



Contra
Costa
County

To: Board of Supervisors

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

Date: August 3, 2021

Subject: Industrial Hemp Ag Ordinance

RECOMMENDATION(S):

1. DETERMINE that adoption of ordinances to regulate industrial hemp cultivation is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061(b)(3) (common sense exemption).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **08/03/2021** ☒ 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: August 3, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: 925-608-6600

cc:

RECOMMENDATION(S): (CONT'D)

2. ADOPT Ordinance No. 2021-22 to require all persons desiring to engage in industrial hemp cultivation in the unincorporated areas of Contra Costa County to obtain a permit from the Contra Costa County Agricultural Commissioner in addition to all other required County and State permits and registrations, and to establish standards for cultivating industrial hemp.
3. DIRECT staff to file a CEQA Notice of Exemption with the County Clerk-Recorder.

FISCAL IMPACT:

None

BACKGROUND:

The Agriculture Improvement Act of 2018 (the 2018 Farm Bill) removed industrial hemp from Schedule I of the federal Controlled Substances Act. Even though growing industrial hemp is currently legal under State and Federal law, the lack of local regulation has shown to be problematic as the similarities between cannabis and industrial hemp plants present challenges for law enforcement and code enforcement when determining whether a cultivation site complies with applicable law.

Industrial hemp and cannabis are derivatives of the same plant and can only be distinguished through chemical analysis for the presence of tetrahydrocannabinol (THC). If the plant has a concentration of 0.3% THC or less, it is industrial hemp. However, THC levels are difficult to test reliably until the plant is close to maturity and ready for harvest. The cultivation of industrial hemp has also shown to be a potential creator of significant impacts to neighboring properties such as light pollution, odor, and need for heightened security.

Considering these issues, and to allow time for staff to develop appropriate draft regulations, on November 17, 2020, the Board of Supervisors adopted an urgency interim ordinance imposing a temporary moratorium on industrial hemp cultivation. The Board twice extended the moratorium, which currently extends through September 30, 2021. During the moratorium the Department of Conservation and Development and the Department of Agriculture worked collaboratively to develop regulations for industrial hemp cultivation. Staff believes that the two ordinances—a zoning ordinance and an agricultural permit ordinance—will provide appropriate regulation of industrial hemp cultivation.

Proposed Ordinance

On July 27, 2021, the Board of Supervisors held a public hearing and adopted the Industrial Hemp Cultivation Zoning Ordinance No. 2021-21. The Board also introduced the Agricultural Industrial Hemp Permit Ordinance No. 2021-22 and fixed August 3, 2021 for adoption of Ordinance No. 2021-22.

Ordinance No. 2021-22 was prepared by the County Agricultural Department to establish standards for cultivating industrial hemp and require a person to obtain a permit from the Contra Costa County Agricultural Commissioner, in addition to all other required County and State permits and registrations, prior to cultivation. Testing, tracking, transportation, and destruction of industrial hemp plants will be regulated by the County Agricultural Department under the provisions of the agricultural permit ordinance.

Staff believes that Ordinance No. 2021-22, with the previously adopted zoning ordinance, will provide appropriate regulation of industrial hemp cultivation.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not adopt the proposed ordinance, industrial hemp cultivation will be insufficiently regulated and may continue to result in problems with enforcement.

ATTACHMENTS

Ordinance No. 2021-22