

ORDINANCE NO. 6354

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE CANNABIS LAND USE ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON MULTI-TENANT CANNABIS CULTIVATION PERMITS (URGENCY ORDINANCE: 4/5 VOTE REQUIRED)

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

Section I. Authority and Findings. This Ordinance is adopted pursuant to California Government Code sections 25123, 25132, and 65858 and will take effect immediately upon its approval by at least four-fifth vote of the Board of Supervisors. The Board finds this Ordinance is necessary to protect the public safety, health, and welfare, and may be in conflict with future zoning ordinances governing cannabis cultivation, based on the following facts:

- a. Sonoma County Code Section 26-88-254(f)(2) authorizes the Department of Agriculture/Weights and Measures and the Permit and Resource Management Department (“Departments”) to issue multiple zoning permits for cannabis cultivation to different applicants on the same parcel (“multi-tenant provision”).
- b. On December 20, 2016, the Board of Supervisors adopted the Cannabis Land Use Ordinance (Ordinance No. 6189), including the multi-tenant provision. The Cannabis Land Use Ordinance and multi-tenant provision were amended on October 16, 2018 (Ordinance No. 6245) (“Cannabis Ordinance”), though the amendments did not change the core function of the provision.
- c. The purpose of the existing multi-tenant provision was to reduce barriers to entry for small cannabis farmers by allowing a property owner to lease to multiple small-scale operators who could each obtain ministerial zoning permits.
- d. Current multi-tenant standards do not effectively distinguish truly multi-tenant operations that meet the intent of the multi-tenant provision. In several instances, the same multi-tenant applicants apply for zoning permits together on three or four separate, and in some cases contiguous, parcels.
- e. Under existing regulations, multi-tenant zoning permits can be issued for any agricultural parcel over 10 acres and as such there are numerous eligible parcels in the County, many of which are ecologically sensitive or where larger-scale cannabis uses without modification or condition may not be appropriate. Multi-tenant operations that undergo discretionary review can be conditioned to avoid detrimental effects to neighboring properties and the environment.
- f. Effective regulation of cannabis land uses where there are multiple applicants on one parcel, regardless of the relationship between the applicants, is best accomplished through the issuance of a use permit.

- g. The Board of Supervisors has directed staff to develop a new zoning ordinance governing commercial cannabis uses and to prepare an environmental impact report studying such ordinance. This planning effort will research and analyze potential policies to reduce barriers to entry, streamline permitting, allow colocation, and other policies to support small cannabis farmers in the County while ensuring appropriate siting and adequate protection of the environment and natural resources.
- h. Continued issuance of additional multi-tenant permits prevents appropriate discretionary review and presents an immediate threat to the public safety, health, and welfare, and such permits are likely to be in conflict with a new zoning ordinance for commercial cannabis land uses.

Section II. Multi-tenant Provision Repealed. The following Sonoma County Code Section 26-88-254(f)(2) is inoperative for the term of this Ordinance:

Multi-Tenant Operations. Multiple permits may be issued for multi-tenant operations on a single parcel provided that the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements.

Section III. Current Multi-tenant Permittees. Where there are multiple cannabis cultivation zoning permits on one parcel, the expiration date for each active permit that would otherwise expire is extended for 45 days from the effective date of this Ordinance.

Section IV. CEQA. This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) (“CEQA”) pursuant to CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) Section 15060(b) and (c), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines section 15378, as it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally or alternatively, the Ordinance is exempt from CEQA under CEQA Guidelines sections 15307 and 15308 as an ordinance that will provide greater protection to natural resources and the environment because certain projects currently approved ministerially will require site-specific discretionary review; under CEQA Guidelines section 15301 because a short extension of permit terms and requiring use permits for existing cultivation uses constitutes authorizing existing private facilities; and under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance or its implementation would have a significant effect on the environment.

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 and Term. This Ordinance is in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. This Ordinance is in effect for a period of 45 days from the date of adoption, unless extended by the Board as provided in California Government Code section 65858. Prior to expiration or extension, staff is directed to prepare the report required by California Government Code section 65858(d) describing the measures taken to alleviate the conditions which led to the adoption of this Ordinance.

Section VII. Publication. This Ordinance must be published once before the expiration of fifteen (15) days after its 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, adopted this 21st day of September, 2021, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Rabbitt: Aye Coursey: Aye Gore: Aye Hopkins: Aye

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

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

SO ORDERED.


Chair, Board of Supervisors
County of Sonoma

ATTEST:



Sheryl Bratton,
Clerk of the Board of Supervisors