

# Industrial Hemp Cultivation Ordinances

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CONTRA COSTA COUNTY BOARD OF SUPERVISORS

JULY 27, 2021

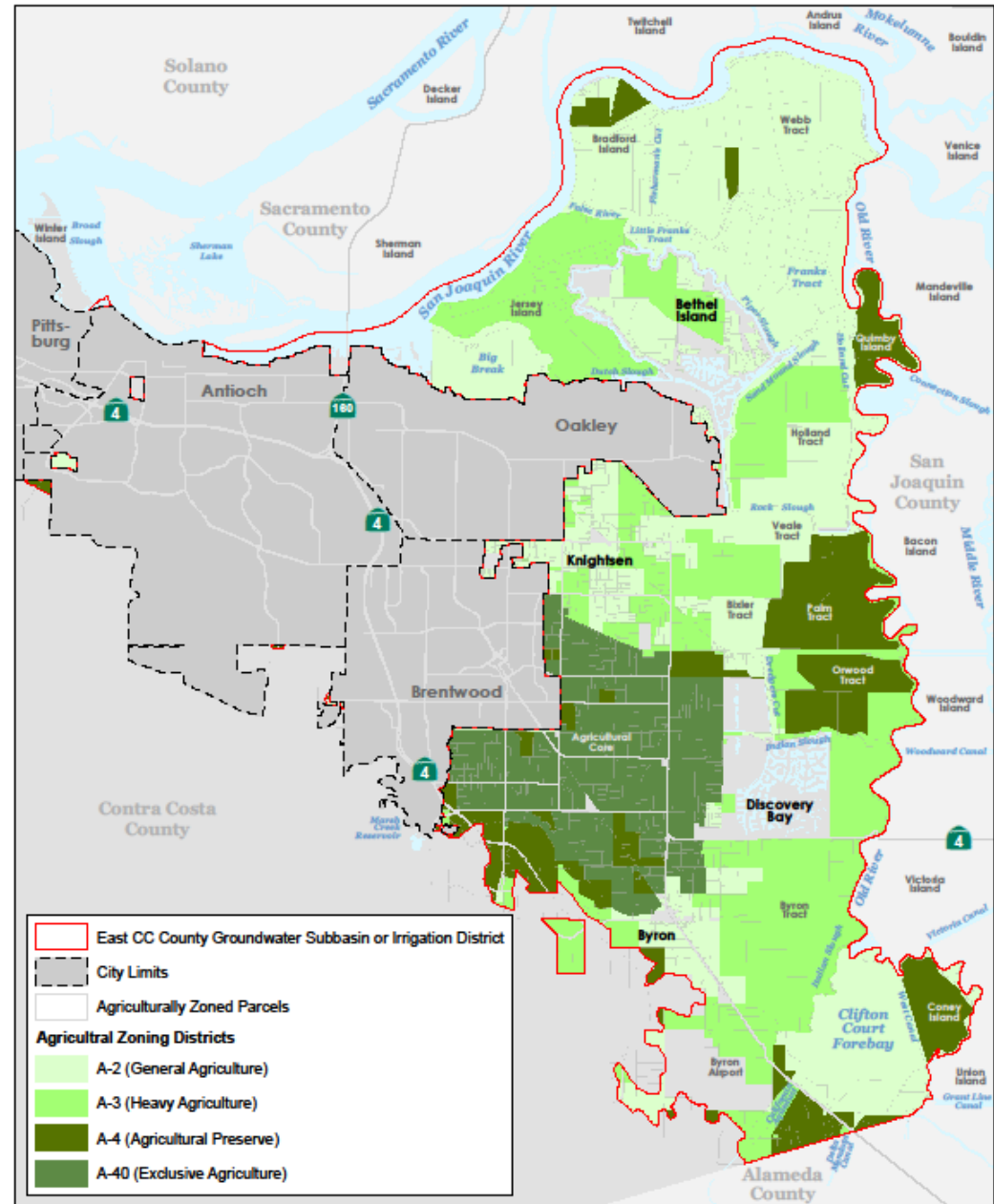
# Background

- The Agriculture Improvement Act of 2018 (the 2018 Farm Bill), was signed into law, removing hemp from Schedule I of the federal Controlled Substances Act.
- Industrial hemp and cannabis are derivatives of the same plant, but industrial hemp is distinguished from cannabis if the plant has a concentration of 0.3% tetrahydrocannabinol (THC) or less. However, the concentration of THC in a plant increases as the plant matures, so accurate testing can only be performed when the plant is close to harvest.
- On November 17, 2020, the Board of Supervisors adopted an urgency interim ordinance (Ordinance No. 2020-28) imposing a moratorium on the cultivation of industrial hemp. The urgency ordinance was extended twice by the Board and is set to expire on September 30, 2021.
- CEQA. Staff has determined that the proposed ordinances are exempt from the provisions of CEQA per section 15062 (b)(3) since it can be seen with certainty that adoption of the ordinance will not result in any environmental impacts and recommends that the Board adopt the same.
- In conjunction with adoption of the Industrial Hemp Cultivation Zoning Ordinance the County Agricultural Department has also prepared for adoption today an ordinance amending Title 5 of the County Ordinance Code establishing a permitting process and standards for industrial hemp cultivators. The agricultural ordinance will require cultivators to obtain a permit from the Contra Costa County Agricultural Commissioner.

# Industrial Hemp Zoning Ordinance Overview

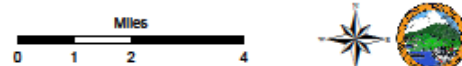
- Land Use Permit Required
- Agricultural Zoning Districts only (A- )
- 5-Acre Minimum Lot Size
- Outdoor cultivation Prohibited Inside Urban Limit Line (ULL) or within 1-mile of ULL
- Allowed Only within the boundaries of the following:
  - East Contra Costa Irrigation District (ECCID)
  - Byron-Bethany Irrigation District (BBID)
  - East CCC Groundwater Subbasin (ECCCGS)

# Boundaries of Irrigation Districts and Groundwater Subbasin



Map created 08/07/2021  
 by Contra Costa County Department of  
 Conservation and Development, GIS Group  
 30 Muir Road, Martinez, CA 94553  
 37.5841791N 122.0703756W

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# Additional Ordinance Standards

- Setback Requirements:
  - For indoor cultivation building must comply with setback requirements of zoning district;
  - For outdoor cultivation, a 25-foot setback from any property line is required unless the property abuts a residential land use district, where a 250-foot setback is required.
- Initial 5-Year Permit Term (permit must be renewed after first 5-years. Renewed permit will be valid until revoked or discontinued).
- Operating Plan Required and Shall Include:
  - Odor Control Plan
  - Security Plan
  - Details on storage, handling, harvesting, etc.
- The ordinance also places limits on the use of generators and lighting.

# County Planning Commission (CPC) Hearing

- Draft Zoning Ordinance heard by CPC on June 23, 2021
- No public Comments received
- No changes made to draft ordinance
- Planning Commission voted unanimously (7-0) to recommend that the Board of Supervisors adopt the ordinance

# Industrial Hemp Agriculture Ordinance Overview

- Permit from the Agricultural Commissioner
  - Must be renewed annually
- Consent to inspections of premises, records, and testing of plants
- Only Female plants can be grown outdoors
- Proper signage to indicate the plants grown are Industrial Hemp
- No sale of Nursery Stock is allowed
- Notification to the Agricultural Commissioner of removal of any plants before harvest
- Theft/Vandalism must be reported to the sheriff and the Agricultural Commissioner

# Conclusion

- The proposed zoning ordinance regulating the cultivation of industrial hemp, in conjunction with the proposed agricultural ordinance, will ensure that cultivation of industrial hemp in the unincorporated areas of the County will be conducted in a safe, orderly, and responsible manner. Adoption of both ordinances is recommended.