

EXHIBIT

CHAPTER 26 OF THE SONOMA COUNTY CODE

I. Amendments to Definitions (Section 26-02-140)

“Class I Bikeway” means bike paths or shared use paths, which provide a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorists minimized, as defined by California Streets and Highway Code Section 890.4(a).

II. Amendments to Zoning Districts

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

Section 26-04-010(p) – LIA Land Intensive Agriculture

Section 26-06-010(t) – LEA Land Extensive Agriculture

Section 26-08-010(s) – DA Diverse Agriculture

Section 26-10-010(II) – RRD Resources and Rural Development

“Commercial cannabis ~~medical~~ uses in compliance with Chapter 38 Sections 26-88-250 through 26-88-256;”

III. Amendments to Cannabis Land Use Ordinance

A. Sonoma County Code Chapter 26 Section 26-88-250 (Commercial cannabis uses) is amended as follows:

- (a) Purpose. This section provides the development and operating standards for commercial cannabis activities to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine, and provide opportunities for economic development.
- (b) Applicability. Except as provided in Chapter 38 of the Sonoma County Code, commercial cannabis activities shall be permitted only in compliance with the requirements of Sections 26-88-250 through 26-88-256 and all other applicable requirements for the specific type of use and those of the underlying base zone.
- (c) Limitations on Use. Except as provided in Chapter 38 of the Sonoma County Code, the following limitations apply to all commercial cannabis activities.
 - (1) Commercial cannabis uses for non-medical cannabis for adult use is prohibited, unless a use permit is obtained.

- (2) Commercial cannabis activities shall only be allowed in compliance with all applicable county codes, including but not limited to, grading, building, plumbing, septic, electrical, fire, hazardous materials, and public health and safety.
- (3) The permit holder shall comply with all laws and regulations applicable to the type of use and shall comply with all permit, license, approval, inspection, reporting and operational requirements of other local, state, or other agencies having jurisdiction over the type of operation. The permit holder shall provide copies of other agency and department permits, licenses, or certificates to the review authority to serve as verification for such compliance.
- (4) Permits for commercial cannabis activities shall only be issued where written permission from the property owner ~~or landlord~~ is provided. Written permission must be signed by the property owner accompanied by a certificate of acknowledgment for the signature, which must be in the form set forth in California Civil Code section 1189.
- (5) ~~Tasting, promotional activities, and events related to commercial cannabis activities are prohibited~~ may be permitted under this Chapter. Applicants must demonstrate compliance with state cannabis licensing requirements for the type of event, and all other applicable state, federal, and local laws, including permit conditions. Farm stands for cannabis are prohibited.
- (6) Commercial cannabis activities are prohibited from using volatile solvents, including but not limited to Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂, or other dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene, as determined by the fire marshall.
- (d) Permit Requirements. Except as provided in Chapter 38 of the Sonoma County Code, ~~c~~Commercial cannabis activities shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements. No other type of commercial cannabis activities are permitted except as specified in Table 1A-D. The county may refuse to issue any discretionary or ministerial permit, license, variance or other entitlement, which is sought pursuant to this chapter, including zoning clearance for a building permit, where the property upon which the use or structure is proposed is in violation of the county code. Commercial cannabis activities shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services.
- (e) Term of Permit. Except as provided in Chapter 38, ~~z~~Zoning permits for commercial cannabis activities shall be issued for a limited term not to exceed one (~~5~~⁴) year from the date of permit approval. Use permits for commercial cannabis activities may be approved for a limited term of up to five (5) years from the date the use permit certificate is issued, after all pre-operational conditions of the use permit have been met. Limited term permits shall expire and have no further effect unless a complete application for renewal is submitted prior to the expiration date. No property interest, vested right, or entitlement to receive a future permit to conduct a commercial cannabis activity shall ever inure to the benefit of such permit holder.
- (f) Health and Safety. Commercial cannabis activity shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or

other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.

- (g) Taxes. Permit holders shall comply with Sonoma County Code Section 35, the Sonoma County Cannabis Business Tax Ordinance, and any additional taxes that may be enacted by the voters or any additional regulations that may be promulgated.
- (h) Operator Qualifications. Cannabis operators must meet the following qualifications:
 - (1) Cannabis operators and all employees must be at least twenty-one (21) years of age.
 - (2) Cannabis operators shall be subject to background search by the California Department of Justice. Permits for commercial cannabis activities shall not be approved for operators with serious or violent felony convictions, as specified in subdivision (c) of Section 1192.7 of the Penal Code and subdivision (c) of Section 667.5 of the Penal Code.
 - (3) Cannabis operators must have authority to legally bind the person applying for and/or operating pursuant to a permit.
 - (4) Cannabis operators must meet the definition of a cannabis business owner.
- (i) Weights and Measures. All scales used for commercial transactions shall be registered for commercial use and sealed by the Department of Agriculture/Weights and Measures.
- (j) Tracking. Permit holders shall comply with any track and trace program established by the county and state agencies. Permit holders must maintain records tracking all cannabis and cannabis products and shall make all records related to commercial cannabis activity available to the county upon request.
- (k) Inspections. Premises shall be subject to inspections by appropriate local and state agencies, including but not limited to the Department of Agriculture/Weights and Measures and Permit and Resource Management Department. Premises ~~shall~~ may be inspected at scheduled or unscheduled (unannounced) ~~random~~ times for conformance with the county code and permit requirements. The inspection shall be conducted during regular business hours. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the permit holder to immediately cease operations.
- (l) Monitoring. Permit holders shall be subject to monitoring. A fee may be adopted by the board of supervisors and collected by the agency having jurisdiction or the county tax collector to pay for monitoring and enforcement.
- (m) Appeals. Appeals of any permit issuance or denial issued by the Department of Agriculture/Weights and Measures shall be subject to review and appeal procedures pursuant to Chapter 36. Appeals of any permit issuance or denial issued by PRMD shall be subject to review and appeal procedures pursuant to Chapter 26.
- (n) Exercise of Permit and Notification of Changes. Permits are issued to and held by the person engaged in commercial cannabis activity, and specific to the premises for which it was issued. A permit holder shall, at all times, have one (1) cannabis operator. Prior written notice must be provided to the agency having jurisdiction for any changes to ownership or cannabis operator, and any changes must comply with applicable code requirements. New cannabis operators shall be required to participate in an orientation and/or exam(s), as determined by

the agency having jurisdiction. Permit holders shall notify the agency having jurisdiction prior to any of the following:

- (1) A new person meeting the definition of cannabis business owner of the permit holder.
 - (2) Change in business entity type of the permit holder.
 - (3) Change in legal business name of the permit holder.
 - (4) A new person serving as operator of the permit holder.
 - (5) A new property owner of the parcel on which the premises is located.
- (o) Permit Renewal. Applications for permit renewal may be administratively approved by the agency having jurisdiction only if:
- (1) The use has been conducted in accordance with this section, with the operation's approved plan, and with all applicable use permit conditions of approval;
 - (2) There are no outstanding violations related to health, safety, land use, or tax; and;
 - (3) The requirements of Section 26-92-040 are met.
- (p) Indemnification of County. At the time of submitting an application for a permit pursuant to Sections 26-88-250 through Section 26-88-256, the applicant, and, if different than applicant, the lawful owner(s) of the property on which applicant seeks approval to engage in any commercial cannabis activity, shall agree, as part of the application, to defend, indemnify and hold harmless the county and its agents, officers, attorneys and employees from any claim, action or proceeding brought against the county or its agents, officers, attorneys or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, appeal boards or board of supervisors, which action is brought within the applicable statute of limitations. The indemnification shall include damages awarded against the county, if any, costs of suit, attorney fees and other costs and expenses incurred in connection with such action.

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

Land Use	Maximum Cultivation Area Per Parcel (square feet or plant)	Minimum Parcel Size	Land Intensive Agriculture	Land Extensive Agriculture	Diverse Agriculture	Resources Rural Development	Timber Preserve	Special Use Regulations ³
			LIA ^{1,4}	LEA ^{1,4}	DA ^{1,4}	RRD ^{1,4}	TP	
Cannabis Uses								

Personal Cultivation	100 sq ft including up to 6 plants for adult use, per residence	None	P	P	P	P	P	
Commercial Cannabis Uses								
Cottage	25 plants	10 ae	ZP	ZP	ZP	MUP	—	
Specialty Outdoor	5,000 sq-ft. or 50 plants	10 ae	CUP	ZP	ZP	CUP	—	
Small Outdoor	5,001—10,000	10 ae	CUP	ZP	ZP	CUP	—	
Medium Outdoor Cultivation	10,001—43,560 <u>Up to 10% of the parcel</u>	10 ac	CUP	CUP	CUP	CUP	—	26-88-250— 26-88-254
Nursery Outdoor	<u>Up to 10% of the parcel</u> Limited as Expressed Above		CUP	CUP	CUP	CUP	—	
Indoor Cultivation								
Cottage	500	10 ae	ZP ²	ZP ²	ZP ²	MUP ²	—	
Specialty Indoor	501—5,000	10 ae	CUP ²	CUP ²	CUP ²	CUP ²	—	
Small Indoor	5,001—10,000	10 ae	—	—	—	—	—	
Medium Indoor	10,001—22,000 <u>Up</u>	10 ac	— <u>CUP²</u>	— <u>CUP²</u>	— <u>CUP²</u>	— <u>CUP²</u>	—	

<u>Cultivation</u>	<u>to 10% of the parcel / New lot coverage limited</u>							
Nursery Indoor	Limited as Expressed Above-Up <u>to 10% of the parcel / New lot coverage limited</u>		CUP ²	CUP ²	CUP ²	CUP ²	—	
Mixed Light Cultivation								
Cottage	2,500	10 ac	ZP ²	ZP ²	ZP ²	MUP	—	
Specialty Mixed Light	2,501—5,000	10 ac	CUP ²	CUP	CUP	CUP	—	
Small Mixed Light	5,001—10,000	10 ac	CUP ²	CUP	CUP	CUP	—	
Medium Mixed Light <u>Cultivation</u>	10,001—22,000-Up <u>to 10% of the parcel / New lot coverage limited</u>	10 ac	—CUP ²	—CUP	—CUP	—CUP	—	
Nursery Mixed Light	Limited as Expressed Above-Up <u>to 10% of the parcel / New lot</u>	10 ac	CUP ²	CUP	CUP	CUP	—	

	<u>coverage limited</u>						
Centralized Processing		10 ac	CUP ²	CUP ²	CUP ²		
Distributor-Transport Only ³		10 ac	MUP	MUP	MUP	MUP	

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

Notes:

- 1 Commercial Cannabis Uses on properties with a Land Conservation (Williamson Act) Act Contract are subject to Uniform Rules for Agricultural Preserves.
- 2 Within existing previously developed areas, including hardscape, or legally established structures built (finalized) prior to January 1, 2016. No net increase in impervious surface.
- 3 Distributer-Transport Only restricts the licensee to only transporting cannabis goods that the licensee has cultivated or manufactured.
- 4 See Chapter 38 of the Sonoma County Code for Ministerial Commercial Cannabis Cultivation Permit Requirements in LIA, LEA, DA, and RRD zone districts.

[Tables 1B and 1C of Section 26-88-250 to remain unchanged.]

B. Sonoma County Code Chapter 26 Section 26-88-254 (Cannabis cultivation - commercial) is amended as follows:

- (a) Purpose. This section establishes development criteria and operating standards for commercial cannabis cultivation as allowed by the base zone in compliance with Section 26-88-250, Commercial Cannabis Uses.
- (b) Applicability. Except as provided in Chapter 38 of the Sonoma County Code, ~~This section shall apply to all commercial cannabis cultivation, including but not limited to, outdoor, indoor, and mixed light cultivation and associated drying, curing, grading, and trimming facilities including centralized processing facilities.~~ Except as provided in Chapter 38 of the Sonoma County Code, Commercial cannabis cultivation operations shall comply with this section in addition to the requirements of Section 26-88-250, Commercial Cannabis Uses.
- (c) Permit Requirements. Except as provided in Chapter 38 of the Sonoma County Code, ~~Commercial cannabis cultivation shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements. Zoning permits for outdoor cultivation may be issued by the Department of Agriculture/Weights, and Measures. Zoning permits and use permits for all other cultivation activities shall be issued by the permit and resource management department.~~ New structures, roads, and fences or conversion of existing structures or shipping containers, or similar structures, to cannabis cultivation shall be subject to design standards maintained by the review authority.
- (d) Limitations on Use. Except as provided in Chapter 38 of the Sonoma County Code, ~~All~~ cultivation shall be conducted and maintained in compliance with this section and the best management practices for cannabis cultivation issued by the ~~agricultural~~ Agricultural ~~Commissioner.~~ Commissioner. The Agricultural Commissioner shall establish and publish the applicable best management practices and shall enforce the provisions of this section for outdoor cultivation areas and management of pesticides and fertilizers for all cultivation types. Permanent structures used in cultivation shall be subject to permits issued by the permit and resource management department and other agencies having jurisdiction and shall be conducted and maintained in compliance with this code.
- ~~(e) Multiple Permits. Multiple cultivation permit applications will be processed concurrently. Multiple cultivation permits may be issued to a single person, provided that the total combined cultivation area within the county does not exceed one (1) acre. For the purposes of this provision, the entire cultivation area of a permit shall be attributed in full to each person who meets the definition of cannabis business owner of the permit holder.~~
- (f) Development Criteria.
- (1) Minimum Lot Size. A minimum lot size of ten (10) acres is required for all commercial cannabis operations in the agricultural and resource zones (LIA, LEA, DA, RRD).
 - ~~(2) Multi Tenant Operations. Multiple permits may be issued for multi tenant operations on a single parcel provided that the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements.~~
 - (23) Square Footage Cultivation Area Limitations in Industrial Zones. In industrial zoning districts, ~~T~~the total combined square footage of the cultivation area shall not exceed the maximum size thresholds as defined in Table 1C~~A-D~~ Allowable Cannabis Uses and Permit Requirements which provides the maximum size per parcel.

(3) Cultivation Area Limitations in Agricultural and Resource Zones. In agricultural and resource zoning districts the following restrictions apply:

a. Cultivation Area. The cannabis cultivation area is limited to ten percent (10%) or less of the parcel. Cultivation area associated with specific cultivation types, including outdoor cultivation, and indoor and mixed light cultivation in existing or new or expanded permanent structures, is not otherwise specifically limited.

b. Limit on New or Expanded Permanent Structures.

1. Definitions. A new permanent structure is a structure legally constructed on or after January 1, 2021. An expanded permanent structure is an addition or expansion to an existing permanent structure that results in a modification to the building footprint or an expansion of the square footage of the structure.

2. Parcels Up To 20 Acres. For a parcel that is at least ten acres, but no more than 20 acres in size, all new building coverage for the purpose of or in support of commercial cannabis cultivation cannot exceed 43,560 square feet. New building coverage means building coverage legally constructed on or after January 1, 2021.

3. Parcels Greater Than 20 Acres. For a parcel that is greater than 20 acres in size, all new building coverage for the purpose of or in support of commercial cannabis cultivation cannot exceed 43,560 square feet or 50% of the maximum lot coverage prescribed by the base zone, whichever is greater. New building coverage means building coverage legally constructed on or after January 1, 2021.

(4) Propagation and Vegetative Production Area.

a. Vegetative and other non-flowering propagative cannabis plant material may be cultivated for on-site use, subject to land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements.

b. Additional propagation and vegetative production area may be considered with a use permit, not to exceed twenty-five percent (25%) of the permitted cultivation area, provided this plant material is kept in a separate, unique area away from flowering plants.

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

(6) Property Setbacks - Outdoor. Outdoor cultivation areas and all structures associated with the cultivation shall not be located in the front yard setback area and shall be screened from public view. Outdoor cultivation areas shall not be visible from a public right of way or a Class I Bikeway. Outdoor cultivation areas shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from residences and business structures on surrounding properties.

Outdoor cultivation sites shall be setback a minimum of one thousand feet (1,000') from ~~the property line of a parcel with a school~~ providing education to K-12 grades, a public park, childcare centers, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use. This park setback may be reduced with a use permit when it is determined that an actual physical equivalent separation exists due to topography, vegetation or slope, that no offsite impacts will occur, and that the cannabis operation is not accessible or visible from the park. Public park shall have the same meaning as defined in Chapter 38 of the Sonoma County Code.

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

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

- (8) Property Setbacks- Mixed Light. Mixed light structures shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from residences and business structures on surrounding properties in agricultural and resource zones. Mixed Light structures in industrial zones shall be setback three hundred feet (300') from residences on surrounding properties.

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

- (9) Airport Compatibility. All cannabis operations shall comply with the comprehensive airport land use plan.
- (10) Building Requirements. All structures used in commercial cultivation shall comply with all applicable sections of the county code.
- (11) Biotic Resources. Proposed cultivation operations, including all associated structures, shall require a biotic resource assessment at the time of application that demonstrates that the project is not located within, and will not impact sensitive or special status species habitat, unless a use permit is obtained. Any proposed cultivation operation, including all associated structures, located within adopted federal critical habitat areas must have either all appropriate permits from the applicable state and federal agencies with jurisdiction over the listed species, or a biotic assessment concluding that the project will not result

in "take" of a protected wildlife species within the meaning of either the federal or California Endangered Species Acts.

- (12) Conversion of Timberland. Cannabis cultivation activities, including associated structures, may only be located within a non-forested area that was in existence prior to December 20, 2016, and there shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained.
- (13) Property Setbacks - Riparian Corridor Stream Conservation Areas. Structures used for cultivation shall be located outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone). Outdoor cultivation areas shall conform to the agricultural Riparian Corridor setback set forth in Section 26-65-040. Outdoor cultivation areas shall conform to the wetland setback set forth in Section 36-16-120, unless a use permit is obtained.
- (14) Cultural and Historic Resources. Cultivation sites shall avoid impacts to significant cultural and historic resources by complying with the following standards. Sites located within a historic district shall be subject to review by the landmarks commission, unless otherwise exempt, consistent with Section 26-68-020 and shall be required to obtain a use permit. Cultivation operations involving ground disturbing activities, including but not limited to, new structures, roads, water storage, trenching for utilities, water, wastewater, or drainage systems shall be subject to design standards and referral to the Northwest Information Center and local tribes. A use permit will be required if mitigation is recommended by the cultural resource survey or local tribe.

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

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

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

If human remains are encountered, work in the immediate vicinity will stop and the operator shall notify the agency having jurisdiction and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a

qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within twenty-four (24) hours of this identification.

- (15) Farmland Protection. Where a commercial cultivation site is located within an agricultural zone (LIA, LEA, DA), the operation shall be consistent with General Plan Policy AR-4a. Indoor and mixed light cultivation facilities shall not remove agricultural production within important farmlands, including prime, unique and farmlands of statewide importance as designated by the state farmland mapping and monitoring program, but may offset by relocating agricultural production on a 1:1 ratio.

If the premises is located on a site under a Land Conservation Act (Williamson Act) contract, the use must comply with the Land Conservation Act contract, any applicable land conservation plan, and the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, including provisions governing the type and extent of compatible uses listed therein.

- (16) Fire Code Requirements. The applicant shall prepare and implement a fire prevention plan for construction and ongoing operations and obtain any permits required from the fire and emergency services department. The fire prevention plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.
- (17) Grading and Access. Cultivation sites shall be prohibited on natural slopes steeper than fifteen percent (15%), as defined by Section 11-22-020, unless a use permit is obtained. Grading shall be subject to a grading permit in compliance with Chapter 11 of the county code.
- (18) Hazardous Materials Sites. No commercial cannabis activity shall be sited on a parcel listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5, unless a use permit is obtained.
- (19) Lighting. All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations shall be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- (20) Runoff and Stormwater Control. Runoff containing sediment or other waste or by-products shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a storm water management plan and an erosion and sediment control plan, approved by the agency having jurisdiction. The plan must include best management practices for erosion control during and after construction and permanent drainage and erosion control measures pursuant to Chapter 11 of the county code. All cultivation operators shall comply with the best management practices for cannabis cultivation issued by the agricultural commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides.
- (21) Security and Fencing. A site security plan shall be required. All site security plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to

Government Code Section 6255(a). Security cameras shall be motion-sensor and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels. Surveillance video shall be kept for a minimum of thirty (30) days. Video must use standard industry format to support criminal investigations. Lighting and alarms shall be installed to insure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by non-invasive fire resistant vegetation and fenced with locking gates with a Knox lock. No outdoor or mixed light cultivation sites located on parcels adjacent to public parks or Class I Bikeways shall be visible from trails or public access points. Razor wire and similar fencing shall not be permitted. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards. All structures used for cultivation shall have locking doors to prevent free access.

(22) Ridgetop Protection. Cannabis cultivation and permanent or temporary structures shall be set back a minimum of fifty (50) feet from the delineated slope break of descending existing slopes greater than ~~fifty (50)~~thirty (30) percent for more than fifty (50) feet in slope length.

(g) Operating Standards.

- (1) Compliance Inspections. All cultivation sites shall be subject to on-site compliance inspections by agencies having jurisdiction. The inspection shall be conducted during regular business hours.
- (2) Air Quality and Odor. All indoor and mixed light cultivation operations in permanent structures and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. Cannabis odor from a permanent structure must not be detectable offsite. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.
- (3) Energy Use. Electrical power for indoor cultivation, mixed light operations, and processing including but not limited to illumination, heating, cooling, and ventilation, shall be provided by any combination of the following: (i) on-grid power with one hundred percent (100%) renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. Any offsets shall be generated in California pursuant to a protocol accepted by the County that ensures they are real, permanent, quantifiable, verifiable, enforceable, and additional. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use ~~in emergencies only.~~ during a local, state, or federally declared emergency or disaster, which causes normal sources of power to be unavailable or inadequate for permitted cannabis uses.
- (4) Hazardous Materials. All cultivation operations that utilize hazardous materials shall comply with applicable hazardous waste generator, underground storage tank, above ground storage tanks, and AB 185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the fire prevention division, certified unified program agency (CUPA) of Sonoma County Fire and Emergency Services Department, or agricultural commissioner.

- (5) Hours of Operation. Outdoor harvesting activities and indoor or mixed light cultivation and processing activities may be conducted seven (7) days a week, twenty-four (24) hours per day as needed. Deliveries and shipping, and outdoor processing activities, shall be limited to the hours from 8:00 a.m. to 5:00 p.m., unless a use permit is obtained.
- (6) Noise Limits. Cultivation activities shall not exceed the general plan noise standards Table NE-2, measured in accordance with the Sonoma County noise guidelines.
- (7) Occupational Safety. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, and the California Agricultural Labor Relations Act.
- (8) —Waste Management. An applicant must submit a waste management plan addressing the storing, handling, and disposing of all waste by-products that complies with the department’s best management practices and includes the following: (a) volumes and types of waste generated; (b) operational measures to manage and dispose, or reuse the wastes; (c) storage for garbage and refuse in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids; (d) sufficient storage so that no refuse container is filled beyond the capacity to completely close the lid; (e) proper disposal of stored waste at least every seven (7) calendar days; and (f) prevention of public access to cannabis waste; and (g) storage, reuse, and disposal plan for plastic sheeting or similar materials used to cover hoop houses.
~~Waste Management. A waste management plan addressing the storing, handling, and disposing of all waste by products of the cultivation and processing activities in compliance with the best management practices issued by the agricultural commissioner shall be submitted for review and approval by the agency having jurisdiction. The plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose, or reuse the wastes in compliance with best management practices and county standards. All garbage and refuse on the site shall be accumulated or stored in non absorbent, water tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on the site shall not be accumulated or stored for more than seven (7) calendar days, and shall be properly disposed of before the end of the seventh day in a manner prescribed by the solid waste local enforcement agency. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from cannabis operations must be properly stored and secured to prevent access from the public.~~
- (9) Waste Water Discharge. A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic wastewater anticipated, as well as disposal. All cultivation operations shall comply with the best management practices issued by the agricultural commissioner and shall submit verification of compliance with the waste discharge requirements of the state water resource control board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sanitary sewer, septic, irrigation, graywater or bio-retention treatment systems. If discharging to a septic system, a system capacity evaluation by a qualified sanitary engineer shall be included in the management plan. All domestic waste for employees

shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity.

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

- a. Retail Water. Documentation from a retail water supplier demonstrating and concluding that adequate supplies are available to serve the proposed commercial cannabis use. Municipal Water: A municipal water supplier as defined in California Water Code Section 13575. The applicant shall provide documentation from the municipal water source that adequate supplies are available to serve the proposed use.
- b. Recycled Water. Documentation from a recycled water supplier demonstrating and concluding that adequate recycled water supplies are available to serve the non-potable needs of the proposed commercial cannabis use. Recycled water may not be used to meet potable water needs. Recycled Water: The use of recycled process wastewater or captured rainwater from an onsite use or connection to a municipal recycled water supply for non-potable use, provided that an adequate on-site water supply is available for employees and other uses.
- c. Surface Water. Documentation of adequate water supply from a legal water right, registration, stored rainwater or other surface water source that is exempt from State regulation. Surface Water: An existing legal water right and, if applicable, a Streambed Alteration Agreement issued by the California Department of Fish and Wildlife.
- d. Groundwater Well:
 1. The site is located in Groundwater Availability Zone 1 or 2, and not within an area for which a groundwater management plan has been adopted or within a high or medium priority basin as defined by the state department of water resources; or
 2. Within Groundwater Availability Zone 3 or 4, or an area for which a groundwater management plan has been adopted or designated high or medium priority basin, the proposed use would:
 - a. The proposed use would not result in a net increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project; or
 - b. Trucked recycled water may be considered for the cultivation area with a use permit, provided that adequate on-site water supplies are available for employees and other uses; or

- c. A qualified professional prepares a hydro-geologic report providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and that the operation will not:
 - 1. result in or exacerbate an overdraft condition in basin or aquifer;
 - 2. result in reduction of critical flow in nearby streams; or
 - 3. result in well interference at offsite wells.
- (11) Groundwater Monitoring: Water wells used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point. Water meters shall be maintained in a calibrated state and documentation shall be submitted to the permit and resource management department at least once every five (5) years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after being turned off. Static water level shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the permit and resource management department by January 31 of each year. The annual report shall include water meter readings, the total quarterly quantities of water pumped from well(s) used in processing, and static water levels.
- (12) Groundwater Monitoring Easement: Prior to the issuance of any permit for commercial cannabis cultivation pursuant to this chapter, an easement is required to be recorded to provide Sonoma County personnel access to any on-site water well serving the proposed use and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted for this purpose Monday through Friday from 8:00 a.m. to 5:00 p.m. Easements conveyed to the county under this section shall be signed and accepted by either the director of permit and resource management or the agricultural commissioner. All easement language is subject to review and approval by the agency having jurisdiction and county counsel prior to recordation.