



County of El Dorado

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Legislation Details (With Text)

File #: 22-1529 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 8/16/2022 **In control:** Board of Supervisors

On agenda: 11/1/2022 **Final action:** 11/1/2022

Title: HEARING - To consider Final Passage of amendments to Title 130 - Zoning Ordinance County Ordinance Code to amend the Matrix of Allowed Uses in Article 2 (Zones, Allowed Uses, and Zoning Standards) and adding Chapter 130.43, Cultivation of Industrial Hemp, to enact regulations for the cultivation of industrial hemp pursuant to the Industrial Hemp Pilot Program Concept and recommending the Board of Supervisors take the following actions, based on the Planning Commission's Recommendation:

- 1) Find that the adoption of this Ordinance is exempt under the California Environmental Quality Act (CEQA) based on CEQA Guidelines 15307, 15308, 15060(c)(2), and 15061(b)(3);
- 2) Adopt and authorize the Chair to sign Ordinance 5168 amending Title 130 of the County Zoning Ordinance; and
- 3) Direct staff to return to the Board one year following the effective date of the ordinance for an update on the pilot program.

FUNDING: Application Fees, General Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Blue Route Sheet, 2. B - Hemp Ordinance, 3. C - Findings, 4. D - Ag Department Staff Report to Planning Commission, 5. E - Ag Commission Recommendation, 6. F - Planning Commission Recommendations, 7. G - Staff Report Board of Supervisors 11-01-2022, 8. H - Proof of Publication 10-19-22, 9. I - Proof of Publication 10-21-2022, 10. J - Presentation, 11. K - Setbacks Hemp Rationale, 12. L - Proof of Publication 10-27-2022, 13. Public Comment BOS Rcvd. 10-27-2022, 14. Executed Ordinance 5168

Date	Ver.	Action By	Action	Result
11/1/2022	1	Board of Supervisors	Approved	Pass

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- 3) Direct staff to return to the Board one year following the effective date of the ordinance for an update on the pilot program.

FUNDING: Application Fees, General Fund.

DISCUSSION / BACKGROUND

On December 7, 2021 the Board directed staff and the joint working committee on industrial hemp, comprising two members of the Community & Economic Development Advisory Committee (CEDAC) and two members of the Agricultural Commission, to 1) continue to explore if all concerns raised in regards to law enforcement and safety issues, impact to neighbors, county cost to regulate, and internal county staffing capacity can be successfully addressed in an ordinance; and 2) by the end of 2022, to bring back an ordinance for an industrial hemp pilot program or an ordinance for the permanent ban on industrial hemp.

On September 13, 2022, staff presented the work of the Industrial Hemp Joint Working Committee and recommended to the Board to pursue the Industrial Hemp Pilot Program Concept, as well as to enact a ban on the cultivation of industrial hemp due to the impending expiration of the interim moratorium on industrial hemp on December 6, 2022 (Legistar 21-1516). The Board directed staff to return to the Board as soon as possible with a Resolution of Intent (ROI), as required by Zoning Ordinance Section 130.63.020, to pursue the pilot program and to return to the Board with an Industrial Hemp Ordinance as close as possible to the December 6, 2022, moratorium expiration.

The industrial hemp pilot program would be a two-year program consisting of five or fewer producers. The ordinance lists requirements for zoning, setbacks, county licensing, application submittal, cultivation, enforcement, and abatement measures.

On September 20, 2022, the Board approved Resolution of Intention 146-2022 to amend Title 130 of the County Zoning Ordinance to enact regulations for the cultivation of industrial hemp pursuant to the Industrial Hemp Pilot Program Concept.

The Department presented the draft ordinance to the Agricultural Commission on September 29, 2022. The Commission recommended approval of the draft ordinance with modifications, as described in the attached staff report (Attachment G).

The ordinance, with additional modification, was presented at the Planning Commission Meeting Public reading on October 13, 2022. The Planning Commission recommended approval of the draft pilot program ordinance with further modifications.

The Department worked with County Counsel, Sheriff's Department, Chief Administrative Office, and Planning and Building to present the recommendations to your Board today for consideration at the second reading and final adoption hearing of this ordinance.

ALTERNATIVES

The Board could choose to not approve this amendment to the Zoning ordinance addressing the Industrial Hemp Concept Program and revert to State regulations without any County restrictions on farming industrial hemp. The Board could also direct staff to modify the ordinance or could direct staff to instead move forward with a permanent ban on industrial hemp.

PRIOR BOARD ACTION

June 23, 2020 (Legistar 20-0468)
September 22, 2020 (Legistar 20-1181)
December 15, 2020 (Legistar 21-0045)
May 18, 2021 (Legistar 21-0540)
October 13, 2021 (Legistar 21-1623)
December 7, 2021 (Legistar 21-1516)

September 13, 2022 (Legistar 22-1528)

September 20, 2022 (Legistar 22-1707)

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Sheriff's Department, and Planning and Building

FINANCIAL IMPACT

The ordinance provides that applicants shall pay an initial deposit of one-thousand five hundred (\$1,500) for the actual cost of license application review and administration. The licensee is responsible for full costs of abatement.

Pursuit of the Pilot Program could potentially result in cultivation of hemp, which would provide an economic benefit to agriculture in the County, however, the extent of the financial impact to the County is unknown.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Obtain the Chair's signature on the ordinance summary and publish in the newspaper no less than 5 days prior to Final Passage.
- 2) Publish the summary ordinance to include the final Board vote within 15 days after Final Passage.
- 3) Send the full ordinance to Municode for codification following Final Passage.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Charlene Carveth, Agricultural Commissioner