Contra Costa County

To: Board of Supervisors

From: Matt Slattengren, Ag Commissioner/Weights & Measures Director

Date: December 15, 2020

Subject: HEARING to consider adopting Ordinance No. 2020-30, an urgency interim ordinance extending, through October 30, 2021, a moratorium on industrial hemp

RECOMMENDATION(S):

1. OPEN the public hearing on Ordinance No. 2020-30, RECEIVE testimony, and CLOSE the public hearing.
2. ADOPT Ordinance No. 2020-30, an urgency interim ordinance extending, through October 30, 2021, a moratorium on industrial hemp cultivation and processing.

FISCAL IMPACT:

The Agriculture Department will not be able to accept hemp registrations or monies from the CDFA Hemp contract totaling about $2,000 for the duration of the moratorium.

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/15/2020** ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 15, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: 925-608-6600

cc:

BACKGROUND:

On November 17, 2020, the Board of Supervisors adopted Ordinance No. 2020-28, an urgency interim ordinance that established a moratorium on the cultivation and processing of industrial hemp.

This urgency ordinance extends the temporary moratorium on industrial hemp cultivation while the County continues developing reasonable regulations to mitigate the impacts and regulate the location of the cultivation of industrial hemp, which is generally defined as the Cannabis sativa L. plant with a tetrahydrocannabinol (THC) concentration of 0.3% or less. Under state law, industrial hemp is not subject to the same regulatory provisions as cannabis. Industrial hemp is exempt from regulation under the Medicinal and Adult-Use Cannabis Regulation and Safety Act. Accordingly, the County's cannabis regulation ordinance, Chapter 88-28 of the County Ordinance Code, does not regulate the cultivation of industrial hemp within the unincorporated areas of Contra Costa County.

Under this ordinance, no person or entity, including any established agricultural research institution, may grow or process industrial hemp for any purpose within the unincorporated area of Contra Costa County. No County permit, registration, or approval of any type will be issued for industrial hemp cultivation or processing, and no County building permit or approval of any type will be issued for any structure used or intended to be used for industrial hemp cultivation or processing. The Contra Costa County Agricultural Commissioner will not issue a registration to any industrial hemp grower, and will not renew any existing registrations. If a grower has an active registration, the grower may continue to grow until the registration expires. A registration lasts for one year.

If extended the ordinance will be in effect for an additional period of 10 months and 15 days, and can be extend it for another year.

CONSEQUENCE OF NEGATIVE ACTION:

The failure to enact this emergency moratorium during the stated period may result in problems with enforcement of a program with insufficient regulations. Allowing more Industrial Hemp registration can create incompatibility issues with land use and licensed Cannabis crops.

CLERK'S ADDENDUM

CLOSED the hearing; ADOPTED Ordinance No. 2020-30, an urgency interim ordinance extending, through March 10, 2021, a moratorium on industrial hemp cultivation and processing.

ATTACHMENTS

Ordinance No. 2020-30