

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTERS 1, 26, AND 37 OF THE SONOMA COUNTY CODE TO REGULATE INDUSTRIAL HEMP CULTIVATION AND MAKE OTHER MINOR AMENDMENTS

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

Section I. Purpose and Authority. The purpose of this Ordinance is to regulate and restrict industrial hemp cultivation in the unincorporated county and make clarifying changes related to crop production and agricultural processing. This Ordinance is adopted pursuant to California Government Code Section 65850 et seq. and Section 25131.

Section II. Findings.

- A. Regulating and restricting industrial hemp cultivation and making clarifying changes related to crop production and agricultural processing are necessary and desirable in order to support and promote agricultural and economic diversity while protecting the environment, public safety, and welfare of the county and its residents given industrial hemp's similarity to cannabis.
- B. 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.
- C. Agricultural crop production is an allowed use in many zoning districts in unincorporated Sonoma County pursuant to Chapter 26 (Zoning Code), and the classification of industrial hemp as an agricultural crop thereby included its production as an existing allowed use under the Zoning Code.
- D. On April 2, 2019, the Board of Supervisors adopted an urgency ordinance to impose a temporary moratorium on industrial hemp cultivation, and on April 30, 2019, the Board of Supervisors 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.
- E. 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.
- F. This Ordinance recognizes industrial hemp production as an allowed agricultural use that presents opportunities for economic, agricultural, and ecological benefits

to the County, while balancing concerns related to residential and crop compatibility and environmental sensitivity.

- G. This Ordinance is substantially consistent with the 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).

Section III. Chapter 26 (Zoning Code) of the Sonoma County is amended as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section IV. Chapter 37 (Industrial Hemp Ordinance) of the Sonoma County Code is repealed and replaced as set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section V. Chapter 1 (General Provisions) Section 1-7.1(a) of the Sonoma County Code is amended as follows:

“Charge—Code Violations. In addition to any other fee or penalty imposed by this code or by law, any person who violates Sections 7-5, 7-13, or 7-17, Chapters 11, 11A, or 11B, Articles II, III, or VI of Chapter 15, Chapter 19, or Sections 22-2(a), 22-2(c), 22-2(e), 22-2(g), 22-3, 22-6, 22-8, 22-18(k), 22-18(l), 22-18(n), or 24-33, Chapter 25B, Sections 26-92-200, 26A-15 or 26C-338.1, Chapter 36, or Chapter 37 of this code shall;”

Section VI. Environmental Determination. The Board of Supervisors finds and determines that this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State 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 purely 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 Ordinance restricts an allowed use and 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. The Director of the Permit and Resource Management Department and the Agricultural

Commissioner are directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section VII. 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 VIII. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after April 30, 2020. A fair and accurate summary of this Ordinance 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 6th day of January, 2020, and finally passed and adopted this ___ day of _____, 2020, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Rabbitt: Zane: Gore: Hopkins: Gorin:

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:

Sheryl Bratton,
Clerk of the Board of Supervisors