

# ORDINANCE NO. ( )

## AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 (ZONING) TO REVISE THE MULTI-TENANT PROVISION OF THE CANNABIS LAND USE ORDINANCE

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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 section 65850 et seq. The Board finds this Ordinance is necessary to protect the public safety, health, and welfare, based on the following facts:

- a. Sonoma County Code Section 26-88-254(f)(2) authorized 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 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. The multi-tenant standards could not effectively distinguish truly multi-tenant operations that met the intent of the multi-tenant provision. In several instances, the same multi-tenant applicants would apply for zoning permits together on three or four separate, and in some cases contiguous, parcels.
- e. Under the multi-tenant provision, multi-tenant zoning permits could be issued for any agricultural parcel over 10 acres and as such there were numerous eligible parcels in the County, many of which were ecologically sensitive or where larger-scale cannabis uses without modification or condition may not have been 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 bases the level of review on the attributes of the proposed project and project site and not the relationship between multiple operators.
- 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. On September 21, 2021, based on the above facts, the Board of Supervisors adopted Urgency Ordinance No. 6354 to make the multi-tenant provision inoperative. On October 26, 2021, the Urgency Ordinance was extended by Urgency Ordinance No. 6356 and the multi-tenant provision was amended to allow for the issuance of multiple zoning permits only where a use permit would not be required based on the location and cultivation area.
- i. Continued issuance of additional multi-tenant permits where discretionary review would otherwise be required presents a threat to the public safety, health, welfare, and the environment. This Ordinance is not a part of the comprehensive cannabis program update currently underway, but rather is necessary to fix an error in the current Cannabis Ordinance to alleviate that threat.

**Section II. Multi-tenant Provision Amendment.** Sonoma County Code Section 26-88-254(f)(2) is amended to read as follows:

Multi-Tenant Operations. Multiple zoning permits may be issued on a single parcel provided that the aggregate cultivation area does not require a use permit per Table 1A-D Allowed Cannabis Uses and Permit Requirements.

**Section III. 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 previously approved ministerially will require site-specific discretionary review; 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 IV. 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 V. Effective Date and Publication.** This Ordinance is in full force and effect 30 days after its passage and must be published once before the expiration of 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 \_\_\_ day of \_\_\_\_\_, 2023, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin:                Rabbitt:                Gore:                Hopkins:                Coursey:

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