Section 26-88-250 Commercial Cannabis Uses - Medical

(a) **Purpose.** This section provides the development and operating standards for personal and commercial medical cannabis uses to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine and provide opportunities for economic development.

(b) **Applicability.** Medical cannabis uses shall be permitted only in compliance with the requirements of Sections 26-88-250 through 256 and all other applicable requirements for the specific type of use and those of the underlying base zone.

(c) **Limitations on Use.** Medical cannabis uses shall only be allowed in compliance with the following sections and all applicable codes set forth in the County Code, including but not limited to, grading, building, plumbing, septic, electrical, fire, hazardous materials, and public health and safety. The operator shall comply with all laws and regulations applicable to the type of use and shall comply with all permit, license, approval, inspection, reporting and operational requirements of other local, state or other agencies having jurisdiction over the type of operation. The operator shall provide copies of other agency and department permits, licenses, or certificates to the review authority to serve as verification for such compliance. Permits for medical cannabis uses shall only be issued where written permission from the property owner or landlord is provided. Tasting, promotional activities and events related to cannabis uses are prohibited. Commercial cannabis uses for non-medical cannabis for adult use is prohibited.

(d) **Permit Requirements.** Medical cannabis uses shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Medical Cannabis Uses and Permit Requirements. No other type of cannabis uses are permitted except as specified in Table 1A-D. The county may refuse to issue any discretionary or ministerial permit, license, variance or other entitlement, which is sought pursuant to this chapter, including zoning clearance for a building permit, where the property upon which the use or structure is proposed is in violation of the County Code. Medical cannabis uses shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services.

(e) **Term of Permit.** Permits for medical cannabis uses shall be issued to the operator for a period not to exceed one year from the date of permit approval and shall be subject to annual permit renewals. The operator must apply for permit renewal prior to the expiration of the limited term permit. No property interest, vested right, or entitlement to receive a future permit to operate a medical cannabis use shall ever inure to the benefit of such permit holder as such permits are revocable.

(f) **Health and Safety.** Medical cannabis uses shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating
dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.

(g) Taxes. Medical cannabis uses shall comply with any additional taxes that may be enacted by the voters or any additional regulations that may be promulgated.

(h) Operator Qualifications. Commercial medical cannabis operators must meet the following qualifications:

1. Commercial medical cannabis operators and all employees must be 21 years of age.

2. Commercial medical cannabis operators shall be subject to background search by the California Department of Justice. Permits for commercial medical cannabis operations shall not be permitted for operators with felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code.

3. Applicants providing false or misleading information in the permitting process will result in rejection of the application and/or nullification or revocation of any issued permit.

4. Priority processing of permits for medical cannabis operations shall be given to:
   a. Applications that demonstrate that the person operating the cannabis use or owner(s) of the cannabis use has been an existing cannabis operator in Sonoma County prior to January 1, 2016, or
   b. Applications that demonstrate that the person operating the cannabis use or owner(s) of the cannabis use have been a resident of Sonoma County prior to January 1, 2016, and
   c. Applications that provide a local preference hiring plan.

(i) Weights and Measures. All scales used for commercial transactions shall be registered for commercial use and sealed by the Department of Agriculture/Weights and Measures.

(j) Tracking. Commercial medical cannabis operators shall comply with any track and trace program established by the County and state agencies. Commercial medical cannabis operators must maintain records tracking all medical cannabis production and products and shall make all records related to commercial medical cannabis activity available to the County upon request.

(k) Inspections. Commercial medical cannabis operations shall be subject to inspections by appropriate local and state agencies, including but not limited to the Departments of
Health Services, Agriculture/Weights & Measures, and Permit and Resource Management. Medical cannabis operations shall be inspected at random times for conformance with the County Code and permit requirements. The inspection shall be conducted during regular business hours, with at least 24-hours’ notice. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the medical cannabis operation to immediately cease operations.

(l) **Monitoring.** Monitoring shall be required for each medical cannabis operation to be granted a permit. An annual fee may be adopted by the board of supervisors and collected by the agency having jurisdiction or the county tax collector to pay for monitoring and enforcement.
Table 1A: Allowed Cannabis Uses and Permit Requirements for Agricultural and Resource Zones

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>MAXIMUM CULTIVATION AREA PER PARCEL (square feet or plants)</th>
<th>MINIMUM PARCEL SIZE</th>
<th>STATE LICENSE TYPE</th>
<th>Land Intensive Agriculture</th>
<th>Land Extensive Agriculture</th>
<th>Diverse Agriculture</th>
<th>Resources and Rural Development</th>
<th>Timber Preserve</th>
<th>Special Use Regulations</th>
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<td>MEDICAL AND ADULT USE CANNABIS</td>
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<tr>
<td>Personal Cultivation²</td>
<td>100 sq ft including up to 6 plants for adult use, per residence</td>
<td>None</td>
<td>Exempt</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>26-88-258</td>
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<tr>
<td>Wholesale (outdoor)</td>
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<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
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</tr>
<tr>
<td>Wholesale (indoor/greenhouse)</td>
<td>22,000</td>
<td>4</td>
<td>CUP³</td>
<td>CUP</td>
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<td>Outdoor Cultivation</td>
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<tr>
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<td>25 plants</td>
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<td>1C</td>
<td>ZP</td>
<td>ZP</td>
<td>ZP/2ac</td>
<td>MUP</td>
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<td>26-88-250 - 254</td>
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<tr>
<td>Specialty Outdoor</td>
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<td>CUP</td>
<td>ZP</td>
<td>ZP/2ac</td>
<td>MUP</td>
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<td>2</td>
<td>CUP</td>
<td>ZP</td>
<td>ZP/2ac</td>
<td>MUP</td>
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<td>CUP</td>
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<td>26-88-250 - 254</td>
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<td>Indoor Cultivation</td>
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<td>ZP³</td>
<td>ZP</td>
<td>ZP/2ac</td>
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<td>26-88-250 - 254</td>
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<td>CUP³</td>
<td>CUP</td>
<td>CUP/2ac</td>
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<td>26-88-250 - 254</td>
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<tr>
<td>Small Indoor</td>
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<td>—</td>
<td>—</td>
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<tr>
<td>Medium Indoor</td>
<td>10,001 - 22,000</td>
<td>None</td>
<td>3A</td>
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<tr>
<td>Cottage</td>
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<td>2 ac</td>
<td>1C</td>
<td>ZP³</td>
<td>ZP</td>
<td>ZP/2ac</td>
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<td>26-88-250 - 254</td>
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<tr>
<td>Specialty Mixed Light</td>
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<td>3 ac</td>
<td>1B</td>
<td>CUP³</td>
<td>CUP</td>
<td>CUP</td>
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<td>26-88-250 - 254</td>
</tr>
<tr>
<td>Small Mixed Light</td>
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<td>5 ac</td>
<td>2B</td>
<td>CUP³</td>
<td>CUP</td>
<td>CUP</td>
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<td>26-88-250 - 254</td>
</tr>
<tr>
<td>Medium Mixed Light</td>
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<td>3B</td>
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</tbody>
</table>

TYPE OF PERMIT REQUIRED

- **P** Permitted Use
- **ZP** Permitted Use; Zoning Permit Required
- **MUP** Conditionally Permitted Use; Minor Use Permit required
- **CUP** Conditionally Permitted Use; Use Permit required
- **—** Use not allowed

Notes:
2. Personal Outdoor Cultivation is prohibited in multifamily units and in the R2 and R3 zones.
3. Within existing previously developed areas or legally established structures built (finalized) prior to January 1, 2016.
4. 2 acre minimum lot size in the DA zone.
Table 1B: Allowed Cannabis Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>MAXIMUM CULTIVATION AREA PER PARCEL (square feet or plants)</th>
<th>MINIMUM PARCEL SIZE</th>
<th>STATE LICENSE TYPE</th>
<th>Agriculture and Residential</th>
<th>Rural Residential</th>
<th>Low Density Residential</th>
<th>Medium Density Residential</th>
<th>High Density Residential</th>
<th>Planned Community</th>
<th>Special Use Regulations</th>
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</tr>
<tr>
<td>Personal Cultivation¹</td>
<td>100 sq ft including up to 6 plants for adult use, per residence</td>
<td>None</td>
<td>Exempt</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>26-88-258</td>
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<td>Permitted Use</td>
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Notes 1 Personal Outdoor Cultivation is prohibited in multifamily units and in the R2 and R3 zones.
Table 1C: Allowed Cannabis Uses and Permit Requirements for Commercial Zones

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>MAXIMUM CULTIVATION AREA PER PARCEL (square feet or plants)</th>
<th>STATE LICENSE TYPE</th>
<th>Administrative and Professional Office</th>
<th>Neighborhood Commercial</th>
<th>Retail Business and Service</th>
<th>General Commercial</th>
<th>Limited Commercial</th>
<th>Commercial Rural</th>
<th>Agricultural Services</th>
<th>Rec and Visitor Serv Commercial</th>
<th>Special Use Regulations</th>
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</thead>
<tbody>
<tr>
<td>MEDICAL AND ADULT USE CANNABIS</td>
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</tr>
<tr>
<td>Personal Cultivation¹</td>
<td>100 sq ft including up to 6 plants for adult use, per residence</td>
<td>None</td>
<td>Exempt</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Testing/Laboratories</td>
<td>per use permit</td>
<td>8</td>
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<td>—</td>
<td>—</td>
<td>CUP</td>
<td>—</td>
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<tr>
<td>Dispensary/Retail Sales</td>
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<td>Storefront and Delivery</td>
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<td>CUP</td>
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<td>26-88-250, 252, and 256</td>
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<table>
<thead>
<tr>
<th>TYPE OF PERMIT REQUIRED</th>
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<tbody>
<tr>
<td>P</td>
<td>Permitted Use</td>
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<tr>
<td>ZP</td>
<td>Permitted Use; Zoning Permit Required</td>
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<tr>
<td>MUP</td>
<td>Conditionally Permitted Use; Minor Use Permit Required</td>
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<tr>
<td>CUP</td>
<td>Conditionally Permitted Use; Use Permit Required</td>
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<tr>
<td>—</td>
<td>Use not allowed</td>
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Notes ¹ Personal Outdoor Cultivation is prohibited in multifamily units and in the R2 and R3 zones
Table 1D: Allowed Cannabis Uses and Permit Requirements for Industrial Zones

<table>
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<tr>
<th>LAND USE</th>
<th>MAXIMUM CULTIVATION AREA PER PARCEL (square feet or plants)</th>
<th>MINIMUM PARCEL SIZE</th>
<th>STATE LICENSE TYPE</th>
<th>Industrial Park</th>
<th>Limited Urban Industrial</th>
<th>Heavy Industrial</th>
<th>Limited Rural Industrial</th>
<th>Public Facilities</th>
<th>Special Use Regulations</th>
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<tr>
<td>Personal Cultivation¹</td>
<td>100 sq ft including up to 6 plants for adult use, per residence</td>
<td>None</td>
<td>Exempt</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>26-88-258</td>
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<td>Nursery</td>
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<tr>
<td>Wholesale (outdoor)</td>
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<tr>
<td>Wholesale (indoor/greenhouse)</td>
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<td>Indoor Cultivation</td>
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<tr>
<td>Specialty Indoor</td>
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<tr>
<td>Small Indoor</td>
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<tr>
<td>Medium Indoor</td>
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<tr>
<td>Mixed Light Cultivation</td>
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<td>MUP</td>
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<td>Specialty Mixed Light</td>
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<td>MUP</td>
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<td>Medium Mixed Light</td>
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<tr>
<td>Testing/Laboratories</td>
<td>per use permit</td>
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<td>Level 1-nonvolatile solvents</td>
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TYPE OF PERMIT REQUIRED

<table>
<thead>
<tr>
<th>P</th>
<th>Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZP</td>
<td>Permitted Use; Zoning Permit Required</td>
</tr>
<tr>
<td>MUP</td>
<td>Conditionally Permitted Use; Minor Use Permit required</td>
</tr>
<tr>
<td>CUP</td>
<td>Conditionally Permitted Use; Use Permit required</td>
</tr>
<tr>
<td>—</td>
<td>Use not allowed</td>
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</tbody>
</table>

Notes ¹ Personal Outdoor Cultivation is prohibited in multifamily units and in the R2 and R3 zones
Section 26-88-252 Enforcement.

(a) Violations.

1. Any activity performed contrary to the provisions of Sections 26-88-250 through 258 is hereby declared to be a violation of this Chapter and a public nuisance.

2. Any violation of a term, condition, or the approved plans and specifications of any permit issued pursuant to Sections 26-88-250 through 258 shall constitute a violation of this Chapter.

3. Each and every day during any portion of which any violation of Sections 26-88-250 through 258 or any permit issued pursuant to this Chapter is committed, continued, or allowed to continue shall be a separate offense.

(b) Enforcement. Complaints regarding cannabis operations will be addressed by the agency having jurisdiction which may conduct an investigation to determine whether there was a violation of the County Code, a zoning standard, or a use permit condition. Sheriff reports, online searches, citations, aerial photos or neighbor documentation may constitute proof of a violation.

If the agency having jurisdiction verifies that a medical cannabis use is operating in violation of the County Code, is otherwise unpermitted, or that a violation of any permit condition has occurred, a notice of violation pursuant to Section 1-7.3 of the County Code or an administrative citation pursuant to this Section may be issued. At the discretion of the agency having jurisdiction or upon appeal, the zoning permit or use permit may be scheduled for a revocation or appeal hearing with the board of zoning adjustments pursuant to Chapter 26 or a revocation or appeal hearing pursuant to Chapter 11. If the permit is revoked, a zoning or use permit for a cannabis operation may not be reapplied for or issued for a period of at least two (2) years.

Additionally, where the agency having jurisdiction has evidence that a violation of Sections 26-88-250 through 258 poses a significant health or safety hazard to the owners or occupants of adjoining properties or to the surrounding community, or for other good cause shown, the agency having jurisdiction may, in its discretion, commence a judicial action to enjoin such violation without the necessity of first going through the administrative procedures set forth in Section 1-7.3 of the County Code.

(c) Investigative and Prosecutorial Discretion. The agency having jurisdiction shall have discretion to investigate or prosecute any potential violation.
(d) **Suspension, Revocation or Modification.** Any permit, license or approval issued pursuant to this chapter may be suspended, revoked, or modified by the agency having jurisdiction, if the agency determines any of the following:

1. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification;

2. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application; or

3. One (1) or more of the conditions of the original permit have not been substantially fulfilled or have been violated.

(e) **Appeals.** Permits issued by the Department of Agriculture/Weights & Measures shall be subject to review and appeal procedures pursuant to Chapter 11. Permits issued by PRMD shall be subject to review and appeal procedures pursuant to Chapter 26 or Chapter 1 as determined by director. The revocation of any permit issued pursuant to this Chapter shall have the effect of terminating the permit and denying the privileges granted by the permit.

**Administrative Remedies.** This Section is not intended to, and does not, establish any criminal liability. This Section provides administrative remedies for any violation of this Section related to all cannabis uses. A violation of this Section shall be subject to all civil enforcement and abatement methods, including the administrative procedure set forth in Section 1-7.3 of the County Code. The remedies provided for in this Section shall be cumulative and not exclusive.

1. **Administrative Citations.** In addition to all other legal remedies, criminal or civil, which may be pursued by the county to address any violation of the County Code, this subsection provides for administrative citations, in the following amounts, adopted pursuant to the authority conferred by the Government Code, including Section 53069.4. Violations of any provision of the County Code, permit, license or approvals are subject to administrative citation. Each act, omission, or condition may be cited as a separate violation and each violation that continues, exists, or occurs on more than one day may constitute a separate violation on each day, at the discretion of the agency having jurisdiction.
Cannabis Administrative Citation Schedule

<table>
<thead>
<tr>
<th>Violation</th>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceedance of Allowed or Permitted Cultivation Area</td>
<td>$20 per square foot</td>
<td>$30 per square foot</td>
<td>$50 per square foot</td>
</tr>
<tr>
<td>Non-compliance with a Standard or Condition</td>
<td>$1,000</td>
<td>$5,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Unpermitted Cannabis Use other than cultivation area</td>
<td>$10,000</td>
<td>$25,000</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

2. Civil Penalties. In addition to any and all other costs, fees, penalties and expenses which may be assessed or imposed as a result of violation of this Chapter, any person who violates any provision of this Chapter shall be liable and responsible for, and shall pay to the County the following penalties, as determined by the agency having jurisdiction.

   i. For each unpermitted cannabis use, no more than ten thousand dollars ($10,000) for the first violation; no more than twenty-five thousand dollars ($25,000) for the second violation within two (2) years; and no more than fifty thousand dollars ($50,000) for the third violation within three (3) years.

   ii. No more than one thousand dollars ($1,000.00) per day for the first violation; no more than two thousand dollars ($2,000.00) per day for a second violation within two (2) years; and no more than five thousand dollars ($5,000.00) per day for each additional violation within two (2) years for each day that the violation exists after the date of mailing or hand delivery of a notice of violation or a notice and order through to its abatement by whatever means; or

   iii. No more than twenty dollars ($20) per square foot of cultivation or cannabis use area for the first offense; no more than thirty dollars ($30) per square foot of the cultivation or cannabis use area for the second offense; and no more than fifty dollars ($50) per square foot of the cultivation or cannabis use area for the third offense.

   iv. In the event that the use or structure in violation may be permitted with an appropriate permit up to a maximum of fifty (50) times the amount of the standard fee for every required approval, review and permit.

   v. The penalty shall be imposed via the administrative process set forth in this Section, as provided in Government Code section 53069.4, or may be imposed by the court, if the violation requires court enforcement without an
administrative process. Acts, omissions, or conditions in violation of this Section that continue, exist, or occur on more than one day constitute separate violations on each day.

3. **Three Strikes Penalty.** Upon receipt of any combination of three (3) administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or standards issued to the owner or operator at any property or combination of properties of the same owner or operator within a two-year period, the permit for a cannabis operation is hereby automatically nullified, voided or revoked, subject to prior notice and to appeal. Appeals shall be filed within ten (10) days of the notice of revocation. Upon revocation, an application to reestablish a cannabis operation at the subject property shall not be accepted for a minimum period of two (2) years.

4. **Liens.** Whenever the amount of any civil penalty imposed pursuant to this Section has not been satisfied in full within ninety days and has not been timely appealed to the Superior Court in accordance with Government Code section 53069.4, subdivision (b), or if appealed, such appeal has been dismissed or denied, this obligation may be enforced as a lien against the real property on which the violation occurred.

   i. The lien provided herein shall have no force and effect until recorded with the County Recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Code of Civil Procedure section 697.340, and may be extended as provided in Code of Civil Procedure sections 683.110 to 683.220, inclusive.

   ii. Interest shall accrue on the principal amount of the lien remaining unsatisfied pursuant to the law applicable to civil money judgments.

   iii. Prior to recording any such lien, the agency having jurisdiction shall prepare and file with the clerk of the board of supervisors a report stating the amounts due and owing.

   iv. The clerk of the board of supervisors will fix a time, date, and place for the board of supervisors to consider the report and any protests or objections to it. The clerk of the board of supervisors shall serve the owner of the property with a hearing notice not less than ten days before the hearing date. The notice must set forth the amount of the delinquent administrative penalty that is due. Notice must be delivered by first class mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll or as
otherwise known. Service by mail is effective on the date of mailing and failure of owner to actually receive notice does not affect its validity.

v. Any person whose real property is subject to a lien pursuant to this Section may file a written protest with the clerk of the board of supervisors and/or may protest orally at the board of supervisors meeting. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.

vi. At the conclusion of the hearing, the board of supervisors will adopt a resolution confirming, discharging, or modifying the lien amount.

vii. Within thirty days following the board of supervisors' adoption of a resolution imposing a lien, the agency having jurisdiction will file same as a judgment lien in the Sonoma County Recorder's Office.

viii. Once the county receives full payment for outstanding principal, penalties, and costs, the clerk of the board of supervisors will either record a notice of satisfaction or provide the owner with a notice of satisfaction for recordation at the Sonoma County Recorder's Office. This notice of satisfaction will cancel the county's lien under this section.

ix. The lien may be foreclosed and the real property sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. There shall be no right to trial by jury. The county shall be entitled to its attorney's fees and costs.

5. Removal of Violation. The penalties imposed by this Section may not apply if the agency having jurisdiction establishes that within five (5) days after the date of mailing or hand delivery of notice of the existence of the violation, the person removed from the property the cannabis, the cannabis equipment, the use, or structure which constituted that violation.

6. Liability for Costs and Fees. In any enforcement action brought pursuant to this Section, whether by administrative or judicial proceedings, each person who causes, permits, suffers, or maintains the unlawful cannabis use shall be liable for all costs incurred by the County, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible person to undertake, any abatement action in compliance with the requirements of this Section. In any action by the agency having jurisdiction to abate unlawful cannabis uses under
this Section, whether by administrative or judicial proceedings, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorneys' fees under this subdivision shall be limited to those actions or proceedings in which the County elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the County in the action or proceeding.
26-88-254 Cannabis Cultivation – Commercial Medical

(a) **Purpose.** This section establishes development criteria and operating standards for commercial medical cannabis cultivation activities as allowed by the base zone in compliance with Section 26-88-250 Commercial Medical Cannabis Uses.

(b) **Applicability.** This section shall apply to all commercial medical cannabis cultivation activities, including but not limited to, outdoor, indoor and mixed light or greenhouse environments and associated drying, curing, grading, and trimming facilities. Medical cannabis cultivation does not include operations that manufacture cannabis products such as oils, tinctures, or edibles which are classified separately. Commercial medical cannabis cultivation operations shall comply with the following development criteria and operating standards in addition to the requirements of Section 26-88-250 Commercial Medical Cannabis Uses.

(c) **Permit Requirements.** Commercial medical cannabis cultivation shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements. Zoning permits for outdoor cultivation areas shall be issued by the Agricultural Commissioner. Zoning permits and use permits for all other cultivation activities shall be issued by PRMD. New structures, roads, and fences or conversion of existing structures or containers to cannabis cultivation shall be subject to design review.

(d) **Limitations on Use.** All cultivation shall be conducted and maintained in compliance with this Section and the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner. The Agricultural Commissioner shall determine 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. All structures used in cultivation shall be subject to permits issued by the Permit and Resource Management Department and other agencies having jurisdiction and shall be conducted and maintained in compliance with this Chapter.

(e) **Multiple Permits.** Multiple cultivation permits may be issued to a single person or entity as defined herein, provided that the total combined cultivation area within the County does not exceed one acre. Any natural person who owns or controls any interest, directly or indirectly, in a firm, partnership, association, cooperative, collective, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person for the purposes of this standard.

(f) **Development Criteria.**

(1) **Number of Facilities.** No more than one cultivation use/operator may be approved per contiguous parcel ownership, except in the agricultural, and
industrial zones. In the agricultural and industrial zones, multiple zoning permits may be issued for multi-tenant operations on a single parcel provided that the minimum parcel size is met for the total combined cultivation area and the total combined cultivation area does not exceed the maximum area allowed for the type of cultivation in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements (i.e. Outdoor maximum is 43,560 sf; Indoor/Mixed Light maximum is 22,000 sf).

(2) **Square Footage Limitations.** The total combined square footage of the cultivation area shall not exceed the maximum size thresholds as defined in Table 1A-D Allowable Cannabis Uses and Permit Requirements which provides the maximum size per parcel. Structures and areas where cannabis is processed, dried, aged, stored, trimmed, packaged or weighed and areas were equipment is stored and washed shall be limited to the on-site cultivation use only. No cannabis nursery shall exceed one acre in size for outdoor or 22,000 square feet for indoor.

(3) **Property Setbacks- Outdoor.** Outdoor cultivation areas and all associated structures shall not be located in the front yard setback area and shall be screened from public view. Outdoor cultivation areas shall not be visible from a public right of way. Outdoor cultivation areas shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from occupied residences and businesses on surrounding properties. Outdoor cultivation sites and greenhouses/ mixed light structures shall be setback a minimum of 600 1,000 feet from a school providing education to K-12 grades, a public park, childcare center, 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.

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

(5) **Property Setbacks- Mixed Light/Greenhouse.** Mixed light structures shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from occupied residences and businesses on surrounding properties in agricultural, and resource and residential zones. Mixed Light/greenhouses in industrial zones shall be setback 300 feet from occupied residences on surrounding properties. Greenhouses/mixed light structures in all zones shall be setback a minimum of 600 1,000 feet from a school providing education to K-12
grades, a public park, childcare center, 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.

(6) **Airport Compatibility.** All cannabis operations shall comply with the Comprehensive Airport Land Use Plan.

(7) **Building Requirements.** All structures used in commercial cultivation, including greenhouses require a building permit and shall comply with all applicable sections of the County Code. Cultivation uses that provide access to the public including, but not limited to, employees, vendors, contractors, business partners, members, customers or patients shall meet County Code requirements for accessibility including accessible parking, accessible path of travel, restrooms, and washing facilities.

(8) **Biotic Resources.** Proposed cultivation operations, including all associated structures, shall require a biotic assessment at the time of application that demonstrates that the project is not located within, and will not impact sensitive or special status species habitat, unless a use permit is obtained. Any proposed cultivation operation, including all associated structures, located within adopted federal critical habitat areas must have either all appropriate permits from the applicable state and federal agencies with jurisdiction over the listed species, or a biotic assessment concluding that the project will not result in “take” of a protected wildlife species within the meaning of either the federal or California Endangered Species Acts.

There shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained. Outdoor cultivation areas and related processing structures shall be located outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone). Outdoor cultivation areas shall conform to the agricultural Riparian Corridor setback set forth in Section 26-64-050 26-65-040.

Proposed cultivation operations shall comply with the wetland setbacks set forth in Section 11-16-150, unless a use permit is obtained.

(9) **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. Cultivation operations involving ground disturbing activities, including but not limited to, new structures, roads, water storage, trenching for utilities,
water, wastewater, or drainage systems shall be subject to design review and referral to the Northwest Information Center and local tribes for consultation. A cultural resource survey and on-site monitor during ground disturbing activities may be required to demonstrate cultural and historic resources are protected.

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

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

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

If human remains are encountered, work in the immediate vicinity will stop and the operator shall notify the agency having jurisdiction and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification.

(10) **Farmland Protection.** Where a commercial cultivation site is located within an Agricultural Zone (LIA, LEA, DA), the primary use of the parcel shall remain in agricultural use pursuant to General Plan Policy AR-4a. Indoor and mixed light cultivation facilities shall not remove agricultural production within Important Farmlands, including Prime, Unique and Farmlands of Statewide Importance as designated by the state Farmland Mapping and Monitoring Program, but may offset by relocating agricultural production on a 1:1 ratio.
If the facility is located on a site under a Land Conservation Act (Williamson Act) contract, the use must be listed as a compatible use in the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, and allowed by the type of contract and approved Land Conservation Plan. An application for modification of the contract and Land Conservation Plan may be required.

(11) **Fire Code Requirements.** The operator shall prepare and implement a Fire Prevention Plan for construction and ongoing operations and obtain an Operational Permit 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.

(12) **Grading and Access.** Cultivation sites shall be prohibited on natural slopes steeper than 15 percent, as defined by County Code Chapter 11 section 16-020, unless a use permit is obtained. Grading shall be subject to a grading permit in compliance with Chapter 11 of the County Code.

(13) **Hazardous Materials Sites.** No cannabis operation shall be sited on a parcel listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5, unless a use permit is required.

(14) **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.

(15) **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.
(16) **Security and Fencing.** A Site Security Plan shall be required subject to review and approval by the Permit and Resource Management Department. All Site Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensor and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels. Surveillance video shall be kept for a minimum of 30 days. Video must use standard industry format to support criminal investigations. Motion-sensor 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 native, fire resistant vegetation and fenced with locking gates consistent with height limitations of Section 26-88-030. Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area. Razor wire and similar fencing is discouraged and shall not be permitted. in residential zones. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards. All structures used for cultivation shall have locking doors to prevent free access.

(g) **Operating Standards.**

(1) **Compliance Inspections.** All cultivation sites shall be subject to on-site compliance inspections by agencies having jurisdiction. The inspection shall be conducted during regular business hours, with at least 24-hours’ notice.

(2) **Air Quality and Odor.** All indoor, greenhouse and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.

(3) **Energy Use.** Electrical power for indoor cultivation and mixed light operations including but not limited to illumination, heating, cooling, and ventilation, shall be provided by any combination of the following: (i) on-grid power with 100% renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only.

(4) **Hazardous Materials.** All cultivation operations that utilize hazardous materials shall comply with applicable hazardous waste generator, underground storage
tank, above ground storage tanks and AB 185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Sonoma County Fire and Emergency Services Department or Agricultural Commissioner.

(5) **Hours or Operation.** Outdoor harvesting activities and indoor or mixed light cultivation activities may be conducted seven days a week, 24-hours per day as needed. Deliveries and shipping, and outdoor processing activities including drying and trimming, shall be limited to the hours from 8 am to 5 pm, unless a use permit is obtained.

(6) **Noise Limits.** Cultivation operations shall not exceed the General Plan Noise Standards Table NE-2, measured in accordance with the Sonoma County Noise Guidelines.

(7) **Occupational Safety.** Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA and the California Agricultural Labor Relations Act.

(8) **Waste Management.** A Waste Management Plan addressing the storing, handling and disposing of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices issued by the Agricultural Commissioner shall be submitted for review and approval by the agency having jurisdiction. This plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose, or reuse the wastes in compliance with Best Management Practices and County standards.

All garbage and refuse on this site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of before the end of the seventh day in a manner prescribed by the Solid Waste Local Enforcement Agency. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from cannabis operations must be properly stored and secured to prevent access from the public.

(9) **Waste Water Discharge.** A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic wastewater
anticipated, as well as disposal. All cultivation operations shall comply with the Best Management Practices issued by the Agricultural Commissioner and shall submit verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sanitary sewer, septic, irrigation, greywater or bio-retention treatment systems. If discharging to a septic system, a system capacity evaluation by a qualified sanitary engineer shall be included in the management plan. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity.

(10) **Water Supply.** An on-site water supply source adequate to meet all on site uses on a sustainable basis shall be provided. Trucked water shall not be allowed, except as noted 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 of the following sources:

a. **Municipal Water:** The public water supplier providing water service to the site has adequate supplies to serve the proposed use.

b. **Recycled Water:** The use of recycled process wastewater from an onsite use or connection to a municipal recycled water supply for the cultivation use, provided that an adequate on-site water supply is available for employees and other uses.

c. **Surface Water:** An existing legal water right and, if applicable, a Streambed Alteration Agreement issued by California Fish and Wildlife.

d. **Well Water:**

1. The site is located in Groundwater Availability Zone 1, 2 or 3 and not within an area for which a Groundwater Management Plan has been adopted or within a high or medium priority basin as defined by the State Department of Water Resources; or

2. Within Groundwater Availability Zone 4 or 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 acceptable to the review authority providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and that the operation will not:

   i. result in or exacerbate an overdraft condition in basin or aquifer;
   ii. result in reduction of critical flow in nearby streams; or
   iii. result in well interference at offsite wells.

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

(12) **Groundwater Monitoring Easement:** Prior to the issuance of any permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.