

Resolution Number 19-010

County of Sonoma
Santa Rosa, California

November 21, 2019

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 AND CHAPTER
37 OF THE SONOMA COUNTY CODE TO REGULATE AND
RESTRICT INDUSTRIAL HEMP CULTIVATION AND MAKE
CLARIFYING CHANGES RELATED TO INDUSTRIAL HEMP
CULTIVATION, PROCESSING, AND MANUFACTURING

WHEREAS, federal law, pursuant to the Agricultural Improvement Act of 2018 (2018 Farm Bill), and state law, pursuant to California Food and Agricultural Code Section 81000 et seq., legalized commercial industrial hemp production and defined industrial hemp as an agricultural commodity and crop, making its cultivation and production allowed uses under the zoning code in many zoning districts in the unincorporated Sonoma County;

WHEREAS, on April 2, 2019, the Board of Supervisors considered and adopted an urgency ordinance to impose a temporary moratorium on industrial hemp cultivation, and on April 30, 2019, the Board of Supervisors considered and adopted an ordinance adding Chapter 37 to the Sonoma County Code (Industrial Hemp Ordinance) imposing a moratorium on industrial hemp cultivation until April 30, 2020;

WHEREAS, the Board of Supervisors adopted the moratorium because state laws regulating industrial hemp were still under development, industrial hemp and cannabis cultivation would often be indistinguishable presenting public safety risks and challenges for enforcement, and unregulated industrial hemp cultivation could be harmful to the welfare of the County and its residents, and thus directed staff to study and propose how and whether to regulate industrial hemp cultivation;

WHEREAS, it is the determination of staff that the proposed ordinance is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment, and under section 15061(b)(3) because it can be seen with certainty that the project will have no significant effect on the environment; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on November 7, 2019, 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 are necessary and desirable for promoting agricultural opportunity and diversification while protecting the public health, safety, and environmental resources, and maintaining effective enforcement of unpermitted cannabis cultivation.
2. The proposed amendments are substantially consistent with the overall goals, objectives, policies, and programs of Sonoma County General Plan, in particular the Agricultural Resources and Land Use Elements, because by maintaining opportunities for industrial hemp cultivation the Ordinance: supports agricultural diversification and farm viability (Goal AR-1, Policy AR-e, and Policy AR-8h); enables efficient management of farm operations through inclusion of industrial hemp into crop rotations (Goal AR-4); recognizes agricultural production as the primary use of parcels in the agricultural land use categories (Policy AR-4a); reduces conflict with other agricultural activities by managing pollen and encouraging setbacks from vineyards (AR-4f); preserves processing of non-viticulture agricultural products on-farm (AR-5b); and maintains agricultural opportunities in the Agriculture and Residential zoning district (LU-6d).
4. The proposed ordinance is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment, because agricultural crop production is a use allowed by right in many zoning districts and the regulations in the proposed ordinance would solely restrict agricultural crop production by prohibiting industrial hemp production in certain zoning districts, adding setbacks, controlling pollen drift, and restricting grading and tree removal. The proposed ordinance is further exempt under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the project will have no significant effect on the environment, because the proposed ordinance primarily establishes a registration for industrial hemp to ensure effective oversight and enforcement and because minor changes to definitions and allowed uses in the zoning code are purely for clarification and do not expand allowable uses or activities.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the project exempt from CEQA and adopt the amendments to Chapter 26 of the Sonoma County Code in Exhibit B-1 and the zoning regulations in the amendments to Chapter 37 of the Sonoma County Code in Exhibit B-2, including setbacks and regulations specific to zoning district; and

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 the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

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

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Commissioner	Fogg	Aye
Commissioner	Reed	Aye
Commissioner	Mauritson	Aye
Commissioner	Davis	No
Commissioner	Cook	Aye

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

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

SO ORDERED.