

Resolution Number 16-007

County of Sonoma
Santa Rosa, California

November 17, 2016
ORD15-0005 Amy Lyle

RESOLUTION OF THE PLANNING COMMISSION OF THE
COUNTY OF SONOMA, STATE OF CALIFORNIA,
RECOMMENDING TO THE BOARD OF SUPERVISORS THE
ADOPTION OF A NEGATIVE DECLARATION AND AN
ORDINANCE AMENDING CHAPTER 26 (THE ZONING
ORDINANCE) OF THE SONOMA COUNTY CODE TO ALLOW
CANNABIS CULTIVATION AND SUPPORT USES IN VARIOUS
ZONING DISTRICTS, ADOPTING NEW DEFINITIONS AND
ESTABLISHING SPECIAL USE REGULATIONS.

WHEREAS, in 1996, voters adopted Proposition 215, entitled the Compassionate Use Act, which allowed for the use of cannabis for medicinal purposes by qualified patients and for caregivers to provide medical cannabis and receive reimbursement for their costs; and

WHEREAS, SB 420, which took effect January 1, 2004, established a County Health ID card program, protected collective and cooperative cultivation, and established “safe harbor” amounts for cultivation and possession; and

WHEREAS, in 2006, the County began permitting medical cannabis dispensaries pursuant to Sonoma County Code Section 26-88-126 and adopted Resolution No. 06-0846, providing guidelines for possession and cultivation of medical cannabis in limited circumstances; and

WHEREAS, the Medical Cannabis Regulation and Safety Act (“MCRSA”), signed into law in October 2015, constructed a comprehensive framework for the regulation of medical cannabis and replaced the collective/cooperative model with a dual commercial licensing scheme at the local and state levels; and

WHEREAS, on February 2, 2016, the Board of Supervisors adopted a Resolution of Intention, directing staff to explore and propose regulations for cannabis uses including cultivation, manufacturing, distribution, deliveries, testing and other related regulations consistent with MCRSA; and

WHEREAS, staff conducted extensive community outreach including establishing a website, mail list, and project-dedicated email, conducting an online survey, and holding town hall meetings in each supervisorial district and meetings with various stakeholder interest groups; and

WHEREAS, staff prepared a Staff Report and related Policy Discussion Papers dated October 13, 2016, for the Planning Commission reviewing the proposed amendments to Chapter 26; and

WHEREAS, the Planning Commission conducted three public hearings on October 13th, 27th and November 17th, 2016 at which time all interested persons provided public input; and

WHEREAS, the Planning Commission continued its deliberations of the policy options to November 3 and November 17, 2016; and

WHEREAS, the Planning Commission, having considered all materials, file information, all public and agency comments, all reports from staff, and the proposed Ordinance revisions, finds that the proposed revisions are appropriate and necessary to protect the public health, safety and environmental resources, ensure safe access to medical cannabis for patients, and enable beneficial economic participation by the industry; and

WHEREAS, it is the determination of the department that pursuant to the California Environmental Quality Act (CEQA) and based on the Initial Study and as documented in the Negative Declaration, the proposed Medical Cannabis Land Use Ordinance, with associated standards, will not have a substantial adverse impact on the environment; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the attached Negative Declaration and Draft Medical Cannabis Land Use Ordinance amending Chapter 26 of the Sonoma County Zoning Code.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board direct staff to initiate Phase II of the cannabis regulatory process and to include consideration of: 1) allowing cottage size commercial cultivation with a zoning permit and a 5 acre minimum lot size within Rural Residential zones with the goal of phasing out smaller parcels over time, 2) using inclusion and exclusion combining zones to further address cannabis uses in Rural Residential areas or other zones as necessary, 3) non-medical cannabis land uses, 4) removing the cap on the number of allowed cannabis dispensaries, 5) allowing cannabis related events, tours, and tastings, 6) creating a Cannabis Working Group, and 7) potential changes to the Ordinance after implementing Phase I based on new data and experience with the cannabis land uses.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board provide adequate staffing capacity to implement the program and ensure adequate enforcement.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Shahhosseini who moved its adoption, seconded by Commissioner Fogg, and adopted on roll call by the following vote:

Commissioner Fogg	Aye
Commissioner Reed	Aye
Commissioner Shahhosseini	Aye
Commissioner Lamberson	Aye
Commissioner Davis	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.