



Agenda Submittal

Agenda #: 31 **Status:** Regular Calendar
Type: Ordinance **Department:** Resource Management
File #: 19-865 **Contact:** Bill Emlen, 784-6062
Agenda date: 11/5/2019 **Final action:** 11/5/2019
Title: Consider adopting an urgency interim ordinance imposing a temporary moratorium on the cultivation of processing of industrial hemp in the unincorporated areas of the County of Solano (4/5 vote required)
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Ordinance, 2. Adopted Ordinance, 3. Minute Order

Date	Ver.	Action By	Action	Result
11/5/2019	1	Board of Supervisors		

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

The Agriculture Department and the Department of Resource Management recommend that the Board:

- 1) Read the proposed ordinance by title only and waive further reading by majority vote; and
- 2) Consider adopting an urgency interim ordinance establishing a temporary moratorium on the cultivation or processing of industrial hemp in the unincorporated areas of the County of Solano (4/5 vote required).

SUMMARY/DISCUSSION:

Hemp cultivators and seed breeders were required to register with the Solano County Agriculture Department prior to cultivation beginning in 2019. This was the result of the 2018 Farm Bill and subsequent California legislation that removed hemp from the Controlled Substance Act and classifying it as an agricultural commodity. To date, the Agriculture Department has issued registrations for hemp cultivation to three growers on nine sites, totaling approximately 476 acres.

The plant looks the same as cannabis, and as it matures has the same strong odor. While hemp has been grown in history as a plant for fiber, the value of the plant today is in the CBD (cannabidiol) oil it produces, which is used in many over the counter products that are sold.

As the hemp crops on the above noted sites have approached harvest, there has been a documented and significant increase in criminal activity regarding the plants in the open fields. Although the crop was marked with signage (as required by regulation) indicating it was hemp, not cannabis, there have been thefts of plants, a shooting, and robberies. The Sheriff's Department has responded to many incidents and multiple arrests have occurred. These incidents appear to be directly related to hemp cultivation on the known registered sites. For reference purposes, under the California Health and Safety Code, industrial hemp is legally defined and distinguished from cannabis as a crop that is limited to the types of the plant *Cannabis sativa L* having no

more than 0.3% tetrahydrocannabinol (THC). The Agriculture Department is responsible for testing the plant to ensure it is below the maximum THC level prior to harvest.

Staff is bringing forward the proposed urgency ordinance (attached) in direct response to what has transpired to date relative to criminal activity that has followed (attracted to) fields in Solano County where existing hemp is being cultivated. What is particularly concerning is this criminal activity occurred despite relatively limited acreage in cultivation. Many counties have either banned hemp production, cannabis growing activities or banned both. It is anticipated that there will likely be a significant increase in registration requests for hemp cultivation in 2020 which could further exacerbate what is already being experienced. The Agriculture Department is anticipating up to 3000 registered acres of industrial hemp in the 2020 growing season. In light of these facts, staff believes there are public safety issues that should be considered before further registrations are issued. Adoption of the urgency ordinance would provide time for the County to research regulatory options associated with hemp cultivation. The urgency ordinance would be in effect for 45 days, with additional extensions up to a total of two years possibly. Prior to the end of the initial 45 days, the Board would be required to hold a noticed public hearing prior to any extension.

The proposed ordinance during its term prohibits the growing or processing of industrial hemp for any purpose. The ordinance permits harvesting of existing registered fields to be concluded no later than December 31, 2019. The ordinance precludes further cultivation of registered fields beyond that date.

In reviewing options for regulating hemp in the future, staff anticipates looking at various approaches ranging from a complete prohibition, requiring a higher level land use approval such as a use permit or imposition of land use standards, including setbacks or containment within an enclosed building. Mandating additional security measures will also be evaluated.

FINANCIAL IMPACT:

The cost to prepare this report is nominal and is absorbed in Resource Management's General Fund budget. The Agriculture Department receives registration fees from growers and the California Department of Food and Agriculture partially offsets costs associated with the industrial hemp program. The Sheriff's Department has absorbed costs associated with complaints and responses to criminal activity associated with the existing registered hemp fields.

ALTERNATIVES:

The Board could choose not to adopt the proposed urgency ordinance. Such action is not recommended given the emerging issues associated with hemp cultivation in the county as referenced in this report.

OTHER AGENCY INVOLVEMENT:

The County Counsel's Office and the Sheriff's Department both participated in preparation of this report.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION