



COUNTY OF HUMBOLDT

For the meeting of: 5/21/2019

File #: 19-758

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Departmental

SUBJECT:

Adoption of an Urgency Ordinance Establishing a Temporary Moratorium on the Cultivation of Industrial Hemp (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the Interim Urgency Ordinance declaring a temporary moratorium on the cultivation of industrial hemp by "Established Agricultural Research Institutions" and any growers of industrial hemp within the unincorporated areas of Humboldt County based on the findings set forth within the Interim Urgency Ordinance under the provisions contained in California Government Code Sections 25123 (d) and 65858 (4/5 vote required); and
2. If adopted, direct the Clerk of the Board to publish the post-adoption summary of the ordinance within 15 days.

SOURCE OF FUNDING:

N/A

DISCUSSION:

This item would adopt an urgency ordinance to establish a moratorium on the cultivation of Industrial Hemp. This is as directed by the Board of Supervisors at the meeting of May 14, 2019.

On April 2, 2019, the Board of Supervisors adopted an interim urgency ordinance establishing a moratorium on the cultivation of Industrial Hemp. The moratorium was for a period of 45 days unless extended. The vote to extend the moratorium requires a 4/5s vote. On May 14, 2019 the Board of Supervisors did not have the necessary votes to extend the moratorium and it expired on May 17, 2019. At that meeting, the Board directed staff to return on May 21, 2019 with an ordinance for a new 45 day moratorium on industrial hemp cultivation. That ordinance is in Attachment 1 of this staff report. The Board also directed staff to initiate work on amending the CCLUO to address hemp cultivation in the County of Humboldt.

The moratorium being in place until adequate regulations can be established is important because:

1. The people who provided public comment advocating for the unregulated cultivation of hemp wanted to do so to make medicinal CBD available at a cheaper cost. However, the production of CBD for medical purposes is regulated under the CCLUO, but there are those who want to produce CBD outside of the medical cannabis regulatory framework. This must be clarified, including understanding where the state is going with the regulations.
2. There is concern over the potential for pollen adversely affecting permitted cannabis sites. Pollinating hemp plants could cross-pollinate with permitted cannabis sites resulting in decreased bud production, which could ruin crop productivity. This was a problem in both Oregon and Colorado, and measures should be taken to not repeat those experiences. This would not be consistent with the County's prior work to establish a healthy environment for the legal cannabis industry.
3. There are varieties of hemp that cannot be differentiated from cannabis being sold in the illicit market. There is the strong potential for illicit cannabis to be grown under a registration issued by the Agricultural Commissioner which would end up being sold in the illicit market. This would recreate the ambiguity created by Prop 215 on enforcement efforts.
4. Many view hemp as a way to return to unregulated cultivation of cannabis which would undo the progress that has been made to protect special areas around cities and community plan areas from odor and noise, protect biological resources in sensitive areas, regulate water diversions from streams and address unregulated water use in areas where streams and creeks are running dry.
5. There would be an immediate financial impact to the Sheriff's office, Agricultural Commissioner's office and Planning and Building due the need to have THC field test kits. These kits cost \$13,500 each. The Sheriff's office would need at least 7 kits, Agricultural Commissioner at least 2 and Code Enforcement would need at least 1. This would require at least 10 kits at a cost to the County of \$135,000.00.
6. The state regulations for registration of Industrial Hemp are unlikely to be completed in time to allow legal cultivation of Hemp this growing season, and thus the moratorium will not adversely affect hemp cultivation this season.

Absent full and final regulations for the state industrial hemp program, Humboldt County and at least 25 other California counties (Amador, Calaveras, Glenn, Mariposa, Mendocino, Merced, Modoc, Mono, Nevada, Placer, Sacramento, San Bernardino, San Joaquin, Shasta, Sierra, Siskiyou, Sonoma, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba) placed some form of moratorium on hemp production until regulations are in place.

FINANCIAL IMPACT:

If the Board decides to adopt a moratorium on industrial hemp cultivation the Agricultural Commissioner's Office will collect a \$900 registration fee, \$700 of which is remitted to CDFA and \$200 is returned to the Agricultural Commissioner's Office. If no moratorium is adopted by the

Board there will be costs associated to the Agricultural Commissioner's Office mandate to regulate industrial hemp beyond the registration process, although at this time the potential workload and associated costs are unknown, but likely to include: staff time, vehicle mileage, and industrial hemp THC level tests. As noted above there would be immediate costs associated with having THC Test kits with a county cost of at least \$135,000.00. The Industrial Hemp Law authorizes counties to establish additional fees to cover those costs (FAC § 81005 (c)).

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents Click here to type another item(s) from the Strategic Framework, or leave as a period.

OTHER AGENCY INVOLVEMENT:

Click or tap here to enter text.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Agriculture Commissioner

ATTACHMENTS:

1. Interim Urgency Ordinance Declaring a Temporary Moratorium on the Cultivation of Industrial Hemp.
2. Post-adoption summary of ordinance

PREVIOUS ACTION/REFERRAL:

Board Order No.: J-1
Meeting of: May 14, 2019
File No.: 19-721