

Resolution Number 20-003

County of Sonoma  
Santa Rosa, California

June 4, 2020  
ORD\_\_\_\_\_

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA,  
STATE OF CALIFORNIA, RECOMMENDING ADOPTION OF AMENDMENTS  
TO CHAPTER 26 OF THE SONOMA COUNTY CODE, TO IMPROVE  
ENFORCEMENT OF THE CANNABIS LAND USE ORDINANCE AND MAKE  
OTHER MINOR AMENDMENTS TO THE VACATION RENTAL ORDINANCE

WHEREAS, the Medical Cannabis Regulation and Safety Act (“MCRSA”), signed into law in October 2015, constructed a comprehensive framework for the regulation of medical cannabis and replaced the collective/cooperative model with a dual commercial licensing scheme at the local and state levels; and

WHEREAS, on November 8, 2016, the California voters adopted Proposition 64 (Adult Use of Marijuana Act (“AUMA”)), which allowed for commercial adult-use cannabis businesses and personal use, possession, and cultivation; and

WHEREAS, on December 20, 2016, the Board of Supervisors adopted a series of ordinances to establish a comprehensive local program, to permit and regulate the complete supply chain of medical uses and allow personal cannabis cultivation for medical and adult use (“Medical Cannabis Land Use Ordinance”); and

WHEREAS, the Senate Bill 94, known as the “2017-2018 Budget Trailer Bill”, signed into law on June 27, 2017, replaced MCRSA and AUMA with one regulatory framework termed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and

WHEREAS, on July 5, 2017, the County of Sonoma began accepting permit applications for cannabis-related businesses in accordance with the newly adopted Medical Cannabis Land Use Ordinance; and

WHEREAS, on October 16, 2018, the Board of Supervisors adopted amendments to the Medical Cannabis Land Use Ordinance to align the local ordinance with state law, increase minimum parcel sizes, allow adult use cannabis businesses, and make other minor changes (“Cannabis Land Use Ordinance”); and

WHEREAS, the Code Enforcement Division of Permit Sonoma is tasked with enforcing the Cannabis Land Use Ordinance, and has seen a proliferation of unpermitted cannabis uses in the unincorporated County, including repeated violations by the same operators or property owners; and

WHEREAS, such enforcement has highlighted areas of the code that require clarification or modification in order to more effectively enforce against unpermitted cannabis uses; and

WHEREAS, these changes to Chapter 26 are part of a larger code amendment effort to clarify code enforcement processes and authority, including moving cannabis and vacation rental civil penalties into Chapter 1 (General Enforcement) and referencing enforcement provisions; and

WHEREAS, Permit Sonoma staff analyzed the project pursuant to the California Environmental Quality Act (CEQA) and determined that adoption of an Ordinance is exempt from CEQA pursuant to Cal. Code Regulations, Title 14, §15061(b)(3) exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on June 4, 2020, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the Ordinance Amendments to improve enforcement of the Cannabis Land Use Ordinance, pursuant to the following findings:

1. The proposed clarifying and technical amendments to Sonoma County Code Chapter 26 Article 88 Section 26-88-252 and Section 26-88-120, movement of civil penalties to Chapter 1 (General Enforcement), the addition of a “per plant” civil penalty, and the elimination of the three-strikes penalty for cannabis permits, are necessary and desirable to effectively enforce the Cannabis Land Use Ordinance in order to protect the public health and safety and the environment.
2. The proposed amendments are consistent with the overall goals, objectives, policies, and programs of Sonoma County General Plan because they improve enforceability of the Cannabis Land Use and Vacation Rental Ordinances, which are themselves consistent with the Sonoma County General Plan.
3. The proposed amendments are categorically exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the project will have no significant effect on the environment because the proposed ordinance amends provisions related strictly to code enforcement, violation abatement, and civil penalty imposition.

BE IT FURTHER RESOLVED that the Planning Commission’s recommendation is based on the following additional recommendations and clarifications:

1. Align the language of Section 26-88-252(b)(1)(a) regarding “Cause for Revocation” with the nuisance standard in Section 26-92-120(a).
2. Recommend the following language for the per plant penalty in Chapter 1 Section 1-7.1:

*Per Plant Penalty.*

*(a) For each unpermitted cannabis use, no more than \$1,000 per plant for the first violation; no more than \$2,500 per plant for the second violation within 2 years; and no more than \$5,000 per plant for the third violation within 2 years.*

*(b) An additional up to \$100 per plant per day the unpermitted cannabis use continues past the 5th day of the date of mailing, posting, or personal service of the notice and order, whichever is earlier.*

3. For the per plant penalty, add a definition of “plant” that includes both immature and mature cannabis plants, growing or not.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Planning Commission 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 Davis, who moved its adoption, seconded by Commissioner Shahhosseini, and adopted on roll call by the following vote:

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|--------------|--------------|
| Commissioner | Reed         |
| Commissioner | Shahhosseini |
| Commissioner | Kelley       |
| Commissioner | Davis        |
| Commissioner | Carr         |

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

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

SO ORDERED.