

Section 26-18-115 is added to Article 18, Chapter 26 of the Sonoma County Code as follows:

Sec. 26-18-115. Cannabis cultivation.

A. Definition. Planting, growing, propagating, or harvesting of cannabis plants.

1. Includes: Outdoor, mixed-light, and indoor cannabis cultivation; wholesale cannabis nursery.
2. Excludes:
 - a. Hemp Cultivation. (Chapter 37)
 - b. Centralized cannabis processing. (See Sec 26-20-025).

B. Permits.

1. Cannabis license (Chapter 4, Article X) required.
2. Zoning Permit required in LIA, LEA, DA, RRD for a crop swap or the reuse of existing non-residential structures consistent with Section 26-18-115(4)(h) or both. It is the intent of the Board of Supervisors that these permits be subject to ministerial review only within the meaning of the California Environmental Quality Act and the State CEQA Guidelines and must be issued if all the ministerial standards are met.
3. Use Permit required in LIA, LEA, DA, RRD for all operations which do not meet Section 26-18-115(4)(h) ministerial standards.
4. Use Permit required in MP, M1, M2, M3, where urban services (water and sewer) are not available.
5. Exemption - Personal Cultivation. Cannabis cultivation up to 6 plants is allowed accessory to a residential dwelling unit in all zoning districts, and is exempt from the permit requirements and standards in this section except for (C)(5).

C. Standards.

1. Applicable to all zone districts:
 - a. Cannabis uses in the Very High Fire Hazard Severity Zones in both the Local and State Responsibility Areas (LRA & SRA) are limited to outdoor cannabis cultivation and accessory processing (Cannabis EIR Mitigation Measure).
 - b. Odor Control.
 - 1) A structure containing cannabis must be equipped with a filtration and ventilation system to control odors, humidity, and mold, except for structures containing only prepackaged cannabis products. The air filtration system shall be sufficient to prevent internal odors from being emitted externally and must rely on activated carbon filtration, negative ion generation, ozone generation, or other odor control mechanisms demonstrated to achieve the same odor reductions so that odors are not detectable outside the structure (Cannabis EIR Mitigation Measure).
 - 2) Odor control requirements do not apply to hoop houses.
 - c. Lighting.

- 1) For operations cultivating within structures, all light is to be fully contained so that little to no light escapes at a level that is visible from neighboring parcels.
 - 2) Operations must comply with lighting and glare standards found in Mitigation Measure 3.1-4b (Cannabis EIR Mitigation Measure)
- d. Accessory Uses. Cannabis cultivation may include accessory uses that directly support the on-site cannabis cultivation, such as: propagation, research and development, processing, manufacturing, packaging and labeling, distribution, and other similar support uses as determined by the Director.
 - e. Generators. Generator use is prohibited, except in the case of an emergency.
 - f. Propagation, Research and Development. Propagative and research and development plant material that is not located within the cannabis canopy cannot be distributed, manufactured or sold.
 - g. Weed block materials shall be made of non-reflective and non-plastic materials (Cannabis EIR Mitigation Measure).
 - h. Installation of solid fencing, such as wood, masonry, and chain link covered with privacy cloth, is prohibited within County-designated scenic landscapes, scenic corridors, and community separators (Cannabis EIR Mitigation Measure).
 - i. Municipal Water Supply Verification for New Cannabis Uses. Individual projects must demonstrate that water demand would be equivalent or less than current levels of a facility or if the entity providing water can demonstrate that water is available to serve the project in normal, dry, and multiple dry years (Cannabis EIR Mitigation Measure).
 - j. All structures used in cannabis operations shall meet defensible space requirements as outlined in Mitigation Measure 3.17-1b (Cannabis EIR Mitigation Measure).
 - k. Electrical power used for a cultivation site must be provided by on-grid power with 100% renewable source or on-site zero renewable energy generation, or a combination of the two.
 - l. All cannabis uses are required to comply with the applicable Mitigation Monitoring and Reporting Program (MMRP) adopted for the Cannabis Program Update Environmental Impact Report (EIR).
2. MP, M1, M2, M3 zones:
 - a. Outdoor cultivation is prohibited.
 - b. Accessory Uses. Accessory retail is prohibited.
 3. LIA, LEA, DA zones: Indoor and Mixed Light cultivation must be consistent with General Plan Policies AR-4g.
 4. LIA, LEA, DA, RRD zones:
 - a. Minimum Lot Size of 5 acres.
 - b. Canopy.

- 1) **Maximum Canopy.** Canopy is limited to 10% of the parcel. All structures, including those used for canopy, remain subject to applicable development standards including Sec. 26-06-040 and Sec. 26-16-050.
- 2) **Canopy Measurement.** Canopy is the total area within the cannabis premises that will contain mature plants and is measured based on clearly identifiable boundaries, such as trellis netting, walls or other partitions, shelves, hedgerows, garden beds, or fencing. If mature plants are cultivated using a shelving system, the surface area of each level is included in the total canopy calculation. Canopy may be noncontiguous if each canopy area has an identifiable boundary.

c. **Setbacks.**

- 1) **Property Line Setback.** The cannabis premises must be setback at least 100 feet from each property line. This setback will be waived when the adjacent parcel's ownership title is held in the same name as the project parcel. Upon permit issuance, the director will record with the county recorder a notice of issuance of setback waiver on the adjacent parcel.
- 2) **Residential Land Use Setback.** The cannabis premises must be setback at least 1,000 feet from all properties within Residential Zoning Districts including Low, Medium, and High Density Residential (R1, R2 & R3), Rural Residential (RR), Agriculture and Residential (AR), and Planned Community (PC).
- 3) **Offsite Residential Setback.** The cannabis premises must be setback at least 300 feet from offsite residences that exist at the time the application is deemed complete. This setback will be waived when the adjacent parcel's ownership title is held in the same name as the project parcel. Upon permit issuance, the director will record with the county recorder a notice of issuance of setback waiver on the adjacent parcel.
- 4) **Incorporated City Boundaries.** The cannabis premises must be setback at least 1,000 feet from incorporated city boundaries.
- 5) **Sensitive Use Setback.**
 - a. **Distance.** The cannabis premises must be setback at least 1,000 feet from each property line of a parcel with a sensitive use that exists at the time the application to initiate the cannabis use is deemed complete.
 - b. **Definition of Sensitive Use.** Sensitive uses are K-12 schools, public parks, day care centers, and alcohol or drug treatment facilities. In this section, a public park means existing Federal Recreation Areas, State Parks, Regional Parks, Community Parks, Neighborhood Parks, and Class I Bikeways as designated in the Sonoma County General Plan, but not proposed public parks that have not yet been constructed.
- 6) **Existing Permits and Applications.**

- a. For an application that was approved or deemed complete prior to October 28, 2025;
 - i. All new and expanded uses and existing outdoor and mixed light cultivation are subject to the setbacks listed in Section 26-18-115(C)(4)(c)(1) & 26-18-115(C)(4)(c)(3). All other existing uses and portions of the premises are subject to the relevant setbacks of the base zone.
 - ii. Approved permits and any amendments thereto are only subject to the sensitive use setbacks that were applied to the original approval.
- b. For all approved permits and modifications to approved permits, setbacks only apply based on the uses and zoning of neighboring parcels that existed at the time of the original approval.
- d. Best Management Practices. Outdoor cultivation must comply with best management practices for cannabis cultivation issued by the agricultural commissioner for erosion and sediment control and management of wastes, water, fertilizers, and pesticides.
- e. Parking must be located on-site and not located on driveways shared with another parcel or property.
- f. Hoop Houses. Outdoor cultivation may use temporary or permanent membrane-covered frame structures (i.e., hoop houses) in accordance with Section 26-18-020. Plastic used for hoop houses must be removed and securely stored immediately after harvest and when not in use.
 - 1) Temporary membrane-covered frame structures may only be erected for less than 180 days per twelve-month period and cannot include ventilation, heating, artificial light, or any other electrical components, including electrical conduit or use of portable generators.
 - 2) Permanent membrane-covered frame structures may include basic electrical components, such as fans and artificial lighting no more than 2 watts per square foot.
 - 3) If a hoop house is visible from a public vantage point, any covering must be non-reflective (Cannabis EIR Mitigation Measure).
- g. Accessory Uses.
 - 1) Accessory manufacturing is limited to chemical extraction using carbon dioxide, extraction by physical or mechanical means, and infusion of non-ingestible products from cannabis grown on-site.
 - 2) Accessory retail is allowed in compliance with the standards of Farm Retail Sales (Sec. 26-18-140 & Sec. 26-88-215), except that food sampling and on-site cannabis consumption are prohibited.
- h. A crop swap is the replacement of active cultivation of perennial crops (e.g., vineyard or orchard), row crops (e.g., vegetables or flowers), or other crops (e.g., hay) which are plowed, seeded, and harvested annually, with outdoor cannabis

cultivation or the reuse of an existing nonresidential structure for an accessory cannabis use or indoor or mixed light cannabis cultivation, involving no or negligible expansion of use. Grazing land which is not plowed, seeded, and harvested annually does not qualify. The application must conform to all standards in Secs. 26-18-115(C)(1), (3) and (4) and the following:

- 1) Active cultivation. A minimum of five years of active cultivation of the crop must have occurred immediately preceding permit application filing.
- 2) Reuse of structures. To allow for the reuse of an existing permanent structure, a bona fide on-site outdoor agricultural use must exist on the parcel. Any improvements to an existing structure should follow the requirements of Mitigation Measure 3.17-1c (Cannabis EIR Mitigation Measure).
- 3) Hoop Houses. A crop swap is limited to use of temporary membrane-covered frame structures (i.e., hoop houses).
- 4) Operation size.
 - a. Cultivation footprint. The cultivation footprint cannot be expanded beyond the actively cultivated land area being replaced. Actively cultivated land cannot be removed to accommodate cannabis cultivation inside permanent structures.
 - b. Structural footprint. A permanent structure used in the operation cannot be expanded or modified beyond its existing footprint.
 - c. All other areas within the cannabis premises, for example, parking lots and storage, cannot be expanded beyond the existing site footprint. Roads cannot be added, expanded, or relocated.
- 5) Soil Protection.
 - a. Grading which requires a permit under Chapter 11 or Chapter 36 of the Sonoma County Code is prohibited. The use of gravel or similar products for the creation of new hard packed surfaces is prohibited.
 - b. Deep ripping during crop removal is prohibited. Deep ripping is the mechanical manipulation of the soil at depths greater than sixteen inches to break up or pierce of highly compacted, impermeable, or slowly permeable subsurface soil layer or other similar kinds of restrictive soil layers.
- 6) Protection of Tribal Cultural Resources. (Cannabis EIR Mitigation Measure)
 - a. The applicant must attest that they do not know of or have reason to believe that an archaeological tribal cultural resource is present within the cannabis premises.
 - b. The applicant must provide search results from the Sacred Lands Inventory maintained by the Native American Heritage Commission. The application cannot be approved if the search

returns a positive result demonstrating that the project will impact a known archeological or tribal cultural resource.

- c. A referral must be sent to the Northwest Information Center. The application cannot be approved if the project will impact a known archaeological resource identified by the Northwest Information Center.
- d. A referral must be sent to the local tribes. The application cannot be approved if the project will affect a known tribal cultural resource as identified by a local tribe. Documentation must be provided by a local tribe to support a finding that a tribal cultural resource is present. The County must maintain the confidentiality of supporting documentation in accordance with California Government Code Sections 7927.000 and 7927.005.
- e. If requested by a local tribe, the applicant must retain a tribal cultural monitor, at the applicant's own cost, during crop removal and initial ground disturbing replanting activities. The retention of a tribal cultural monitor must be demonstrated through the submittal of an executed monitoring agreement prior to permit approval.

7) Trip Generation.

- a. Additional employees are limited to two.
- b. Total additional trip generation is limited to 10 average daily trips.

8) Focused Species Assessment in Critical Habitat. Unless state and federal permits, approvals, or authorizations to incidentally take listed species have been obtained, if the cannabis premises is within a federally designated critical habitat area, a focused species assessment is required that finds it is not reasonably foreseeable that the use will result in the take of listed species. Applicants must incorporate and implement the recommendations and avoidance measures in the focused species assessment, including any subsequent surveys recommended. A use permit is required if the focused species assessment finds that take is reasonably foreseeable or that compensatory mitigation is required to address a potential impact.

9) Water Source. The on-site water supply must be adequate to support the new use as demonstrated by consistency with the following for each water source proposed. Trucked water is only allowed in the event of an emergency as determined by the director.

- a. Municipal Water or Recycled Water. Municipal water and municipal recycled water require proof of availability.
- b. Groundwater Well. (Cannabis Mitigation Measure)
 - i. A study prepared by a qualified professional must be submitted to demonstrate no net increase in

- groundwater use for all agricultural operations on the parcel. Net zero must be achieved both annually and during the dry season from May 1 – October 31.
- ii. Groundwater Metering and Monitoring. An easement shall be recorded to provide Sonoma County personnel access to any on-site water well serving the proposed use and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted for this purpose Monday through Friday from 8:00 a.m. to 5:00 p.m. All easement language is subject to review and approval by Permit Sonoma and County Counsel prior to recordation. Groundwater level and total quantity of water pumped shall be recorded monthly and reported annually. Groundwater metering, groundwater level monitoring, reporting, maintenance, and meter calibration shall be conducted in accordance with Policy and Procedure 8-1-3.
 - iii. If groundwater extraction exceeds net zero production during the dry season (i.e., May 1 through October 31) or annually, the facility operators, in conjunction with the County, shall develop and implement adaptive management measures to reduce groundwater extraction to permitted levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of April 1 to October 31, consistent with SWRCB Cannabis Policy under Order WQ 2023-0102-DWQ for surface water diversions), water conservation measures, reductions in on-site cannabis cultivation area, alteration of the groundwater pumping schedule, or other measures determined appropriate.
 - iv. A maximum of 100,000 gallons of new tank storage is allowed.
- c. Surface Water. A surface water diversion to a tank or an existing reservoir requires an appropriative water right and a Lake and Streambed Alteration (LSA) Agreement. A maximum of 100,000 gallons of new tank storage is allowed. Riparian water rights are prohibited.
 - d. Rainwater and sheet flow. A rainwater catchment system or an existing reservoir that collects sheet flow, requires a water supply assessment prepared by a qualified professional. A maximum of 100,000 gallons of new tank storage is allowed.

5. Personal Cultivation Standards

- a. Personal cultivation must comply with best management practices for cannabis cultivation issued by the agricultural commissioner for erosion and sediment control and management of wastes, water, fertilizers, and pesticides.
- b. Outdoor Personal Cultivation
 - 1) Cultivation of cannabis cannot be located within the front and side yard setback areas designated by the base zoning district and cannot be visible from a public right of way.
 - 2) Outdoor cannabis cultivation is prohibited on parcels with multi-family units or in medium and high-density residential zones (R2 and R3).
 - 3) All lighting must be fully shielded, downward casting, and cannot spill over onto neighboring properties.
- c. Personal Cultivation – Structures.
 - 1) All lighting must be fully contained so that little to no light escapes at a level that is visible from neighboring parcels.
 - 2) The use of a generator is only allowed in the case of an emergency.