

## **OFFICIAL ZONING CODE INTERPRETATION (No.26)**

### **(Zoning Code Section 20-24.030, 20-46.080, 80-70.020)**

#### **ZONING CODE PROVISION INTERPRETED:**

Section 20-24.030, Table 2-6, Allowed Land Uses and Permit Requirements for Commercial Zoning Districts, Table 2-10, Allowed Land Uses and Permit Requirements for Industrial Districts, Section 20-46.080(F)(10) Cannabis Retail (Dispensary) and Delivery, and Section 20-70.020, Definitions of Specialized Terms and Phrases

At issue is what land use classifications and permit regulations apply for industrial hemp supply chain uses and the retail sale of hemp derived CBD products. Industrial hemp has recently been defined in the California Health and Safety Code as *“a crop that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.”* Therefore, any area of the zoning code that references an agricultural crop, product, processing, production, or the like is interpreted to include industrial hemp.

#### **Industrial Hemp Supply Chain Land Uses**

##### **Hemp Processing**

Zoning Code Section 20-24.030 provides regulations for the industrial district land uses and permit requirements. As identified in Table 2-10, “agricultural product processing” is interpreted to include the processing of industrial hemp.

##### **Hemp Distribution/Packing**

Table 2-10, “warehouse, wholesaling and distribution” also includes the ability to facilitate the distribution and packaging of industrial hemp.

##### **Hemp Manufacturing**

Table 2-10, “manufacturing” (including light, medium, heavy) includes the ability to facilitate the manufacturing of industrial hemp.

#### **Industrial Hemp Products and Hemp Derived CBD Products**

Zoning Code Section 20-23.030, Commercial District Land Use and Permit Requirements. It is interpreted that retail businesses that sell industrial hemp products and hemp derived CBD products be allowed as “general retail” pursuant to the land use Table 2-6.

##### **Product Types**

Businesses that sell food and beverage products that include hemp derived CBD shall be required to obtain a Sonoma County Health Permit.

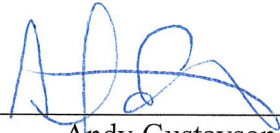
##### **Advertising and Signage**

Zoning Code Section 20-46.080(F)(10) regulates cannabis retail and delivery operations. In order to provide consistency in youth protections it is interpreted that businesses that sell hemp derived CBD products adhere to similar requirements as follows:

Business that sell hemp derived CBD products shall not advertise or market hemp or hemp derived CBD products on an 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.

This determination is consistent with the General Plan.

Date: 3/2/2020

  
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Andy Gustavson  
Zoning Administrator