



County of Sonoma

State of California

Date: March 15, 2022

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of Intention Of The Board Of Supervisors Of The County Of Sonoma, State Of California, To Direct and Guide Staff In Its Preparation Of a Draft Ordinance, Potential General Plan Amendments, And A Programmatic Environmental Impact Report To Amend The Cannabis Land Use Ordinance And Related Regulations

Whereas, in 1996, the voters of the State of California approved Proposition 215, “The Compassionate Use Act” (codified as Health and Safety Code Section 11362.5), which was intended to decriminalize cultivation and possession of medical marijuana by a seriously ill patient, or the patient’s primary caregiver, for the patient’s personal use, and to create a limited defense to the crimes of possessing or cultivating cannabis. The Compassionate Use Act further provided that nothing in it shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for nonmedical purposes; and

Whereas, the State enacted SB 420 in 2004 (known as the “Medical Marijuana Program Act”, codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering medical cannabis, as well as limiting the amount of medical cannabis a qualified individual may possess; and

Whereas, the Sonoma County Board of Supervisors adopted Medical Marijuana Possession and Cultivation Guidelines on September 26, 2006 by Resolution 06-0846. The Guidelines provided a limited defense to prosecution or other sanction by the County of Sonoma and was only available to someone who possesses or cultivates marijuana for personal medical use. These Guidelines were not zoning code regulations, and did not allow or regulate any manner of cultivation, growing, or delivery of marijuana; and

Whereas, the Sonoma County Board of Supervisors adopted Ordinance No. 5715 on March 20, 2007, establishing use permit requirements and standards for medical cannabis dispensaries in

the unincorporated area, and Ordinance No. 5967 on January 31, 2012 establishing a limit of nine dispensaries; and

Whereas, the State enacted the Medical Marijuana Regulation and Safety Act (MMRSA) on September 11, 2015 (SB 643, AB 266, and AB 243), instituting a comprehensive state-level licensure and regulatory scheme for cultivation, manufacturing, distribution, transportation, laboratory testing, and dispensing of medical cannabis through numerous changes and additions to the Business & Professions Code and the Health and Safety Code. MMRSA legalized and regulates for-profit commercial activity related to medical marijuana in California. MMRSA provided that cities and counties retain local regulatory authority over medical cannabis; and

Whereas, on June 27, 2016, the Governor signed SB 837, changing the term “marijuana” to “cannabis” and renaming the Medical Cannabis Regulation and Safety Act; and

Whereas, on November 8, 2016, the voters of California passed Proposition 64, the California Marijuana Legalization Initiative; and

Whereas, on December 20, 2016, the Board of Supervisors adopted the Medical Cannabis Land Use Ordinance No. 6189 establishing regulations to allow commercial medical cannabis uses and establish standards for cultivation, nurseries, laboratories, manufacturing, distribution, transportation, and dispensaries; and

Whereas, on June 27, 2017, the Governor approved SB 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which created one regulatory system for both medicinal and adult-use cannabis; and

Whereas, on July 5, 2017, the County began accepting applications for commercial cannabis use permits and zoning permits; and

Whereas, on November 16, 2017, the Department of Consumer Affairs’ Bureau of Cannabis Control, Department of Public Health’s Manufactured Cannabis Safety Branch, and Department of Food and Agriculture’s CalCannabis Cultivation Licensing Division each released emergency licensing regulations for commercial medicinal and adult-use cannabis; and

Whereas, on April 10, 2018, the Board of Supervisors adopted a Resolution of Intention, directing staff to explore and propose amendments to the Medical 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, on October 16, 2018, the Board of Supervisors adopted Ordinance number 6245, amending Chapter 26 to allow adult use cannabis in Sonoma County for the full cannabis supply

chain, enhance neighborhood compatibility with a 10-acre minimum parcel size for cultivation, add new definitions, and make minor non-substantive amendments to harmonize with California state law and regulations, where appropriate; and

Whereas, on December 17, 2019, the Board of Supervisors approved direction for staff to amend the Cannabis Land Use Ordinance to expand opportunities for ministerial cannabis cultivation permits to be administered through the Department of Agriculture/Weights and Measures; and

Whereas, on May 18, 2021, the Board of Supervisors voted 5-0 to reject the Planning Commission's recommendation to adopt a Mitigated Negative Declaration and a new chapter 38 to increase ministerial permitting for cannabis cultivation within Agricultural and Resource zoned parcels. The Board, instead, directed staff to bring forth a timeline and resources plan necessary to undertake a comprehensive update of the cannabis program, including an update to the County Code and preparation of an Environmental Impact Report (EIR); and

Whereas, on June 8, 2021, the Board of Supervisors approved an initial resource request for staffing to support the comprehensive cannabis program update effort; and

Whereas, on July 12, 2021, the state passed Assembly Bill 141, which made changes to MAUCRSA, and created the Department of Cannabis Control (DCC) by consolidating three former state cannabis agencies and transferred all state authority for regulation, licensing, and inspection of cannabis activity in California to the DCC; and

Whereas, on September 28, 2021, the Board received a report summarizing results of community engagement conducted in August and early September, 2021, and provided direction to staff on overall goals and policy options for updating the Cannabis Ordinance and associated EIR. The Board was also presented a tentative timeline, which included completion of a draft ordinance framework outlining all potential program elements to consider in the EIR for the new program.

Now, Therefore, Be It Resolved that pursuant to Section 26-96-010 of the Sonoma County Code, the Board of Supervisors hereby adopts this Resolution of Intention and Cannabis Program Update Framework (Exhibit A), to direct and guide staff in its preparation of a draft ordinance, potential General Plan Amendments, and a Programmatic Environmental Impact Report to amend the Cannabis Land Use Ordinance and related regulations.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of 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 the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa,

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California 95403.

Supervisors:

Gorin: Rabbitt: Coursey: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.