


Agenda Report Reviewed by:  
City Manager: 

**CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM**

**Meeting Date:** April 4, 2023  
**To:** Honorable Mayor and City Councilmembers  
**From:** Kari Svanstrom, Planning Director  
**Subject:** Approval of Second Reading, Waiving of Further Reading (Read by Title Only), and Adoption of Ordinance Number 1147, An Ordinance of the City Council of the City of Sebastopol Adopting amendments to the zoning ordinance to allow cannabis retail delivery (office-only) as a permitted use within the industrial (m) district.  
(Revisions to the Zoning Ordinance to amend Section 17.360 Comprehensive Cannabis Regulations, 17.400.020.A Powers of the Planning Director, Chapter 17.400-2 Table 2 Public Notice, Public comment, and Public Hearing Requirements)  
**Recommendation:** Adopt the Ordinance  
**Funding:** Currently Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No  N/A

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

**INTRODUCTION:**

This item tonight is for City Council approval of second reading, waiving of second reading and adoption of Ordinance Number 1147, An Ordinance of the City Council of the City of Sebastopol Adopting amendments to the zoning ordinance to allow cannabis retail delivery (office-only) as a permitted use within the industrial (m) district.

**BACKGROUND:**

At their March 21, 2023 regular meeting, the City Council received the staff report and presentation, held the public hearing and discussed an ordinance to update the City’s Zoning Map.

The Zoning Ordinance amendment would repeal and replace the current Comprehensive Cannabis Ordinance section 17.360 with the attached Exhibit A this amendment also includes modifications to Section 17.400.020 and Table 2 of section 17.400. Following the deliberations, the Council introduced and waived the first reading of Ordinance No. 1147 amending the Sebastopol Zoning Ordinance.

**DISCUSSION**

The ordinance is now presented for adoption. The ordinance will go into effect in 30 days after adoption.

**GOALS:**

This action supports the following City Council Goals and General Plan Actions:

Goal 8.1.1 Develop Programs & Policies to Promote, Attract and Retain Local Businesses as the amendment will allow the local cannabis manufactures to provide delivery options and not rely on outside agencies.

And General Plan Goals:

Goal EV 4: Emphasize Sebastopol's Role as a Market, Service, and Tourism Hub for the West County and as a Gateway to the Coast. As a local business, manufacturers would be offering the products they produce within the city to local shops and, via delivery only retail sales, to the public within and outside of Sebastopol.

Goal EV 5: Enhance the City's Existing Businesses, Encourage Startup Businesses, and Support Home-based Businesses. As a local business within Sebastopol this would allow Regen and other local cannabis businesses to add a retail-delivery option to their facilities.

**Public Comment:**

As of the writing of this staff report, the City has not received any public comment. However, staff anticipates receiving public comment from interested parties following the publication and distribution of this staff report. Such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

**PUBLIC NOTICE:**

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

**FISCAL IMPACT:**

No direct impact to the City's budget. However, if this Amendment is approved, it would allow the businesses located within this Zoning District to provide tax revenue to the City.

**RECOMMENDATION:**

Staff recommends the Sebastopol City Council approve for second reading, waiving of second reading (read by title only) and adoption of Ordinance Number 1147, An Ordinance of the City Council of the City of Sebastopol Adopting amendments to the zoning ordinance to allow cannabis retail delivery (office-only) as a permitted use within the industrial (m) district.

**Attachments:**

Ordinance No. 1147  
Exhibit A – Ordinance

*City of Sebastopol  
Ordinance No.1147*

**SECOND READING AND ADOPTION**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL  
ADOPTING AMENDMENTS TO THE ZONING ORDINANCE TO ALLOW CANNABIS RETAIL DELIVERY  
(OFFICE-ONLY) AS A PERMITTED USE WITHIN THE INDUSTRIAL (M) DISTRICT

1. Whereas, the City of Sebastopol completed a comprehensive General Plan update with adoption of a new General Plan on November 15, 2016; and
2. Whereas, the new General Plan includes policies and actions related to Economic Vitality, including;
  - a. *Policy EV 4: Emphasize Sebastopol’s Roles as a Market, Service, and Tourism Hub for the West County and as a Gateway to the Coast.*
  - b. *Policy EV 5: Enhance the City’s existing Businesses, Encourage Startup Businesses, and Support Home-based Businesses.* And,
3. Whereas, the Zoning Ordinance amendment includes other clarifying and policy changes identified by the Planning Department staff, the Planning Commission, and City Council; and
4. Whereas, the Planning Commission conducted a study session at a duly-noticed public meeting on November 8, 2022, to review the draft Zoning Ordinance, accepted public comment, and provided direction to staff related to the applicant’s request; and
5. Whereas, the Planning Commission held duly-noticed public hearings on the draft Zoning Ordinance on February 14, 2023, to review the draft Zoning Ordinance modifications, accepted public comment, and, following a public hearing, adopted a resolution recommending City Council adopt the proposed ordinance; and
6. Whereas, on March 21, 2023, the City Council conducted a duly-noticed Public Hearing, deliberated, and found that as revised, the Zoning Ordinance is compatible with the general objectives of the General Plan, in that it directly implements the General Plan policies, thereby achieving consistency between the General Plan and the Zoning Ordinance; and;

7. Whereas, pursuant to the California Environmental Quality Act (CEQA, codified at Public Resources Code § 21000 *et seq.*) and the State CEQA Guidelines (14 CCR, § 15000 *et seq.*), on November 15, 2016, the City Council certified and adopted an Environmental Impact Report (EIR) for the Sebastopol General Plan (the “Project”; State Clearinghouse No. 2016032001); and,
8. Whereas, pursuant to CEQA Guidelines Section 15162, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same Project unless substantial changes are proposed; and
9. Whereas, the City Council finds that no substantial changes have occurred, and concurs with the staff determination that no additional environmental review is required pursuant to CEQA in connection with the City’s consideration of the Zoning Ordinance amendment; and
10. Whereas, the City Council finds that the Zoning Ordinance amendment is categorically exempt from the California Environmental Quality Act (CEQA), Class 5, minor alterations in Land Use Limitation exemption, in that it does not change existing land use categories in the General Plan, nor does it change existing Zoning Map classifications, and would not change density allowance on any property in the City; and further that it is exempt from the requirements of CEQA pursuant to Section 15061(b) (3) of the CEQA Guidelines in that it represents an evolution of local allowances pursuant to State law, with some uses mandated by the State, and others which already could occur in existing commercial and industrially-zoned properties, and as such would not foreseeably have any significant effect on the environment.
11. Whereas, the City Council finds that the Zoning Ordinance amendments are compatible with the general objectives of the General Plan, in that the amendments are consistent General Plan policies and standards, thereby enhancing consistency between the General Plan and Zoning Ordinance; and
12. Whereas, the City Council finds that the amendments will be in conformity with public convenience, general welfare, and good land use practice, in that the revisions are also intended to clarify the regulations and facilitate ease of use and understanding, as well as to establish appropriate standards and procedures; and
13. Whereas, the City Council finds that the amendments will not be detrimental to the public health, safety and general welfare, and will not adversely affect the orderly

development of property, in that they will harmonize the General Plan and Zoning Ordinance, better express the City’s policies, and generally promote good land use planning and regulation.

14. Whereas, the City Council finds that the amendments will not adversely affect the orderly development of property, in that the amendments will provide additional business opportunities within this district.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN AS FOLLOWS:

**Section 1.** The above recitals are hereby declared to be true and correct and represent the findings of the City Council of the City of Sebastopol. Said findings are incorporated by this reference.

**Section 2.** Chapter 17.360 Comprehensive Cannabis Regulations shall be repealed and replaced as attached in Exhibit A.

**Section 3.** Chapter 17.400.020.A Powers of the Planning Director shall be amended as follows:  
 A. Accomplish all administrative actions required as authorized by this code, including, but not limited to, receiving of applications for permits and reviews, giving of notices, preparing reports, approving or issuing certificates of zoning compliance, process administrative permits; receiving and processing appeals, and receiving and accounting for fees;

**Section 4.** Chapter 17.400-2 Table 2 Public Notice, Public Comment, and Public Hearing Requirements shall be amended to add “Administrative Permit, Cannabis” and includes the public notice requirements as follows:

Type of Zoning Permit	Public Hearing requirement	Public Notice Requirements	Minimum Public Comment Period
“Administrative Permit, Cannabis”	None	Notice mailed to all owners of property adjoining the exterior boundaries, and directly adjacent any public rights-of-way, of the subject property	12 days from mailing of notice

**Section 5.** The City Council hereby finds that Adoption of this Ordinance will enact only minor changes in land use regulations, and it can be seen with certainty that its adoption will not have a significant effect on the environment because it will not allow for the development of a specific project anywhere other than where they were previously allowed under existing federal, state and local regulations.

The proposed Ordinance also falls within the "common sense" CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."

**Section 6.** Conflicting Laws. During the continuation of the effectiveness of this ordinance, the provisions of this ordinance shall govern. If there is any conflict between the provisions of this ordinance and any provisions of the Sebastopol Municipal Code, or any City ordinance, resolution or policy, the provision of this ordinance shall control. If there are any conflicts between the provisions of this ordinance and any provisions of State or Federal law in effect during the same time as this ordinance, the provisions of this ordinance shall be null and void.

**Section 7.** Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 8.** Effective Date. This ordinance shall become effective thirty (30) days after its adoption.

Approved for First Reading and Introduction on this 21<sup>st</sup> day of March, 2023

Approved for Second Reading and Approval on the 4<sup>th</sup> day of April, 2023

**VOTE:**

Ayes:

Noes:

Abstain:

Absent:

APPROVED: \_\_\_\_\_

Mayor Neysa Hinton

ATTEST: \_\_\_\_\_

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: \_\_\_\_\_

Larry McLaughlin, City Attorney

**Attachments:**

Exhibit A Chapter 17.360 Comprehensive Cannabis Regulations

EXHIBIT A

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## Chapter 17.360

### COMPREHENSIVE CANNABIS REGULATIONS

## Sections:

- 17.360.010 Purpose.
- 17.360.020 Application of regulations.
- 17.360.030 Additional definitions.
- 17.360.040 Limitations on use.
- 17.360.050 Personal cannabis cultivation.
- 17.360.060 Cannabis businesses.
- 17.360.070 General operating requirements.
- 17.360.075 General operating requirements - Manufacturing with co-located retail (office only).
- 17.360.080 Cannabis commercial cultivation.
- 17.360.090 Cannabis manufacturing – Includes regulations regarding processing, packaging and labeling.
- 17.360.100 Cannabis retail.
- 17.360.110 Cannabis special events.
- 17.360.120 Special findings.
- 17.360.130 Grounds for permit revocation or modification.
- 17.360.140 Planning Commission interpretation.
- 17.360.150 Rescission of urgency ordinance.
- 17.360.160 Severability.

#### 17.360.010 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 medicine and provide opportunities for economic development.

#### 17.360.020 Application of regulations.

The provisions of this chapter shall become effective 30 days after its adoption.



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## 17.360.030 Additional definitions.

“Adult use” means a person over the age of 21 with a valid State ID, who is qualified to purchase cannabis from an established cannabis business.

“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 Health and Safety Code Section 11018, 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 Health and Safety Code Section 11018.5. Cannabis is classified as an agricultural product separately from other agricultural crops.

“Cannabis” or “cannabis product” means cannabis or a cannabis product, respectfully, intended to be sold for either medical or adult use.

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

“Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of either medical or adult use cannabis.

“Cannabis cultivation area” means the maximum dimensions allowed for the growing of cannabis. For purposes of this chapter, the allowable cultivation area shall apply to the outward edge of the vegetative canopy.

“Cannabis delivery” means the commercial transfer of medical cannabis or medical cannabis products to a primary caregiver or qualified patient; or the commercial transfer of adult use cannabis or adult use cannabis products to a person over the age of 21, with valid ID. “Delivery” also includes the use of any technology platform owned and controlled by a cannabis business operator that enables qualified patients, primary caregivers, or adult use customers to arrange for or facilitate the commercial transfer by a permitted cannabis retailer of which the City has three classifications: medical dispensary retail, adult use dispensary retail, or office-only cannabis retail.

“Cannabis distribution/warehouse” means the procurement, sale, and transport of medical cannabis or adult use cannabis, and medical cannabis products or adult use cannabis products, between legally established cannabis businesses. This does not include patient delivery or adult use delivery.

“Cannabis manufacturing” means the production, preparation, propagation, or compounding of medical cannabis or adult use cannabis, or medical cannabis products or adult use cannabis products, using nonvolatile

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solvents, or no solvents, 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. This does not include the manufacturing of either medical or adult use cannabis products using volatile solvents, which is not permitted in the City.

“Cannabis microbusiness” means a cannabis cultivation business of less than 10,000 square feet in combination with medical cannabis distribution, medical cannabis manufacturing – level 1, and/or medical cannabis retail (dispensary) and delivery, combined within one State license.

“Cannabis operator” or “operator” means the person or entity that is engaged in the conduct of any commercial medical cannabis, or adult cannabis use.

*Cannabis Retail.* There are three levels of cannabis retail permitted in the City:

1. Type 1: “Medical dispensary, cannabis retail” means a facility where medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis or medical cannabis products as part of a retail sale.
2. Type 2: “Adult use dispensary, 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 for adult use.
3. Type 3: “Office only, cannabis retail” means the sale and delivery of either medical cannabis or adult use cannabis, and/or medical cannabis products or adult use cannabis products, to qualified customers via online, the phone or by mail. No sales of cannabis are made on site. Except as permitted by State law, all cannabis products shall be stored in a secured fashion. Such use shall have a licensed premises which is a physical location from which commercial cannabis activities are conducted. Such use’s premises are closed to the public. The intent of this use-type is to serve as an office to coordinate the transport of cannabis obtained from other licensees to qualified patients or qualified adult customers with valid identification. Such use-type may conduct sales exclusively by delivery.

“Cannabis processing” means a licensee that conducts only trimming, drying, curing, grading or packaging of cannabis and nonmanufactured cannabis products. Processing does not involve any cultivation or manufacturing.

“Cannabis packaging and labeling” means entities that only package or repack cannabis products or label or relabel the cannabis product container. Can package and label for other licensees.

“Cannabis testing laboratory” means a laboratory, facility, or entity in the State that offers or performs tests of medical cannabis or adult use cannabis and/or medical cannabis products or adult use cannabis products, and that is both of the following:

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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.

“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.”

“Person with an identification card” shall have the same definition as set forth in Health and Safety Code Section 11362.5 et seq., and as they may be amended from time to time.

“Physician” shall include licensed medical doctors (M.D.) and doctors of osteopathic medicine (D.O.) as defined in the Business and Professions Code.

“Primary caregiver” shall have the same definition as set forth in Health and Safety Code Section 11362.5 et seq., and as may be amended.

“Qualified patient” shall have the same definition as set forth in Health and Safety Code Section 11362.5 et seq., and as they may be amended from time to time.

#### 17.360.040 Limitations on use.

A. *Compliance with SMC.* Personal cannabis cultivation and cannabis businesses shall only be allowed in compliance with this chapter and all applicable regulations set forth in the SMC, 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

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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.

### 17.360.050 Personal cannabis cultivation.

Personal cannabis cultivation for medical or adult use shall be permitted only in compliance with the provisions of zoning districts and allowable uses (Chapter 17.25 SMC) and shall be subject to the following standards and limitations.

A. *Medical Cannabis Maximum Limitation.*

1. *Personal Cultivation.* The personal cultivation of medical cannabis is limited to no more than 100 square feet per residence regardless of the number of residents.

2. *Primary Caregiver Cultivation.* 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 the area of cultivation not to exceed 100 square feet per patient, up to a total of 500 square feet per residence.

i. Of the maximum 500 square feet of cultivation permitted, up to 200 square feet may be outdoors, with cultivation area in excess of 200 square feet to be located indoors, and complying with the operational requirements set forth below in subsection E of this section.

B. *Adult Use Cannabis Maximum Limitation.* The personal cultivation of adult use cannabis is limited to no more than six mature plants per residence, regardless of the number of residents, and may be grown outdoors or indoors. Any such cultivation shall meet the operational requirements set forth in subsection E of this section.

C. *Residency Requirement.* Cultivation of cannabis for personal use may occur only by a full-time resident responsible for the cultivation.

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D. *Outdoor Cultivation.* Cannabis plants shall not be located in a front yard, and shall not be located in a street side yard, unless fully screened from public view by a wall or fence complying with height and other requirements of the SMC.

E. 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 at street level, or from school property.
2. *Security.* Cannabis cultivation areas and structures used for 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 noncommercial consumption shall be limited to processes that are solvent-free or that employ only nonflammable, 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 as may be necessary to ensure that odors do not constitute a nuisance.
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. 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.
  - ii. 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 Chapter 8.25 SMC (Noise Control Ordinance). 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.

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9. If the cultivation occurs in a dwelling unit, the dwelling unit shall be occupied as a residence and retain at all times legal and functioning cooking, sleeping and sanitation facilities.
10. If the cultivation occurs in a dwelling unit or other enclosed structure, a portable fire extinguisher that complies with regulations and standards adopted by the State Fire Marshal shall be kept in the area of cultivation.

### 17.360.060 Cannabis businesses.

Cannabis businesses shall be permitted only in compliance with the provisions of zoning districts and allowable uses (Chapter 17.25 SMC) 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, which are further defined in SMC 17.360.030, Additional definitions:

1. Cannabis – cultivation.
2. Cannabis – testing/lab.
3. Cannabis – manufacturer (nonvolatile, includes infusions).
  - i. Processing.
  - ii. Packaging and labeling.
4. Cannabis – cannabis retail (dispensary) and cannabis retail (office-only).
5. Cannabis – cannabis distributor/warehouse.
6. Cannabis – microbusiness.

B. *Where Allowed.* Cannabis businesses shall be located in compliance with the requirements of zoning districts and allowable uses (Chapter 17.25 SMC) and as designated on Tables 17.360-1 and 17.360-2. With regard to required setbacks of a cannabis business to another land use, the City asserts its right to establish different radius requirements than what is provided by Business and Professions Code Section 26054(b).

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 this chapter. For those business uses not subject to a conditional use permit requirement, an administrative permit is required.

D. *Development Standards.* The standards for specific uses in this chapter supplement and are required in addition to those in the SMC. In the event of any conflict between the requirements of this chapter and those of other provisions of the SMC, the requirements of this chapter shall control

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.Table 17.360-1. Permitted and Conditionally Permitted Cannabis Uses in the Residential Districts

Use	R1	R2	R3	R4	R5	R6	R7	MHP
Cannabis Cultivation – Personal (Adult): No more than 6 mature plants	P	P	P	P	P	P	P	P
Cannabis Cultivation – Personal (Medical): No more than 100 sq. ft.	P	P	P	P	P	P	P	P
Cannabis Cultivation – Primary Caregiver (Medical Only) <sup>(1)</sup>	P	P	P	P	P	P	P	P

P = Permitted Use

C = Conditionally Permitted Use

- = Use Not Allowed

(1) No more than 100 sq. ft. per patient, up to 500 sq. ft. Maximum of 200 sq. ft. permitted for outdoor.

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Table 17.360-2. Permitted and Conditionally Permitted Cannabis Uses in the Commercial, Office and Industrial Zones

Use	CO	CG	CD	CM	M	O/LM
<b>Commercial Uses</b>						
Cannabis Retailer Delivery (office-only)	C	C	-	C	P/C <sup>(4)</sup>	C
Cannabis Retail Dispensary	C	C	C	C	C	C
Cannabis Cultivation (up to 5,000 sq. ft.) indoor only	-	-	-	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>
Cannabis Cultivation (5,001 – 10,000 sq. ft.) indoor only	-	-	-	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>
Cannabis Cultivation (10,001+ sq. ft.) indoor only	-	-	-	C	C	C
Cannabis Cultivation Nursery, indoor only	-	-	-	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>
Cannabis Microbusiness	-	C	-	C	C	C
<b>Industrial Uses</b>						
Cannabis Testing / Cannabis Laboratories	-	C	-	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>
Cannabis Manufacturer (nonvolatile and infused products)	-	-	-	P <sup>(1)</sup>	P <sup>(1)</sup>	C
Cannabis Distributor / Cannabis Warehouse	-	-	-	C	C	P <sup>(1)</sup>
Cannabis Processing, Packaging and Labeling	-	-	-	P <sup>(1)</sup>	P <sup>(1)</sup>	C
<b>Residential Uses</b>						
Cannabis Cultivation – Personal (Adult): No more than 6 mature plants	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>
Cannabis Cultivation – Personal (Medical): No more than 100 sq. ft.	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>

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Use	CO	CG	CD	CM	M	O/LM
Cannabis Cultivation – Primary Caregiver (Medical Only) <sup>(3)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>

P = Permitted Use

C = Conditionally Permitted Use

- = Use Not Allowed

<sup>(1)</sup> For cannabis-related permitted uses, Administrative permit is still required.

<sup>(2)</sup> Only applicable at residences.

<sup>(3)</sup> No more than 100 sq. ft. per patient, up to 500 sq. ft. Maximum of 200 sq. ft. permitted for outdoor.

<sup>(4)</sup> Permitted with an administrative permit when such uses are co-located with manufacturing use and comply with criteria listed in Section 17.360.075. Retailer delivery-only uses that are not co-located with a manufacturing use are subject to Section 17.360.100.

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### 17.360.070 General operating requirements.

The following general operating requirements are applicable to all cannabis businesses. In addition, requirements specific to each cannabis business subtype are separately set forth in this chapter.

A. *Dual Licensing.* The City recognizes that State law requires dual licensing at the State and local level for all cannabis businesses. Cannabis operators shall therefore be required to diligently pursue and obtain a State medical cannabis or cannabis license at such time as the State begins issuing such licenses, 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. *New Operators.* Cannabis businesses which have received land use permit approval pursuant to this chapter after the State begins issuing State licenses and after the 10-month transition period noted in this subsection A 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.

2. *Existing Permitted Operators.* Cannabis businesses which have received land use permit approval prior to the adoption of this chapter shall be required to comply with all operational requirements set forth in this chapter.

3. *Grounds for Revocation.* Once State licenses and agency permits become available, 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.*

1. It is unlawful for any cannabis operator to employ any person who is not at least 21 years of age, unless otherwise allowed for through State law.

2. Cannabis businesses (medical) shall only allow on the premises a person who is 21 years of age or older, unless they are a qualified patient or primary caregiver, and they are in the presence of their parent or guardian for the first visit, or are of age to legally consent to medical treatment.

a. The entrance to a cannabis business (medical) shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises unless they are a qualified patient or primary caregiver, and they are in the presence of their parent or guardian for the first visit or are of age to legally consent to medical treatment.

3. Cannabis businesses (adult use) 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.

a. The entrance to a cannabis business (adult use) shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises.

C. *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.

D. *Multiple Permits per Site.* 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.

E. *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 confirm with the appropriate occupancy classification and compliance with SMC Title 15.
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 health and social care and 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.

F. *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 an administrative permit from the Planning Department verifying compliance with requirements of this chapter and stating that the transferee is now the permittee. The administrative approval clearance shall commit the transferee to compliance with all conditions of the original permit.

G. *Security.* Cannabis businesses shall provide adequate security on the premises, including lighting and alarms, to ensure 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 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 a minimum of 60 days.
2. *Alarm System.* A professionally monitored robbery alarm system shall be installed and maintained in good working condition. 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 on-site 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 Sebastopol Police Department as part of the 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, or 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, nonresidential door locks or window locks.
6. *Emergency Access.* Security measures shall be designed to ensure emergency access in compliance with fire code and Sebastopol Fire Department standards.

H. *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, except for those which only deal with packaged cannabis and have no on-site consumption, shall include an odor mitigation plan certified by a licensed professional engineer or industrial hygienist 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.

I. *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, 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.
2. Interior light systems shall be shielded to appropriately limit exterior glare to surrounding properties.

J. *Noise*. Use of air conditioning and ventilation equipment shall comply with Chapter 8.25 SMC (Noise Control Ordinance). The use of generators is prohibited, except as short-term temporary emergency back-up systems.

K. *Staff Training*.

1. All cannabis businesses shall implement a staff training program. Required training shall be provided to all new employees, and annual employee training shall also be conducted. Records of such training shall be maintained and provided to the Police Department upon request. Such program shall include the following minimum elements:

- a. Applicable State laws and regulations.
- b. Applicable City laws, regulations, and conditions of approval.
- c. Applicable Sonoma County Health Services laws and regulations.
- d. Information concerning civil, criminal and administrative liability.
- e. Procedures for preventing and refusing access, sales, and service to minors and obviously intoxicated patrons.
- f. Procedures for checking legally acceptable forms of identification.
- g. Safety and security procedures.
- h. Incident reporting, law enforcement liaison policies.
- i. Good neighbor policies.

2. At the time a Planning application is made for any new cannabis businesses, the applicant shall provide a proposed staff training program, complying with subsection (K)(1) of this section, for the review and approval of the Police Department. Police Department acceptance of the training program is required prior to issuance of a Planning approval for a new business. If not previously provided, existing

cannabis businesses shall provide such program for Police Department review within 30 days from any permit modification.

### 17.360.075 General operating requirements / additional criteria for Manufacturing with co-located retail delivery (office only).

In addition to the general operating requirements set forth in this chapter, this section provides additional requirements for cannabis retail delivery only when co-located with an allowed manufacturing use.

- A. The intent of co-location of Cannabis Retailer Delivery (office-only) with manufacturing uses is to support the manufacturing use on the site. the intent is for the co-located retail component to be incidental to the primary use of a bone fide manufacturing use on the site.
- B. The co-located Cannabis Retailer Delivery (office-only) are subject to following criteria are subject to an Administrative Permit Review;
  1. 20% Square footage of the overall manufacturing facility dedicated to delivery only, with a maximum area of 500 square feet. A Conditional Use Permit approved by the Planning Commission shall be obtained to exceed this limit.
  2. The facility shall clearly designate all “delivery only” spaces on any supplied application materials. Hallways and shared use space such as overall business administrative offices (not to include delivery-only staff offices), restrooms, etc. shall not be included in this limit.
  3. Retail Delivery-only is subject to regular business hours and shall be consistent with State Department of Cannabis Control standards.
  4. Conditions of Approval shall be posted within the Retail Delivery only section of the facility.
  5. Change of ownership of the business shall require the new owner to apply for a transfer of delivery license.
  6. Operating hours for delivery only uses shall be limited to between the hours of 9:00 AM to 10:00 PM.

### 17.360.080 Cannabis commercial cultivation.

In addition to the general operating requirements set forth in this chapter, this section provides additional requirements for cannabis commercial cultivation.

- A. *Outdoor Commercial Cultivation Prohibited.* The cultivation of cannabis for commercial use may only be conducted within a fully enclosed space.
- B. *Type of Permit.* Depending on the size of the facility, and in accordance with the tables in SMC 17.360.060, administrative approval or a conditional use permit shall be required for cannabis commercial cultivation. For purposes of determining the facility size, square footage shall be defined by calculating the gross square footage of the structure or portion of the structure occupied by the cannabis business, not the plant canopy area. For purposes of these regulations, nursery means a use that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- C. *Microbusiness.* In addition to compliance with permit and operating requirements set forth in this chapter for cannabis cultivation, a cannabis microbusiness which includes cultivation, manufacturing, distribution and/or retail within one State license shall comply with all permit and operating requirements set forth in this chapter for cannabis manufacturing, distribution, and/or retail (dispensary) and delivery as applicable to the combination of uses within the license. Microbusinesses shall be subject to the City's limits on the maximum number of cannabis retail facilities.
- D. *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 fire code.

### 17.360.090 Cannabis manufacturing – Includes regulations regarding processing, packaging and labeling.

In addition to the general operating requirements set forth in this chapter, this section provides additional operational requirements for cannabis manufacturing.

- A. *Extraction Processes.* Cannabis manufacturers shall utilize only extraction processes that are (1) solvent-free or that employ only nonflammable, nontoxic solvents that are recognized as safe pursuant to the Federal Food, Drug, and Cosmetic Act, and/or (2) 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 State licensed engineer.
- B. *Processing:* entities that conduct only trimming, drying, curing, grading or packaging of cannabis and nonmanufactured cannabis products. Processing does not involve any cultivation or manufacturing.

- C. **Packaging and labeling:** entities that only package or repackage medical cannabis products or label or relabel the cannabis product container. Can package and label for other licensees.
- D. *Loop Systems.* No closed loop systems shall be utilized without prior inspection and approval of the City’s Building Official and Fire Chief.
- E. *Standard of Equipment.* Extraction 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 licensed professional engineer and approved for the intended use by the City’s Building Official and Fire Chief.
- F. *Annual Recertification Required.* Extraction equipment used by the cannabis manufacturer must be recertified annually and a report by a licensed professional engineer on the inspection shall be maintained on site.
- G. *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.
- H. *Edible Product Manufacturing.* Cannabis businesses that sell or manufacture edible cannabis or cannabis products shall obtain a Sonoma County Health permit. Permit holders shall comply with Health and Safety Code Section 113700 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.

### 17.360.100 Cannabis retail.

- Type 1: Medical cannabis retail (dispensary).
- Type 2: Adult use cannabis retail (dispensary).
- Type 3: Cannabis retail delivery (office-only for medical or adult use).

In addition to the general operating requirements set forth in this chapter, this section provides location and operating requirements for medical cannabis retail (dispensary), adult use cannabis retail (dispensary) and retail delivery (office-only for medical or adult use).

- A. *Conditional Use.* A conditional use permit shall be required to operate cannabis retail Types 1 and 2 above in accordance with the tables in SMC 17.360.060.



B. *Delivery Services.* In addition to the requirements established in this chapter for cannabis retail Types 1, 2, and 3, the delivery of cannabis and cannabis products shall be subject to the following requirements:

1. Commercial delivery at locations outside a permitted cannabis retail facility may be specifically permitted in conjunction with a permitted cannabis retail facility that has a physical location in the City.
2. A cannabis retail facility, office-only (Type 3), that has a physical location in the City may also conduct sales exclusively by delivery, and shall have no on-site retail sales to customers.
3. Applications for any cannabis retail type shall include a statement as to whether the use will include delivery of cannabis and cannabis products 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.

C. *Drive-Through Services.* Drive-through or walk-up window services in conjunction with cannabis retail Types 1, 2, and 3 are prohibited.

D. *Location Requirements.* Cannabis retail shall be subject to the following location requirements:

1. No more than two Type 1, two Type 2, and three Type 3 cannabis retail establishments are permitted in the City. Type 2 cannabis retail may only occur at an existing Type 1 medical cannabis retail establishment that has obtained and maintained a valid conditional use permit, provided such establishment meets the following requirements: comply with all requirements set forth in this chapter; and obtain State licenses for both medical and adult use commercial sales.
  - a. Such existing establishments are not required to obtain a new conditional use permit for Type 2 retail sales.
  - b. To the extent that such existing establishments have conditional use permits that have conditions in conflict with this chapter, the provisions of this chapter shall prevail.
  - c. To the extent that such existing establishments have conditions limiting square footage, the Planning Director may approve up to a 10 percent increase in square footage; any greater increase, or a relocation of the facility, shall require conditional use permit approval.
  - d. Subject to any State permitting, Types 1, 2, and 3 establishments may engage in both medical and nonmedical cannabis sales.
2. *Setback to Schools.* Cannabis retail, all types, shall be subject to a 600-foot minimum setback from any “school,” as defined by the Health and Safety Code Section 11362.768.

3. *Measurement of Distance.* The distance between cannabis retail, all types, and a school 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 school is located.

4. *Location of a New School after Permit Issued.* Establishment of a school within the required setback of a cannabis retail, all types, facility after such facility has obtained a conditional use permit for the site shall render the cannabis retail facility legal nonconforming and subject to the protections and provisions of Chapter 17.160 SMC (Nonconforming Uses).

5. *Visibility of Entrance.* The entrance of a cannabis retail, Types 1 and 2, shall be in a visible location that provides an unobstructed view from the public right-of-way.

E. *Edible Products.* Cannabis businesses that sell or manufacture edible 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. *Operational Requirements.* In addition to project specific conditions of approval, cannabis retail shall comply with the following operational requirements:

1. *Employees.* The cannabis retail operator, all types, shall maintain a current register of the names of all employees employed by the cannabis retailer, and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.

2. *Management.* Permit applicants shall be responsible for providing the names of the person or persons having management or supervision responsibility of the applicant's business at the time of application.

3. *Recordkeeping.* The cannabis retail operator, all types, shall maintain patient and sales records in accordance with State law.

4. *Protocols and Requirements for Patients and Persons Entering the Site.* No person shall be permitted to enter a cannabis retail facility, all types, without government issued photo identification. Cannabis businesses shall not provide cannabis or cannabis products to any person, whether by purchase, trade, gift or otherwise, who does not possess a valid government-issued photo identification card.

5. *Hours of Operation.* Cannabis retail, all types, may operate between the hours of 7:00 a.m. to 9:00 p.m. up to seven 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 permit.

6. *Secured Access.* A cannabis retail, all types, facility shall be designed to prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products. Limited access areas accessible to only authorized personnel shall be established.
7. *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.
8. *Sale and Display of Cannabis Paraphernalia.* No dispensary shall sell or display any cannabis-related paraphernalia or any implement that may be used to administer cannabis or cannabis products unless specifically described and authorized in the conditional use permit. The sale of such products must comply with this title and any other applicable State regulations.
9. *On-Site Physician Restriction.* Establishments engaged in the sale of medical cannabis shall not have an on-site or on staff physician to evaluate patients and provide a recommendation for medical cannabis.
10. *Site Management.* The cannabis retail operator, all types, 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.
11. *Advertising and Signs.* Regardless of any sign allowances in the sign ordinance, a cannabis retail facility, all types, shall not advertise or market cannabis or cannabis products on an off-site advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground, or youth center.
12. *Display of Permit.* Cannabis retail, all types, 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.

G. *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 and Customers.* Patients of a Type 1 cannabis retail and customers of a Type 2 cannabis retail shall not be permitted to consume cannabis on the site of the facility, except as permitted in accordance with Chapter 8.04 SMC (Use of Tobacco in Public Places – Smoking Control) and State law and as follows:
  - a. Conditional use permit applications for Type 1 medical cannabis retail or Type 2 adult use cannabis retail shall include a statement as to whether the use is proposed to include on-site consumption by patients or customers of cannabis and cannabis products.

b. If on-site consumption is proposed, 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.

c. The Planning Commission will determine if the request is appropriate and authorized, as part of acting on the conditional use permit application.

2. *Employees.* Employees of a cannabis retail facility, all types, 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 8.04 SMC (Use of Tobacco in Public Places – Smoking Control) and State law.

3. *Signs Regarding Public Consumption.* The entrance to a cannabis retail facility, all types, 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 8.04 SMC (Use of Tobacco in Public Places – Smoking Control) and State law.

H. *Restriction on Ownership.* No company or parent company shall simultaneously own or operate more than one Type 1, one Type 2, and one Type 3 facility in the City.

### 17.360.110 Cannabis 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 or qualifying adults with valid identification. Such events shall not be allowed to commence until the cannabis business can demonstrate that all necessary local permits, State temporary event licenses, agency permits, and as necessary, a temporary use permit or a special events permit, as applicable, have been obtained in compliance with any regulations and deadlines established by the City and the State.

B. *Temporary Use Permit, Special Events Permit.* Applications for a cannabis special event shall be filed in a timely manner in accordance with Chapter 17.430 SMC (Temporary Use Permits – includes special events), or a special events permit pursuant to Chapter 12.44 SMC (Special Events), depending on the nature and location of the event. Applicants are advised to confirm State allowance for such event prior to filing of a City application.

Not more than four such events shall be permitted in any calendar year, and no single operator shall be permitted to conduct more than two such events per year.

### 17.360.120 Special findings.

In addition to the conditional use permit findings specified in Chapter 17.415 SMC, applications subject to a conditional use permit requirement shall also be evaluated in regard to the following criteria, which may also be utilized by the approving authority to rank applications where there are multiple applicants for a limited number of allowances.

- A. Appropriateness of site and building for the use, including but not limited to adequacy of pedestrian and vehicle circulation, parking, and other aspects.
- B. Compatibility with surrounding uses.
- C. Experience and qualifications of the applicant.
- D. Operational, security, safety, noise, and odor control plans and improvements.
- E. Suitable site and building design and improvements.
- F. Whether the application will result in an overconcentration of such uses within the community.
- G. Energy conservation and other environmental aspects.

### 17.360.130 Grounds for permit revocation or modification.

In addition to the grounds in SMC 17.400.090 (Term, adherence to approved plans and conditions, and revocation of permits), 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; or
- 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 SMC 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.

#### 17.360.140 Planning Commission interpretation.

This chapter shall supersede and rescind the October 24, 2017, Zoning Ordinance Interpretation approved by the Planning Commission regarding cannabis uses.

#### 17.360.150 Rescission of urgency ordinance.

Upon its effective date, this chapter shall supersede and rescind Ordinance No. 1107, which established temporary cannabis regulations. Permits that were granted under such ordinance and are not in conflict with this chapter shall remain effective.

#### 17.360.160 Severability.

If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.