

Resolution Number 18-017

County of Sonoma  
Santa Rosa, California

September 6, 2018  
ORD18-0003 Amy Lyle

RESOLUTION OF THE PLANNING COMMISSION OF THE  
COUNTY OF SONOMA, STATE OF CALIFORNIA,  
RECOMMENDING TO THE BOARD OF SUPERVISORS THE  
PROPOSED AMENDMENTS TO CHAPTER 26 OF THE ZONING  
CODE TO ALLOW ADULT USE FOR THE FULL CANNABIS  
SUPPLY CHAIN, ENHANCE NEIGHBORHOOD  
COMPATIBILITY, CREATE CANNABIS INCLUSION AND  
EXCLUSION COMBINING DISTRICTS, THE ADDITION OF NEW  
DEFINITIONS AND AMENDMENTS TO HARMONIZE WITH  
CALIFORNIA STATE LAW AND REGULATIONS WHERE  
APPROPRIATE, AND OTHER AMENDMENTS AS NECESSARY  
FOR CLARIFICATION

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 December 20, 2016, the Board of Supervisors adopted a series of ordinances to establish a comprehensive local program, to permit and regulate the complete supply chain of medical uses; and

WHEREAS, the Senate Bill 94, known as the “2017-2018 Budget Trailer Bill”, signed into law on June 27, 2017, repealed the Medical Cannabis Regulation and Safety Act (“MCRSA”) and the Adult Use of Marijuana Act (“AUMA”) with one regulatory framework termed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and

WHEREAS, SB 94 amended Business and Professions Code section 26055 to add subsection (h), which provides that the CEQA process does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of applications for permits, licenses, or other authorizations to engage in commercial cannabis activity, and that in order to qualify for this exemption, the discretionary review of applications provided for by any such law, ordinance, rule, or regulation shall include a requirement for any applicable environmental review pursuant to the CEQA process to occur prior to taking action on such applications; and

WHEREAS, on July 5, 2017 the County of Sonoma began accepting permit applications for cannabis-related businesses in accordance with the newly adopted Medical Cannabis Land Use Ordinance; and

WHEREAS, on November 16, 2017 the three State of California cannabis licensing authorities, California Bureau of Cannabis Control, CalCannabis Cultivation Licensing, and the

Manufactured Cannabis Safety Branch, issued their comprehensive emergency regulations creating the current cannabis regulatory structure; and

WHEREAS, on April 10, 2018 the Board of Supervisors adopted a Resolution of Intention, directing staff to explore and propose amendments to the Cannabis Ordinance to allow for Adult Use cannabis for the full supply chain, enhance neighborhood compatibility, and adopt new definitions and minor technical changes to harmonize with State law and regulations where appropriate; and

WHEREAS, it is the determination of staff that the proposed amendments are consistent with the previously circulated and approved Negative Declaration, adopted December 20, 2016; that the project is categorically exempt from the California Environmental Quality Act under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the project will have no significant or physical effect on the environment; under sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment; and Section 15321 as an action by an agency for enforcement of a law, general, rule, standard or objective administered or adopted by the agency; and the Business and Professionals Code Section 26055(h) (MAUCRSA) because the adoption of this ordinance requires discretionary review of cannabis operations which will include applicable environmental review under CEQA. The Planning Commission finds on the basis of the whole record before it that this exemption reflects the independent judgment and analysis of the Commission and that there is no substantial evidence that the project will have a significant effect on the environment.

WHEREAS, in accordance with the provisions of law, the Planning Commission held public hearings on June 7 and June 28, 2018, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission adopted Resolution Number 18-008 recommending that the Board of Supervisors adopt the revised Medical Cannabis Land Use Ordinance amending Chapter 26 of the Sonoma County Zoning Code; and

WHEREAS, the Board of Supervisors held a public hearing on August 7, 2018 to consider the Planning Commission recommendation; and

WHEREAS, two items were raised during public comment and Board deliberations that were not previously considered by the Planning Commission and have been referred back for report and recommendation pursuant to Government Code Section 65857; and

WHEREAS, in accordance with Government Code Section 65857 the Planning Commission met on September 6, 2018 to consider the following modifications: (1) eliminate the 24 hour notice requirement for inspections, (2) allow centralized processing on agriculturally zoned lands, and (3) maintain that zoning permits have a one year term and exclusively for medical cannabis; and

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

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of law, the Planning Commission held public hearings on June 7 and June 28, 2018, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings:

1. The proposed amendments, as modified by the following: (1) eliminate the 24 hour notice requirement for inspections, (2) allow centralized processing on agriculturally zoned lands, and (3) maintain that zoning permits have a one year term and exclusively for medical cannabis, are necessary and desirable to protect the public health, safety and environmental resources, provide a consistent regulatory pathway for the cannabis industry consistent with state regulations, foster a healthy, diverse and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.
2. This ordinance amendment is intended to be Part 1 to a two part policy effort to alleviate neighborhood compatibility issues and harmonize with state regulations which were adopted after the County's adoption of the Cannabis Land Use Ordinance on December 20, 2016 (Ordinance #6189).
3. This ordinance is consistent with the overall goals, objectives, policies and programs of the General Plan to promote a healthy and competitive agricultural, stabilize farm incomes and provide opportunities for diversification of agricultural products; protect Important Farmlands; preserve biotic resources; promote energy conservation and use of renewable energy; minimize discharge of sediment, waste and other pollutants into the drainage systems; protect groundwater resources; encourage graywater systems and use of recycled water. See Exhibit A for General Plan 2020 Consistency Findings that are incorporated herein.
4. It is the determination of the Commission that the proposed amendments, as modified herein, are categorically exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the project will have no significant or physical effect on the environment; under sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment; and Section 15321 as an action by an agency for enforcement of a law, general, rule, standard or objective administered or adopted by the agency; and the Business and Professions Code Section 26055(h) (MAUCRSA) because the adoption of this ordinance requires discretionary review of cannabis operations which will include applicable environmental review under CEQA. The Planning Commission finds on the basis of the whole record before it that this exemption reflects the independent judgment and analysis of the Commission and that there is no substantial evidence that the project will have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the following modifications to the recommended ordinance: (1) eliminate the 24 hour notice requirement for inspections, (2) allow centralized processing countywide with a

cap of 9 on agriculturally zoned lands for production in the local area subject to minimum parcel sizes and property setbacks applicable to indoor cultivation, and (3) maintain that zoning permits have a one year term and exclusively for medical cannabis; and

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the project to be exempt from CEQA and approve the proposed changes to Chapter 26 of the Sonoma County Code.

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

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

Commissioner: Tamura	Aye
Commissioner: Shahhosseini	Aye
Commissioner: Mauritson	Aye
Commissioner: Davis	Absent
Commissioner: Carr	Aye

Ayes: 4          Noes: 0          Absent: 1          Abstain: 0

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

SO ORDERED.