



## Legislation Details (With Text)

**File #:** 21-0045      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 12/31/2020      **In control:** Board of Supervisors

**On agenda:** 1/26/2021      **Final action:** 1/26/2021

**Title:** HEARING - Agriculture Department, on behalf of the Hemp Ad Hoc Advisory Committee, recommending the Board approve an urgency Ordinance 5138 extending an interim 45-day moratorium on the cultivation of industrial hemp for all purposes within the unincorporated areas of the County of El Dorado, pending the study and development of reasonable regulations, for ten months (10) and fifteen (15) days.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - 21-0045 Blue Route Sheet, 2. B - Ordinance Urgency Moratorium Extension, 3. C - Summary Urgency Ord. for Publishing, 4. D - Ordinance 5137, 5. Executed Ordinance 5138, 6. Public Comment BOS Rcvd 1-25-2021

Date	Ver.	Action By	Action	Result
1/26/2021	1	Board of Supervisors	Approved	Pass

HEARING - Agriculture Department, on behalf of the Hemp Ad Hoc Advisory Committee, recommending the Board approve an urgency Ordinance **5138** extending an interim 45-day moratorium on the cultivation of industrial hemp for all purposes within the unincorporated areas of the County of El Dorado, pending the study and development of reasonable regulations, for ten months (10) and fifteen (15) days.

**FUNDING:** N/A

### DISCUSSION / BACKGROUND

On December 15, 2020 the Board of Supervisors adopted Ordinance 5137 imposing a forty-five-day moratorium on the cultivation of industrial hemp for all purposes within the unincorporated area of the County, including cultivation by a hemp breeder or by an Established Agricultural Research Institution, while County staff determines the impact of unregulated cultivation of hemp and develops reasonable regulations to mitigate those impacts. The purpose of this interim urgency ordinance is to extend that temporary moratorium for ten (10) months and fifteen (15) days pending the adoption of an ordinance regulating industrial hemp. This interim urgency ordinance is adopted pursuant to California Constitution Article XI, Section 7, and Government Code Section 65800 et seq, particularly Section 65858 and other applicable law.

Per the Board's direction of September 22, 2020, the Hemp Ad Hoc Committee held a Public Zoom Meeting on October 29, 2020 at 2:00pm. It was determined at this meeting that an Urgency Ordinance adopting an interim moratorium on the cultivation of industrial hemp for all purposes within the unincorporated areas of the county of El Dorado pending a study and development of reasonable regulations should be put in place to address the request of the Board of Supervisors. It is important to note that a registrant who was issued a registration in 2020 may finish cultivating industrial hemp

consistent with the terms of that registration.

The Ad Hoc committee will continue to meet to develop the additional items addressed on September 22, 2020 through January 11, 2022. Returning to the Board at completion of new resolution for Hemp cultivation in El Dorado County including:

- 1) Developing recommendations regarding testing of industrial hemp;
- 2) Developing recommendations on issues such as zoning, parcel size, setbacks, registration limits, crop size limits, maximum acreage within the County, signage, track and trace harvested crops, or other restrictions;
- 3) Develop recommendations on new ordinances, or updating existing ordinances, addressing industrial hemp cultivation, industrial hemp plant breeders, industrial hemp nurseries and processing/manufacturing; and
- 4) Develop recommendations to create an administrative process for industrial hemp and provide best practices for the program by obtaining other counties best management practices and ordinances.

#### **ALTERNATIVES**

The Board could choose not to extend the temporary moratorium.

#### **PRIOR BOARD ACTION**

Per the Boards adoption of the temporary forty-five day moratorium on the cultivation on December 15, 2020, the Ad Hoc committee has had one public meeting to study and develop reasonable regulations. It is the intent of the Ad Hoc Committee to work as diligently as possible with an additional three meetings and return to the Board with a working resolution. Per the directions from the September 22, 2020, Board of Supervisors meeting the Ad Hoc Committee held a Zoom Meeting on October 29, 2020, at 2:00pm. This was the first meeting in a series of meetings the Ad Hoc Committee will be holding. The first item of discussion was to develop an Urgency Ordinance adopting an interim moratorium on the cultivation of industrial hemp for all purposes within the unincorporated areas of the county of El Dorado pending a study and development of reasonable regulations. The Agricultural Department is working on designing the web page of the department to include the committee minutes and a schedule of the upcoming public committee meetings per the Boards request.

The Ad Hoc Committee was established following a presentation on industrial hemp by the Agriculture Department on June 23, 2020, the Board requested the formation of an Ad Hoc Hemp Committee to include two members of the Board. The members of the Committee are District I Supervisor John Hidahl and District IV Supervisor Lori Parlin. The Ad Hoc Hemp Committee held a planning meeting via ZOOM on August 19, 2020. County staff participants were Sheriff John D'Agostini, Sheriff Lieutenant Mike Cook, Deputy County Counsel Daniel Vandekoolwyk, and Agricultural Commissioner Charlene Carveth. Agricultural Commission members, Bill Draper and David Bolster, also participated. The Ad Hoc Committee discussed the scope of study for the Committee, and is returning to the Board for further direction.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Sheriff's Office, County Counsel, Planning and Building

#### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

Currently the only funding for the Hemp program in the Agriculture Department is solely for registration and renewal issuance, training of county personnel, and enforcement activities covered under the California Department of Food and Agriculture (CDFA) contract and other billable cost as associated with the CDFA Hemp program.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

File Paperwork for extension through January 11, 2022

**STRATEGIC PLAN COMPONENT**

Public Safety and Healthy Communities

**CONTACT**

Charlene Carveth, Agricultural Commissioner, Sealer of Weights & Measures  
Sheriff John D'Agostini