




County of Sacramento

MEMORANDUM

DATE: August 22, 2019

TO: Leighann Moffitt, Director
Office of Planning and Environmental Review

FROM: Florence Evans, Clerk of the Board 

SUBJECT: Item No. 34 – PLNP2019-00191 – Extend Interim Ordinance, Section 1631 of the Sacramento County Code to continue to declare a temporary moratorium on the cultivation of industrial hemp within the unincorporated County of the County of Sacramento, and a Resolution of Initiation to amend the Zoning Code of the County of Sacramento

The Board of Supervisors, meeting in regular session on August 20, 2019, voted unanimously 4-0 (Nottoli absent) to approve the following:

Recognized the exempt status of the request. Extended Interim Ordinance No. SCC-1646, Section 1631 of the Sacramento County Code, originally adopted on November 6, 2018, to declare a temporary moratorium on the cultivation of industrial hemp within the unincorporated area of the County of Sacramento. Adopted Resolution No. 2019-0596 to initiate Zoning Code amendments for industrial hemp and industrial hemp products.

FE: msh

cc: File
Robert B. Leonard, Deputy County Executive

APPROVED

BOARD OF SUPERVISORS

By Reso No. 2019-0596

AUG 20 2019

BY *Arlene Evans*
CLERK OF THE BOARD

**COUNTY OF SACRAMENTO
CALIFORNIA**

34

For the Agenda of
August 20, 2019

To: Board of Supervisors

Through: Navdeep S. Gill, County Executive

From: Leighann Moffit, Planning Director, Office of Planning and Environmental Review

Subject: PLNP2019-00191. Extend Interim Ordinance, Section 1631 of the Sacramento County Code To Continue To Declare A Temporary Moratorium On The Cultivation Of Industrial Hemp Within The Unincorporated County Of The County Of Sacramento, And A Resolution Of Initiation To Amend The Zoning Code Of The County Of Sacramento. Applicant: County Of Sacramento. Environmental Determination: Exempt

District(s): All

RECOMMENDED ACTION

1. Recognize the exempt status of the request under Section 15061(b)(3) of the California Environmental Quality Act (CEQA)(Attachment 1).
2. Extend the Interim Ordinance (Ordinance), Section 1631 of the Sacramento County Code (SCC), originally adopted on November 6, 2018, to declare a temporary moratorium on the cultivation of industrial hemp within the unincorporated area of the County Of Sacramento (four-fifths vote required).
3. Adopt the Resolution of Intention (Resolution) pursuant to Section 6.2.1.B of the Zoning Code, to initiate Zoning Code amendments for industrial hemp and industrial hemp products.

BACKGROUND

On November 6, 2018, the Board adopted an Interim Ordinance as an urgency measure to declare a Temporary Moratorium on the Cultivation of Industrial Hemp within the unincorporated area of Sacramento County.

The Interim Ordinance set forth that the cultivation of industrial hemp including cultivation by "Established Agricultural Research Institutions" (EARIs) prior to the adoption of reasonable regulations would be harmful to the welfare of residents, creates a nuisance, and threatens the safety and land of existing agriculture and nearby Sacramento County property owners. The Interim Ordinance prohibits cultivation of industrial hemp by any person

PLNP2019-00191. Extend Interim Ordinance, Section 1631 of the Sacramento County Code To Continue To Declare A Temporary Moratorium On The Cultivation Of Industrial Hemp Within The Unincorporated County Of The County Of Sacramento, And A Resolution Of Initiation To Amend The Zoning Code of Sacramento County.

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or entity within the unincorporated County, not only EARIs. The Interim Ordinance also set forth the need to assess the impacts of industrial hemp and explore reasonable regulatory options. The Interim Ordinance expires on August 21, 2019 unless extended. Under Government Code Section 65858, the Board can extend an interim ordinance for a total of two years. The extension requires a four-fifths vote for adoption. Staff requests a one-year extension, which is within the maximum allowable time for an urgency ordinance.

The reason for the requested extension is because federal requirements still need to be met by the State, and for the County to explore reasonable regulatory options for industrial hemp and industrial hemp products. California statutory procedures for cultivation of industrial hemp do not yet meet the requirements of Federal law pursuant to California Food and Agriculture Code 81006, subdivision (e), as California does not have a USDA approved hemp plan, and the USDA is not issuing USDA hemp licenses as there is not yet an approved federal hemp plan.

With passage of the 2018 Farm Bill, the Agricultural Marketing Service (AMS) has been designated as the lead USDA agency to administer the new USDA Hemp Production Program. AMS is working toward developing regulations to implement the 2018 Farm Bill provisions, and it is expected that the final rule will be implemented by the end of calendar year 2019. Until the final rule is implemented, all rules and restrictions of the 2014 Farm Bill shall be followed.

Staff also requests the Board initiate amendments to the Zoning Code and direct staff to prepare regulations for the growing, processing, testing, and selling of industrial hemp and industrial hemp products. The extension of the Interim Ordinance provides additional time to create and update regulatory standards in the Zoning Code related to industrial hemp and related products.

If adopted, the extension will be effective immediately and will remain operative until October 16, 2020 at which time the Interim Ordinance cannot be extended any further per Government Code Section 65858. It is anticipated that amendments to the Zoning Code for the regulation of industrial hemp and industrial hemp products will be in place prior to the expiration of this Interim Ordinance.

PLNP2019-00191. Extend Interim Ordinance, Section 1631 of the Sacramento County Code To Continue To Declare A Temporary Moratorium On The Cultivation Of Industrial Hemp Within The Unincorporated County Of The County Of Sacramento, And A Resolution Of Initiation To Amend The Zoning Code of Sacramento County.

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FINANCIAL ANALYSIS

Costs to process the Interim Ordinance are relatively minor. Costs to work with stakeholders on a future regulatory framework performed primarily by the Office of Planning and Environmental Review (PER) with input from County Counsel and the Agricultural Commissioner will be more substantial. Based on similar Code updates the anticipated cost is expected to be in the range of \$30,000 to \$50,000. PER has budgeted approximately \$310,000 in General Fund in FY 2019-20 for all County and Zoning Code Updates.

Attachments:

- ORD – Interim Ordinance of the Sacramento County Code Relating to Declaring a Temporary Moratorium on the Cultivation of Industrial Hemp
- RES – Resolution Initiating an Amendment of the Zoning Code of Sacramento County
- ATT – Notice of Exemption

SCC NO. 1646

**AN URGENCY INTERIM ORDINANCE OF THE SACRAMENTO COUNTY CODE
TO EXTEND SCC 1631 RELATING TO DECLARING A TEMPORARY MORATORIUM
ON THE CULTIVATION OF INDUSTRIAL HEMP**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. PURPOSE AND AUTHORITY. The purpose of this urgency ordinance is to extend the temporary moratorium on the cultivation of industrial hemp, including cultivation by "Established Agricultural Research Institutions," as defined by California Food and Agricultural Code Section 81000(c), while County staff determines the impact of such unregulated cultivation and reasonable regulations to mitigate such impacts. This urgency ordinance is adopted pursuant to California Constitution Article 11, Section 7, Government Code sections 65800, et seq., particularly section 65858, and other applicable law.

SECTION 2. FINDINGS. The Board of Supervisors of the County of Sacramento makes the following findings in support of the immediate adoption and application of this urgency ordinance:

A. On December 20, 2018, President Trump signed the Agriculture Improvement Act of 2018, H.R. 2, P.L. 115-334, ("2018 Federal Farm Bill") into law. The 2018 Federal Farm Bill removes hemp and the tetrahydrocannabinols in hemp from the list of prohibited controlled substances in the federal Controlled Substance Act and directs the U.S. Department of Agriculture to issue regulations for quality control standards to facilitate the commercial cultivation, processing, and marketing of hemp. To date, the U.S. Department of Agriculture has not promulgated these regulations and no hemp licenses have been issued. The 2018 Federal Farm Bill also requires states that desire to have primary regulatory authority over the production of hemp to adopt and submit their proposed regulatory plans for federal approval. To date, no California regulatory hemp plans have been approved.

B. Section 5940 of Title 7 of the United States Code states, "Notwithstanding the Controlled Substance Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), Chapter 81 of Title 41, United States

Code, or any other Federal law, an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a State department of agriculture may grow or cultivate industrial hemp if: (1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.”

C. Division 24. Industrial Hemp [81000-81010] of the California Food and Agricultural Code (hereafter “FAC”) addresses the growing and cultivation of industrial hemp in California. Enacted on January 1, 2017, Division 24 preceded the signing of the 2018 Federal Farm Bill, as such, it remains unknown whether it will require amendments after the requisite federal review of California’s hemp plan is conducted.

D. FAC Division 24 authorizes the California Department of Food and Agriculture to establish and carry out, by regulation, an agricultural pilot program pursuant to Section 5940 of Title 7 of the United States Code in accordance with the purposes of that section.

E. FAC Section 81001 calls for the Industrial Hemp Advisory Board to advise the California Secretary of Food and Agriculture and make recommendations to the Secretary pertaining to the cultivation of industrial hemp, including but not limited to, developing the requisite industrial hemp seed law and regulations, enforcement mechanisms, and the setting of an assessment rate.

F. The California Department of Food and Agriculture has adopted regulations for the registration fee for growers of industrial hemp for commercial purposes and seed breeders in California, 3 C.C.R. § 4900, effective 4/25/2019, and for the pre-harvest sampling and testing of industrial hemp as emergency regulations, 3 C.C.R. §§ 4940-4946; 4950-4950.1, which went into effect June 10, 2019. It is unclear as to whether these regulations will withstand the federal scrutiny required under the 2018 Federal Farm Bill and the attendant review of California’s hemp plan.

G. SB 153 and AB 228, two bills now pending in the California Legislature, have been introduced as emergency measures that may significantly alter the regulatory landscape for cultivation of industrial hemp and the production, testing, and manufacture of CBD hemp products for human or domestic animal consumption. Both bills have passed from one house of the Legislature and are in the final stages of amendment. Adoption of local regulations would best await completion of action on this pending legislation.

H. Under FAC Division 24, all commercial growers of industrial hemp must register with the county agricultural commissioner prior to cultivation. Registration in the unincorporated area of Sacramento County is not yet available.

I. FAC Division 24 exempts cultivation by an “Established Agricultural Research Institution” from some of the regulatory requirements enumerated therein, including registration with the county agricultural commissioner. An “Established Agricultural Research Institution” is defined under FAC Section 81000 as: “(1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or (2) An institution of higher education (as defined in section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows,

cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.”

J. Industrial hemp is defined under FAC Section 81000 and Health and Safety Code section 11018.5 as “a crop that is limited to types of the plant *Cannabis sativa L.* having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.”

K. “Cannabis” is defined under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) codified at Business and Professions Code section 26001 as “all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin... ‘cannabis’ does not mean ‘industrial hemp’ as defined by Section 11018.5 of the Health and Safety Code.”

L. Due to the fact that industrial hemp and cannabis are derivatives of the same plant, *Cannabis sativa L.*, the appearance and odor of industrial hemp and cannabis are indistinguishable. Absent a laboratory performed chemical analysis for tetrahydrocannabinol (THC) content or specialized chemical field analysis equipment, the two plants cannot be distinguished.

M. Division 24 of the FAC, allows an “Established Agricultural Research Institution” to cultivate or possess industrial hemp with a greater than .3% THC level, causing such plant to no longer conform to the legal definition of industrial hemp, thereby resulting in such “research” plants constituting cannabis.

N. The definition of “Established Agricultural Research Institution” as provided in FAC Section 81000 is vague and neither the Legislature nor the Industrial Hemp Advisory Board have provided guidelines on how the County can establish whether a cultivator claiming to be an “Established Agricultural Research Institution” is legitimate or that the cultivation constitutes “agricultural or academic research.” Without clear guidelines, the ability and likelihood that cultivators exploit the “Establish Agricultural Research Institution” exemption to grow industrial hemp with more than .3% THC is great.

O. Except for personal cultivation, by an adult 21 years of age or older, of six or fewer cannabis plants within a private residence or inside a fully enclosed and secure structure located upon the grounds of a private residence, cultivation of cannabis is not allowed in the unincorporated area of the County.

P. Due to the fact that industrial hemp and cannabis are indistinguishable, the cultivation of industrial hemp prior to the adoption of reasonable regulations poses similar threats to the public health, safety or welfare as the cultivation of cannabis.

Q. The cultivation of industrial hemp prior to the adoption of reasonable regulations will create an increased likelihood of criminal activity.

R. The cultivation of industrial hemp prior to the adoption of reasonable regulations will attract crime and associated violence, including without limitation, theft, robberies, illegal firearms, shootings and homicides.

S. The Sheriff may have to investigate industrial hemp crops prior to the adoption of reasonable regulations to ensure that the grow is not cannabis. This Investigation could be costly, time consuming, labor intensive, and create potential risk.

T. The cultivation of industrial hemp prior to the adoption of reasonable regulations is harmful to the welfare of residents, creates a nuisance, and threatens the safety and land of nearby property owners.

U. There is an urgent need for the Agricultural Commissioner, the Sheriff, Planning Director, and County Counsel to assess the impacts of industrial hemp and to explore reasonable regulatory options relating thereto.

V. The allowance of cultivation of industrial hemp prior to the adoption of reasonable regulations, creates an urgent and immediate threat to the public health, safety or welfare of the residents and existing agriculture in Sacramento County.

W. Sacramento County has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and in preventing the establishment of nuisances.

X. This ordinance complies with State law and imposes reasonable regulations that the Board of Supervisors concludes are necessary to protect the public safety, health and welfare of residents and business within the County.

Y. CEQA. The Board of Supervisors hereby finds that this ordinance to temporarily prohibit industrial hemp cultivation in all zones is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, Section 15061(b)(3) (no possibility of significant effect on the environment).

SECTION 3. CULTIVATION OF INDUSTRIAL HEMP PROHIBITED. During the term of this interim ordinance, including any extensions hereto, no person or entity shall grow industrial hemp for any purposes within the unincorporated areas of Sacramento County. Additionally, during this interim ordinance, including any extensions hereto, “Established Agricultural Research Institutions” as defined in FAC Section 81000, will similarly be prohibited from cultivating industrial hemp for agricultural or academic research purposes. Cultivation of industrial hemp in violation of the prohibition in this interim ordinance constitutes a public nuisance.

SECTION 4. DECLARATION OF URGENCY. Based on the findings set forth in Section 2, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board of Supervisors.

SECTION 5. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 6. EFFECTIVE DATE. As an extension of SCC No. 1631, this Ordinance shall be operative for a period of one year from August 21, 2019, until August 20, 2020, as provided in Government Code Section 65858.

This ordinance shall take effect and be in full force on the date of its passage, and before the expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Frost, seconded by Supervisor Kennedy, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 20th day of August, 2019, by the following vote, to wit:

AYES: Supervisors Frost, Peters, Serna, Kennedy

NOES: None

ABSENT: Supervisor Nottoli

ABSTAIN: None

RECUSAL: None
(PER POLITICAL REFORM ACT (§ 18702.5.))

FILED
BOARD OF SUPERVISORS
AUG 20 2019
BY *Flouence Grant*
CLERK OF THE BOARD



Paul Kirk

Chair of the Board of Supervisors
of Sacramento County, California

ATTEST: *Flouence Grant*
Clerk, Board of Supervisors

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on 8-20-19

By: *h. Kange*
Deputy Clerk, Board of Supervisors

1690307

RESOLUTION NO. 2019-0596

RESOLUTION INITIATING AN AMENDMENT OF THE ZONING CODE OF SACRAMENTO COUNTY

WHEREAS, the Development Code of Sacramento County, including Design Guidelines, User Guide, and Zoning Code, was adopted by the Board of Supervisors on July 22, 2015 (Ordinance No. 2015-0003); and

WHEREAS, amendments to the Zoning Code are required to add use standards and permitting requirements for industrial hemp and industrial hemp products; and

WHEREAS, the proposed amendments will create regulatory standards, address community concerns related to industrial hemp and industrial hemp products; and

WHEREAS, Sacramento County, a political subdivision of the State of California (hereinafter referred to as "County"), desires to conduct an amendment process to update the Zoning Code to regulate industrial hemp and industrial hemp products; and

NOW, THEREFORE, BE IT RESOLVED pursuant to Section 6.2.1.B.2. of the Zoning Code the Office of Planning and Environmental Review is directed to prepare amendments to the Zoning Code. The Office of Planning and Environmental Review shall process the amendments as generally required under Section 6.2. of the Zoning Code and present the amendments to the Board of Supervisors for final approval.

On a motion by Supervisor Frost, seconded by Supervisor Kennedy, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento this 20th day of August, 2019, by the following vote, to wit:

AYES: Supervisors Frost, Peters, Serna, Kennedy

NOES: None

ABSENT: Supervisor Nottoli

ABSTAIN: None

RECUSAL: Supervisors,
(PER POLITICAL REFORM ACT (§ 18702.5.)

FILED
BOARD OF SUPERVISORS

AUG 20 2019
BY *Florence Ewan*
CLERK OF THE BOARD



Pat O'Rourke

Chair of the Board of Supervisors
of Sacramento County, California

ATTEST: *Florence Ewan*
Clerk, Board of Supervisors

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on

8-20-19
By: *K. Schrage*
Deputy Clerk, Board of Supervisors



RECORDING REQUESTED
WHEN RECORDED MAIL TO:

County of Sacramento
Office of Planning and Environmental

Review
827 Seventh Street, Room 225
Sacramento, CA 95814

CONTACT PERSON: Tim Hawkins
TELEPHONE: (916) 874-6141

SPACE ABOVE RESERVED FOR RECORDER'S USE

NOTICE OF EXEMPTION

Project Title:

URGENCY ORDINANCE – TEMPORARY MORATORIUM ON THE CULTIVATION OF INDUSTRIAL HEMP

Control Number:

PLNP2019-00191

Project Location:

Countywide

APN:

Various

Description of Project:

The project includes an Interim Urgency Ordinance, which will extend the moratorium on the cultivation of industrial hemp within the unincorporated area of the county and a Resolution of Initiation to amend the Zoning Code of Sacramento County. The urgency ordinance extension will be effective immediately and will remain operative until October 16, 2020 at which time the urgency ordinance cannot be extended any further per Government Code Section 65858.

Name of public agency approving project:

Sacramento County – ceqa@saccounty.net

Person or agency carrying out project:

Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814
ATTN: Mark Michelini (916) 874-5648 MicheliniM@saccounty.net

Exempt Status:

GENERAL RULE EXEMPTION - Section 15061(b)(3)

Reasons why project is exempt:

The project consists a moratorium for the cultivation of industrial hemp and a Resolution of Intention to amend the Zoning Code. It can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment and is therefore exempt from the provisions of CEQA.

[Original Signature on File]

Tim Hawkins
ENVIRONMENTAL COORDINATOR OF
SACRAMENTO COUNTY, STATE OF CALIFORNIA

Copy To:

County of Sacramento
County Clerk
600 Eighth Street, Room 101
Sacramento, CA 95814

OPR:

State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

**SACRAMENTO COUNTY
BOARD OF SUPERVISORS
LEGAL NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Board of Supervisors for the purpose of considering the following request, pursuant to provisions of Ordinance No. SZC 83-10, for the following described property.

ASSESSOR'S PARCEL NOS.: Not Applicable

LOCATION: Countywide

APPLICANT:

County of Sacramento
Office of Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814

REQUEST: Recognize the exempt status of the request under Section 15061(b)(3) of the California Environmental Quality Act. Extend the Interim Ordinance, Section 1631 of the Sacramento County Code, originally adopted on November 6, 2018, to declare a temporary moratorium on the cultivation of industrial hemp within the unincorporated area of the County of Sacramento, four-fifths vote required. Adopt the Resolution of Intention pursuant to Section 6.2.1.B of the Zoning Code, to initiate Zoning Code amendments for industrial hemp and industrial hemp products.

ENVIRONMENTAL DOCUMENT: EXEMPT

HEARING DATE: August 20, 2019 at 9:30 AM

If you challenge the Board of Supervisors' action on the above referenced request(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

The hearing will be held in Room 1450 of the County Administration Building, 700 "H" Street, Sacramento, CA. All persons interested are invited to attend and be heard.

BY THE ORDER OF THE BOARD OF SUPERVISORS, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, THIS 6TH DAY OF AUGUST, 2019.

FLORENCE EVANS, Clerk
Board of Supervisors

**AGENDAS AND RELATED MATERIALS MAY BE VIEWED 72 HOURS PRIOR TO THE
MEETING AT [Board of Supervisors Meetings - Agendas and Materials](#)**

THE DAILY RECORDER
~ SINCE 1911 ~

901 H ST STE 312, SACRAMENTO, CA 95814
Telephone (916) 444-2355 / Fax (916) 444-0636

COUNTY OF SACRAMENTO
BOARD OF SUPERVISORS
This space for filing stamp only

2019 AUG 15 PM 12: 28

MELANIE HAAGE
SAC. CO BD OF SUPERVISORS
700 H STREET, STE 2450
SACRAMENTO, CA - 95814

SC #: 3282379

SACRAMENTO COUNTY BOARD OF SUPERVISORS
LEGAL NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Board of Supervisors for the purpose of considering the following request, pursuant to provisions of Ordinance No. SZC 83-10, for the following described property. ASSESSOR'S PARCEL NOS.: Not Applicable LOCATION: Countywide APPLICANT: County of Sacramento Office of Planning and Environmental Review 827 7th Street, Room 225 Sacramento, CA 95814 REQUEST: Recognize the exempt status of the request under Section 15061(b)(3) of the California Environmental Quality Act. Extend the Interim Ordinance, Section 1631 of the Sacramento County Code, originally adopted on November 6, 2018, to declare a temporary moratorium on the cultivation of industrial hemp within the unincorporated area of the County of Sacramento, four-fifths vote required. Adopt the Resolution of Intention pursuant to Section 6.2.1.B of the Zoning Code, to initiate Zoning Code amendments for industrial hemp and industrial hemp products. ENVIRONMENTAL DOCUMENT: EXEMPT HEARING DATE: August 20, 2019 at 9:30 AM. If you challenge the Board of Supervisors' action on the above referenced request(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing. The hearing will be held in Room 1450 of the County Administration Building, 700 "H" Street, Sacramento, CA. All persons interested are invited to attend and be heard.
8/9/19

SC-3282379#

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SACRAMENTO) ss

Notice Type: HRG - NOTICE OF HEARING

Ad Description:
PLNP2019-00191

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the THE DAILY RECORDER, a newspaper published in the English language in the city of SACRAMENTO, county of SACRAMENTO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SACRAMENTO, State of California, under date 05/02/1913, Case No. 10038. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

08/09/2019

Executed on: 08/09/2019
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature



* A 0 0 0 0 0 5 1 7 8 4 8 2 *

Email

THE DAILY RECORDER
~ SINCE 1911 ~

901 H ST STE 312, SACRAMENTO, CA 95814
Telephone (916) 444-2355 / Fax (916) 444-0636

COUNTY OF SACRAMENTO
BOARD OF SUPERVISORS
This space for filing stamp only

2019 AUG 28 AM 8:37

MELANIE HAAGE
SAC. CO BD OF SUPERVISORS
700 H STREET, STE 2450
SACRAMENTO, CA - 95814

SC #: 3287439

SCC NO. 1646
AN URGENCY INTERIM ORDINANCE
OF THE SACRAMENTO COUNTY
CODE TO EXTEND SCC 1631
RELATING TO DECLARING A
TEMPORARY MORATORIUM ON THE
CULTIVATION OF INDUSTRIAL HEMP

as such, it remains unknown whether it will require amendments after the requisite federal review of California's hemp plan is conducted. D. FAC Division 24 authorizes the California Department of Food and Agriculture to establish and carry out, by regulation, an agricultural pilot program pursuant to Section 5940 of Title 7 of the United States Code in accordance with the purposes of that section. E. FAC Section 81001 calls for the Industrial Hemp Advisory Board to advise the California Secretary of Food and Agriculture and make recommendations to the Secretary pertaining to the cultivation of industrial hemp, including but not limited to, developing the requisite industrial hemp seed law and regulations, enforcement mechanisms, and the setting of an assessment rate. F. The California Department of Food and Agriculture has adopted regulations for the registration fee for growers of industrial hemp for commercial purposes and seed breeders in California, 3 C.C.R. § 4900, effective 4/25/2019, and for the pre-harvest sampling and testing of industrial hemp as emergency regulations, 3 C.C.R. §§ 4940-4946; 4950-4950.1, which went into effect June 10, 2019. It is unclear as to whether these regulations will withstand the federal scrutiny required under the 2018 Federal Farm Bill and the attendant review of California's hemp plan. G. SB 153 and AB 228, two bills now pending in the California Legislature, have been introduced as emergency measures that may significantly alter the regulatory landscape for cultivation of industrial hemp and the production, testing, and manufacture of CBD hemp products for human or domestic animal consumption. Both bills have passed from one house of the Legislature and are in the final stages of amendment. Adoption of local regulations would best await completion of action on this pending legislation. H. Under FAC Division 24, all commercial growers of industrial hemp must register with the county agricultural commissioner prior to cultivation. Registration in the unincorporated area of Sacramento County is not yet available. I. FAC Division 24 exempts cultivation by an "Established Agricultural Research Institution" from some of the regulatory requirements enumerated therein, including registration with the county agricultural commissioner. An "Established Agricultural Research Institution" is defined under FAC Section 81000 as: "(1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or (2) An institution of higher education (as defined in section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research." J. Industrial hemp is defined under FAC Section 81000 and Health and Safety Code section 11018.5 as "a crop that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows: SECTION 1. PURPOSE AND AUTHORITY. The purpose of this urgency ordinance is to extend the temporary moratorium on the cultivation of industrial hemp, including cultivation by "Established Agricultural Research Institutions," as defined by California Food and Agricultural Code Section 81000(c), while County staff determines the impact of such unregulated cultivation and reasonable regulations to mitigate such impacts. This urgency ordinance is adopted pursuant to California Constitution Article 11, Section 7, Government Code sections 65800, et seq., particularly section 65858, and other applicable law. SECTION 2. FINDINGS. The Board of Supervisors of the County of Sacramento makes the following findings in support of the immediate adoption and application of this urgency ordinance: A. On December 20, 2018, President Trump signed the Agriculture Improvement Act of 2018, H.R. 2, P.L. 115-334, ("2018 Federal Farm Bill") into law. The 2018 Federal Farm Bill removes hemp and the tetrahydrocannabinols in hemp from the list of prohibited controlled substances in the federal Controlled Substance Act and directs the U.S. Department of Agriculture to issue regulations for quality control standards to facilitate the commercial cultivation, processing, and marketing of hemp. To date, the U.S. Department of Agriculture has not promulgated these regulations and no hemp licenses have been issued. The 2018 Federal Farm Bill also requires states that desire to have primary regulatory authority over the production of hemp to adopt and submit their proposed regulatory plans for federal approval. To date, no California regulatory hemp plans have been approved. B. Section 5940 of Title 7 of the United States Code states, "Notwithstanding the Controlled Substance Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), Chapter 81 of Title 41, United States Code, or any other Federal law, an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a State department of agriculture may grow or cultivate industrial hemp if: (1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs." C. Division 24, Industrial Hemp [81000-81010] of the California Food and Agricultural Code (hereafter "FAC") addresses the growing and cultivation of industrial hemp in California. Enacted on January 1, 2017, Division 24 preceded the signing of the 2018 Federal Farm Bill,

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SACRAMENTO) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description:

SCC No. 1646

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the THE DAILY RECORDER, a newspaper published in the English language in the city of SACRAMENTO, county of SACRAMENTO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SACRAMENTO, State of California, under date 05/02/1913, Case No. 10038. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

08/26/2019

Executed on: 08/26/2019
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature



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(THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom." K. "Cannabis" is defined under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) codified at Business and Professions Code section 26001 as "all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin..." 'cannabis' does not mean 'industrial hemp' as defined by Section 11018.5 of the Health and Safety Code." L. Due to the fact that industrial hemp and cannabis are derivatives of the same plant, Cannabis sativa L., the appearance and odor of industrial hemp and cannabis are indistinguishable. Absent a laboratory performed chemical analysis for tetrahydrocannabinol (THC) content or specialized chemical field analysis equipment, the two plants cannot be distinguished. M. Division 24 of the FAC, allows an "Established Agricultural Research Institution" to cultivate or possess industrial hemp with a greater than .3% THC level, causing such plant to no longer conform to the legal definition of industrial hemp, thereby resulting in such "research" plants constituting cannabis. N. The definition of "Established Agricultural Research Institution" as provided in FAC Section 81000 is vague and neither the Legislature nor the Industrial Hemp Advisory Board have provided guidelines on how the County can establish whether a cultivator claiming to be an "Established Agricultural Research Institution" is legitimate or that the cultivation constitutes "agricultural or academic research." Without clear guidelines, the ability and likelihood that cultivators exploit the "Established Agricultural Research Institution" exemption to grow industrial hemp with more than .3% THC is great. O. Except for personal cultivation, by an adult 21 years of age or older, of six or fewer cannabis plants within a private residence or inside a fully enclosed and secure structure located upon the grounds of a private residence, cultivation of cannabis is not allowed in the unincorporated area of the County. P. Due to the fact that industrial hemp and cannabis are indistinguishable, the cultivation of industrial hemp prior to the adoption of reasonable regulations poses similar threats to the public health, safety or welfare as the cultivation of cannabis. Q. The cultivation of industrial hemp prior to the adoption of reasonable regulations will create an increased likelihood of criminal activity. R. The cultivation of industrial hemp prior to the adoption of reasonable regulations will attract crime and associated violence, including without limitation, theft, robberies, illegal firearms, shootings and homicides. S. The Sheriff may have to investigate industrial hemp crops prior to the adoption of reasonable regulations to ensure that the grow is not cannabis. This Investigation could be

costly, time consuming, labor intensive, and create potential risk. T. The cultivation of industrial hemp prior to the adoption of reasonable regulations is harmful to the welfare of residents, creates a nuisance, and threatens the safety and land of nearby property owners. U. There is an urgent need for the Agricultural Commissioner, the Sheriff, Planning Director, and County Counsel to assess the impacts of industrial hemp and to explore reasonable regulatory options relating thereto. V. The allowance of cultivation of industrial hemp prior to the adoption of reasonable regulations, creates an urgent and immediate threat to the public health, safety or welfare of the residents and existing agriculture in Sacramento County. W. Sacramento County has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and in preventing the establishment of nuisances. X. This ordinance complies with State law and imposes reasonable regulations that the Board of Supervisors concludes are necessary to protect the public safety, health and welfare of residents and business within the County. Y. CEQA. The Board of Supervisors hereby finds that this ordinance to temporarily prohibit industrial hemp cultivation in all zones is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, Section 15061(b)(3) (no possibility of significant effect on the environment). SECTION 3. CULTIVATION OF INDUSTRIAL HEMP PROHIBITED. During the term of this interim ordinance, including any extensions hereto, no person or entity shall grow industrial hemp for any purposes within the unincorporated areas of Sacramento County. Additionally, during this interim ordinance, including any extensions hereto, "Established Agricultural Research Institutions" as defined in FAC Section 81000, will similarly be prohibited from cultivating industrial hemp for agricultural or academic research purposes. Cultivation of industrial hemp in violation of the prohibition in this interim ordinance constitutes a public nuisance. SECTION 4. DECLARATION OF URGENCY. Based on the findings set forth in Section 2, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board of Supervisors. SECTION 5. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable. SECTION 6. EFFECTIVE DATE. As an extension of SCC No. 1631, this Ordinance shall be operative for a period of one year from August 21, 2019, until August 20, 2020, as provided in Government Code Section 65858. This ordinance shall take effect and be in full force on the date of its passage, and before the expiration of fifteen (15) days from the date of its

passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento. On a motion by Supervisor Frost, seconded by Supervisor Kennedy, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 20th day of August, 2019, by the following vote, to wit: AYES: Supervisors Frost, Peters, Serna, Kennedy. NOES: None. ABSENT: Supervisor Nottoli. ABSTAIN: None. RECUSAL: None. (PER POLITICAL REFORM ACT (§ 18702.5))
8/26/19

SC-3287439#

THE DAILY RECORDER
~ SINCE 1911 ~

901 H ST STE 312, SACRAMENTO, CA 95814
Telephone (916) 444-2355 / Fax (916) 444-0636

COUNTY OF SACRAMENTO
BOARD OF SUPERVISORS
This space for filing stamp only

2019 AUG 28 AM 8:37

MELANIE HAAGE
SAC. CO BD OF SUPERVISORS
700 H STREET, STE 2450
SACRAMENTO, CA - 95814

SC #: 3287440

**RESOLUTION NO. 2019-0596
RESOLUTION INITIATING AN
AMENDMENT OF THE ZONING CODE
OF SACRAMENTO COUNTY**

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SACRAMENTO) ss

Notice Type: GPN - GOVT PUBLIC NOTICE

Ad Description:

Reso No. 2019-0596

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the THE DAILY RECORDER, a newspaper published in the English language in the city of SACRAMENTO, county of SACRAMENTO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SACRAMENTO, State of California, under date 05/02/1913, Case No. 10038. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

WHEREAS, the Development Code of Sacramento County, including Design Guidelines, User Guide, and Zoning Code, was adopted by the Board of Supervisors on July 22, 2015 (Ordinance No. 2015-0003); and WHEREAS, amendments to the Zoning Code are required to add use standards and permitting requirements for industrial hemp and industrial hemp products; and WHEREAS, the proposed amendments will create regulatory standards, address community concerns related to industrial hemp and industrial hemp products; and WHEREAS, Sacramento County, a political subdivision of the State of California (hereinafter referred to as "County"), desires to conduct an amendment process to update the Zoning Code to regulate industrial hemp and industrial hemp products; and NOW, THEREFORE, BE IT RESOLVED pursuant to Section 6.2.1.B.2. of the Zoning Code the Office of Planning and Environmental Review is directed to prepare amendments to the Zoning Code. The Office of Planning and Environmental Review shall process the amendments as generally required under Section 6.2. of the Zoning Code and present the amendments to the Board of Supervisors for final approval. On a motion by Supervisor Frost, seconded by Supervisor Kennedy, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento this 20 th day of August, 2019, by the following vote, to wit: AYES: Supervisors Frost, Peters, Serna, Kennedy NOES: None ABSENT: Supervisor Nottoli ABSTAIN: None RECUSAL: Supervisors, (PER POLITICAL REFORM ACT (§ 18702.5.)) 8/26/19

SC-3287440#

08/26/2019

Executed on: 08/26/2019
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature



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