



Agenda Submittal

Agenda #: 25 **Status:** Regular Calendar
Type: Ordinance **Department:** Resource Management
File #: 20-754 **Contact:** Bill Emlen, 784-3002
Agenda date: 10/27/2020 **Final action:** 10/27/2020
Title: Conduct a noticed public hearing to consider a one-year extension to an Interim Urgency Ordinance (Ordinance No. 2019-1808), as previously extended by Ordinance No. 2019-1808-E, imposing a temporary moratorium on the cultivation or processing of Industrial Hemp in unincorporated Solano County. Said one-year extension would terminate earlier upon the effective date of an ordinance addressing Industrial Hemp in unincorporated Solano County
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Interim Ordinance

Date	Ver.	Action By	Action	Result
10/27/2020	1	Board of Supervisors		

Published Notice Required? Yes X No
Public Hearing Required? Yes X No

DEPARTMENTAL RECOMMENDATION:

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

1. Read the proposed ordinance by title only and waive further reading by majority vote; and
2. Conduct a noticed public hearing to consider a proposed one-year extension to an Interim Urgency Ordinance (Ordinance No. 2019-1808; 2019-1808-E) establishing a temporary moratorium on the cultivation or processing of Industrial Hemp in the unincorporated areas of Solano County; adopted as an urgency measure; and
3. Adopt an ordinance approving a one-year extension to Interim Urgency Ordinance 2019-1808; 2019-1808-E last extended for 10 months and 15 days on December 10, 2019 (4/5 vote required).

SUMMARY:

On November 5, 2019, the Board adopted an Interim Urgency Ordinance (Ordinance 2019-1808) establishing a moratorium for 45 days on the cultivation or processing of industrial hemp in unincorporated Solano County. The Board's action was in response to public testimony from multiple individuals describing nuisance and criminal activity issues that had arisen regarding several hemp fields planted during the 2019 growing season. Pursuant to State law, the urgency ordinance was extended by the Board for 10 months and 15 days on a unanimous vote after conducting a duly noticed public hearing on December 10, 2019. The urgency ordinance extension expires on November 5, 2020. There were no hemp fields planted in 2020.

Under State Law, the County may extend the urgency ordinance for an additional one- year period. It is noted that there is a separate but companion item on this agenda proposing a permanent ordinance addressing the processing and cultivation of Industrial Hemp. However, even if the Board were to take action to introduce that ordinance at this meeting it will require a second reading at a Board meeting in early November and would not become effective for 30 days thereafter. This would leave a gap between expiration of the urgency ordinance if it is not extended and the date when the permanent ordinance would come into

effect. Although the risks of a gap becoming problematic are minimal given hemp plantings would not be expected at this time of year, staff still recommends the extension to maintain continuity of regulation until the permanent ordinance is in place. It also provides coverage should the permanent ordinance not be deemed ready for final action. Upon adoption of a permanent ordinance the urgency ordinance would cease to exist.

Staff believes there is adequate basis to extend the moratorium even if it is short term. It is clear from prior public testimony that further study was needed to evaluate regulatory options for hemp cultivation. Results of the Hemp Task Force including results of their analysis and recommended provisions are contained in the draft permanent ordinance also on this agenda and are further addressed in that agenda item.

FINANCIAL IMPACT:

Costs to prepare this report are covered by the Resource Management's FY2020/21 Adopted Budget. The Agriculture Department has a cooperative agreement with the California Department of Food and Agriculture to cover some costs associated with the industrial hemp program and also charges hemp growers for crop sampling for THC testing. The Sheriff's Department had absorbed costs resulting from the need to respond to high call volumes associated with the 2019 hemp harvest.

DISCUSSION:

Hemp cultivators and seed breeders were required to register with the Solano County Agriculture Department prior to cultivation 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. In 2019, the Agriculture Department has issued nine registrations for hemp cultivation to three growers on nine sites totaling approximately 476 acres.

The issues that arose regarding public safety and criminal activities seem to evolve from hemp plants being mistaken for cannabis. This occurred even though there was signage on the fields identifying the crop as hemp and not cannabis. For reference purposes, under the California Health and Safety Code, industrial hemp is legally defined and distinguished from cannabis by having no more than 0.3% tetrahydrocannabinol (THC). The Agriculture Department is responsible for ensuring the plants are tested to verify that they are below the maximum THC level. With respect to the hemp fields under production in 2019, all sampling and testing was completed. All outstanding samples tested below the 0.3% legal threshold for THC content. Nonetheless, neighbors in the vicinity of the hemp fields reported a variety of public safety issues that were substantiated by the Sheriff's office and warranted adoption of the urgency ordinance and further study of the issue. The proposed draft ordinance that has been developed contains permitting requirements, locational standards and enforcement provisions intended to address safety and compatibility issues that were identified.

ALTERNATIVES:

The Board could choose not to adopt the one-year extension to the existing moratorium on hemp cultivation. Such action is not recommended given the timing of the current urgency ordinance expiration if not extended relative potential date that a permanent ordinance would become effective.

OTHER AGENCY INVOLVEMENT:

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

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION