



## Agricultural Commission Industrial Hemp Recommendations

09/29/2022

- There are areas of policy where there were differing opinions that we would like recommendations from the Agricultural Commission:

### 1) Section 130.43.100—Definitions, T. “Sensitive Use”

The Sheriff’s Department recommended also including to the list: 1) a place of worship, 2) school bus stops, and 3) A school evacuation site. They recommended the list stay consistent with the Commercial Cannabis Chapter in the Zoning Ordinance.

County staff noted that school bus stops often change due to issues at the bus stop site so can be hard to consistently track.

#### **Agricultural Commission recommendation on Sheriff’s Department recommended definition of “Sensitive Use”**

- 1.) Accept Sheriff’s recommendation for “Sensitive Use”
  - 2.) Accept ordinance language with no changes for “Sensitive Use”
  - 3.) Accept ordinance language with the following changes
- 2) We would also like the Ag Commission’s recommendation on whether to keep Ranch Marketing facilities in the list and reaffirm keeping Winery sales and tasting facilities on the list.

#### **Agricultural Commission recommendation**

- 1.) Keep Ranch Marketing facilities and Winery sales and tasting facilities on the list**
  - 2.) Keep Winery sales and tasting facilities only**
  - 3.) Keep Ranch Marketing facilities only**
  - 4.) Have both Ranch Marketing and Winery sales and tasting facilities removed from the definition of “Sensitive Use”**
- 3) Section 130.43.105 Cultivation Requirements

The Sheriff's Department recommended adding two sections from Chapter 130.41 Commercial Cannabis:

A. Fencing:

Areas where hemp is cultivated, the premises on which hemp is cultivated, or a portion thereof that includes the cultivation area shall be secured by a minimum six-foot high solid wood or chain link wildlife exclusionary fence, such as cyclone or field game fencing, with locked gates built in compliance with building and zoning codes. All gates shall be lockable and remain locked at all times except to provide immediate entry and exit. A chain link fence is not sufficient for screening. Fencing may not be covered with plastic or cloth except neutral-colored shade cloth may be used on the inside of the fence.

\*The Industrial Hemp Joint Working Group stated this could be cost prohibitive to hemp growers. County staff noted that this was discussed at the Board of Supervisors as a cost that could prevent growers from participating in a pilot program.

**Agricultural Commission recommendation on Sheriff's Department recommendations to add sections for fencing:**

- 1.) Accept Sheriff's recommendation on fencing**
- 2.) Accept ordinance language with no addition for fencing**
- 3.) Accept ordinance language with the following changes**

B. 4) Security Plan:

Detailed explanation of how the applicant will prevent theft and access to hemp and hemp products by individuals. The security plan for the operation that includes adequate lighting, security video cameras with a minimum camera resolution of 1080 pixels and 360 degree coverage, alarm systems, and secure area for hemp storage. The security plan shall include a requirement that there be at least 90 calendar days of surveillance video (that captures both inside and outside images) stored on an ongoing basis and made available to the County upon request. The County may require real-time access of the surveillance video for the Sheriff's Office. The video system for the security cameras must be located in a locked, tamper-proof compartment. The security plan shall remain confidential. A point of contact for the property shall be provided to the County.

\*The Industrial Hemp Joint Working Group stated this could be cost prohibitive to hemp growers. County staff noted that this was discussed at the Board of Supervisors as a cost that could prevent growers from participating in a pilot program.

**Agricultural Commission recommendation on Sheriff's Department recommendations to add sections for a security:**

- 1.) Accept Sheriff's recommendation on security plan**
- 2.) Accept ordinance language with no addition for security plan**
- 3.) Accept ordinance language with the following changes**

4) Section 130.43.105. Cultivation Requirements H. Setbacks

The Sheriff's Department recommended: 1) 800-foot setback requirement from the boundary line of the parcel for RE or RL, 2) 800-foot setback from any residentially zoned parcel, 3) 800-foot setback from an existing commercial agricultural crop on an adjacent parcel not owned by the licensee, 4) 1500-foot setback from a parcel containing a sensitive use that was in existence at the time the licensee obtains their license.

The Industrial Hemp Joint Working Group and the Ag Department recommend the 200-foot setback listed in the proposed ordinance for these items. The 200-foot Setback allows for a starting point to gather data and was recommended in the Pilot Program Concept presented to the Board.

**Agricultural Commission recommendation on Sheriff's Department recommendations on setbacks:**

- 1.) Accept Sheriff's recommendation on setbacks**
- 2.) Accept ordinance language with no changes for setbacks**
- 3.) Accept ordinance language with the following changes**

5) Section 130.43.106 Inspections, B.:

The Ag Department staff, and the Sheriff's Department recommended including the Sheriff's office in this section for the licensee to allow County staff, including the Sheriff's office to have complete and unrestricted access during business hours, consistent with 3 CCR 4930.

Not all members of the Joint Working Group agreed on allowing this access by Sheriff's staff.

**Agricultural Commission recommendation on Sheriff's Department and Ag. Department recommendations on inspections:**

- 1.) Accept Agriculture Dept. and Sheriff's recommendation on Sheriff access**
- 2.) Recommend the following changes**

6) Section 130.43.106 Inspections, C:

The Sheriff's Department recommends the Agricultural Commissioner report promptly any THC concentration of more than 0.3% to the Sheriff's office.

The Agriculture Department recommends the 1% proposed in the ordinance. In state regulations the registered grower is allowed to request a second test if the first test exceeds the acceptable hemp THC level. If the crop does not have a total THC concentration of more than 1% on a dry weight basis and the cultivators have not committed a negligent violation the crop can be abated according to federal rules.

**Agricultural Commission recommendation on Sheriff's Department recommendations on reporting requirements at 0.3% THC:**

- 1.) Accept Sheriff's recommendation on Ag. Commissioner reporting at 0.3% THC**
- 2.) Accept ordinance language with no changes.**
- 3.) Accept ordinance language with the following changes**

The El Dorado Agricultural Commission is recommending the following:

- 1.) Recommend to approve the ordinance with the following suggested changes,
  
  
  
  
  
  
  
  
  
  
- 2.) Recommend to approve the ordinance as is with no changes