



# COUNTY OF HUMBOLDT

For the meeting of: 12/8/2020

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File #: 20-1483

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**SUBJECT:**

Public Hearing on Extension of Temporary Moratorium on the Cultivation of Industrial Hemp (4/5 Vote Required) (Case#PLN-2019-15557)

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Introduce the proposed ordinance extending for four months and 15 days the temporary moratorium on Cultivation of Industrial Hemp by title [Attachment 1];
2. Receive and consider the staff report, open the public hearing, and accept public comment;
3. Close the public hearing;
4. Deliberate on the proposed ordinance;
5. Find the ordinance exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308 (regulatory activity to assure protection of the environment);
6. Adopt Ordinance No: \_\_\_\_\_ [Attachment 1], extending for 4 months and fifteen days the moratorium on industrial hemp cultivation and acceptance of applications for industrial hemp cultivation;
7. Direct the Clerk of the Board to publish a Summary of the Ordinance within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against the ordinance [Attachment 2] and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance (Government Code section 25124); and
8. Direct Planning staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

**SOURCE OF FUNDING:**

The salary funding for preparing this staff report is included in the General Fund contribution to the Long-Range Planning unit, 1100-282.

**DISCUSSION:**

The item before the Board is a final four month, 15-day extension to the existing 12-month temporary moratorium of Industrial Hemp cultivation in Humboldt County which expires on December 25<sup>th</sup>, 2020 (Ordinance 2637). If the Board approves the attached ordinance, the current temporary moratorium on cultivation of Industrial Hemp will be continued until May 10, 2021 which is the maximum time period allowed for temporary ordinances to remain in effect per Government Code section 65858(b). The extension will provide staff the time necessary to bring forward a permanent ordinance regulating Industrial Hemp for the unincorporated areas.

***Background***

At previous Board of Supervisors meetings, including April 2<sup>nd</sup>, May 14<sup>th</sup>, and May 21<sup>st</sup>, 2019, the public expressed interest in capitalizing on an emerging market for Industrial Hemp as a potential source for cannabidiol (CBD) extract production for medicinal use. However, public comment at those meetings also identified concerns about the potential impacts to the legal cannabis industry through cross pollination and the introduction of new pests and pathogens. It was determined through these hearings that much of the desire for Industrial Hemp was related to small farmers not having been able to participate in the permitting process.

The Board passed an initial 45-day moratorium on Industrial Hemp cultivation in the unincorporated areas of the County on May 21, 2019 (Ordinance 2627). That was followed by a six-month extension of the moratorium on June 25, 2019 (Ordinance 2632). Finally, on December 10, 2019, the Board extended the temporary moratorium on Industrial Hemp cultivation until December 25<sup>th</sup>, 2020 (Ordinance 2637) and directed staff to examine the Commercial Cannabis Land Use Ordinance (CCLUO) to determine if there are regulatory barriers which preclude small farmers from entry into the legal marketplace. This ordinance would extend the moratorium for an additional four months and 15 days, which is the maximum allowed for under state law.

An ad-hoc committee of the Board of Supervisors identified some areas that should be addressed to make it easier for small farmers to navigate the cannabis permitting process. This was developed into the “Small Cultivator” amendments to the CCLUO and adopted by the Board of Supervisors (Ordinance 2652 adopted October 6, 2020).

Staff is working with the Agricultural Commissioner on a draft Industrial Hemp Ordinance which will continue the county’s conservative approach to prohibiting cultivation of Industrial Hemp with certain exceptions. Officials at the College of the Redwoods (CR) have expressed interest in establishing an allowance in the ordinance for limited cultivation of Industrial Hemp for educational purposes at their campus facility on Tompkins Hill Road. A draft Industrial Hemp Ordinance with an allowance for cultivation at the CR campus will be considered by the Planning Commission before coming before your Board prior to the expiration of the temporary moratorium of May 10<sup>th</sup>, 2021.

***Environmental Review***

This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308 (regulatory activity to assure protection of the environment). Facts supporting this finding include potential impacts of unregulated Hemp cultivation on the environment

as documented in the Environmental Impact Report (EIR) for the CCLUO.

FINANCIAL IMPACT:

Staff costs and other expenses related to preparation and review of this ordinance total approximately \$1,000. There will be additional future costs of around \$10,000 to consider the permanent Industrial Hemp Ordinance in the first quarter of 2021. These costs are supported by the General Fund contribution to the Planning and Building Department, Long Range Planning Unit's fiscal year 2020-21 budget.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

Agricultural Commissioner, County Counsel, and the California Department of Food and Agriculture.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose to not adopt the extension ordinance which would lead to near term approval of Industrial Hemp cultivation without consideration of the potential impacts. Staff is not recommending this alternative because the potentially significant impacts may be prevented with a more deliberate and methodical approach as recommended by staff.

ATTACHMENTS:

1. Ordinance Extending Industrial Hemp Cultivation Moratorium for four months and 15 days
2. Post Adoption Ordinance Summary

PREVIOUS ACTION/REFERRAL:

Board Order No.: 19-457, 19-721, 19-758, 19-993, and 19-1734

Meeting of: April 2<sup>nd</sup>, May 14<sup>th</sup>, May 21<sup>st</sup>, 2019, June 25, 2019 and December 10, 2019