

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 30 OF THE SONOMA COUNTY CODE TO EXCLUDE CANNABIS FROM THE COUNTY'S RIGHT TO FARM ORDINANCE

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Purpose and Authority. The propose of this Ordinance is to expressly exclude cannabis from the nuisance protections of the County's local Right to Farm Ordinance to help ensure cannabis operations operate in a manner that does not constitute a nuisance. This Ordinance is adopted pursuant to California Government Code §25131.

Section II. Findings.

- A. A local Right to Farm Ordinance is authorized by and subordinate to the State's Right to Farm statute, California Civil Code Section 3482.5. It does not modify or abridge state law and is only to be used in the interpretation and enforcement of County Code.
- B. As part of the Cannabis Program Update, the Board adopted Resolution No. 25-, which includes a General Plan Amendment to redefine cannabis as controlled agriculture. Cannabis is redefined as "controlled" agriculture which is a subset of agriculture due to its federal classification, highly regulated status, and the complicated and evolving public sentiment around the crop and its classification. Cannabis has been categorized in this way to allow additional regulations and limitations to be placed on the use.
- C. The Cannabis Program Update General Plan Amendment also amends General Plan Policy AR-4d to expressly exclude cannabis from the benefits of the County's Right to Farm Ordinance.
- D. The combination of permit requirements, zoning code standards, and mitigation measures imposed as part of the Cannabis Program Update aim to effectively reduce the nuisance impacts associated with cannabis uses by limiting the siting and size of operations, their proximity to residential uses on residentially zoned parcels, and limit visitor serving uses to ensure they are subordinate to the onsite agriculture. Thus, applying the Right to Farm Ordinance to cannabis is not necessary or appropriate to reduce compatibility issues between cannabis as an agricultural use and other non-agricultural uses on or near agricultural zoning.

Section III. Right to Farm Ordinance. Chapter 30, Article II, Section 30-24 (Definitions), the definition for agricultural operation (only) is amended as follows:

"Agricultural operation" means and includes, but shall not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, processing and storing of any agricultural commodity, including

viticulture, horticulture, timber or apiculture, the raising of livestock, fur bearing animals, fish or poultry, and any commercial agricultural practices performed incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market. **For the purposes of this Article, agricultural operation does not include a cannabis operation.**

Section IV. Environmental Determination. Certification of Final Environmental Impact Report. This Ordinance was environmentally reviewed as part of the Comprehensive Cannabis Program Update Environmental Impact Report. By separate Resolution (No. 25-), incorporated herein by reference, the Board of Supervisors certified that the Final Environmental Impact Report prepared for the Comprehensive Cannabis Program Update project: (a) reflects the Board's independent judgment and analysis, (b) was presented to and reviewed and considered by the Board of Supervisors, and (c) was completed in compliance with the California Environmental Quality Act (Public Resources Code §21000 et seq.) (CEQA), the CEQA Guidelines (Cal. Code Regs., Title 14, §15000 et seq.) and the County's local CEQA Guidelines. By the same resolution, the Board of Supervisors further adopted findings of fact and a statement of overriding considerations for the project.

Section V. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section VI. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 28 day of October, 2025, and finally passed and adopted this on the X day of X, 2025, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Hermosillo: Rabbitt: Coursey: Gore: Hopkins:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

M. Christina Rivera,
Clerk of the Board of Supervisors