



COUNTY OF HUMBOLDT

Legislation Details (With Text)

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On agenda: 12/10/2019 **Final action:** 12/10/2019
Title: Extension of Temporary Moratorium on the Cultivation of Industrial Hemp (4/5 Vote Required)
Sponsors:
Indexes:
Code sections:
Attachments: 1. Staff Report, 2. Attachment 1 - Hemp Moratorium Ordinance Extension final.pdf, 3. Attachment 2 - Post-Adoption Summary - Hemp Moratorium final.pdf, 4. Ordinance 2637.pdf, 5. Public Comment.pdf, 6. Proof of Publication.pdf

Date	Ver.	Action By	Action	Result
12/10/2019	1	Board of Supervisors	approved	Pass

To: Board of Supervisors
From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Extension of Temporary Moratorium on the Cultivation of Industrial Hemp (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the proposed ordinance extending, for 1 year, the temporary moratorium on Cultivation of Industrial Hemp by title [Attachment 1];
2. Open the public hearing and accept public comment;
3. 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).
4. Adopt Ordinance No: _____ [Attachment 1] extending, for 1 year, the moratorium on industrial hemp cultivation and acceptance of applications for industrial hemp cultivation (4/5 vote required); and
5. 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)

SOURCE OF FUNDING:

General Fund (1100)

DISCUSSION:

The item before the Board is a one-year extension of the existing six (6) month moratorium for Industrial Hemp cultivation in Humboldt County which expires on December 25, 2019. If the Board approves the attached ordinance, the current 6-month temporary moratorium on cultivation of Industrial Hemp will be continued for an additional year (until December 25, 2020).

Based on the public testimony presented at a Planning Commission public workshop on October 3, 2019, and a public hearing on October 17, 2019, the Planning Commission recommended that the Board of Supervisors take a precautionary approach to allowing Industrial Hemp activities. To minimize the risks of Industrial Hemp inadvertently pollinating permitted cannabis cultivation sites, the Planning Commission recommended prohibiting all Industrial Hemp activities.

At the Board hearing on November 19, 2019, the Board considered the Planning Commission's recommendations and rather than prohibition, expressed support to extend the moratorium for one year 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 market place. It is anticipated that the Board may consider future amendment(s) to the existing CCLUO regulations, or possible Industrial Hemp regulations. At that time, the Board may reconsider if Industrial Hemp prohibition is appropriate prior to the end of the one year moratorium.

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).

FINANCIAL IMPACT:

Staff costs for preparation and review of this ordinance are approximately \$1,000. These costs are supported by the General Fund contribution to the Planning and Building Department, Long Range Planning Unit's FY 2019-20 budget.

STRATEGIC FRAMEWORK:

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

OTHER AGENCY INVOLVEMENT:

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 One Year
2. Post Adoption Ordinance Summary

PREVIOUS ACTION/REFERRAL:

Board Order No.: 19-1627

Meeting of: November 19, 2019