

EDC Industrial Hemp Pilot Program CONCEPT 2023-2024 Seasons

Presumption: *Do not over regulate for problems that we do not know actually exist. Use this controlled, small pilot program to see when and if additional rules and regulations need to be applied. It's only 5 farms working closely with the county. If thefts occur, then we add additional security requirements. If excessive odor complaints occur, then setbacks can be adjusted. But if not, then just proceed and scale up until problems arise/if they arise. This should be considered a research and fact finding endeavor to inform final policy at the end of the two year period.*

Pilot Program to consist of **FIVE** or less Industrial Hemp producers for the 2023 and 2024 growing seasons.

Who can participate:

Growers who pass the CA standards for eligibility and meet the following El Dorado County conditions:

I. Property Zoning and set-backs:

Allowed:

Right to Farm zoning- PA, LA and AG

RE-20 acre minimum with 200' setback from adjacent property

RL-20 acre minimum with 200' setback from adjacent property

* Smaller acreage can request an Administrative Permit

Adjoining small parcels can be grouped to equal 20 acres or more.

Setbacks:

200' setback on residential parcels

0' setback on Right to Farm (PA, LA, AG)

200' setback from existing permanent Ag crop

200' setback from sensitive sites

Sensitive sites: Tasting Rooms, Public Parks (Not undeveloped public land)

II. Agricultural Department Policies

1. Ag Dept/CA Best Management Practices
2. Program beginning checklist and information (Lights, track-out, fencing, etc.)
4. Owner/lease policies. Permissions for abatement.

III. Time and Funding

1. \$1,500- \$2,000 (10hrs x two staff) Time and materials
2. \$1,200- \$1,500 abatement bond

IV. Abatement-

1. Hot crop between .3% and 1% abatement overseen by Agricultural Department.
2. Crop 1% and higher qualifies as illegal cannabis and becomes the purview of law enforcement or code enforcement. Recommend processing under the current policies under Sec. 130.42.100 of the Cannabis Ordinance which has clear guidelines for remediation and the ability to levy fines to properties not in compliance. (See attachment)

V. Odor

1. No mitigation mandated or setbacks on Right to Farm parcels except for against pre-existing tasting room facilities.
2. All other parcels- no additional mitigation required aside from set-backs. Use the two year pilot program to record and analyze complaints and inform final policies. Have regulations based on hard data.
3. Production facilities: Follow Cannabis Ordinance guidelines for mitigation in indoor facilities. Production facilities on PA, LA, and AG do not require mitigation.

VI. Schools: *(From Erik Bonniksen, Superintendent of the Placerville Union School District)*

1. Notify schools that are located within 300 feet of the farm as part of the permitting process.
2. With the notification, send a one-page fact sheet about hemp that the school can send out to parents (if they choose), so that parents/community would understand the difference between hemp and cannabis.
3. Clear signage stating it is hemp, not cannabis, and doesn't have THC levels above a certain

VII. Signage

1. Large scale official signage at any point where plants are in public view.
2. Official signage at immediate perimeter of grow site.
3. Size of sign to public view must be large enough to be legible from passing cars/pedestrians.

VIII. Testing

1. Follow CA State and CDFG policies regarding testing methods and % definitions.
2. Testing will be done by the Agricultural Commissioner and USDA trained department staff. Ag Dept is required by state law to use D.E.A. Certified labs.
3. Testing by Law Enforcement would require a warrant.
4. THC levels over 1% will be reported to the Sheriff's Office and code enforcement.

IX. Site Plan

Site plan showing the entire parcel, including any easements, streams, ponds, and other surface water features and the location and area for cultivation and set backs from property lines, if applicable. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, if applicable, and identify any areas where hemp will be stored, handled, or displayed. Detailed diagrams of the premises, including any buildings, structures, fences, gates, parking, lighting, and signage.

X. Security Plan

A security plan will be recommended in the applicant informational packet provided by the Ag Dept.

X1. Background Check

Use CA State requirements and processes for Industrial Hemp background checks.

XII. Inspections

Follow state guidelines for scheduled inspections during business hours by the Agricultural Department.

XII. Designated Local Contact

Provided to the Sheriff's Department.

I. Sec. 130.42.100 - Cultivation of Cannabis for Personal Use.

Administrative Enforcement and Abatement.

1 In addition to criminal enforcement, a violation of this Section shall be deemed a public nuisance and shall be subject to enforcement as provided herein and the provisions of Chapters [130.12](#) and [9.02](#). Pursuant to Subsection [9.02.020\(B\)](#), the higher fines of this Section shall control in any administrative enforcement action.

2 A notice to correct or notice to abate issued under [Chapter 9.02](#) shall provide no less than 96 hours for the responsible person to correct or abate the violation and shall identify the administrative fines of this Section if the violation is not corrected or abated within the time stated on the notice. Notwithstanding [Chapter 9.02](#), if the cultivation of cannabis in violation of this Section is confirmed through visual inspection or satellite imagery, a notice to correct and notice to abate may be simultaneously issued on a single form entitled "Notice to Correct and Abate," which would provide for abatement after expiration of no less than 96 hours from the date and time stated on the notice.

3 For any violation not corrected within the date and time stated on the notice to correct or notice to correct and abate, an administrative fine of up to \$1,000.00 per day, per violation will accrue for each and every day, or portion of a day, that a violation exists. Each plant cultivated in violation of this Section shall be deemed a separate violation. For a second violation within the 12-month period commencing from the date of a prior administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be up to \$2,500.00 per day, per violation for each and every day, or portion of a day, that a violation exists. For a third violation within the 12-month period commencing from the date of the first administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be up to \$5,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.

4 Notwithstanding [Section 9.02.390](#), a request for an administrative hearing under [Chapter 9.02](#) must be made within three calendar days of service of the notice to correct, administrative citation, or notice to abate and the hearing shall be held within five business days of the request for a hearing. Consistent with [Section 9.02.400\(A\)](#), satellite images of cannabis cultivation shall be admissible in an administrative hearing under this Section provided that there is evidence establishing the date and time the image was captured and the parcel for which the image was taken.

5 The decision of the Hearing Officer under [Section 9.02.440](#) shall be issued within five calendar days of completion of the hearing.

6 A notice to abate or decision of a Hearing Officer requiring abatement shall provide that, if any plants cultivated under this Section are removed as part of the abatement action because they are in excess of the allowable number of plants, the responsible person may decide which plants will remain so long as the remaining plants are in compliance with this Section. The notice to abate shall require the responsible person to identify the plants to remain within the time provided in the notice to abate or the time provided for in the decision by the Hearing Officer. If the responsible person does not identify the plants to remain in writing within the time provided, the enforcement official shall determine, in his or her sole discretion, which plants, if any, will remain.

7 Unless a notice is personally served, any notice provided under this Section shall be:

Mailed under [Section 9.02.120](#) to the property address;

a.

Mailed under [Section 9.02.120](#) to the property owner on record with the County Assessor's Office if the most current address on file with the Assessor's Office is different than the subject property; and

c. Posted conspicuously on or in front of the residence, cultivation site, or other place reasonably anticipated to provide notice to the responsible person.

8 Imposition of administrative fines may be delayed and a property owner may be permitted no less than 15 days to correct any violations other than removal of cannabis plants if all of the following conditions are met:

a. The property where the cultivation is occurring is being rented or leased and a tenant is in possession;

b. The property owner or agent provides written evidence that the rental or lease agreement prohibits the cultivation of cannabis;

c. The property owner or agent did not know the tenant was illegally cultivating cannabis and no complaint, property inspection, or other information provided the property owner or agent with actual notice of the illegal cannabis cultivation; and

| The property owner demonstrates good faith efforts to remove the illegal cannabis plants within the time
d. required in the notice to correct or notice to abate.

| Remediation Plan. Before a civil code enforcement case is closed, the County shall approve a remediation
9 plan that provides for remediation activities that will restore the site to predevelopment (pre-cultivation)
conditions to the maximum extent feasible. The County may require a mitigation and monitoring plan subject to
review and approval of a Hearing Officer or the Planning and Building Department. The plan shall address
prevention of damage to soil, plant and animal life, and surface and subsurface water supplies, and shall include
standards for documentation, reporting, and adaptive management. Failure to comply with a mitigation and
monitoring plan shall constitute a subsequent violation of this Section.

| For purposes of this Section, if the last day for the performance of any act that is required by these rules to be
1 performed within a specific period of time falls on a Saturday, Sunday, or other legal holiday, the period is
0 extended to and includes the next day that is not a holiday.

| The remedies provided herein are cumulative to all other administrative, civil, and criminal remedies now or
1 hereafter available to abate or otherwise regulate or prevent public nuisances or criminal activity
