for maximum expansion potential to current permit holders.

## TERM LIMITS

### Use Permits:

- Term limits would be eliminated. Use Permits would run with the land in perpetuity and would not be required to renew to continue approved operations. Modified or expanded uses would require a Use Permit Modification.

### Zoning Permits:

- Z1. Term limits would be eliminated. Zoning Permits would run with the land in perpetuity and would not be required to renew to continue approved operations. Modified or expanded uses would require submission of a Use Permit application.
- Z2. Multi-tenant zoning permits that were granted a 5-year permit term or that extend until there is a decision on the applicable use permit application will remain subject to term limits. But, if the operation is downsized to qualify for a zoning permit under the current ordinance (e.g., 10,000 sf.), the term will be eliminated consistent with Z1 above.

## Article 94. - Nonconforming Uses.

### **Sec. 26-94-010. - Continuance.**

The lawful use of land existing on the effective date of the ordinance codified in this chapter although such use does not conform to the regulations specified by this chapter for the district in which such land is located, may be continued but shall not be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of said ordinance, and that if any use ceases, the subsequent use of such land shall be in conformance with the regulations specified by this chapter for the district in which such land is located provided that:

- a) A legal nonconforming use may be replaced by a use of the same or less intensity upon obtaining a use permit or a use permit waiver;
- b) Pursuant to policy LU-1f of the general plan, a legal nonconforming use may be expanded one time not to exceed ten percent (10%) of the total existing floor area for any structures subject to lot coverage and setback requirements and to all other applicable requirements of the this code, and provided that such structures are not located within a designated redevelopment project area;
- c) A legal nonconforming use consisting of a mobile home may be replaced with a newer and larger mobile home in the same location, subject to [Article 82](#).

**Sec. 26-94-020. - Reconstruction.**

If at any time any commercial or industrial use in existence on the effective date of the ordinance codified in this chapter, which does not conform to the regulations for the district in which it is located, is damaged or destroyed by fire, explosion, Act of God, tortious conduct of a third party, or act of the public enemy, to the extent of more than fifty percent (50%) of the replacement value of the structure, the land shall be subject to all the regulations specified by this chapter or the district in which such land is located. Any legal nonconforming agricultural or residential structure so damaged may be rebuilt on the original foundation footprint. Additional floor area may be added to the structure in accordance with [Section 26-94-010](#)(b). "Replacement value," as used in this section, is equal to the cost of the labor and materials which would be necessary to construct the structure.

**Sec. 26-94-030. - Termination of use.**

If the actual operation of a legal nonconforming use ceases for a continuous period of one (1) year, unless the legal owner can establish valid proof to the contrary, such cessation of the legal nonconforming use shall be considered termination; then without further action by the planning commission the use of the land shall be subject to all the regulations specified by this chapter for the district in which such land is located.

**Sec. 26-94-040. - Repairs and maintenance.**

- a) Remodeling, ordinary maintenance and repairs may be made to any legal nonconforming industrial or commercial structures to the extent of twenty percent (20%) of the appraised value of the structure during any calendar year period; provided, that foundation work shall be exempt from the twenty percent (20%) calculation. Remodeling, ordinary maintenance and repairs to any legal nonconforming agricultural or residential structure shall not be limited except as otherwise required by this article or by other provisions of law.
- b) Nonconforming historic structures shall be exempt from the twenty percent (20%) calculation provided that they are either: (1) included in an historic combining district; or (2) are listed as an historic resource in a specific plan or coastal plan; and (3) have been certified to be an historic resource by the Sonoma County historic landmarks commission, or state of California or in the Federal Register of Historic Places; and (4) repair or reconstruction is an authentic replica of the original structure.