



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
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Sean Powers, Agency Director

Agricultural Commissioner

Building Department

Environmental Health

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Dept. of Public Works

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: April 23, 2019

TO: Board of Supervisors

FROM: Chris de Nijs, Agricultural Commissioner

SUBJECT: (Waive Further Reading/Adoption) An interim ordinance extending the temporary moratorium on the cultivation of Industrial Hemp within the unincorporated areas of the County of Nevada for an additional ten months and fifteen days period. (4/5ths 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 2464, approve said report.
- II. Adopt the attached Urgency Ordinance, extending the temporary moratorium on the cultivation of Industrial Hemp within the unincorporated areas of Nevada County for a period of 10-months and 15-days. (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 moratorium on the cultivation of Industrial Hemp within the unincorporated areas of Nevada County (ORD 2464) The moratorium will expire on May 23, 2019, unless the Urgency Ordinance is extended. Under California Government Code Section 65858, the County may extend the Urgency 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 of immediate threat to the public health, safety or welfare from the

cultivation of industrial hemp in violation of such proposal. After conducting a noticed public hearing, Government Code Section 65858 allows the County to extend the Urgency Ordinance two times: the first of which for 10-months and 15-days and an additional extension for another year if necessary. Only two extensions are allowed pursuant to this Code Section and all extensions require a 4/5ths vote of the Board of Supervisors.

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 of the interim ordinance at least ten days prior to the expiration of that interim Urgency 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 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 were regulating Industrial Hemp in their respective jurisdiction.
- Staff consulted with other county Agricultural Commissioners to learn how they are choosing to regulate Industrial Hemp within their County.
- Staff consulted 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 reviewed pending bills in the California State Legislature (AB 228, SB 153, SB 527) for potential future impacts to the County, should they be signed into law.

Proposed Extension of Urgency Ord. 2464:

As documented in the April 9, 2019 Board of Supervisor's Staff Report, 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 into the summer/fall months of 2019. Staff at this time is unable to predict what those regulations may look like. Therefore, staff recommends that the Board adopt the attached ordinance extending the moratorium on the cultivation of Industrial Hemp within the unincorporated areas of Nevada County for a period of 10-months and 15-days.

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). 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 By: Chris de Nijs, Agricultural Commissioner

Approved by: Sean Powers, Community Development Agency Director

Submittal Date: April 10, 2019

Revision Date