



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Extend Interim Hemp Ordinance & Issue Status Report	Board Meeting Date April 9, 2019	Agenda Number 37
Dept: Enviromental Management Agency Div: Agriculture Contact: Bradley Banner Phone: 209/754-6399	Supervisorial District Number Countywide	Regular Agenda
Published Notice Required? Yes Public Hearing Required? Yes		Estimated Time: 30 Minutes
Type of Document? Action Item PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

1) Conduct a Public Hearing and extend Interim Ordinance 3113 concerning Hemp Cultivation by a 4/5 vote for a period not to exceed 22 months and 15 days; and 2) By a majority vote issue a status report on actions taken to alleviate the need for the Interim Ordinance.

DISCUSSION/SUMMARY:

On March 12, 2019 The Board of Supervisors adopted an interim ordinance pursuant to Gov. Code 65858(b) imposing a temporary moratorium on the commercial cultivation of industrial hemp, and the cultivation of industrial hemp by established agricultural research institutions, within the unincorporated areas of the county of Calaveras until the impacts of such cultivation and the feasibility of reasonable regulations and fees can be assessed (Ordinance No. 3113, included as Attachment B).

An interim ordinance adopted pursuant to Gov. Code 65858(b) is only valid for 45 days unless the Board of Supervisors, by a 4/5 vote, extends the ordinance after a noticed public hearing prior to its expiration date. The deadline to grant an extension is April 26th. The ordinance can be extended for a maximum of 22 months and 15 days from the date of the extension, but the Board can direct staff to rescind the interim ordinance and/or prepare a permanent hemp cultivation ordinance at any time before its final expiration. Pursuant to Gov. Code 65858(d), a county board of supervisors must also issue a report describing measures taken to alleviate the conditions necessitating the interim ordinance within 10 days of its expiration or the expiration of any extension granted. The deadline to issue this report is April 16th.

A report has been prepared and is included as Attachment A. The Agricultural Commissioner, having also consulted with the Planning Director and County Counsel, recommends that the Interim Ordinance 3113 be extended and remain in place pending the result of further study and discussion of where, how much, and how hemp might be cultivated in the county without creating a public nuisance, without negatively impacting the cannabis cultivation activities the Board is considering allowing, and without jeopardizing the effective enforcement of the cannabis cultivation ban that currently remains in effect.

A cannabis study session will be on the Board of Supervisors agenda for 4/16/19, at which time

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it is presumed that further staff direction will be given with respect to the amendment of the county's current cannabis program, and this will allow staff to strategize at a more granular level about how cannabis and hemp might co-exist in the County without creating a nuisance to each other or to the public at large. The first set of state hemp regulations are currently being reviewed by the Office of Administrative Law and are expected to be adopted within days, and these will also provide clearer information about what the state expects of hemp cultivators and what additional regulations the county might need to adopt at the local level to help ensure that hemp cultivation does not become a nuisance. Regulations clarifying state-level enforcement will be issued later.

Allowing the unregulated cultivation of hemp in the meantime has a high likelihood of attracting unlawful activities and may be harmful to the welfare of the County and its residents, create a public nuisance, impact ground water, threaten existing agriculture and other nearby property owners, complicate enforcement of the current cannabis ban and result in land uses that may conflict with amendments to the Calaveras County Code that are currently under consideration.

The findings made when the ordinance was adopted, which are included as part of Attachment B, remain salient and have not yet been remedied, thereby justifying the extension of the ordinance. By extending this ordinance, the Board of Supervisors finds, as required by Gov. Code 65658, that there continues to be a current and immediate threat to the public health, safety, and welfare of county residents, and that approving local hemp cultivation permits or otherwise allowing hemp cultivation in Calaveras County prior to studying and implementing reasonable regulations, assuming they are feasible, would result in that threat to the public health, safety, and welfare.

FINANCING:

No financial impact other than staff time is associated with the issuance of the Status Report or extension of the interim ordinance.

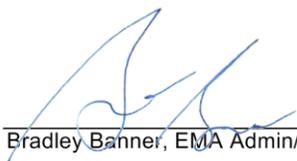
ALTERNATIVES:

If the Board chooses not to issue the status report or extend the ordinance, the interim urgency ordinance will expire on April 26th, and commercial and research cultivation of industrial hemp would be permitted by right on any parcel located in a zone allowing commercial agriculture.

OTHER AGENCY INVOLVEMENT:

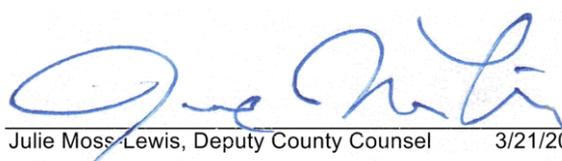
Planning

APPROVED BY:



Bradley Banner, EMA Admin/APCO

3/20/2019



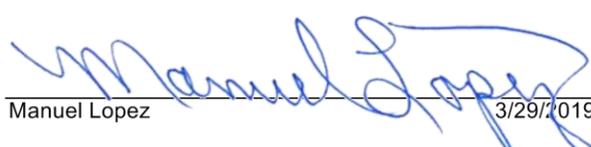
Julie Moss-Lewis, Deputy County Counsel

3/21/2019



Diane Severud, Deputy Clerk of the Board of Supervisors

3/25/2019



Manuel Lopez

3/29/2019