



Legislation Text

File #: 2024-0310, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Tennis Wick, 707-565-1900

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

Cannabis Code Enforcement Ordinance (Section 1-7.1 of the Sonoma County Code) Amendment - Second Reading

Recommended Action:

Adopt an Ordinance amending Section 1-7.1 of the Sonoma County Code to modify civil penalties for unpermitted cannabis uses and establish a corrective period for zoning violations by licensed and license-exempt cannabis uses and finding the ordinance exempt from CEQA under Guidelines section 15061(b)(3). Second Reading, Ready for Adoption.

Executive Summary:

On May 14, 2024, staff introduced an Ordinance amending Section 1-7.1 of the Sonoma County Code to align with new state law AB 1684 (2023). The Ordinance includes the following:

Unpermitted/Unlicensed

- Add a civil penalty of \$1,000 per violation associated with an unpermitted cannabis use;
- Provide that each plant above the personal cultivation limit is a separate violation subject to the \$1,000 per day civil penalty;
- Clarify that violations for unpermitted cannabis uses on separate properties may constitute a second or additional violation for purposes of calculating civil penalties.

Permitted/Licensed/License-Exempt

- Amend the code section for correction periods for certain code violations to align with state law, including adding a correction period for zoning violations associated with licensed and license-exempt cannabis uses.

Discussion:

State Law and Amendments

Cal. Gov. Code section 53069.4 authorizes counties to adopt an ordinance that imposes civil penalties for violations of county code and requires the ordinance provide an administrative appeal process and correction periods for certain violations allowing a property owner to abate prior to civil penalties being imposed. AB

1684 (2023) amends Gov. Code section 53069.4 to limit the administrative fine or penalty that may be imposed by a local jurisdiction for unlicensed cannabis activity to no more than \$1,000 per violation and up to \$10,000 per day for all violations associated with the use.

AB 1684 additionally provides that licensed cultivation operations and those that are exempt from state licensure be entitled to a reasonable period of time to cure their violations prior to civil penalties being imposed. People exempt from state licensure include patients and caregivers growing for up to five patients.

County Code and Proposed Amendments

Sonoma County Code Section 1-7.1 establishes ranges of civil penalties for specific types of code violations, including unpermitted cannabis activity, and establishes how civil penalties are calculated within those ranges. Civil penalties for an unpermitted cannabis use range from \$1,000 to \$10,000 per day or up to 10 times the standard permit fee. The amount of penalty applied depends on factors such as the seriousness of the violation, environmental impact, culpability of the violator, and the impact on surrounding properties. The code does not currently require a cure period for any type of cannabis violation.

On May 14, 2024, an Ordinance was introduced amending the Sonoma County Code as follows:

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- Add a civil penalty of \$1,000 per violation associated with an unpermitted cannabis use;
- Provide that each plant above the personal cultivation limit is a separate violation subject to the \$1,000 per day civil penalty;
- Clarify that violations for unpermitted cannabis uses on separate properties may constitute a second or additional violation for purposes of calculating civil penalties; and

Permitted/Licensed/License-Exempt

- Amend the code section for correction periods for certain code violations to align with state law, including adding a correction period for zoning violations associated with licensed and license-exempt cannabis uses.

This ordinance was introduced on May 14, 2024. If approved, the new ordinance will take effect on July 4, 2024 (30 days after adoption).

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

5/14/2024 - Introduction and Waiving of Second Reading of Ordinance Amending Section 1-7.1 of the Sonoma County Code.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

The ordinance change will keep civil penalties consistent with previous code enforcement penalties.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1: Ordinance

Related Items "On File" with the Clerk of the Board:

None