

Item # 25

File #20-146



# **Status update on County Evaluation of Regulatory Industrial Hemp in Solano County; Board Direction on the nature and extent of public outreach to be completed.**

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Presented to Board of Supervisors on  
February 25, 2020  
Department of Resource Management



# Board Consideration to Date

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- Board adopted an interim emergency ordinance imposing a 45-day moratorium on cultivation and processing of industrial hemp on November 5, 2019.
- On December 10, 2019 the Board extended the interim urgency ordinance for 10 months and 15 days.
- The interim emergency ordinance will expire on November 5, 2020 unless extended.
- The 2019 Hemp Crop has been harvested and the fields are currently fallow



# Areas of Staff Focus to Date

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- Evaluation of State and Federal Laws
- Review of Hemp Regulations in other Counties
- Consideration of Zoning Options
- Agriculture Department Regulatory Options



# Summary of Federal and State Laws

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- Summary of Federal legislation
- Summary of State legislation
- Inconsistences between Federal and State Laws regulating Industrial Hemp
- California Industrial Hemp emergency regulations
- Impacts on local Agricultural Department operations relative to Hemp



# Discrepancies Between Federal and State Industrial Hemp Regulations

## Discrepancies Between Federal and State Industrial Hemp Regulations

Federal	State
Crop Sampling Procedures	
Crop sampling for THC testing be completed within 15 days before harvest.	Crop sampling completed no more than 30 days before harvest.
Samples collected on a per acre basis.	Must collect at least 5 samples per site.
Testing Laboratories	
Requires labs performing THC tests be registered with the DEA.	DEA registration not required.
Crop Disposal	
Requires DEA reverse distributor or Federal, State or local law enforcement to dispose of non-compliant crops.	Requires the County Ag Commissioner oversee any method that will render the industrial hemp crop unusable.



# Hemp Legal Status in California Counties

- Counties with a Moratorium
- Counties with no Moratorium
- Counties that have adopted legal hemp regulations
  - Inyo
  - Colusa
  - Ventura
  - Kern
  - Monterey
  - San Joaquin
  - Merced
  - Lassen
  - Stanislaus
  - Kings



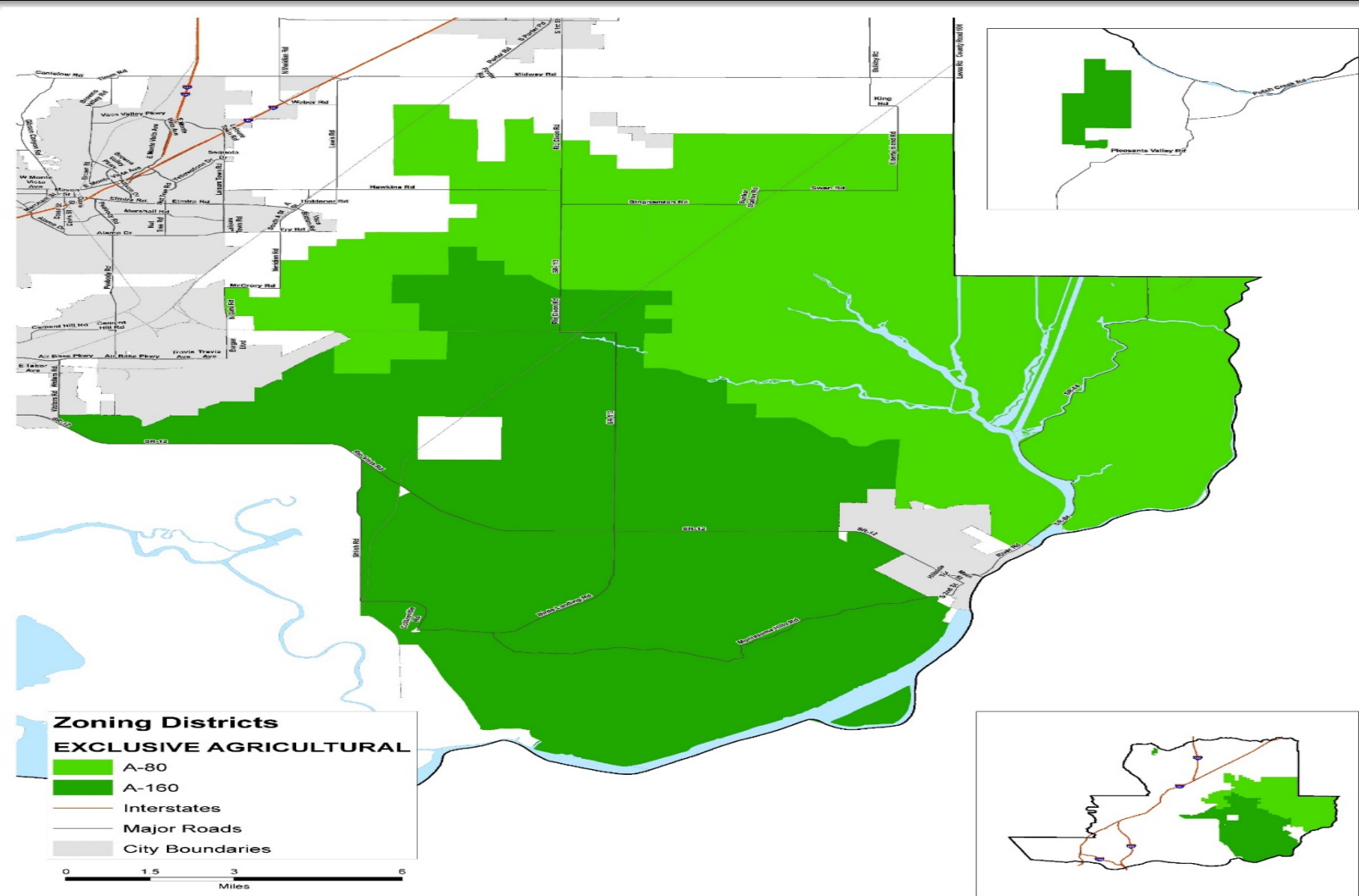
# Hemp Decision Matrix

## Hemp Decision Matrix

Issue	Staff Recommendation	Option(s)
<b><u>Cultivation</u></b>		
Allow cultivation of industrial hemp?	<input checked="" type="checkbox"/> Yes, subject to local regulations	<input type="checkbox"/> Allow with state regulations only <input type="checkbox"/> Allow with state <u>and</u> local regulations <input type="checkbox"/> Ban
Require conditional use permit (CUP)?	<input checked="" type="checkbox"/> Yes. Allows conditions and discretionary decision making	<input type="checkbox"/> Require CUP <input type="checkbox"/> Require state registration only <input type="checkbox"/> Require local license/registration
Impose conditions and standards?	<input checked="" type="checkbox"/> Yes, subject to: <ul style="list-style-type: none"> <li>• CUP</li> <li>• 3 mile setbacks from city spheres of influence</li> <li>• Security plan/standards</li> <li>• Limit to A-80 and A-160 zones</li> <li>• Enforcement and abatement provisions</li> <li>• Bond/deposit</li> <li>• Signage</li> </ul>	<input type="checkbox"/> Zoning restrictions <input type="checkbox"/> Setbacks From? Distances? <input type="checkbox"/> Require cultivation to be enclosed/indoors <input type="checkbox"/> Security plan and/or fencing <input type="checkbox"/> Maximum acreage (per site, total in County) <input type="checkbox"/> Maximum # of CUPs issued <input type="checkbox"/> Geographical limits <input type="checkbox"/> Parcel size minimums <input type="checkbox"/> Limit to seed/nursery production <input type="checkbox"/> Odor mitigation <input type="checkbox"/> Other:
<b><u>Processing</u></b>		
Allow processing of industrial hemp?	<input checked="" type="checkbox"/> Yes, subject to same conditions as cultivation	<input type="checkbox"/> Prohibit processing <input type="checkbox"/> Allow processing, subject to specific standards and conditions <input type="checkbox"/> Allow processing, subject to CUP <input type="checkbox"/> Other:



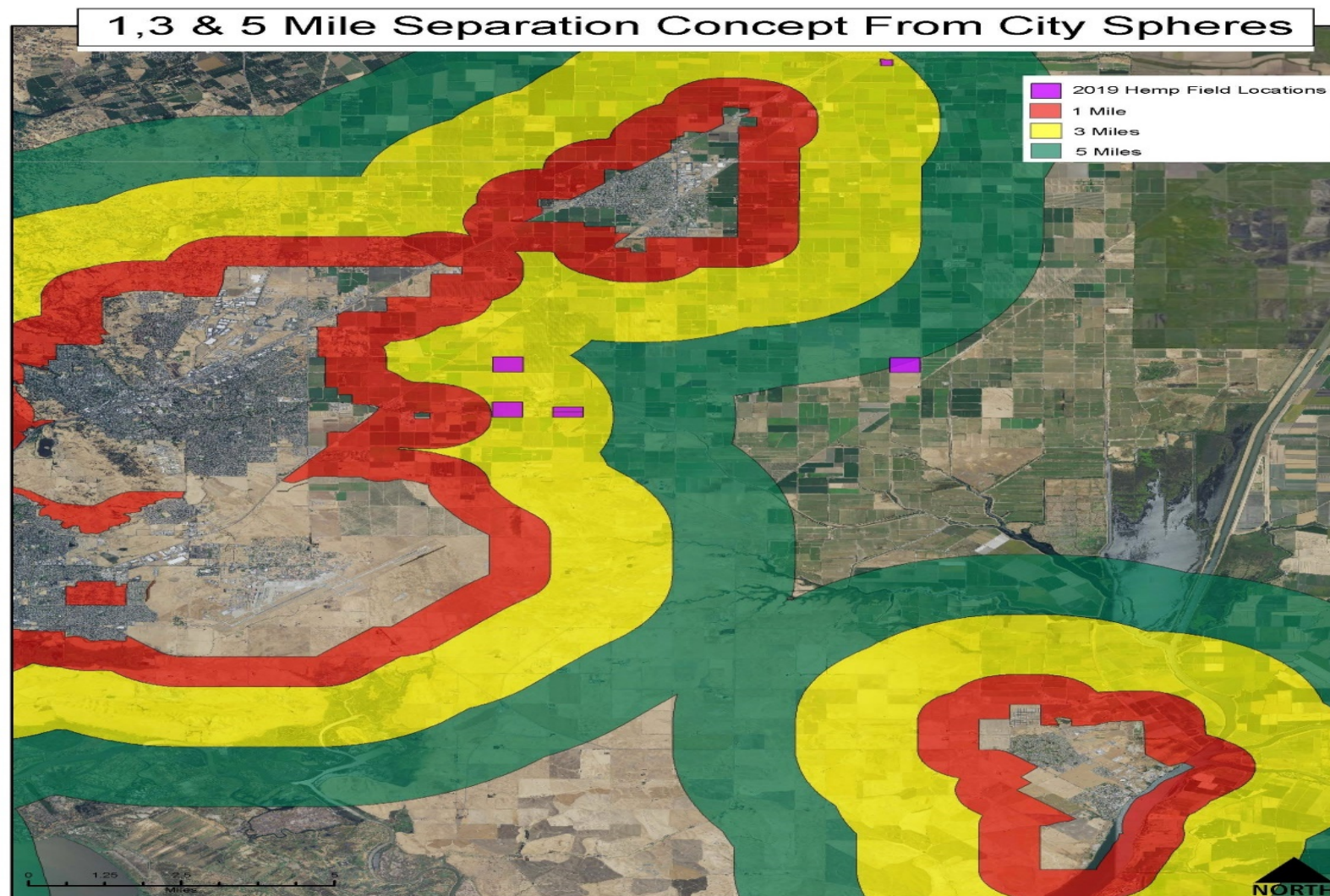
# Agriculture Zoning Map







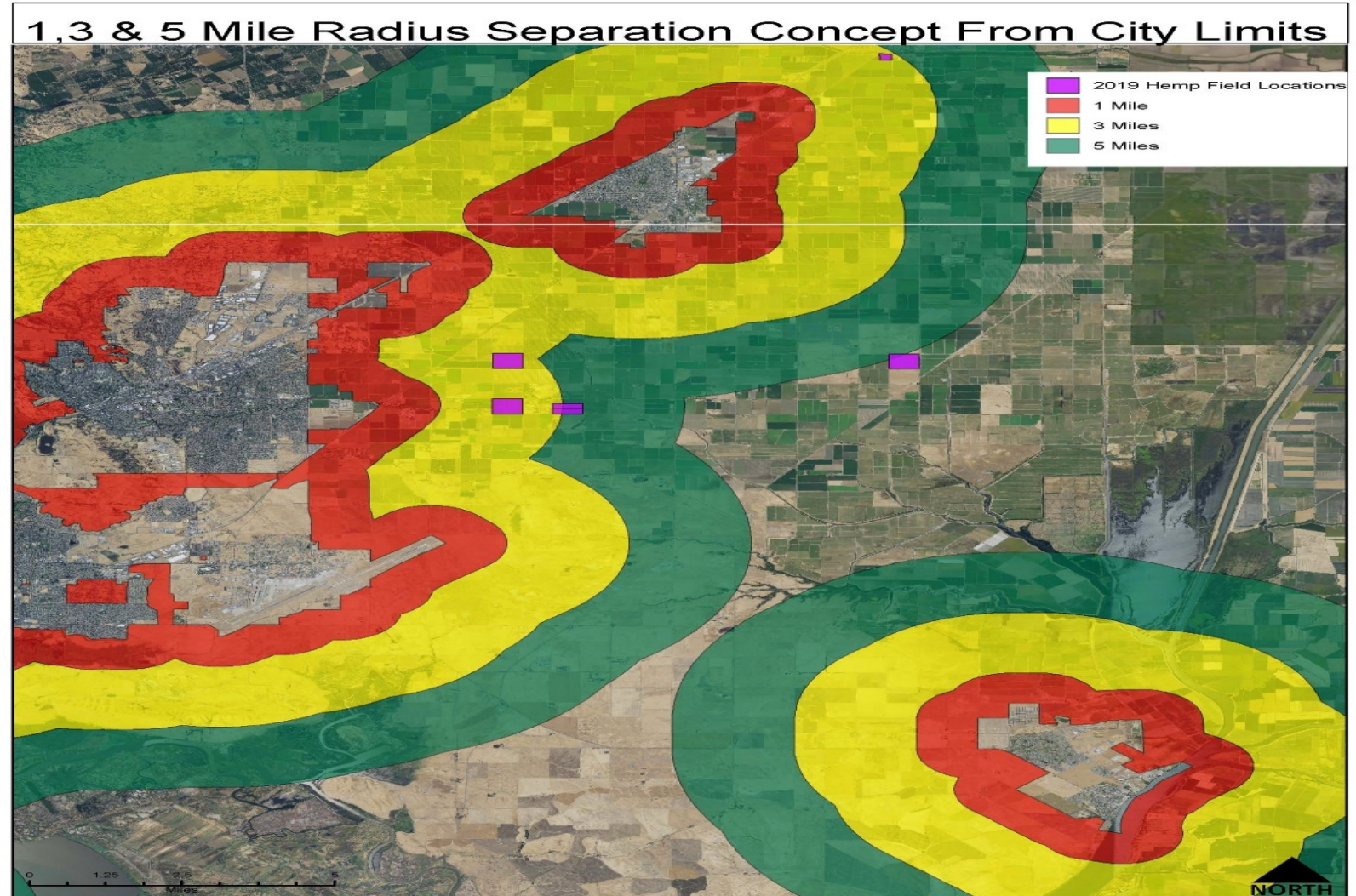
# Separation Concept From City Spheres







# Radius Separation Concept From City Limits





# Public Outreach Options

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- Form a Task Force which could include Board members, community members and representatives from the Hemp industry
- Form a Board Committee to conduct outreach/investigations similar to cannabis
- Staff conducts targeted outreach and reports back to the Board
- Other



# Recommendations

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- Board consideration of the information staff has developed to date on Industrial Hemp regulatory options.
- Provide feedback to staff on options being looked at or other options the Board would like to explore.
- Provide direction to staff on public outreach moving forward.



# Questions?