



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
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Sean Powers, Agency Director

Agricultural Commissioner

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Environmental Health

Planning Department

Dept. of Public Works

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: February 25, 2020

TO: Board of Supervisors

FROM: Chris de Nijs, Agricultural Commissioner

SUBJECT: (Waive Further Reading/Adoption) An interim urgency ordinance extending the temporary moratorium on the cultivation of Industrial Hemp within the unincorporated areas of the County of Nevada for an additional one year. (4/5 affirmative vote required)

RECOMMENDATION:

After conducting a public hearing, Staff recommends that the Board of Supervisors take the following actions:

- I. After reviewing and considering the below written report outlining the measures taken to alleviate the conditions which led to the adoption of County Ordinance 2465, approve said report.
- II. Adopt the attached Interim Ordinance, extending the temporary moratorium on the cultivation of Industrial Hemp within the unincorporated areas of Nevada County for a period of one year. (Requires a 4/5ths vote)

FUNDING: N/A

BACKGROUND: On April 09, 2019 the Nevada County Board of Supervisors unanimously voted to place a 45-day temporary moratorium on the cultivation of Industrial Hemp within the unincorporated areas of Nevada County (ORD 2464). Subsequently, on April 23, 2019 the same Board, unanimously voted to extend that temporary moratorium an additional 10-months and 15 days, as allowed under California Government Code Section 65858 (ORD 246). The current temporary moratorium will expire on March 9, 2020, unless the Interim Ordinance is extended.

Under California Government Code Section 65858, the County may extend the Interim Ordinance if the County finds that the cultivation of Industrial Hemp may conflict with a contemplated General Plan, Specific Plan, or zoning proposal that the legislative body, Planning Commission or the Planning Department is considering or studying or intends to study within a reasonable

timeframe, and that there continues to be a current immediate threat to the public health, safety or welfare from the cultivation of industrial hemp in violation of such proposal. After conducting a properly noticed public hearing, Government Code Section 65858 allows the County to extend the Interim Ordinance no more than two times. This public hearing is the final extension of the interim ordinance as allowed by state law. The extension of the interim ordinance does require a 4/5ths affirmative vote of the Board of Supervisors.

Should the Nevada County Board of Supervisors decide not to extend the interim ordinance, the current interim ordinance will expire on March 9, 2020. At that time staff will defer to the State Industrial Hemp program, which mandates the local County Agricultural Commission to enforce state regulations regarding Industrial Hemp and register those wishing to grow Industrial Hemp.

Written Report:

Government Code Section 65858(d) requires that the legislative body issue a written report describing the measures taken to alleviate the condition which led to the adoption or extension of the interim ordinance at least ten days prior to the expiration of the Interim Ordinance. The written report is submitted for your approval as follows:

Since the enactment of the original 45-day moratorium adopted by the Board of Supervisors on April 9, 2019; and the subsequent 10-month 45-day extension on April 23, 2019 the County has taken the following steps:

- Staff attended the California Cannabis Control Summit and networked with colleagues from state regulatory agencies and various municipalities on how they are regulating Industrial Hemp in their respective jurisdiction.
- Staff continues to consult with other county Agricultural Commissioners to learn how they are choosing to regulate Industrial Hemp within their County.
- Staff continues to consult with CDFA Industrial Hemp Program and with a member of the California Industrial Hemp Advisory Board to gain clarity on further regulations needed pertaining to the cultivation of Industrial Hemp within the State of California.
- Staff participates in bi-monthly conference calls with the CDFA's Industrial Hemp Program.
- Staff continues to conduct local outreach with the Agricultural Industry as well as the Cannabis Industry to gain a local perspective on issues and demand within the county.
- Staff continues to monitor for any legislative or regulatory changes at both the State and Federal level for potential impacts to Nevada County.

Proposed Extension of Interim Ordinance 2465:

As documented in the April 9, 2019 and April 23, 2019 Board of Supervisors Staff Reports, the County is at risk of experiencing adverse impacts should the cultivation of Industrial Hemp be allowed without local regulations in place. Industrial Hemp has similar nuisance issues as cannabis, however, there may

be compatibility issues between Industrial Hemp and Cannabis so treating Industrial Hemp and Cannabis the same may not be ideal. Also, regulations at the state level continue to evolve, and it is expected that this will continue throughout the year. Staff at this time is unable to predict what these impacts may be on the County. Therefore, staff recommends that the Board adopt the attached interim ordinance extending the moratorium on the cultivation of Industrial Hemp within the unincorporated areas of Nevada County for an additional one year.

SUMMARY:

On April 9, 2019, the Nevada County Board of Supervisors unanimously voted to place a 45- day moratorium on the cultivation of Industrial Hemp in the unincorporated areas of Nevada County (ORD 2464). On April 23, 2019, the Nevada County Board of Supervisors unanimously voted to extend the interim ordinance an additional 10-months 15-days. Due to the complexity of this issue, including similar nuisance concerns as cannabis but potential compatibility issues with cannabis, a lack of state regulations and state guidance, and the continued evolution of the Industrial Hemp industry; at this time Staff recommends an extension of this Urgency Ordinance to allow more time for staff to review and to ensure the County considers all options and impacts associated with allowing or prohibiting cultivation of Industrial Hemp. This action requires a 4/5ths affirmative vote.

Item Initiated and Approved by: Chris de Nijs, Agricultural Commissioner

Submittal Date: February 10, 2020
Revision Date