



DATE: December 10, 2025

TO: Orange County Planning Commission

FROM: OC Development Services/Planning

SUBJECT: Public Hearing for Zoning Code Amendment CA 25-02

PROPOSAL: Initiate and recommend for adoption by the Board of Supervisors the proposed Zoning Code Amendment CA 25-02 to Orange County Comprehensive Zoning Code section 7-9-103, County of Orange commercial cannabis activities and outdoor personal cultivation prohibition ordinance.

GENERAL PLAN DESIGNATION: N/A

ZONING DISTRICT: N/A

LOCATION: Unincorporated Areas of Orange County

APPLICANT: OC Development Services/Planning

STAFF CONTACT: Cindy Salazar, Planning Manager
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RECOMMENDED ACTIONS:

OC Development Services/Planning recommends the Planning Commission:

- a. Receive staff report.
- b. Authorize OC Development Services/Planning staff to initiate Zoning Code Amendment CA 25-02 that will revise section 7-9-103, County of Orange commercial cannabis activities and outdoor personal cultivation prohibition ordinance of the Orange County Comprehensive Zoning Code.
- c. Conduct public hearing.

- d. Adopt Planning Commission Resolution No. 2025-07 (Attachment 1) that recommends the Board of Supervisors:
 1. Find that the proposed project is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to review under CEQA.
 2. Adopt Zoning Code Amendment CA 25-02 (Attachment 2) that will revise section 7-9-103, County of Orange commercial cannabis activities and outdoor personal cultivation prohibition ordinance of the Orange County Comprehensive Zoning Code.

INTRODUCTION

BACKGROUND

In 1986, the Board of Supervisors (Board) adopted an abatement ordinance, codified in the Orange County Codified Ordinances (OCCO) Section 3-14-2, *et seq.* (“Abatement Ordinance”). The ordinance provides remedies for the abatement of public nuisances.

On December 7, 2010, the Board adopted OCCO Sections 5-1-31 to 5-1-33, under the Business and Special Licenses Regulations provisions of the Code, which prohibited the sale or distribution of marijuana or any other controlled substances, as defined herein under local, state or federal law or which is illegal to sell or distribute under local, state or federal law, and set penalties for violations.

On November 14, 2017, the Board adopted OCCO Sec. 7-9-146.14 (current section 7-9-103) which prohibits commercial cannabis activities, including distribution, commercial cultivation, delivery, manufacturing, and testing, and outdoor personal cultivation in all zoning districts.

State of California Assembly Bill (AB) 1684, (effective October 8, 2025) expands existing law that allows local agencies to immediately impose administrative fines or penalties for specified violations that exist as a result of the illegal cultivation of cannabis to also include the illegal manufacturing, processing, distribution, or retail sale of cannabis.

The Planning Commission’s powers and duties include recommending to the Board, “adoption of plans and regulations, including General Plan amendments, Zoning Code amendments and zone changes, for the future growth, development and beautification of the County in respect to public and private development.” Subjects outside of those related to planning, including the Business and Special Licenses provisions of the OCCO and the Abatement Ordinance, are not within the Planning Commission’s powers to initiate, consider, and recommend. While the Board will consider other amendments to the OCCO related to amendment proposed in the Comprehensive Zoning Code for illegal cultivation of cannabis, the Planning Commission will only be offering its recommendation as to Zoning Code Amendment CA 25-02.

PROPOSED PROJECT

Due to changes in State law, the proposed amendment would revise OCCO Section 7-9-103 to conform to changes regarding fines for commercial cannabis activities. Minor edits to the violations section of OCCO Section 7-9-103 are being proposed as part of CA 25-02 for consistency with proposed revisions to Section 5 of the OCCO. As revised, Section 7-9-103(d) establishes explicit authorization for the use of the abatement warrant procedure, and procedures for summary abatement. This amendment additionally proposes clarifications to comply with AB 1684's authorization of the immediate imposition of administrative fines or penalties for violations associated with the illegal manufacturing, processing, distribution, or retail sale of cannabis.

The proposed amendments to OCCO Sections 5-1-31 to 5-1-33 establish a \$1000 fine to the property owner immediately once confirmation of the violation is established if the owner is complicit in the operation of an illegal commercial cannabis activity. By allowing immediate fines to be assessed against confirmed commercial cannabis activities, the amendments would discourage property owners from knowingly leasing their properties for this purpose.

In addition, the Board will also adopt an amendment to the Abatement Ordinance in Sections 3-14-2 through 3-14-16 consistent with the County's powers pursuant to Government Code sections 65000-66499.58. The proposed amendments to the Abatement Ordinance will establish updated abatement practices and procedures, to facilitate enforcement under Title 3 – Public Morals, Safety and Welfare.

The proposed amendments to OCCO Sections 3-14-2 through 3-14-16 and 5-1-31 through 5-1-33 will be taken to the Board concurrently with the CA 25-02 for consideration. As stated, amendments to other Divisions (not Division 9 of Title 7 of the OCCO) of the OCCO may be brought to the Board directly without Planning Commission consideration.

PUBLIC NOTICE

A public notice was published in a local newspaper, posted at the posting kiosk at the County Administration buildings located in Santa Ana, CA, and on the OCPW-OC Development Services webpage, at least twenty days prior to the public hearing for the proposed Zoning Code Amendment CA25-02, as required by established public hearing posting procedures.

COMPLIANCE WITH CEQA

This action is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA, since it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The approval of this agenda item does not commit the County to a definite course of action in regard to a project since approval of the updated ordinances will allow the County to comply with State law updates regarding imposition of fines for commercial cannabis activities, to establish explicit authorization for the use of the abatement warrant procedure, and clarify procedures for summary abatement. This proposed activity is therefore not subject to CEQA. Any

future action connected to this approval that constitutes a project will be reviewed for compliance with CEQA.

CONCLUSION

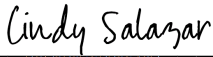
Adoption of the proposed ordinance will allow the County to comply with State law updates regarding imposition of fines for commercial cannabis activities, to establish explicit authorization for the use of the abatement warrant procedure, and clarify procedures for summary abatement.


APPEAL PROCEDURES

The Approving Authority for this project is the Board of Supervisors, thus there is no appeal process, nor a Board of Appeals relating to the decision of the Planning Commission on this proposal. The Planning Commission is serving as a recommending body and will be making a recommendation to the Board of Supervisors on the project and the associated CEQA determination. Please submit your comments to OC Development Services/Planning prior to the Planning Commission Public Hearing.

Submitted by:

Concurred by:

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Cindy Salazar, Division Manager
OC Development Services/Planning

Justin Kirk, Deputy Director
OC Development Services

ATTACHMENTS:

1. Planning Commission Resolution No. 2025-07
2. Proposed Zoning Code Amendment CA 25-02 – Strikethrough Version