



County of Sonoma

State of California

Date: May 18, 2021

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Adopting a Subsequent Mitigated Negative Declaration and Mitigation Monitoring and
Reporting for the Ordinance Adding Chapter 38 to the Sonoma County Code to Expand
Ministerial Cannabis Cultivation Permitting in the Agricultural and Resource Zones and
Amending Chapter 26 to Expand Cannabis Cultivation Use Permits and Align with Chapter 38**

Whereas, On December 20, 2016, the Board of Supervisors adopted Ordinance No. 6189 (Cannabis Land Use Ordinance) to allow personal cultivation and establish special use regulations for commercial cannabis business and adopted a Negative Declaration prepared for the project in compliance with the California Environmental Quality Act ("CEQA"), 14 California Code of Regulations, §§15000 et seq. ("CEQA Guidelines") and County CEQA guidelines;

Whereas, On October 16, 2018, the Board Supervisors adopted Ordinance No. 6245 amending the Cannabis Land Use Ordinance to allow adult use cannabis businesses and increase the minimum parcel size for all cultivation to 10 acres, among other minor changes, and found the ordinance exempt from CEQA under California Business and Professions Code Section 26055(h), and CEQA Guidelines Sections 15307, 15308, and 15061(b)(3);

Whereas, based on direction from the Board of Supervisors, the Cannabis Ad Hoc Committee, and public input, staff drafted the following Proposed Project: 1) a general plan amendment to state that agriculture includes cannabis; 2) a new Chapter 38 governing ministerial cannabis cultivation permits in agricultural and resource zones to be administered by the Agricultural Commissioner; and 3) amendments to the Cannabis Land Use Ordinance to expand use permits for cannabis cultivation and harmonize with Chapter 38.

Whereas, an Initial Study and Subsequent Mitigated Negative Declaration ("SMND") were prepared for the Proposed Project, and on or about February 16, 2021, the SMND was posted and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA"), 14 California Code of Regulations, §§15000 et seq. ("CEQA Guidelines") and County CEQA guidelines.

Whereas, On March 15, 2021, the Planning Commission held a duly noticed public hearing on the SMND and the Proposed Project at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the SMND and the Proposed Project and all interested persons were given an opportunity to hear and be heard regarding the SMND and the Proposed Project. The Planning Commission closed the public hearing, continued deliberations to March 25, 2021, and further continued the meeting to April 15, 2021, at which it adopted Planning Commission Resolution No. 21-01 in which it recommended adoption of the SMND and the following modifications to the Proposed Project, in addition to other minor changes:

- a. Disapprove the General Plan Amendment;
- b. Prohibit ministerial permitting for cultivation that proposes groundwater use in marginal and low groundwater availability zones;
- c. Prohibit tree removal without a use permit, except under limited circumstances related to health and safety;
- d. Limit hoop houses to one acre to parcel;
- e. Prohibit hoop houses within the scenic corridor setback;
- f. Add setback from property line of a residentially zoned parcel to outdoor and hoop house cultivation.

Whereas, On May 18, 2021, the Board of Supervisors conducted a duly noticed public hearing on the SMND and the Proposed Project. The Board received all relevant oral and written testimony and evidence filed or presented at or before the close of the hearing. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, considered and discussed the SMND and the Proposed Project, found the SMND had been prepared in conformance with CEQA, and approved the SMND and the Proposed Project with modifications (“the Project”).

Now, Therefore, Be It Resolved that the Board of Supervisors (“Board”) of the County of Sonoma (“County”) finds and determines as follows:

1. The Board has had an adequate opportunity to review this Resolution and the findings and determinations contained herein and finds that this Resolution accurately sets forth the Board’s intentions regarding the SMND. The Board’s decisions herein are based upon the testimony and evidence presented to the County orally or in writing prior to the close of the Board’s hearing, including the full record of proceedings. By Board Rule, information submitted after the close of the Board hearing is deemed late and not considered by the Board.
2. In making its determinations, the Board has gained a well-rounded understanding of the range of the environmental issues related to the Project by its review of the SMND, including the abovementioned amendments, the prior proceedings at the Planning Commission, all comments, testimony, letters and reports regarding the SMND, and its own experience and expertise in these environmental issues. Prior to making the following findings, the Board has reviewed and considered the evidence and analysis presented in the SMND, staff reports, and all public comments and information submitted at or before the Board hearing. The Board’s

findings are based on full appraisal of all viewpoints, all evidence and all information in the record of these proceedings. The Board further finds that the SMND reflects the Board's independent judgment and analysis.

3. Based upon the entire record, there is no substantial evidence of a fair argument that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the mitigation measures imposed herein that avoid all potentially significant environmental effects of the Project.
4. The Board finds that the SMND has been completed in compliance with CEQA and that the SMND adequately and fully describes and evaluates the changes or alterations to the Proposed Project that have been requested as part of the Project.

Be It Further Resolved that based on the foregoing findings and determinations and the full record of these proceedings, the Board hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Subsequent Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program are adopted.
3. Staff is directed to file and post a Notice of Determination of this action pursuant to the California Environmental Quality Act within five (5) days of the date of this resolution.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board 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 Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Rabbitt:

Coursey:

Gore:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.