



Legislation Details (With Text)

**File #:** 19-535      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Advanced

**File created:** 5/22/2019      **In control:** BOARD OF SUPERVISORS

**On agenda:** 6/11/2019      **Final action:**

**Title:** (Continued from May 21, 2019 and April 9, 2019) Consideration of Discussion and Direction to Staff concerning the County Regulation of Industrial Hemp

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. EXHIBIT A, 2. Memo\_IndustrialHemp\_04092019, 3. Ag Commissioner\_Industrial Hemp, 4. California Industrial Hemp Law, 5. Industrial Hemp 6-11-19

Date	Ver.	Action By	Action	Result
6/11/2019	1	BOARD OF SUPERVISORS	continued	

**MEMORANDUM**

**TO:** Board of Supervisors

**FROM:** Michalyn DelValle, Community Development Director

**DATE:** June 11, 2019

**SUBJECT:** (Continued from May 21, 2019 and April 9, 2019) Discussion and Consideration of County Regulation of Industrial Hemp

**EXHIBITS:** A: APPROVED AND UNDER PROCESS CANNABIS CULTIVATION SITES

**EXECUTIVE SUMMARY:**

The State of California Office of Administrative Law (OAL) recently approved Section 4900 in Title 3 of the California Code of Regulations pertaining to industrial hemp registration. The regulation enables, California Department of Food and Agriculture to open registration with county agricultural commissioners for industrial hemp cultivation.

The State has determined that Industrial Hemp is an agricultural commodity and therefore is currently permitted as a primary use within the following zoning districts:

Agricultural Preserve

Agriculture

Timberland Preserve

Rural Lands

Rural Residential

Open Space

Based on research, when Male Hemp plants are grown it poses a risk to Cannabis Cultivation where cross pollination can occur. Several other Counties have recommended that Hemp be grown at least 10 miles from Commercial Cannabis Cultivation. Research indicates that it can be difficult to distinguish between Hemp and Cannabis and therefore staff recommends that the Hemp sites be fenced for security purposes and be setback from uses that may attract children or that provide a service for children. Based on these factors, staff recommends that the Lake County Zoning Ordinance be amended to require a Zoning Permit for Industrial Hemp in the zoning districts listed above and subject to the following conditions of approval:

1. Industrial Hemp cultivation site shall:
  - a. Be setback a minimum of 10 miles from an approved Commercial Cannabis Site;
  - b. Be completely fenced with a minimum of 6 foot high solid fence;
  - c. Be setback a minimum of 1,000 feet from the following areas or uses:
    - i. Any public or private school, grades K through 12
    - ii. A developed park containing playground equipment
    - iii. A licensed child care facility or nursery school, church or youth orientated facility catering to or providing services primarily intended for minors.

**RECOMMEDATION:**

Staff recommends that the Board of Supervisors provide direction to staff.

**FISCAL IMPACT:** \_\_\_ None \_\_\_ Budgeted \_\_\_ Non-Budgeted

Estimated Cost: N/A

Amount Budgeted: N/A

Additional Requested: N/A

Annual Cost (if planned for future years): N/A

**FISCAL IMPACT (Narrative):** N/A

**STAFFING IMPACT (if applicable):** N/A

**RECOMMENDED ACTION:**

Provide direction to staff concerning the Lake County regulation of industrial hemp.