

Sonoma County Board of Supervisors Public Hearing

May 18, 2021

COUNTY ADMINISTRATOR'S OFFICE
DEPARTMENT OF AGRICULTURE/WEIGHTS & MEASURES
PERMIT SONOMA



SONOMA COUNTY CANNABIS



Today's Outline

1. Background/Objectives/Process
2. Environmental Review
3. Review of Changes
4. Recommended Actions
5. Board and Staff Q&A
6. Public Comment
7. Board Deliberation and Vote



Legislative / Background

State

- October 2015: Medical Cannabis Regulation and Safety Act (MCRSA)
- November 2016: Voters Passed Adult Use of Marijuana Act (Adult Use Cannabis Act) legalizing non-medical adult use cannabis
- June 2017: SB 94 consolidates regulations in MCRSA and Cannabis Act regulatory structure

Sonoma County

- April 2018: Study Session and Resolution of Intent to update the existing Cannabis Ordinance.

Effort was split into two phases:

- I. October 2018: Ordinance number 6245 amending Chapter 26 adopted
- II. December 2019: Board direction to amend Land Use Ordinance to expand ministerial cultivation permitting administered through the Dept. of Agriculture/Weights and Measures



Ordinance Update Objectives

Attachment D - Draft Ordinance Exhibit B (PDF page 21)

1. Establish ministerial standards in agricultural and resource zones
2. Reduce barriers of entry by streamlining the permitting process
3. Improve sustainability of operations
4. Ensure ministerial standards protect the environment
5. Clarify standards to increase consistency of the county code
6. House agricultural and resource zones permitting in the Department of Agriculture / Weights and Measures

See attachment D - Draft Ordinance Exhibit B for a full list



Environmental Review

Attachment C: Draft Subsequent Mitigated Negative Declaration

- Initial Study and Subsequent Mitigated Negative Declaration were prepared to evaluate impacts proposed in the updated ordinance and general plan amendment
- Several study areas were identified for potential impacts if not mitigated
- Proposed mitigation measures would reduce anticipated impacts to a less than significant level

December 2019 Update: Cannabis Ad Hoc Recommendations

On December 17, 2019, the Board of Supervisors received an update on the Cannabis Ad Hoc Committee and accepted recommendations for program improvements.

The Board of Supervisors approved recommendations for staff to explore changes in the following areas: penalty relief program, cultivation, and the timeline for these recommendations. These changes include an assessment of penalty relief applications, permitting process improvements, code enforcement, and updates to the ordinance toward ministerial permitting.

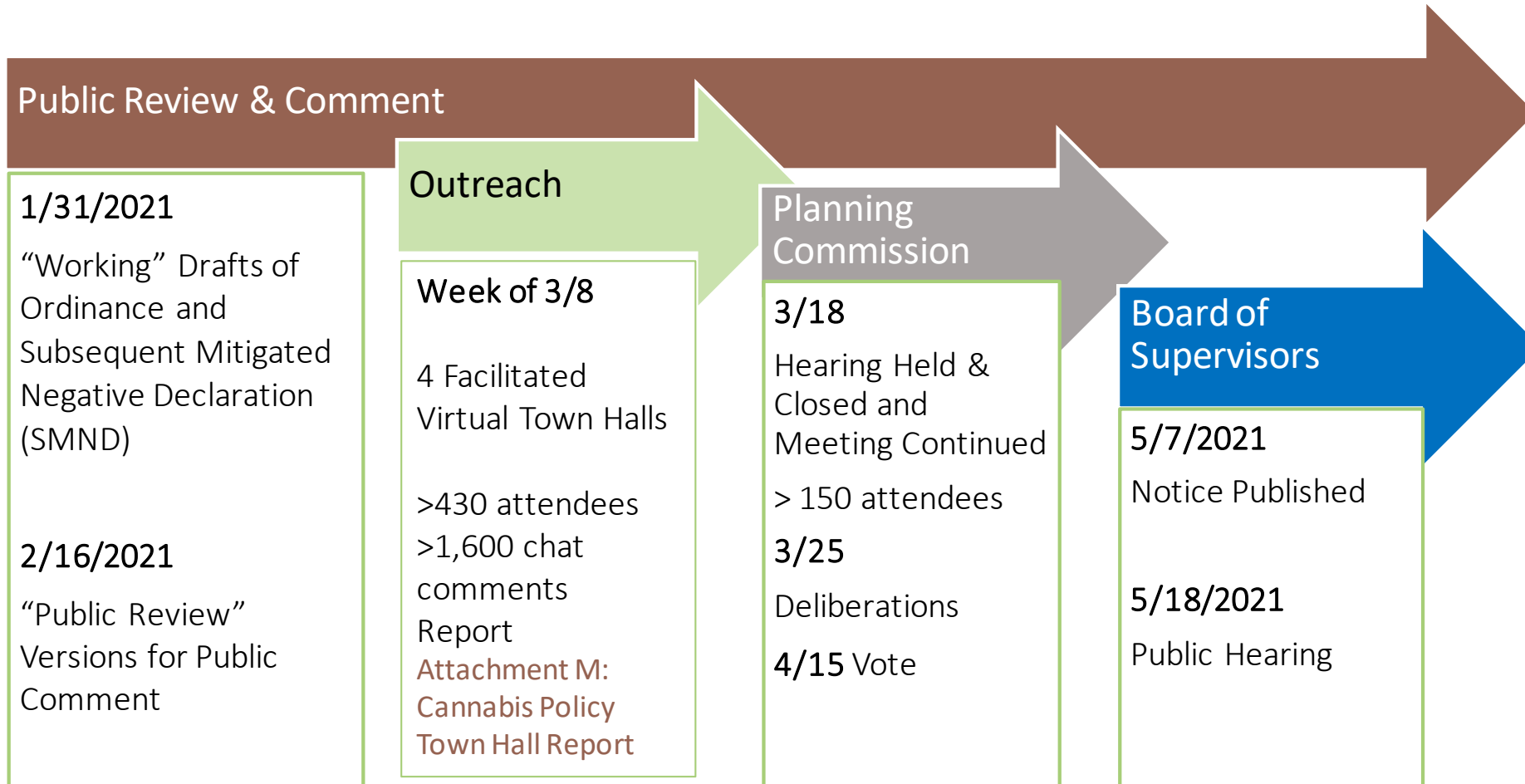
Staff will begin work on the following items:

- Complete an assessment of each penalty relief project application and establish a path to resolution
- Schedule projects identified for original jurisdiction for hearing at future Board of Supervisors meetings (30 day notification)
- Investigate amending the Cannabis Land Use Ordinance to that cannabis cultivation may be allowed with a ministerial permit issued by the Department of Agriculture / Weights & Measures (AWM), while associated building permits would continue to be issued by Permit Sonoma; and including amendments that would streamline the permitting process
- Transition code enforcement of regulated market from Permit Sonoma to AWM
- Shift priorities from a countywide environmental impact review toward changes that do not require that level of environmental review
- Develop a business plan and timeline for program improvements and transition of responsibilities

Please note: Amendments to the Cannabis Land Use Ordinance will proceed through a public hearing process, with opportunities for public input. The Board of Supervisors will also review the business plan and timeline.



Policy Update Process



General Plan Amendment (GPA)

- General Plan is the “constitution” of local land use planning
- Amendment intended to recognize cannabis cultivation as an agricultural land use.
- GPA by itself would not allow for additional cultivation, but rather ensure vertical consistency amongst the county’s policies.
- SB 18 Consultation with Tribes

Planning Commission Recommends the Board “Reject” GPA

- Reason: given Cannabis is still a Schedule 1 drug under the Controlled Substances Act, it is not sufficiently similar to traditional agricultural uses. Thus, redefinition via GPA is premature.





Substantial Changes

Proposed Chapter CCCARA (CH. 38) vs. Chapter CLUO (CH. 26)
**Attachment F: Proposed Chapter 38 vs. Ministerial Permitting
Process in Current Cannabis Land Use Ordinance**

1. Canopy and Structure Limitations
2. Setbacks – Sensitive Uses
3. Water Use
4. Operating Requirements
5. Allowable Activities



Moderate Changes

Proposed Chapter CCCARA (CH. 38) vs. Chapter CLUO (CH. 26)
Attachment F: Proposed Chapter 38 vs. Ministerial Permitting Process in Current Cannabis Land Use Ordinance



1. Timberland Protection
2. Cultural Resource Protection
3. Ridgetop Protection
4. Air Quality, Odor, & Energy
5. Waste Management Plan
6. Design, Lighting, Security and Screening
7. Allowable Activities



Chapter 26 Changes

Sections 26-88-250 and 254

Attachment F: Proposed Chapter 38 vs. Ministerial Permitting Process in Current Cannabis Land Use Ordinance

Substantial

1. Limitations on Cultivation Area & Structures
2. Set backs
3. Other
 - No cannabis-specific prohibition. Events must conform to existing local & state regulations
 - Elimination of 25 % cap of permitted canopy propagation limit and allows for by-right propagation

Moderate

1. Commercial Uses - General (Sec. 26-88-250)
2. Commercial Cultivation (Sec. 26-88-254)



Additional Staff Request:

1.0 Chief Deputy Ag. Commissioner

1.0 Senior Agricultural Program Assistant



- ❖ Expansion of administrative and fiscal management workload
- ❖ Continued program and policy evaluation and amendments as needed
- ❖ Increased resources to implement new policies, standards, and inspections
 - Year 1 → 100% financed with available Cannabis tax annual revenue capacity
 - Year 2 → financed 50% with annual tax revenue and 50% with application and inspections fees
 - Year 3 → evaluate 50/50 mix

Recommended Actions

1. Reject proposed General Plan Amendment to include cannabis within the meaning of “agriculture,” and “agricultural use” as used in the Sonoma County General Plan
2. Adopt a Resolution finding the Subsequent Mitigated Negative Declaration reflects the independent judgment of the Board of Supervisors and satisfies the requirements of the California Environmental Quality Act (CEQA), that all comments received on the SMND have been considered, and that on the basis of the whole administrative record there is no substantial evidence that the project as mitigated will have a significant effect on the environment.
3. Introduce, read the title of, waive further reading of, adopt an Ordinance (a) adding Chapter 38 to the Sonoma County Code to expand ministerial cannabis cultivation permitting process in agricultural and resource zoning districts (CCCARA); and (b) amending the Cannabis Land Use Ordinance (CLUO) in Chapter 26 (Zoning Code) of the Sonoma County Code to expand use permits for cannabis cultivation and to harmonize with the new Chapter 38.
4. Adopt a Resolution finding the Ordinance consistent with the goals, objectives, and policies of Sonoma County General Plan.
5. Approve the addition of Chief Deputy Agricultural Commissioner and Senior Agricultural Program Assistant, effective July 1, 2021.

