



City of Sonoma

Agenda Item Summary

Meeting: City Council - Jul 23 2018

| Department | Staff Contact |
|----------------|---|
| Administration | Cathy Capriola, City Manager Jeff Walter, City Attorney Rebekah Barr, MMC, City Clerk |

Agenda Item Title

Discussion, Consideration, and Possible Action to:

- 1) Adopt a Resolution Accepting the Certification of the City Clerk as to the Sufficiency of the Initiative Petition (“Measure” or “Initiative”) Entitled “Initiative Measure Amending the Municipal Code to Permit Personal Cannabis Cultivation on all Residential Properties and Establishment and Operation of Cannabis Businesses Within the City, Including Commercial Cultivation, Manufacturing, Retail, Delivery, Distribution, Testing, and Special Events”;
- 2) (i) Adopt the Measure, (ii) Adopt a Resolution Calling for the Holding of a General Municipal Election on Tuesday, November 6, 2018, for the Submission of the Proposed Measure to the Electorate, or (iii) Order a Report Outlining the Impacts of the Measure on the Community Which Would be Due in Thirty Days; and
- 3) Determine Whether to Take Other Action Pertinent to the Measure and/or Cannabis Businesses Being Permitted in the City, Including but not Limited to: (a) Order a Report Outlining the Impacts of the Measure on the Community Which Would be Due Sometime After 30 days after July 23, 2018; (b) Place a City Council-sponsored Cannabis Business Ordinance on the November 6, 2018 Ballot; (c) Place an Advisory Measure on the November 6, 2018, Ballot Pertaining to Cannabis Businesses in the City; (d) Initiate the Process to Adopt Zoning Code Amendments and Other Regulations Permitting and Regulating the Establishment and Operation of Cannabis Business(es) in the City; and/or (e) Direct the Preparation of a Tax Measure Taxing Cannabis Business(es) in the City

Summary

Per California Elections Code § 9201, any proposed ordinance may be submitted to the legislative body of the City by a petition filed with the elections official after being signed by a set number of registered voters in the City.

On April 5, 2018, the City Clerk was served with a Notice of Intent to Circulate a Petition from Mr. Jon Early. As required, the City Attorney prepared the Ballot Title and Summary and it was returned to Mr. Early on April 20, 2018. On June 6, 2018, Mr. Early submitted his cannabis business petition to the City Clerk for examination and determination as to whether the petition was sufficient. Upon review by the City Clerk and the City Attorney, the petition was deemed to have met the procedural requirements and appeared to include a sufficient number of signatures. It was delivered to the Sonoma County Registrar of Voters on June 25, 2018.

1. Adopting Resolution to Accept Certificate of Sufficiency

Upon submittal of such a petition, under the law, the city has 30 business days to examine the petition and determine if it is sufficient. This examination includes not only an analysis of

whether the petition meets the numerous procedural requirements set out in the California Election Code, but also whether the requisite number of signatures have been collected. A petition must be signed by no less than 10% of the number of voters who were registered to vote in the last gubernatorial race to qualify to be placed on the ballot. When this initial review has been completed, it is then delivered to the County for signature verification. The County Registrar of Voters (ROV) reviews the signatures and compares them to registration cards. The Elections Code allows for the signature verification to be done in two different ways. The first is a random sampling of the signatures in which 500 signatures are verified; if 95 to 110 percent, of the required number of signatures, are valid then the petition can be declared sufficient. The other means is by a full check, in which all signatures are examined. In the case of Mr. Early's petition, the City requested a full check as the number of signatures required was more than 110 percent of the 500 examined in a random check. Upon completion of the signature verifications, if there are enough qualified signatures, then the County ROV conveys this to the City Clerk who then certifies this to the City Council at the next regular Council meeting.

At the time of the last gubernatorial race, the number of registered voters in Sonoma was 6,924. In order to qualify, the petition required 693 signatures. The Sonoma County ROV completed their review of the signatures and conveyed verbally to the City Clerk on July 17, 2018, that the petition had contained 767 qualified signatures. The official certification was received by the City Clerk on July 18, 2018.

The attached resolution accepts the City Clerk's certification as to the procedural sufficiency of the initiative petition. It is recommended that the Council adopt this resolution.

2. Mandatory Options - Adopting Measure by Council; Placing Measure on November 2018 Ballot; or Ordering 30-day Report

At the meeting on July 23, 2018, the Council has three, mandatory options in addressing the Measure itself:

1. Adopt the Measure, without any alteration, at the meeting or within 10 days thereafter, or
2. Submit the Measure, without alteration, to the voters at the November 6, 2018 general municipal election, or
3. Order a report as to what the impacts of the Measure would have on the community were it to be passed by the voters – fiscal impact, land use, traffic congestion, etc.

The report could address the following impacts of the Measure:

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the city's general and specific plans.
- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community's ability to attract and retain business and employment.
- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Any other matters the City Council requests to be in the report.

If the Council were to order a report, per the Elections Code, the report must be presented to the City Council within no more than 30 days. If this option is selected by the Council, the Measure would not be placed on the November 2018 ballot, because while the report is being prepared, the August 10, 2018 deadline the ROV has established for submitting measures to the ROV to be placed on the November 2018 ballot will have passed. The next regular municipal election on which the Council would be obligated to place the Measure would be November 2020. The Council could add Measure to an earlier election or call for a special election, but it is not required to do so.

It is the Council's discretion as to which of these three options it wishes to select.

A resolution has been prepared and is attached for the Council's consideration, in the event that the City Council declines to adopt the measure itself, declines to order the 30-day report and, instead, orders it placed on the November 6th ballot.

3. Other Options Available to the Council

The Council could take the following actions:

- a. Order a report covering some or all of the items listed above, but nevertheless place the Measure on the November 2018 ballot. Under this option, the report would not need to be submitted to the Council within the 30-day period mentioned above.
- b. Place the Measure on the November 2018 ballot, but direct that a competing measure be prepared and brought back to the Council at its August 6, 2018, meeting for approval and placement on the November 2018 ballot. This competing measure could permit and regulate cannabis businesses selected by the Council. It would be structured such that the ballot measure on the November 2018 ballot dealing with cannabis businesses in the City which receives the highest number of votes would prevail.
- c. Place the Measure on the November 2018 ballot or order the 30-day report, but place on the November 2018 ballot a non-binding advisory measure seeking the opinion of the voters as to whether they wish to have a cannabis business(es) allowed in the City, and if so, how many, what kinds and where.
- d. Place the Measure on the November 2018 ballot, and direct the staff to initiate the process to amend the City's zoning code to permit cannabis business(es) identified by the Council, subject to regulatory and licensing systems determined by the Council.
- e. Direct the preparation of a tax measure taxing cannabis business(es) in the City.
- f. Take other actions which advance the City's and Council's goals respecting cannabis businesses operating or to be established in the City's limits.

Recommended Council Action

1. Adopt the Resolution accepting the certification of the sufficiency of the petition; and
2. Take one of the three actions listed in section 2, above; and
3. Take further actions as outlined in section 3, above.

Alternative Actions

Council discretion.

Financial Impact

1. If the Measure is adopted, its financial impact is not known at this time.
2. Placing the Measure on the November 2018 ballot will cost approximately between \$5,000 -10,000, depending on number of total items on the ballot.
3. Ordering the report will cost approximately \$15,000-30,000.
4. Directing that other actions requiring staff and city attorney time will cost amounts undetermined at this time, but will naturally depend upon the time consumed in performing the tasks assigned to them.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments

[Cannabis Initiative Sufficiency Resolution](#)
[Exhibit A Certificate of Sufficiency](#)
[Initiative Petition Receipt](#)
[Resolution Calling and Consolidating Cannabis Business Initiative](#)
[Exhibit A Text of Ordinance](#)

Alignment with Council Goals:

Not Applicable

Compliance with Climate Action 2020 Target Goals:

N/A

CC:

n/a

City of Sonoma

RESOLUTION # _____ - 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA, CALIFORNIA, ACCEPTING THE CERTIFICATION OF THE CITY CLERK AS TO THE SUFFICIENCY OF THE INITIATIVE PETITION ENTITLED

“INITIATIVE MEASURE AMENDING THE MUNICIPAL CODE TO PERMIT PERSONAL CANNABIS CULTIVATION ON ALL RESIDENTIAL PROPERTIES AND ESTABLISHMENT AND OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY, INCLUDING COMMERCIAL CULTIVATION, MANUFACTURING, RETAIL, DELIVERY, DISTRIBUTION, TESTING AND SPECIAL EVENTS”

WHEREAS, on April 5, 2018, proponents of an initiative measure entitled “Initiative Measure Amending the Municipal Code to Permit Personal Cannabis Cultivation on all Residential Properties and Establishment and Operation of Cannabis Businesses Within the City, Including Commercial Cultivation, Manufacturing, Retail, Delivery, Distribution, Testing, and Special Events” (“Initiative”) submitted a Notice of Intention and written text of the measure and requested that a title and summary be prepared by the City Attorney for the measure in order to circulate the petition; and

WHEREAS, on April 20, 2018, the City Attorney prepared and provided an official ballot title and summary for the proposed Initiative for use by the proponents for publication and circulation of the petition; and

WHEREAS, the Sonoma City Clerk contacted the Sonoma County Registrar’s Office to determine the number of registered voters in the City of Sonoma, as of its last report to the Secretary of State pursuant to Elections Code Section 2187, and the Clerk determined that the number of registered voters in the City was 6,924; and

WHEREAS, the initiative petition would require at least 693 (10%) valid signatures to be sufficient to qualify for a regular *or* special election; and

WHEREAS, the petitions regarding the initiative were filed with the City Clerk on June 6, 2018 and were then submitted to the Sonoma County Registrar on June 26, 2018, for signature verification; and

WHEREAS, the results of the signature verification conducted by the Sonoma County Registrar established that all of the 1,357 signatures on the petition were examined of which 767 were found to be sufficient; and

WHEREAS, the number of signatures qualified, 767, is in excess of the minimum number of signatures required for a *regular or* special election pursuant to Election Code Section 9215 and 1405; and

WHEREAS, the City Clerk has prepared the Certificate of Sufficiency of the Initiative Petition attached as Exhibit “A”; and

WHEREAS, Elections Code Section 9114 requires that the voter initiative petitions be submitted to the City Council at the next regular City Council meeting following the certification.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sonoma hereby accepts the Certificate of Sufficiency regarding the initiative petition.

PASSED, APPROVED and ADOPTED this 23rd day of July, 2018.

Madolyn Agrimonti, Mayor

ATTEST:

City of Sonoma

**CERTIFICATE OF SUFFICIENCY OF
INITIATIVE PETITION**

I, Rebekah Barr, MMC, City Clerk of the City of Sonoma, California, do hereby certify:

That on June 6, 2018 proponents submitted to my office an initiative petition for an "Initiative Measure amending municipal code to permit personal cannabis cultivation on all residential properties and establishment and operation of cannabis businesses within the City, including commercial cultivation, manufacturing, retail, delivery, distribution, testing and special events".

That pursuant to Election Code Section 9215, it has been determined that the Sonoma County Registrar's last official report of registration to the Secretary of State for the City of Sonoma was 6,924 registered voters and that 10% of said registration would require 693 valid signatures to qualify the initiative petition.

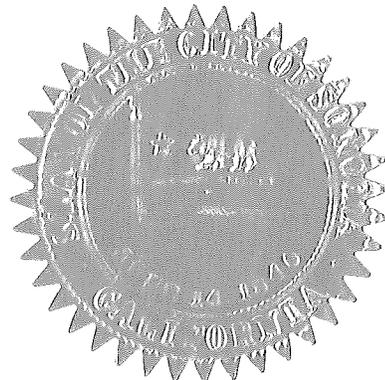
That in accordance with Election Code 9210(b), it has been determined that said petition contained 1345 (prima facie count) signatures. Pursuant to Elections Code Section 9211, petition signatures were examined by the Sonoma County Registrar of Voters Office as per Election Code Section 9114 and that Office has determined that 767 signatures are valid.

Therefore, the initiative petition submitted by the proponents is deemed to be sufficient.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Sonoma this 18th day of July, 2018.



Rebekah Barr, MMC
City Clerk





SONOMA COUNTY
Clerk-Recorder-Assessor
www.sonoma-county.org/cra

REGISTRAR OF
VOTERS DIVISION

P.O. Box 11485
435 Fiscal Dr.
Santa Rosa, CA 95406
Tel: (707) 565-6800
Toll Free (CA only):
(800) 750-VOTE
Fax: (707) 565-6843

**INITIATIVE PETITION
RECEIPT**

I, WILLIAM F. ROUSSEAU, SONOMA COUNTY CLERK AND REGISTRAR OF VOTERS, COUNTY OF SONOMA, STATE OF CALIFORNIA, HEREBY CERTIFY THAT:

The Initiative measure amending municipal code to permit personal cannabis cultivation on all residential properties and establishment and operation of cannabis businesses within the city, including commercial cultivation, manufacturing, retail, delivery, distribution, testing and special events petition has been filed with this office on June 26th, 2018.

That attached to this petition at the time it was filed was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purported dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

- | | |
|---|-------------|
| 1) Number of unverified signatures filed by proponent (raw count) | <u>1345</u> |
| 2) Number of verified signatures | <u>1345</u> |
| a) Number of signatures found sufficient | <u>767</u> |
| b) Number of signatures found not sufficient | <u>578</u> |
| (1) Not sufficient because Not Registered | <u>156</u> |
| (2) Not sufficient because of Registered Different Address | <u>74</u> |
| (3) Not sufficient because No Residence Address | <u>6</u> |
| (4) Not sufficient because No Signature | <u>1</u> |
| (5) Not sufficient because Cannot Identify | <u>4</u> |
| (6) Not sufficient because Out of District | <u>284</u> |
| (7) Not sufficient because Signed More than Once | <u>38</u> |
| (8) Not sufficient because Registered Late | <u>7</u> |
| (9) Not sufficient because Signatures Don't Match | <u>7</u> |
| (10) Not sufficient because Out of County | <u>1</u> |
| 3) Number of valid signatures based on FULL CHECK | <u>767</u> |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 17th day of July, 2018.

WILLIAM F. ROUSSEAU
SONOMA COUNTY CLERK & REGISTRAR OF VOTERS

BY: Deena Thompson-Stalder
Deena Thompson-Stalder, Deputy Clerk

City of Sonoma

RESOLUTION # _____ - 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 6, 2018, FOR THE SUBMISSION OF A PROPOSED ORDINANCE

WHEREAS, pursuant to authority provided by statute a petition has been filed with the legislative body of the City of Sonoma, California, signed by more than 10% per cent of the number of registered voters of the city to submit a proposed ordinance relating to an amendment to the Municipal Code to permit personal cannabis cultivation on all residential properties and the establishment and operation of cannabis businesses within the City, including commercial cultivation, manufacturing, retail, delivery, distribution, testing, and special events; and

WHEREAS, the City Clerk caused the examination of the records of registration by the Sonoma County Registrar of Voters, and ascertained that the petition is signed by the requisite number of voters, and has so certified; and

WHEREAS, the City Council has not voted in favor of the adoption of the ordinance; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed ordinance to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SONOMA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Sonoma, California, on Tuesday, November 6, 2018, a General Municipal Election for the purpose of submitting the following question:

| | |
|---|-----|
| Shall the Initiative Measure amending the Municipal Code to permit personal cannabis cultivation on all residential properties and establishment and operation of cannabis businesses within the City, including commercial cultivation, manufacturing, retail, delivery, distribution, testing, and special events be adopted? | YES |
| | NO |

SECTION 2. That the text of the ordinance submitted to the voters is attached as Exhibit A.

SECTION 3. That the vote requirement for the measure to pass is a majority (50% + 1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Sonoma is hereby requested to consent and agree to the consolidation of said election with the other statewide elections scheduled to be held on November 6, 2018.

SECTION 6. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Cal. Elections Code sec. 10418.

SECTION 7. That the County Election Department is authorized and requested to canvass the returns of said election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 8. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 9. That the City Clerk is directed to set the deadlines, in accordance with statute, for the submission of ballot arguments pursuant to California Elections Code Sections 9282, 9286 and 9285. The provisions of Elections Code Section 9285(a) are hereby adopted. Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons and when the City Clerk has selected the arguments for and against the Initiative which will be printed and distributed to the voters, the clerk shall send copies of the argument in favor of the Initiative to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words which may be signed by not more than five (5) persons; those persons may be different persons than the persons who signed the direct arguments. The rebuttal arguments shall be filed with the City Clerk not more than ten (10) days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

- a. The last day for submission of direct arguments for or against the Initiative shall be by 12:00 p.m. on August 20, 2018.
- b. The last day for submission of rebuttal arguments for or against the Initiative shall be by 12:00 p.m. on August 30, 2018.
- c. The City Manager is hereby authorized to draft a written argument in opposition to the Initiative on behalf of the City Council and the Mayor is authorized to review, modify, sign and file said argument on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. In the event that an argument is filed in favor of the Initiative, the Mayor is also authorized to file a rebuttal argument on behalf of the City Council. At the discretion of the Mayor, the rebuttal argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote.

SECTION 10. That the Board of Supervisors is hereby requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 11. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Sonoma on or before August 10, 2018.

SECTION 12. That the polls shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 13. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 14. That notice of the time and place of holding the election is given and the City

Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 15. The City Manager is hereby authorized and directed to appropriate the funds necessary to pay for the City's cost of placing the Initiative on the election ballot.

SECTION 16. The Initiative shall be printed (with required translations) in full in the County Voter Information Guide and Sample Ballot pertinent to this election. The City Clerk shall submit the form of the Initiative to be so printed to the County Election Department in compliance with County deadlines.

SECTION 17. The City Attorney is directed to prepare and submit to the County Election Department an impartial analysis of the Initiative showing the effect of the Initiative by no later than August 20, 2018.

SECTION 18. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 23rd day of July, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

Madolyn Agrimonti, Mayor

ATTEST:

Rebekah Barr, MMC, City Clerk

SECTION 1. TITLE

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

Section 2. FINDINGS AND DECLARATIONS:

- A. Pursuant to its police powers, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), Senate Bill 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.
- B. The City has previously adopted ordinances governing medical cannabis dispensaries and other personal and commercial cannabis activity within the City.
- C. The City wishes to establish a uniform regulatory structure for all medical and adult use cannabis uses in the City in accordance with state law and to support the City of Sonoma's local cannabis businesses by facilitating a formal authorization process.
- D. The proposed zoning amendments contained herein are consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that the amendments will direct commercial cannabis businesses to appropriate commercial districts designated to support such uses. The proposed zoning amendments are internally consistent with other applicable provisions of Title 21 of the Code in that the entirety of the Code will apply to cannabis as a new land use classification, such as identifying where the use is allowed, under what permit authority development and parking standards and processes. The proposed zoning changes will result in land uses in residentially and commercially zoned areas that are compatible with existing and future uses and will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- E. Chapter 19 of the Code is a permissive ordinance and, except as otherwise expressly provided, the amendments adopted herein do not confer any additional rights or permits related to medical use or adult use cannabis activities.

SECTION 3. PURPOSE AND INTENT

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

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

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

Chapter 5.36 Cannabis

Sections:

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

5.36.010 Purpose.

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

5.36.020 Limitations on Use.

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

5.36.030 Personal Cannabis Cultivation.

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

- A. Medical and Adult Use Cannabis Maximum Limitation. The personal cultivation of cannabis is limited to no more than six mature plants per adult. A primary caregiver, as defined in state law, may cultivate medical cannabis exclusively for the personal medical use of no more than five specified qualified patients, with up to six plants per patient.
- B. Residency requirement. Cultivation of cannabis for personal use may occur only on parcels with an existing legal residence occupied by a full-time resident.
- C. The following operating requirements are applicable to personal cannabis cultivation:
 - 1. Visibility. No visible markers or evidence indicating that cannabis is being cultivated on the site shall be visible from the public right of way.

2. Security. All enclosures and structures used for cannabis cultivation shall have security measures sufficient to prevent access by children or other unauthorized persons.
3. Prohibition of Volatile Solvents. The manufacture of cannabis products for personal non-commercial consumption shall be limited to processes that are solvent-free or that employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug and Cosmetic Act. The use of volatile solvents to manufacture cannabis products for personal consumption is prohibited.
4. All structures used for Personal Cannabis Cultivation (including accessory structures, greenhouses, and garages) must be legally constructed with all applicable Building and Fire permits (including grading, building, electrical, mechanical and plumbing) and shall adhere to the development standards within the base zone.
5. Odor Control. All structures used for cultivation shall be equipped with odor control filtration and ventilation systems such that the odors of cannabis cannot be readily detected from outside of the structure.
6. Lighting. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:
 - i. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.
7. Noise. Use of air conditioning and ventilation equipment shall comply with the Chapter 9.56 (Noise). The use of generators is prohibited, except as short-term temporary emergency back-up systems.
8. All personal cannabis cultivation shall comply with the Best Management Practices for Cannabis Cultivation issued by the Sonoma County Agricultural Commission for management of waste, water, erosion control and management of fertilizers and pesticides.

5.36.040 Cannabis Businesses.

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

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

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

- B. Where allowed. Cannabis Businesses shall be located in compliance with the requirements of Division II, Chapter 19.10 (Zones and Allowable Uses) and as designated on Table 2-2 (Commercial Uses) of the Zoning Code.
- C. Land use permit requirements. The uses that are subject to the standards in this Chapter shall not be established or maintained except as authorized by the land use permit required by Division II.
- D. Development standards. The standards for specific uses in this Chapter supplement and are required in addition to those in Title 14 (Building and Construction), and the City Code. In the event of any conflict between the requirements of this Chapter and those of title 19 or other applicable provisions of this Code, the requirements of this Chapter shall control.

5.36.050 General Operating Requirements.

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

- A. Dual licensing. The City recognizes that state law requires dual licensing at the state and local level for all Cannabis Businesses. All Cannabis Operators shall therefore be required to diligently pursue and obtain a state cannabis license upon receipt of local authorization, and shall comply at all times with all applicable state licensing requirements and conditions, including, but not limited to, operational standards such as, by way of illustration but not limitation, background checks, prior felony convictions, restrictions on multiple licenses and license types, and locational criteria.
 - 1. Self-Certification Program. A qualifying patient, primary caregiver, or medical cannabis collective engaged in commercial medical cannabis activity in the City of Sonoma may continue to operate pending issuance of local authorization under this Chapter by certifying that they operated in compliance with the requirements of the Compassionate Use Act of 1996 (Section 11362.5 of the Health and Safety Code) and its implementing laws in the City of Sonoma before September 1, 2016 in the following manner:
 - a. Complete a self-certification application with the City of Sonoma Community Development Division and pay an application fee.
 - b. As part of the application process, the applicant agrees to: annual compliance monitoring; pay the fees for such annual compliance monitoring; grant permission for City staff to enter the property; and to providing all documentation required for compliance monitoring.
 - c. For certification applicants engaging in commercial medical cannabis activity in the City of Sonoma prior to September 1, 2016, and upon confirmation in the compliance

monitoring, a Certificate of Recognition of Compliance and Good Standing will be issued. Such certificate will be good for one year and may be used as proof of local authorization to apply for temporary and annual licensure with the relevant State licensing agency.

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

2. It is the intent of the people of the City of Sonoma that such Certificate of Recognition of Compliance and Good Standing be deemed sufficient local authorization for commercial cannabis activity for purposes of applications for State licensure.
 3. New operators. Cannabis Businesses which have received land use permit approval pursuant to this Chapter, but which do not qualify for the self-certification program, shall not be allowed to commence operations until the Cannabis Business can demonstrate that all necessary state licenses and agency permits have been obtained in compliance with any deadlines established by the state.
 4. Grounds for Revocation. Failure to demonstrate dual licensing in accordance with this Chapter and within any deadlines established by state law shall be grounds for revocation of City approval. Revocation of a local permit and/or a state license shall terminate the ability of the Cannabis Business to operate until a new permit and/or state license is obtained.
- B. Minors. Medical Cannabis Businesses shall only allow on the premises a person who is 18 years of age or older and who possesses a valid government-issued photo identification card, unless the minor is in the company of their parent/guardian or caregiver. Adult Use Cannabis Businesses shall only allow on the premises a person who is 21 years of age or older and who possesses a valid government-issued photo identification card (including foreign identification).
- C. Setback to Sensitive Uses:
1. Schools. Cannabis Businesses shall be subject to a 600-foot minimum setback from any "school", as defined by the Health and Safety Code Section 11362.768. For purposes of this Ordinance, daycare centers and youth facilities are explicitly excluded from the definition of school and from any required setback.

2. The Plaza. Cannabis Businesses shall be subject to a 1000-foot minimum setback from the Plaza.
 3. Parks. Cannabis Businesses shall be subject to a 600-foot minimum setback from any City park.
 4. The Library. Cannabis Businesses shall be subject to a 250-foot minimum setback from the City Library.
- D. Measurement of distance. The distance between Cannabis Retail and a sensitive use shall be made in a straight line from the boundary line of the property on which the Cannabis Retail is located to the closest boundary line of the property on which a sensitive use is located.
- E. Location of a new sensitive use after permit issued. Establishment of a sensitive use within the required setback of a Cannabis Retail facility after such facility has obtained a Permit for the site shall not render the facility in violation of this Ordinance or State law.
- F. Inventory and tracking. Cannabis Operators shall at all times operate in a manner to prevent diversion of Cannabis and shall promptly comply with any track and trace program established by the state.
- G. Multiple permits per site. Multiple Cannabis Businesses may co-locate at the same parcel. Multiple permits may be issued for a single parcel. Multiple permit types may be issued for a single parcel. Multiple Cannabis Businesses proposed on any one site or parcel shall be granted permit approval only if all of the proposed Cannabis Businesses and their co-location are authorized by both local and state law. Cannabis Operators issued permits for multiple license types at the same physical address shall maintain clear separation between license types unless otherwise authorized by local and state law.
- H. Building and fire permits. Cannabis Operators shall meet the following requirements prior to commencing operations:
1. The Cannabis Operator shall obtain a building permit to conform with the appropriate occupancy classification and compliance with Chapter 14 of the City Code.
 2. The Cannabis Operator shall obtain all annual operating fire permits with inspections prior to operation.
 3. The Cannabis Operator shall comply with all applicable H&SC and California Fire Code requirements related to the storage, use and handling of hazardous materials and the generation of hazardous waste. Cannabis Operators shall also obtain all required Certified Unified Program Agency (CUPA) permits including completing a California Environmental Reporting System (CERS) submission for hazardous materials inventory that meet or exceed State thresholds and any waste generation for accountability.

4. Access with a Fire Department lock box for keys to gates and doors shall be provided.
- I. Transfer of ownership or operator. A permittee shall not transfer ownership or operational control of a Cannabis Business or transfer a permit for a Cannabis Business to another person unless and until the transferee obtains a zoning clearance from the Department stating that the transferee is now the permittee. The zoning clearance shall commit the transferee to compliance with each of the conditions of the original permit.
 - J. Security. Cannabis Businesses shall provide adequate security on the premises, including lighting and alarms, to insure the public safety and the safety of persons within the facility and to protect the premises from theft. Applications for a Cannabis Business shall include a security plan that includes the following minimum security plan requirements:
 1. Security cameras. Security surveillance video cameras shall be installed and maintained in good working order to provide coverage on a twenty-four (24) hour basis of all internal and exterior areas where Cannabis is cultivated, weighed, manufactured, packaged, stored, transferred, and dispensed. The security surveillance cameras shall be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras shall remain active at all times and shall be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for sixty (60) days.
 2. Alarm system. A professionally monitored robbery alarm system shall be installed and maintained in good working condition. Section 6-68.130 of the City Code requires that an alarm permit be obtained by the Sonoma Police Department prior to installing an alarm system. The alarm system shall include sensors to detect entry and exit from all secure areas and all windows. Cannabis Operators shall keep the name and contact information of the alarm system installation and monitoring company as part of the Cannabis Business's onsite books and records. Cannabis Operators shall identify a local site contact person who will be responsible for the use and shall provide and keep current full contact information to the Sonoma Police Department dispatch database as part of the alarm permitting process.
 3. Secure storage and waste. Cannabis Products and associated product waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
 4. Transportation. Cannabis Businesses shall implement procedures for safe and secure transportation and delivery of Cannabis, Cannabis Products and currency in accordance with state law.
 5. Locks. All points of ingress and egress to a Cannabis Business shall be secured with Building Code compliant commercial-grade, non-residential door locks or window locks.

6. Emergency access. Security measures shall be designed to ensure emergency access in compliance the California Fire Code and Sonoma Fire Department standards.
- K. Odor control. Cannabis Businesses shall incorporate and maintain adequate odor control measures such that the odors of Cannabis cannot be readily detected from outside of the structure in which the Business operates. Applications for Cannabis Businesses shall include an odor mitigation plan that includes the following:
1. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;
 2. Staff training procedures; and
 3. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors.
- L. Lighting. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:
1. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting shall be Building Code compliant and comply with Section 19.40.030 (Exterior Lighting.)
 2. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.
 3. Motion sensor lighting is approved for cannabis facilities.
- M. Noise. Use of air conditioning and ventilation equipment shall comply with the Chapter 9.56 (Noise). The use of generators is prohibited, except as short-term temporary emergency back-up systems.
- N. Parking. Cannabis Businesses shall be subject to the following parking standards: cannabis retail businesses shall provide one parking space per 300 square feet of retail space; cannabis delivery and testing facilities shall be required to provide one parking space per 400 square feet of delivery or testing use; cannabis manufacturing and distribution businesses shall be required to provide one parking space per 1000 square feet of manufacturing or distribution use.

5.36.060 Cannabis Cultivation

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

- A. Permitted Use. In accordance with Table 2-2 (Commercial Uses), a zoning clearance shall be required for Commercial Cannabis Cultivation. For purposes of determining the facility size, and thus the appropriate State license, square footage shall be defined by calculating the total canopy under cultivation by the Cannabis Business.
- B. Pesticides. The cultivation of Cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).

5.36.070 Cannabis Manufacturing

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

- A. Extraction processes. Cannabis Manufacturers shall utilize only extraction processes that are (a) solvent-free or that employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act, and/or (b) use solvents exclusively within a closed loop system that meets the requirements of the federal Food, Drug, and Cosmetic Act including use of authorized solvents only, the prevention of off-gassing, and certification by a California licensed engineer.
- B. Loop systems. No closed loop systems shall be utilized without prior inspection and approval of the City's Building Official and Fire Code Official.
- C. Standard of equipment. Manufacturing, processing and analytical testing devices used by the Cannabis Manufacturer must be UL (Underwriters Laboratories) listed or otherwise certified by an approved third party testing agency or engineer and approved for the intended use by the City's Building Official and Fire Code Official, unless such equipment is designed only for internal quality control.
- D. Food handler certification. All owners, employees, volunteers or other individuals that participate in the production of edible Cannabis Products must be state certified food handlers. The valid certificate number of each such owner, employee, volunteer or other individual must be on record at the Cannabis Manufacturer's facility where that individual participates in the production of edible Cannabis Products.
- E. Edible product manufacturing. Medical Businesses that sell or manufacture edible medical cannabis products shall obtain a Sonoma County Health Permit. Permit holders shall comply with Health and Safety Code Section 13700 *et seq.* and Sonoma County Health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate

industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.

- F. Permitted Use. In accordance with Table 2-2 (Commercial Uses), a zoning clearance shall be required for Commercial Cannabis Manufacturing.

5.36.080 Cannabis Retail and Delivery.

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

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

the minor is in the company of their parent/guardian or caregiver. Medical Cannabis Businesses shall not provide cannabis or Cannabis products to a person who is not 18 years of age or older, unless the minor is in the company of their parent/guardian or caregiver. Adult Use Cannabis Businesses shall only allow on the premises a person who is 21 years of age or older and who possesses a valid government-issued photo identification card (including foreign identification). Adult Use Cannabis Businesses shall not provide Cannabis or Cannabis products to any person who does not possess a valid government-issued photo identification card, including foreign identification, demonstrating their date of birth.

3. Hours of operation. Cannabis Retail may operate between the hours of 9:00 a.m. to 9:00 p.m. up to seven (7) days per week unless the review authority imposes more restrictive hours due to the particular circumstances of the application. The basis for any restriction on hours shall be specified in the zoning clearance.
 4. Secured access. A Cannabis Retail facility shall be designed to prevent unauthorized entrance into areas containing Cannabis or Cannabis Products. Limited access areas accessible to only authorized personnel shall be established.
 5. Secured products. Cannabis and Cannabis Products that are not used for display purposes or immediate sale shall be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.
 6. Sale and display of cannabis paraphernalia. A Cannabis retail business may sell or display cannabis related paraphernalia or any implement that may be used to administer Cannabis or Cannabis Products. The sale of such products must comply with any applicable state regulations.
 7. Site management. The Cannabis Retail Operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject retailer. For purposes of this subsection, "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in nuisance activities to cease those activities, unless personal safety would be threatened in making the request.
 6. Display of permit. Cannabis Retail shall maintain a copy of its permit on display during business hours and in a conspicuous place so that the same may be readily seen by all persons entering the facility.
- F. On-site consumption. In addition to the requirements established in this Chapter for Cannabis Retail, the consumption of Cannabis and Cannabis Products shall be subject to the following requirements:
1. Patients/Customers. Patients and customers shall not be permitted to consume cannabis on the site of a Cannabis Retail facility except as permitted in accordance with Chapter 7.24 (Smoking Regulations) and state law and as follows:

- i. Applications for Cannabis Retail shall include a statement as to whether the use will include on-site consumption by patients or customers of Cannabis and Cannabis Products.
 - ii. If on-site consumption will be included, the application shall describe the operational plan and specific extent of such provision, security protocols, and how the consumption will comply with the requirements set forth in this Chapter and state law.
2. Employees. Employees of a Medical Cannabis Retail facility who are qualified patients may consume Medical Cannabis or Medical Cannabis Products on-site within designated spaces not visible by members of the public, provided that such consumption is in compliance with Chapter 7.24 (Smoking Regulations) and state law.
3. Signs regarding public consumption. The entrance to a Cannabis Retail facility shall be clearly and legibly posted with a notice indicating that smoking and vaping of Cannabis is prohibited on site or in the vicinity of the site except as permitted in accordance with Chapter 7.24 (Smoking Regulations) and state law.

5.36.090 Distribution

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

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

5.36.100 Testing

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

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

5.36.110 Special Events

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

5.36.100 Grounds for Permit Revocation or Modification

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

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

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

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

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Marijuana Initiative, and as defined by other applicable state law. “Cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

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

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

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

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

“Marijuana” See “Cannabis”.

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

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

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

“Cannabis Manufacturing” means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by mean of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

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

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

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

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

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

- (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
- (2) Licensed by the Bureau of Cannabis Control as a Cannabis Testing Laboratory.

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

Table 2-2

Commercial Uses and Permit Requirements

| Allowed Uses and Permit Requirements for Commercial Zoning Districts (1) | Permit Required by District (2) | | |
|--|---------------------------------|------------|---------------------------------|
| | C | CG | |
| | | | P Use permitted |
| | | | UP Use permit required |
| | | | L License required |
| | | | – Use not allowed |
| Land Use | | | Specific Use Regulations |
| <i>MANUFACTURING AND PROCESSING USES</i> | | | |
| <i>Cannabis Manufacturing- Type 6</i> | <i>P (7)</i> | <i>---</i> | <i>Chapter 5.36SMC</i> |
| <i>Cannabis Distribution</i> | <i>P (7)</i> | <i>---</i> | <i>Chapter 5.36SMC</i> |
| <i>Cannabis Cultivation</i> | <i>P (7)</i> | <i>---</i> | <i>Chapter 5.36SMC</i> |
| <i>Cannabis Testing Facility</i> | <i>P(7)</i> | <i>---</i> | <i>Chapter 5.36SMC</i> |
| RETAIL TRADE | | | |
| <i>Cannabis Retail and Delivery</i> | <i>P (7)</i> | <i>---</i> | <i>Chapter 5.36SMC</i> |

Notes:

1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.
2. New residential developments subject to the city's growth management ordinance (Chapter 19.94 SMC).
3. Supportive and transitional housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone.
4. Defined as new commercial construction or an addition to an existing commercial building, having an area of 1,000 square feet or greater.
5. Use permit required within the historic overlay zone.
6. Prohibited in /P plaza retail district. See SMC 19.50.035.
7. Prohibited within 1000' of /P plaza retail district, 600' of any school or park, and 250' of the City Library

Table 2-1

Residential Uses and Permit Requirements

| | | |
|--|---------------------|---|
| Allowed Uses and Permit Requirements for Permit Required by | P | Use permitted |
| Residential Districts (1) | District (2) | |
| | UP | Use permit required |
| | L | License required |
| | - | Use not allowed |
| Land Use (1) | R- HS | R-R R-L R-S R-M R-H R-O R-P Specific Use Regulations |

AGRICULTURE, RESOURCE AND OPEN SPACE USES

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

SECTION 7. AMENDMENT

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

SECTION 8. CONSTRUCTION AND INTERPRETATION.

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

SECTION 9. SEVERABILITY.

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

SECTION 10. CONFLICTING INITIATIVES

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