

**Before the Planning Commission in and for the
County of Monterey, State of California**

Resolution No. 20-009

REF190027 - INDUSTRIAL HEMP PILOT PROGRAM

Resolution of the Monterey County Planning Commission:

- a. Repeating the July 10, 2019 recommendation of the Planning Commission on the industrial hemp pilot program as reflected in Resolution No. 19-021 (**Attachment 1**); and
- b. With respect to the ordinance presented at the April 8, 2020 Planning Commission hearing (**Attachment 2**), recommending that the Monterey County Board of Supervisors make the following revisions to the ordinance prior to adoption:
 - i. Amend the zoning maps to create a uniform 1,000-foot buffer between industrial hemp cultivation and all cities, Rural Centers, and Community Areas;
 - ii. Amend the zoning maps to include Rural Grazing and Permanent Grazing zoning districts in the South County Area Plan, including allowing for split zoning on properties that are bisected by the uniform buffer;
 - iii. Ensure that the industrial hemp pilot program remains amendable and adaptable; and
 - iv. Separate discussion of industrial hemp policy from the purview of the Cannabis Committee.

This proposed ordinance amending the Monterey County Code came before the Planning Commission at a duly noticed public hearing on April 8, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:

I. RECITALS

1. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

2. In 2013, the California Legislature adopted the California Industrial Hemp Farming Act (Food and Agricultural Code (hereafter "FAC") §§ 81000-81011), addressing the cultivation of industrial hemp. However, the Act it did not become operative until Proposition 64, the Adult Use of Marijuana Act, passed by the voters in November 2016, amended FAC section 81010 that established the operative date of January 1, 2017.

3. The 2014 Farm Bill (P.L. 113-79, § 7606, 7 U.S.C. § 5940), authorized 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 to grow or cultivate industrial hemp if:

- A. The hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- B. 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 where the research occurs.

4. In December 2018, President Trump signed into law the 2018 Federal Farm Bill, H.R. 2, P.L. 115-334, which removed industrial hemp from the federal list of controlled substances and authorizes the U.S. Department of Agriculture to create quality control standards for commercial hemp production.

5. Effective January 1, 2019, SB 1409 was signed into law by Governor Brown which revised the California Industrial Hemp Farming Act. The law now requires that industrial hemp cultivators, other than “Established Agricultural Research Institutions”, to pay an annual fee and register with local agricultural commission offices. Additionally, the law requires that “Established Agricultural Research Institutions” provide GPS coordinates to agricultural commissioners.

6. Pursuant to FAC section 81007, the California Department of Food and Agriculture (CDFA) is authorized to establish by regulation, an agricultural pilot program pursuant to section 7606 of the federal Agricultural Act of 2014, 7 U.S.C. § 5940. CDFA has adopted certain regulations, some on an emergency basis, concerning registration fees, registration application, criminal report history for industrial hemp registration, approved seed cultivars, sampling, laboratory testing, and enforcement.

7. On April 30, 2019, CDFA made available applications for industrial hemp cultivators to register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

8. On July 10, 2019, the Planning Commission adopted Resolution No. 19-021 (**Attachment 1**) recommending that the Board of Supervisors:

- a. Not adopt an ordinance adding Chapter 21.49 to Title 21 of the Monterey County Code (non-coastal zoning ordinances) to create an Industrial Hemp combining zoning district (“HMP” District) establishing a “pilot program” with regulations for cultivation of industrial hemp in the “HMP” District and amending Sectional District Zoning Maps to apply the “HMP” District designation to certain properties in the inland unincorporated areas in the North County Area Plan and South County Area Plan;
- b. Make an interpretation that industrial hemp cultivation and processing are not a similar use to cannabis, and allow industrial hemp to be cultivated and processed as an agricultural product County-wide; and
- c. Direct staff to create regulations that set a half mile buffer between industrial hemp cultivation and all cities, Rural Centers, and Community Areas and consider directing staff to create regulations that set a buffer between existing licensed

cannabis operations and hemp seed breeders that may be waived by mutual consent of the cultivators.

As part of the consideration of the ordinance extending the industrial hemp pilot program and amending the Sectional District Zoning Maps to add the Industrial Hemp Zoning Overlay District (“HMP” District) to portions of parcels that are outside of the rural center and community area buffers (**Attachment 2**), the Planning Commission reiterates its original recommendation from July 10, 2019 and suggests additional modifications as reflected in this Resolution.

9. On July 23, 2019, the Monterey County Board of Supervisors adopted Ordinance Number 5314, which created a pilot program for the cultivation and processing of industrial hemp in the inland unincorporated area of Monterey County. The adopted ordinance did not incorporate the Planning Commission recommendations outlined in Resolution No. 19-021 (**Attachment 1**).

10. On February 10, 2020, CDFR proposed emergency adoption of Title 3 California Code of Regulations (CCR) Sections 4901 and 4902 to create timeframes, definitions, and procedures for industrial hemp registration and program eligibility determination.

11. The purpose of this ordinance is to extend the industrial hemp pilot program, and amend the parameters of where certain activities associated with industrial hemp can occur during a limited time period. The pilot program is intended to gather data and information related to industrial hemp cultivation and processing, hemp seed production, and associated activities to enable the County to evaluate the establishment of long-term regulations and to reduce the potential for negative impacts on the community and environment for protection of public health, safety and welfare.

12. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15306, which exempt minor alterations in land use limitations in areas with an average slope of less than twenty percent (20%) that do not result in any changes in land use or density and information collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. This ordinance extends a limited term pilot program for the purposes of information collection, applies to lands that allow agricultural uses as a principal use, is limited to lands that have previously been cultivated, and to lands with an average slope of less than 20%. Temporary allowances for rotation of crops to hemp on lands previously cultivated with other agricultural products, is a minor alteration in land use limitations and will not result in serious disturbance to environmental resources.

13. State law requires the Planning Commission to hold a noticed public hearing on proposed amendments to zoning ordinances and to make a written recommendation to the Board of Supervisors.

14. On April 8, 2020, the Planning Commission held a duly noticed public hearing to consider making a recommendation to the Board of Supervisors on the proposed ordinance (**Attachment 2**). At least 10 days before the hearing date, notices of the hearing before the Planning Commission were published in The Californian and the Monterey County Herald.

II. DECISION

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby:

- a. Repeats the July 10, 2019 recommendation of the Planning Commission on the industrial hemp pilot program as reflected in Resolution No. 19-021 (**Attachment 1**); and
- b. With respect to the ordinance presented at the April 8, 2020 Planning Commission hearing (**Attachment 2**), recommends that the Monterey County Board of Supervisors make the following revisions to the ordinance prior to adoption:
 - i. Amend the zoning maps to create a uniform 1,000-foot buffer between industrial hemp cultivation and all cities, Rural Centers, and Community Areas;
 - ii. Amend the zoning maps to include Rural Grazing and Permanent Grazing zoning districts in the South County Area Plan, including allowing for split zoning on properties that are bisected by the uniform buffer;
 - iii. Ensure that the industrial hemp pilot program remains amendable and adaptable; and
 - iv. Separate discussion of industrial hemp policy from the purview of the Cannabis Committee.

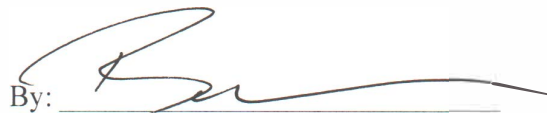
PASSED AND ADOPTED on this 8th day of April 2020, by the following vote:

AYES: Mendoza, Daniels, Coffelt, Ambriz, Roberts, Getzleman, Monsalve, Diehl, Gonzales

NOES: None

ABSENT: None

ABSTAIN: Duflock

By: 
Brandon Swanson, Secretary

**Before the Planning Commission in and for the
County of Monterey, State of California**

Resolution No. 19-021

REF190027 – Industrial Hemp Pilot Program

Resolution of the Monterey County Planning Commission recommending that the Monterey County Board of Supervisors:

- a. Not adopt an ordinance (**Attachment 1**) adding Chapter 21.49 to Title 21 of the Monterey County Code (non-coastal zoning ordinances) to create an Industrial Hemp combining zoning district (“HMP” District) establishing a “pilot program” with regulations for cultivation of industrial hemp in the “HMP” District and amending Sectional District Zoning Maps to apply the “HMP” District designation to certain properties in the inland unincorporated areas in the North County Area Plan and South County Area Plan (As illustrated in the maps included in **Attachment 1**);
- b. Make an interpretation that industrial hemp cultivation and processing are not a similar use to cannabis, and allow industrial hemp to be cultivated and processed as an agricultural product County-wide; and
- c. Direct staff to create regulations that set a half mile buffer between industrial hemp cultivation and all cities, Rural Centers, and Community Areas and consider directing staff to create regulations that set a buffer between existing licensed cannabis operations and hemp seed breeders that may be waived by mutual consent of the cultivators.

The proposed ordinance adding regulations to the Monterey County Code establishing the industrial hemp pilot program came before the Planning Commission at a duly noticed public hearing on July 10, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:

I. RECITALS

1. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

2. In 2013, the California Legislature adopted the California Industrial Hemp Farming Act (Food and Agricultural Code (hereafter “FAC”) §§ 81000-81011), addressing the cultivation of industrial hemp. However, the Act it did not become operative until Proposition 64, the Adult Use of Marijuana Act, passed by the voters in November 2016, amended FAC section 81010 that established the operative date of January 1, 2017.

3. The 2014 Farm Bill (P.L. 113-79, § 7606, 7 U.S.C. § 5940), authorized 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 to grow or cultivate industrial hemp if:

- A. The hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- B. 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 where the research occurs.

4. In December 2018, President Trump signed into law the 2018 Federal Farm Bill, H.R. 2, P.L. 115-334, which removed industrial hemp from the federal list of controlled substances and authorizes the U.S. Department of Agriculture to create quality control standards for commercial hemp production.

5. Effective January 1, 2019, SB 1409 was signed into law by Governor Brown which revised the California Industrial Hemp Farming Act. The law now requires that industrial hemp cultivators, other than “Established Agricultural Research Institutions”, to pay an annual fee and register with local agricultural commission offices. Additionally, the law requires that “Established Agricultural Research Institutions” provide GPS coordinates to agricultural commissioners.

6. Pursuant to FAC section 81007, the California Department of Food and Agriculture (CDFA) is authorized to establish by regulation, an agricultural pilot program pursuant to section 7606 of the federal Agricultural Act of 2014, 7 U.S.C. § 5940. CDFA has adopted certain regulations, some on an emergency basis, concerning registration fees, approved seed cultivars, sampling, laboratory testing, and enforcement.

7. On April 30, 2019, CDFA made available applications for industrial hemp cultivators to register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

8. On July 10, 2019, pursuant to California Government Code Sections 65853, 65854, and 65855, the Planning Commission considered making a recommendation to the Board of Supervisors on a draft zoning amendment that would establish an industrial hemp pilot Industrial Hemp Pilot Program (REF190027)

program for the inland unincorporated areas of Monterey County. Having considered the draft zoning amendment, the Planning Commission recommends that the Board not adopt the draft zoning amendment (industrial hemp pilot program) and instead make an interpretation that hemp is not a similar use to cannabis and allow industrial hemp to be cultivated and processed as an agricultural product County-wide. The Planning Commission also suggests setting regulations that establish a one-half (1/2) mile buffer between industrial hemp cultivation and all cities, Rural Centers, and Community Areas and consider setting a buffer between industrial hemp cultivation, and existing licensed cannabis operations and hemp seed breeders with a mutual waiver of consent to avoid the buffer. This recommendation is based on the following considerations:

- a. The draft pilot program ordinance introduces unnecessary regulations in addition to regulations already provided by state law;
 - b. Allowing hemp as an agricultural crop would provide more information than a pilot program;
 - c. An interpretation that industrial hemp is an agricultural crop will provide an opportunity for hemp cultivation in Monterey County in a more expedient manner than adoption of an ordinance;
 - d. Certain uniform buffers around cities, community areas, and rural centers should be considered to minimize potential impacts of hemp cultivation on these areas; and
 - e. A buffer between industrial hemp cultivation involving cultivation of male hemp plants and cannabis cultivators cultivating only female plants may be warranted to protect cannabis cultivators from pollen drift which has the potential to adversely affect cannabis growers. Any buffer should be capable of being reduced or waived by mutual consent of the cultivators.
9. An interpretation that hemp is not a similar use to cannabis is not a project as defined in Section 65931 of the CEQA Guidelines. The interpretation would categorize hemp as an agricultural crop rather than a cannabis crop and would not change any existing land use regulations with respect to agriculture. Hemp, along with all other agricultural crops would continue to be subject to the restrictions for cultivation of land contained in the 2010 General Plan or the Local Coastal Program as applicable. No license, permit, or entitlement would be granted other than the “registration” established in California Industrial Hemp Law by the state.
10. State law requires the Planning Commission to hold a noticed public hearing on proposed amendments to zoning ordinances and to make a written recommendation to the Board of Supervisors.
11. On July 10, 2019, the Planning Commission held a duly noticed public hearing to consider making a recommendation to the Board of Supervisors on the proposed ordinance (**Attachment 1**). At least 10 days before the hearing date, notices of the hearing before the Planning Commission were published in The Californian and the Monterey County Herald.


II. DECISION

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Board of Supervisors:

- a. Not adopt an ordinance (**Attachment 1**) adding Chapter 21.49 to Title 21 of the Monterey County Code (non-coastal zoning ordinances) to create an Industrial Hemp combining zoning district (“HMP” District) establishing a “pilot program” with regulations for cultivation of industrial hemp in the “HMP” District and amending Sectional District Zoning Maps to apply the “HMP” District designation to certain properties in the inland unincorporated areas in the North County Area Plan and South County Area Plan (As illustrated in the maps included in **Attachment 1**);
- b. Make an interpretation that industrial hemp cultivation and processing are not a similar use to cannabis, and allow industrial hemp to be cultivated and processed as an agricultural product County-wide; and
- c. Direct staff to create regulations that set a half mile buffer between industrial hemp cultivation and all cities, Rural Centers, and Community Areas and consider directing staff to create regulations that set a buffer between existing licensed cannabis operations and hemp seed breeders that may be waived by mutual consent of the cultivators.

PASSED AND ADOPTED this 10th day of July 2019 upon motion of Commissioner Diehl, seconded by Commissioner Vandevere, by the following vote:

AYES: Ambriz, Coffelt, Diehl, Monsalve, Getzelman, Gonzalez, Mendoza, Vandevere
NOES: None
ABSENT: Duflock, Roberts
ABSTAIN: None

By: 
Brandon Swanson, Planning Commission Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING CHAPTER 21.49 TO TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY CODE AND AMENDING CHAPTER 21.08 OF TITLE 21 OF THE MONTEREY COUNTY CODE TO ESTABLISH AN INDUSTRIAL HEMP (“HMP”) ZONING DISTRICT AND AMEND THE SECTIONAL DISTRICT MAPS TO ADD THE “HMP” ZONING DESIGNATION TO CERTAIN PROPERTIES

County Counsel Summary

This ordinance establishes a pilot program for the cultivation and processing of industrial hemp in the inland unincorporated area of Monterey County. This ordinance adds Chapter 21.49 to Title 21 (non-coastal zoning) of the Monterey County Code to create an Industrial Hemp District combining zoning designation (“HMP” District) establishing industrial hemp cultivation as an allowed use subject to certain restrictions under the pilot program, and allowing development of new industrial hemp processing plants as an allowed use with a use permit. The ordinance also amends Section 21.08.020 of Title 21 to add the “HMP” District to the list of combining zoning regulations, and amends Section 21.08.060 to apply the “HMP” District to certain properties in the inland unincorporated areas as specified in the ordinance and as shown in the Sectional District Zoning Maps attached to the ordinance. The “HMP” District is limited to certain properties in the North County Area Plan and South County Area Plan. Restrictions contained in this ordinance require approval of registration by the Monterey County Agricultural Commissioner, limit the number of industrial hemp cultivation registrations that may be issued to not exceed 30 in total, and provide for a maximum cultivated area of 100 acres. The effective period of this ordinance is limited from its adoption through August 31, 2020.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and declarations.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. In 2013, the California Legislature adopted the Industrial Hemp Farming Act (Food and Agricultural Code (hereafter “FAC”) §§ 81000-81011), addressing the cultivation of industrial hemp. However, the Act did not become operative until Proposition 64, the Adult Use of Marijuana Act (November 2016), amended FAC section 81010 that established the operative date of January 1, 2017.

C. The 2014 Federal Farm Bill (P.L. 113-79, § 7606, 7 U.S.C. § 5940), authorized 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 to grow or cultivate industrial hemp if:

1. The 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 where the research occurs.

D. In December 2018, President Trump signed into law the 2018 Federal Farm Bill, H.R. 2, P.L. 115-334, which removed industrial hemp from the federal list of controlled substances and authorizes the U.S. Department of Agriculture to create quality control standards for commercial hemp production.

E. Effective January 1, 2019, SB 1409 was signed into law by Governor Brown which revised the California Industrial Hemp Farming Act. The law now requires that industrial hemp cultivators, other than “Established Agricultural Research Institutions”, to pay an annual fee and register with local agricultural commissioner offices. Additionally, the law requires that “Established Agricultural Research Institutions” provide GPS coordinates to agricultural commissioners.

F. Pursuant to FAC section 81007, the California Department of Food and Agriculture (CDFA) is authorized to establish by regulation, an agricultural pilot program pursuant to section 7606 of the federal Agricultural Act of 2014, 7 U.S.C. § 5940. CDFA has adopted certain regulations, some on an emergency basis, concerning a registration fee, approved seed cultivars, sampling, laboratory testing, and enforcement.

G. On April 25, 2019, CDFA’s regulation establishing a \$900 registration fee became effective (3 CCR § 4900).

H. On April 30, 2019, CDFA made available applications for industrial hemp cultivators to register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

I. 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 can be indistinguishable, particularly when hemp is cultivated with feminized flowering plants for high levels of cannabidiol (CBD) for purposes of CBD extract or oil production.

J. The purpose of this ordinance is to set parameters of where certain activities associated with industrial hemp can occur during a limited time period. The pilot program is intended to gather data and information related to industrial hemp cultivation and processing, hemp seed production, and associated activities to enable the County to evaluate the

establishment of long-term regulations and to reduce the potential for negative impacts on the community and environment for protection of public health, safety and welfare.

K. Properties rezoned to apply the Industrial Hemp combining zoning district (“HMP” District) pursuant to this ordinance are limited to those properties that have a base zoning designation that allows soil dependent agricultural uses, that have been previously cultivated for commercial agricultural purposes, and that are located within the North County Area Plan and South County Area Plan boundaries. Due to prevailing wind patterns in the South County area, buffers are proposed around rural centers including Pine Canyon, San Lucas, San Ardo, Lockwood, Pleyto, and Bradley.

L. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15306, which exempt minor alterations in land use limitations in areas with an average slope of less than twenty percent (20%) that do not result in any changes in land use or density and information collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. This ordinance establishes a limited term pilot program for the purposes of information collection, applies to lands that allow agricultural uses as a principal use, is limited to lands that have previously been cultivated, and to lands with an average slope of less than 20%. Temporary allowances for rotation of crops to hemp on lands previously cultivated with other agricultural products, is a minor alteration in land use limitations and will not result in serious disturbance to environmental resources.

SECTION 2. Chapter 21.49 is added to the Monterey County Code to read as follows:

Chapter 21.49
REGULATIONS FOR LIMITED INDUSTRIAL HEMP ZONING DISTRICT OR
“HMP” DISTRICT

Sections:

21.49.010 – Definitions.

21.49.020 – Purpose.

21.49.030 – Applicability and duration.

21.49.040 – Uses allowed.

21.49.050 – Uses allowed – Use permit required in each case (Chapter 21.74).

21.49.060 – Regulations applicable to industrial hemp cultivation registration.

21.49.010 Definitions

For the purpose of this Chapter, unless the context otherwise requires, certain terms used in this Chapter shall be as defined below. The definitions in Chapter 21.06 shall otherwise apply.

A. “Agricultural Commissioner” means the Monterey County Agricultural Commissioner and Sealer of Weights and Measures.

B. “Established agricultural research institution” means any institution that is either:

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. § 101)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.

C. “Industrial hemp” means 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.

D. “Industrial hemp cultivation” means the tilling, growing, raising, harvesting, and other cultivation practices of industrial hemp for commerce. Industrial hemp cultivation includes cultivation of industrial hemp by a seed breeder and an established agricultural research institution.

E. “Industrial hemp processing” means the refinement, treatment, or conversion of industrial hemp where a physical, chemical or similar change of the industrial hemp product occurs. Examples of hemp processing include but are not limited to, freezing, dehydrating, extracting oil, and the sorting, cleaning, packing, and storing of products preparatory to sale or shipment.

F. “Industrial hemp processing plant” means a structure, building, facility, area, open or enclosed, or any other location for the refinement, treatment, or conversion of industrial hemp where a physical, chemical or similar change of an agricultural product occurs. Examples of hemp processing plant include but are not limited to, coolers, dehydrators, cold storage houses, oil extraction facilities, and areas for the sorting, cleaning, packing, and storing of products preparatory to sale or shipment.

G. “Registration” means the industrial hemp registration process pursuant to California Food and Agricultural Code sections 81000 through 81011 with the Agricultural Commissioner.

H. “Seed breeder” means an individual or public or private institution or organization that is registered with the Monterey County Agricultural Commissioner to develop seed cultivars intended for sale or research.

21.49.020 Purpose.

The purpose of this Chapter is to:

A. Establish a pilot program to accommodate limited cultivation and processing of industrial hemp in specified areas while gathering data for long-term regulations;

B. Minimize potential conflicts between cultivation and processing of industrial hemp and other land uses by limiting industrial hemp cultivation and processing to certain specified areas in the unincorporated area; and

C. Aid in the enforcement against illegal cannabis activities and reduce negative impacts on the community and environment for protection of public health, safety and welfare by requiring all industrial hemp cultivators to register with the Agricultural Commissioner.

21.49.030 Applicability and duration.

A. The regulations set forth in this Chapter shall apply in all districts which are combined with the “HMP” District, in addition to the regulations of the combined districts. However, if any of the regulations specified in this Chapter differ from any of the corresponding regulations specified in this Title for any district which is combined with the “HMP” District, then the provisions of this Chapter shall apply.

B. The provisions of this Chapter, and all registrations approved by the Agricultural Commissioner pursuant to this Chapter, shall expire on August 31, 2020.

21.49.040 Uses allowed.

A. Uses permitted as “Uses Allowed” in the respective district with which the “HMP” District is combined;

B. Industrial hemp cultivation pursuant to the requirements of Section 21.49.060 of this Chapter; and

C. Use of an existing agricultural processing plant for industrial hemp processing.

21.49.050 Uses allowed – Use permit required in each case (Chapter 21.74).

A. Uses permitted as “Uses allowed – Use permit required in each case” in the respective district with which the “HMP” District is combined; and

B. New industrial hemp processing plant (ZA).

21.49.060 Regulations applicable to industrial hemp cultivation registration.

A. Registration approved by the Agricultural Commissioner shall be required before industrial hemp cultivation may commence.

B. An application for registration to cultivate industrial hemp shall be submitted to the Agricultural Commissioner no later than August 31, 2019. Registrations shall not be renewed or extended beyond the expiration date provided in Section 21.49.030 of this Chapter.

C. The Agricultural Commissioner shall approve no more than thirty (30) registrations pursuant to this pilot program. The Agricultural Commissioner shall approve such registrations if all of the following are met:

1. The industrial hemp will be cultivated within the “HMP” District.
2. The industrial hemp will be cultivated on land that was previously cultivated with any crop.
3. The industrial hemp cultivation will be grown in acreages of one hundred (100) acres or less.

D. Property owners and registrants will post all appropriate signs as required by state law, and will be subject to the regulations contained in Chapter 21.60 of this Title.

E. Property owners and registrants shall allow access to the industrial hemp cultivation site by the County, its officers, or agents, to verify compliance with all relevant rules, regulations, and conditions.

SECTION 3. Section 21.08.020 of the Monterey County Code is amended to read as follows:

Designation	District Name
B	Building Site District
D	Design Control District
S	Site Plan Review District
VS	Visual Sensitivity District
A	Limited Agricultural District
<u>HMP</u>	<u>Industrial Hemp District</u>
UR	Urban Reserve District
RAZ	Residential Allocation District
HR	Historical Resources District

Z	Street Improvements District
RES	Regulations for Parking and Use of Major Recreational Equipment Storage Seaward Zone

SECTION 4. ZONING DISTRICT MAP. The following Sectional District Maps of Section 21.08.060 of the Monterey County Code are hereby amended to add the Industrial Hemp District (“HMP” District) designation to certain properties shown in the revised Sectional District Maps for each of the amended sections listed below with said maps being attached hereto and incorporated herein by reference:

1. Section 21-1
2. Section 21-2A
3. Section 21-2B
4. Section 21-3
5. Section 21- 4C
6. Section 21-4D
7. Section 21-5
8. Section 21-6
9. Section 21-7
10. Section 21-54
11. Section 21-55
12. Section 21-56
13. Section 21-61
14. Section 21-62
15. Section 21-63
16. Section 21-64
17. Section 21-65
18. Section 21-70
19. Section 21-71
20. Section 21-73
21. Section 21-79
22. Section 21-80
23. Section 21-82
24. Section 21-83
25. Section 21-84
26. Section 21-88
27. Section 21-89
28. Section 21-90
29. Section 21-91
30. Section 21-92
31. Section 21-93
32. Section 21-94
33. Section 21-97
34. Section 21-98

- 35. Section 21-99
- 36. Section 21-100
- 37. Section 21-102
- 38. Section 21-103
- 39. Section 21-104

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ___ day of _____, 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

 Chair, John M. Phillips
 Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
 Clerk of the Board of Supervisors

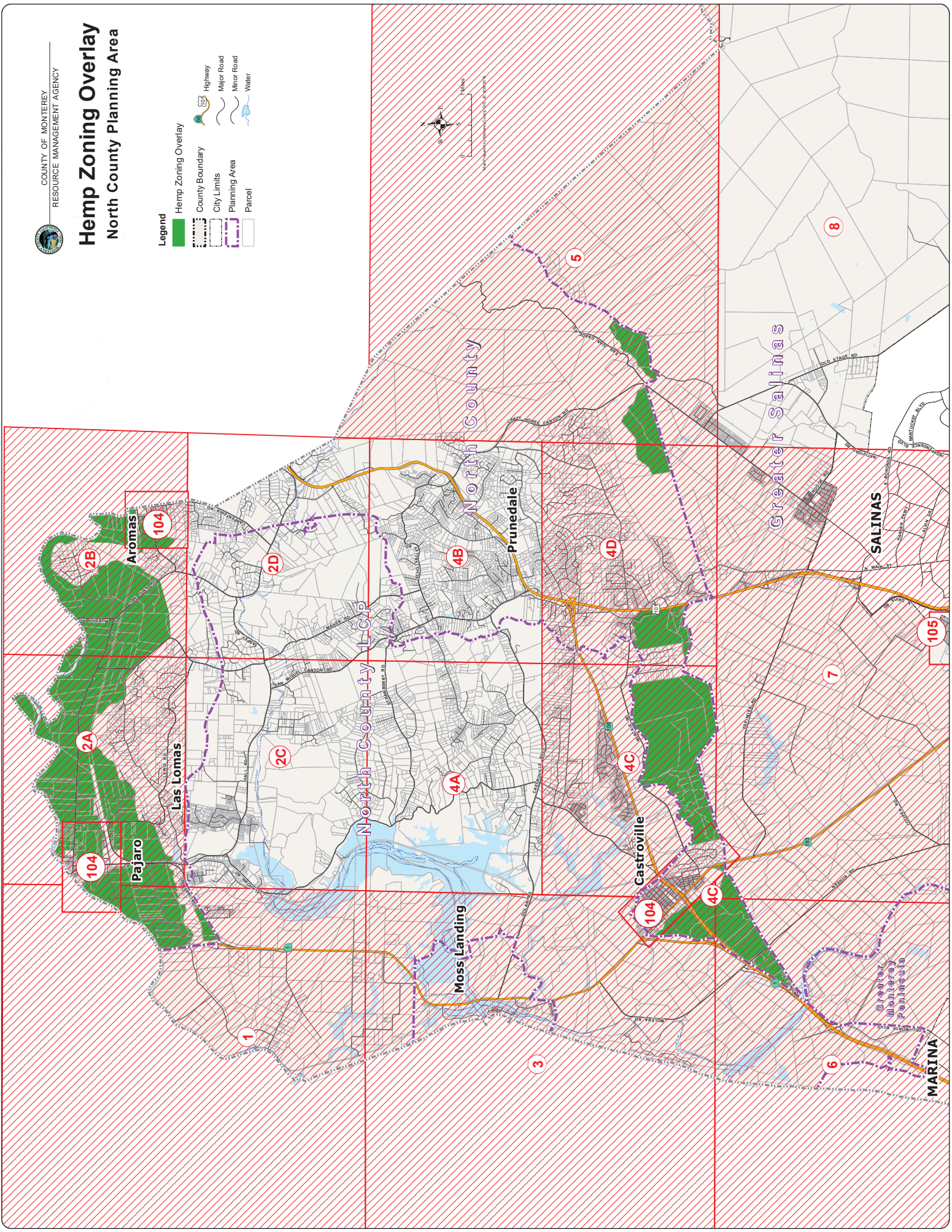
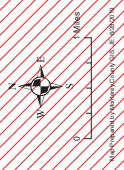
By: _____
 Deputy

<p>APPROVED AS TO FORM BY:</p> <p>_____ Kelly L. Donlon Deputy County Counsel</p>
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Hemp Zoning Overlay North County Planning Area

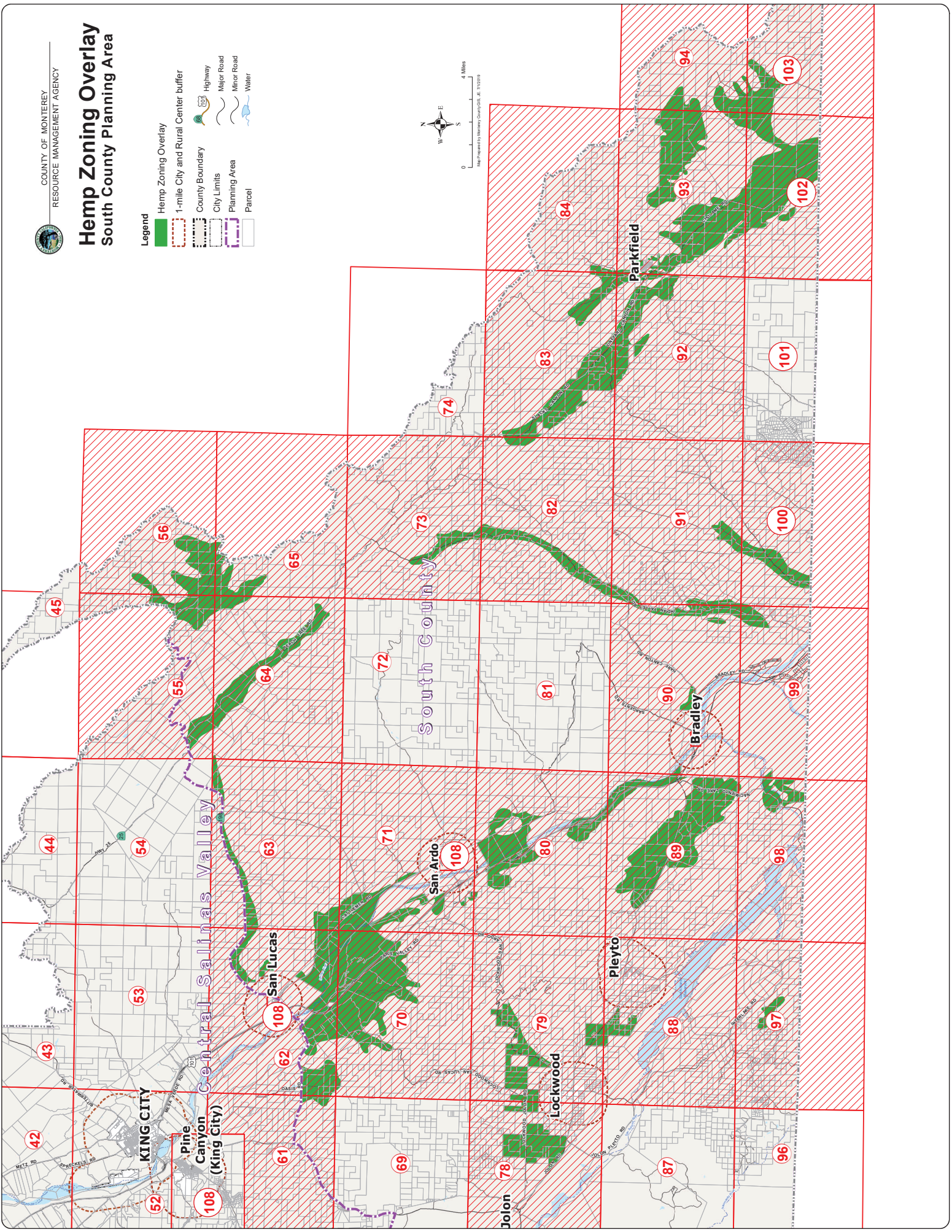
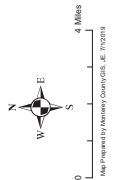
Legend

- Hemp Zoning Overlay
- County Boundary
- City Limits
- Planning Area
- Parcel
- Highway
- Major Road
- Minor Road
- Water



Hemp Zoning Overlay South County Planning Area

- Legend**
- Hemp Zoning Overlay
 - 1-mile City and Rural Center buffer
 - County Boundary
 - City Limits
 - Planning Area
 - Parcel
 - Highway
 - Major Road
 - Minor Road
 - Water



SECTION 1 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

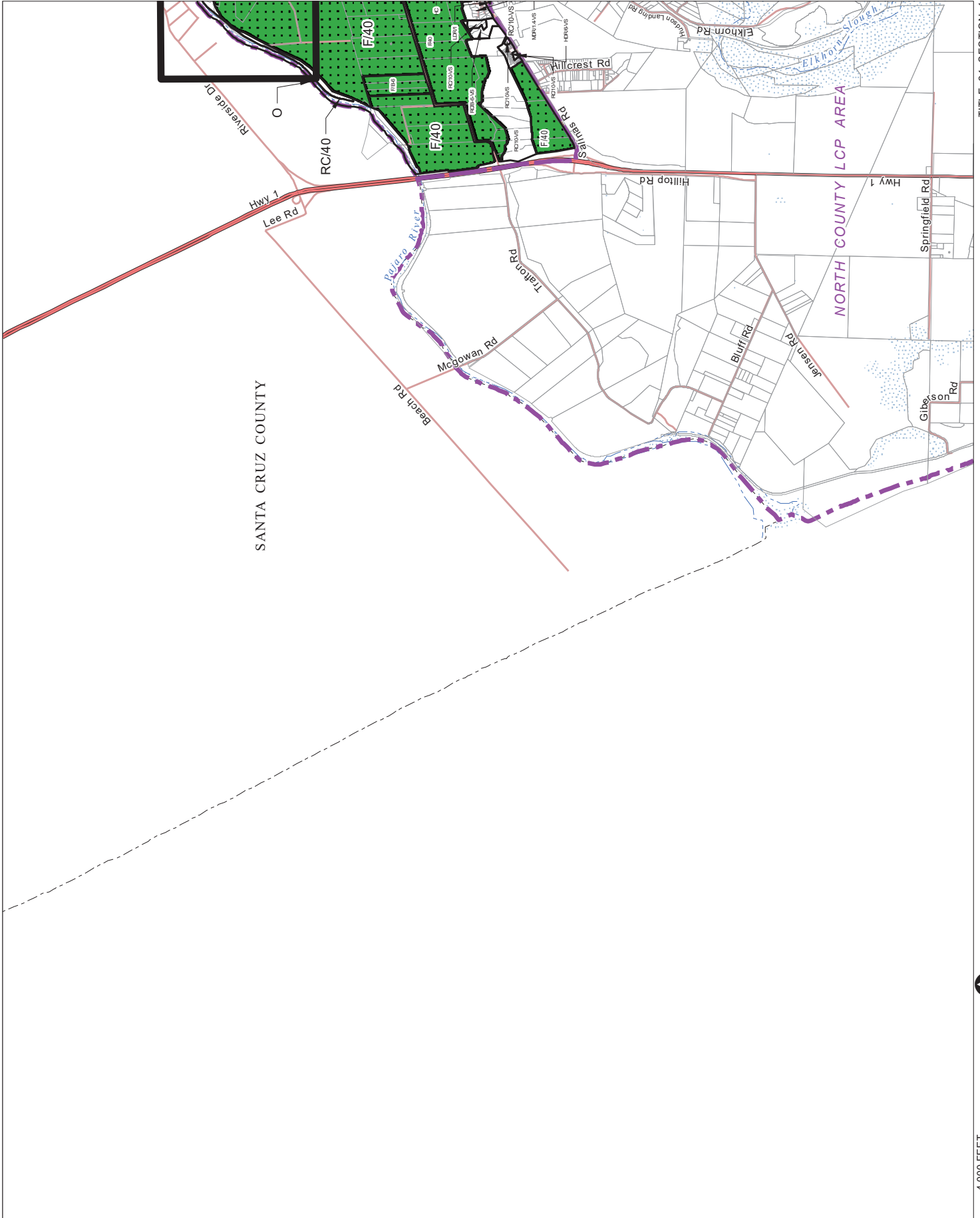
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019

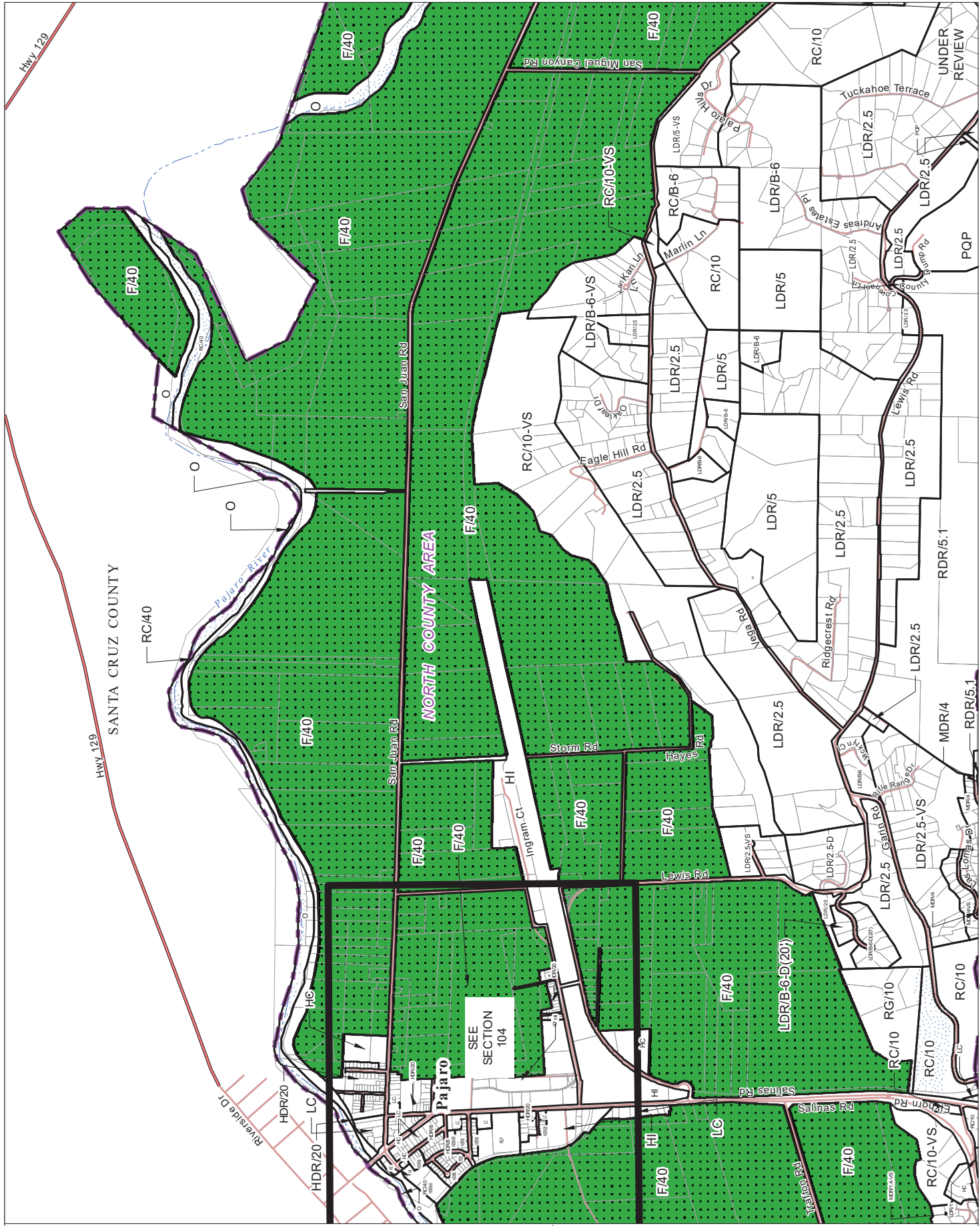


0 2,000 4,000 FEET



SECTION 2A OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

ADOPTED
DATE ORD.NO.



- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



0 2,000 4,000 FEET

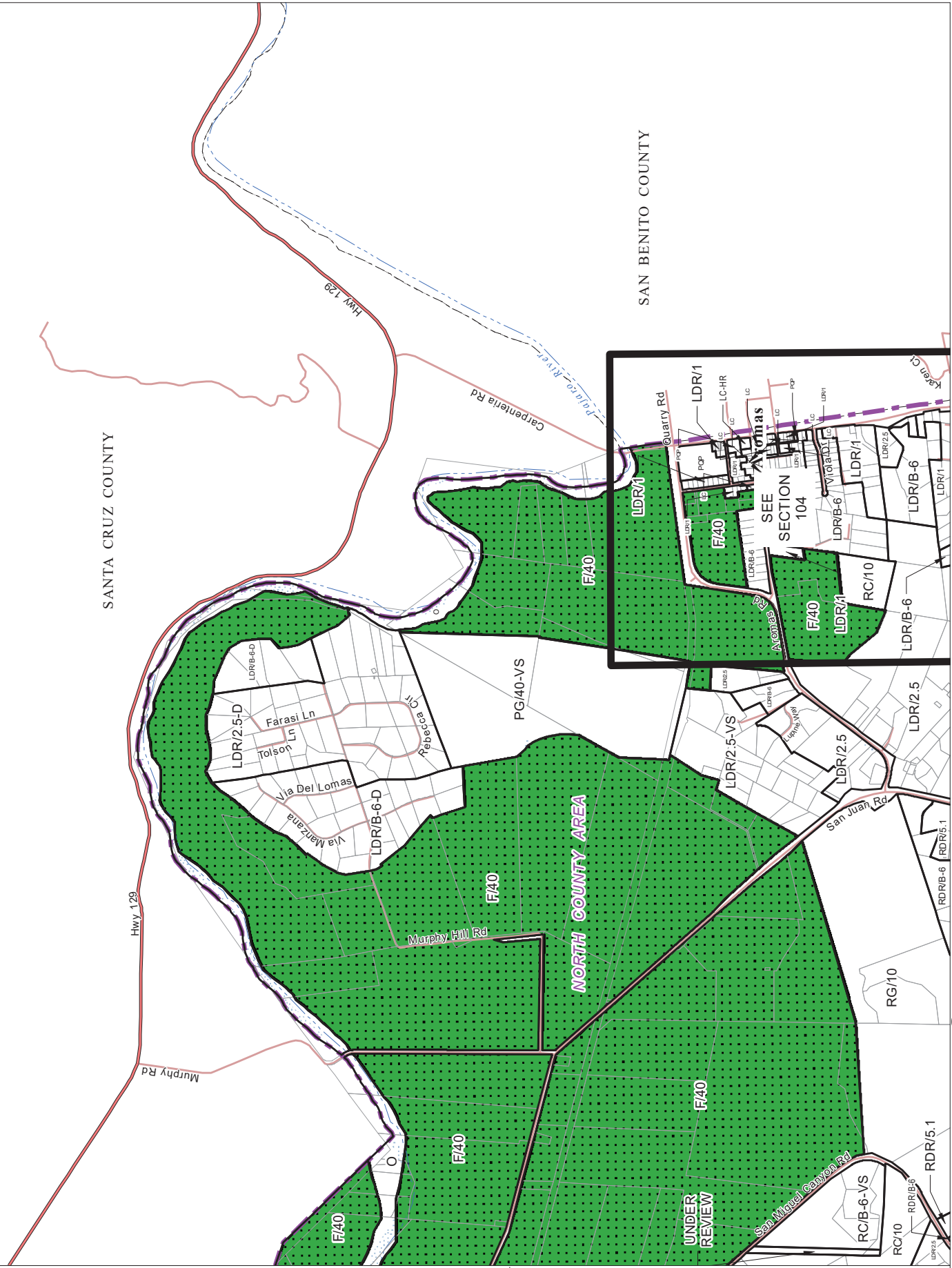
SECTION 2B OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

ADOPTED
DATE ORD.NO.

LEGEND

- ZONING DISTRICT
- HMP DISTRICT
- PARCEL
- PLANNING AREA
- ROAD
- HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019

SECTION 3 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

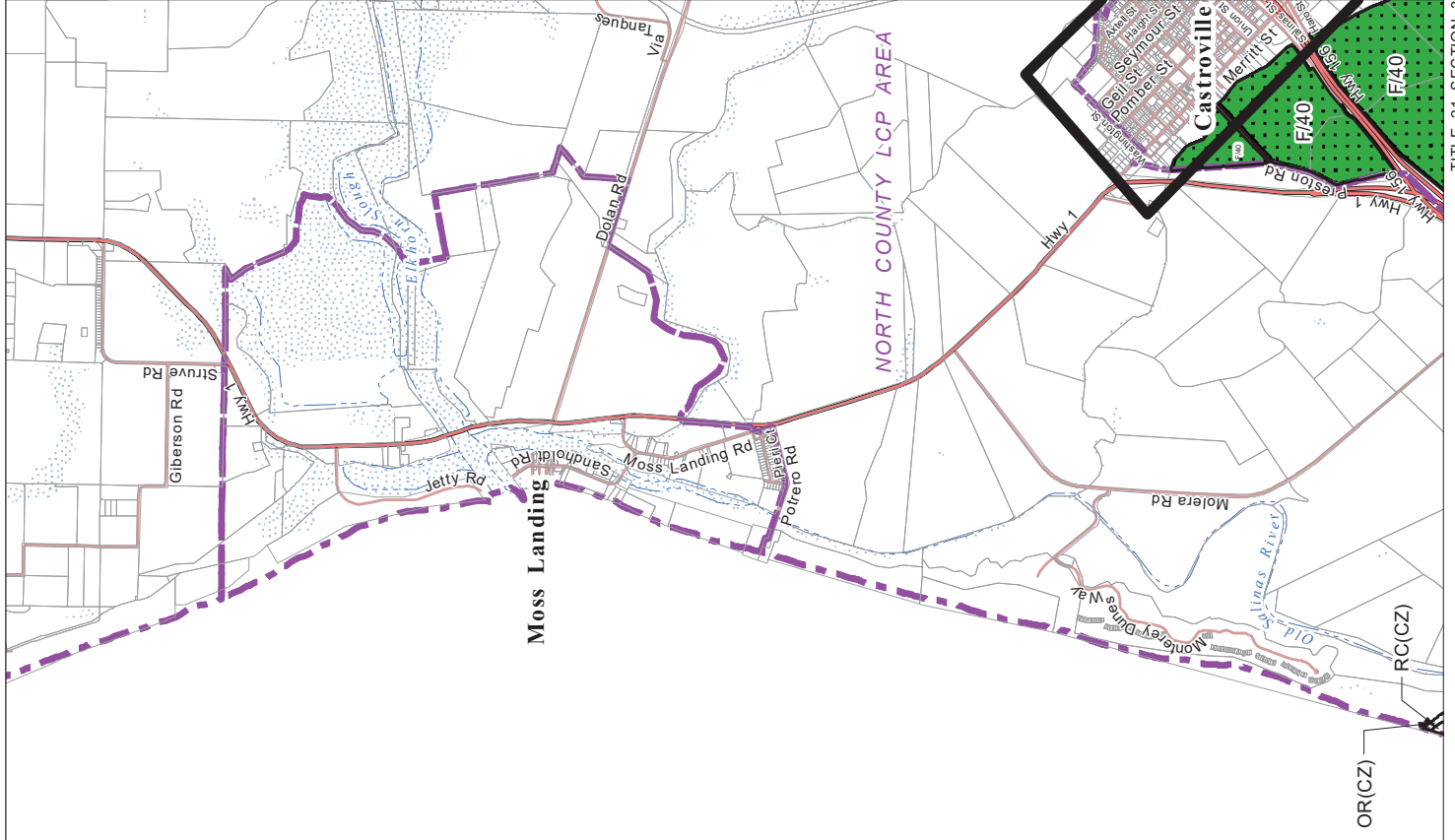
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

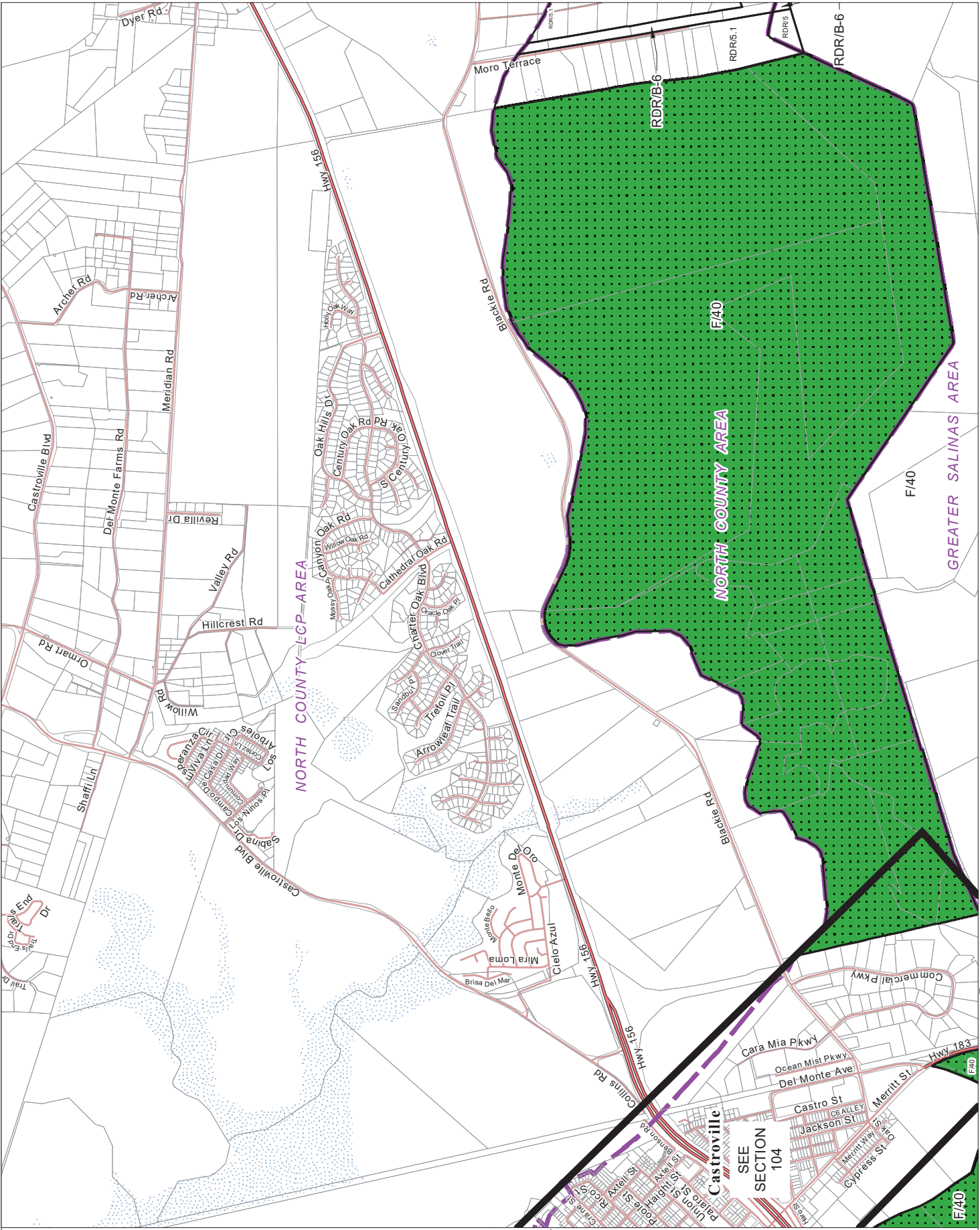
DRAFT
MAP PREPARED:
7/2/2019



0 2,000 4,000 FEET



SECTION 4C OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD. NO.

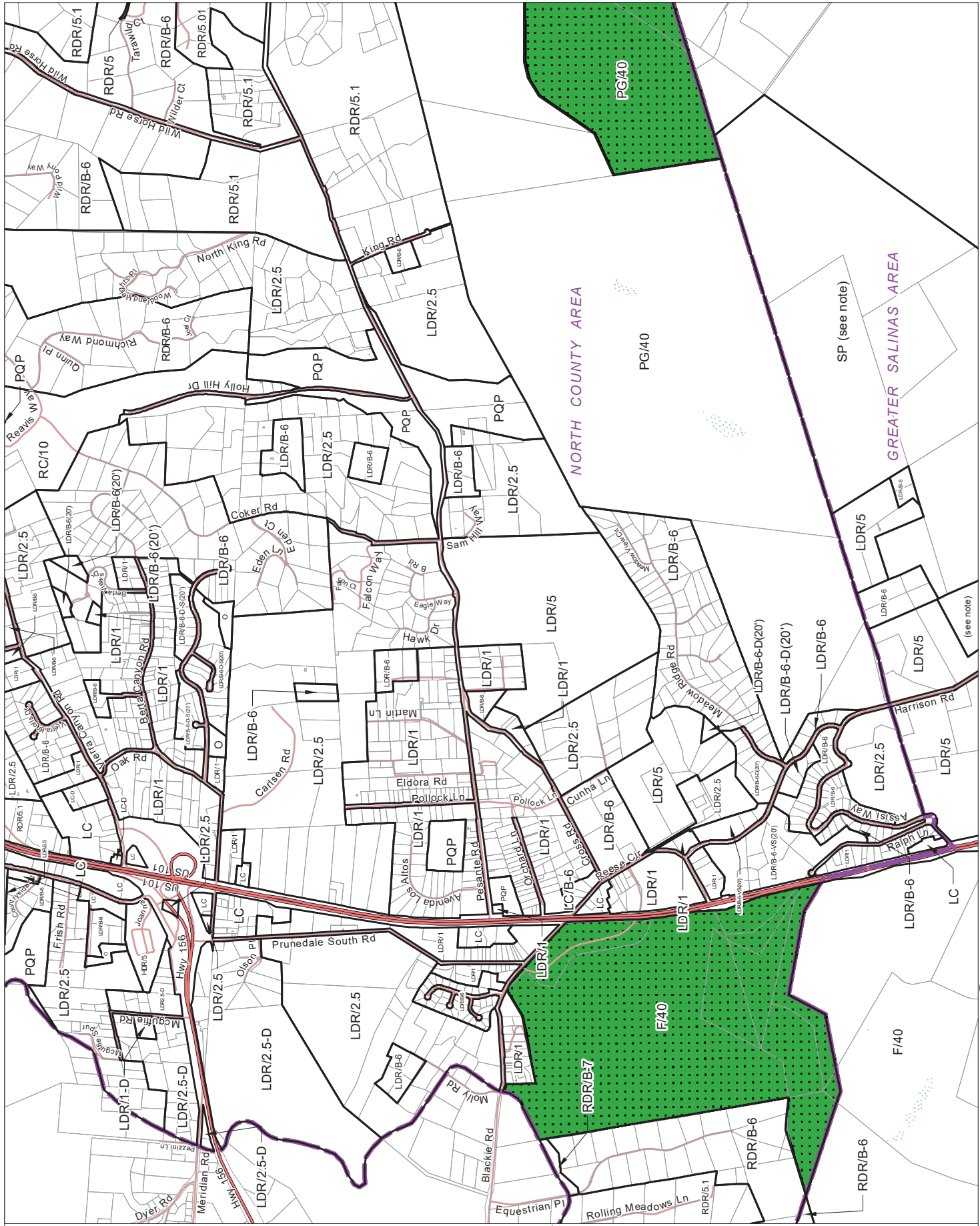
- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



0 2,000 4,000 FEET

SECTION 4D OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



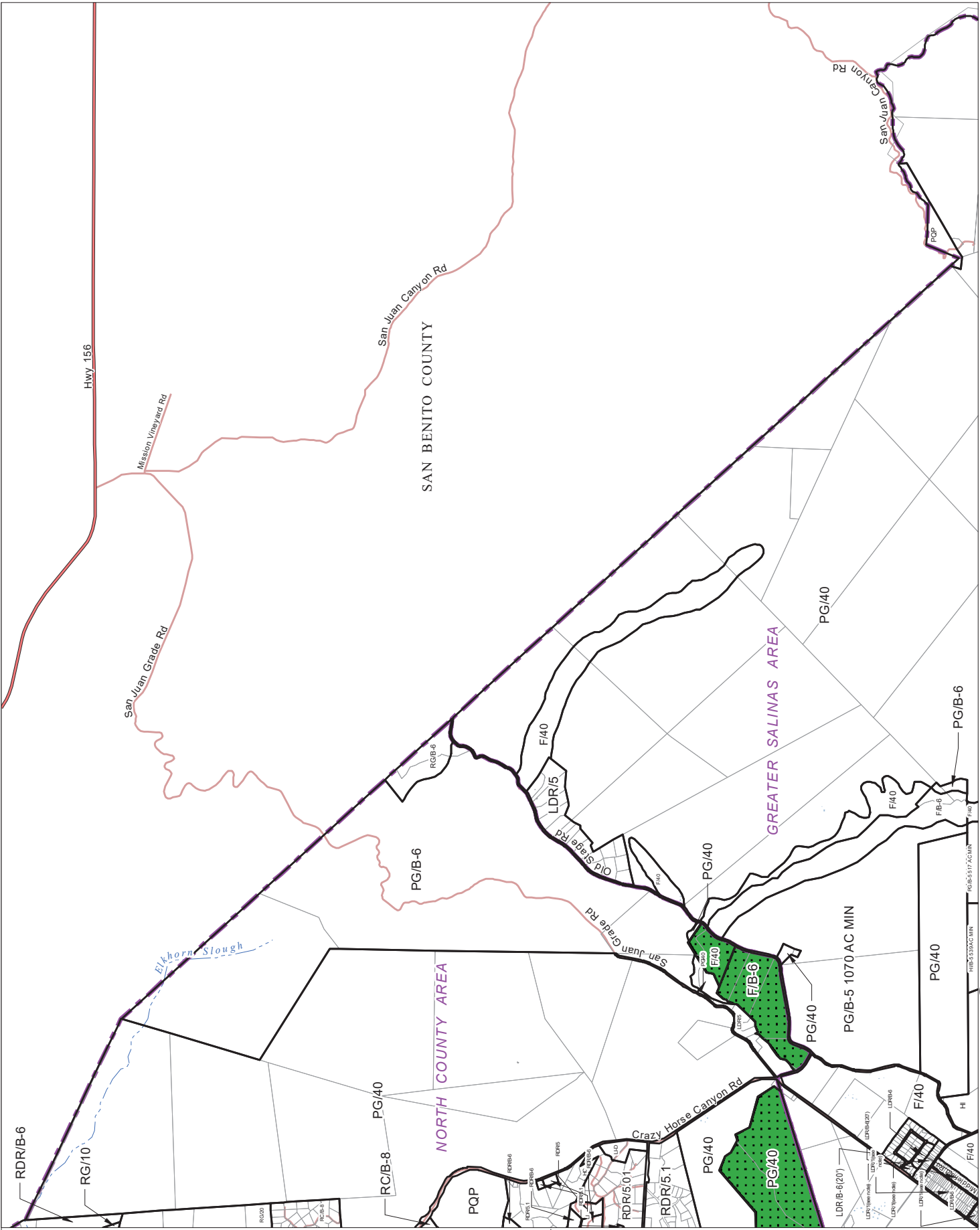
ADOPTED
DATE ORD. NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



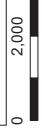
SECTION 5 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



SECTION 6 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

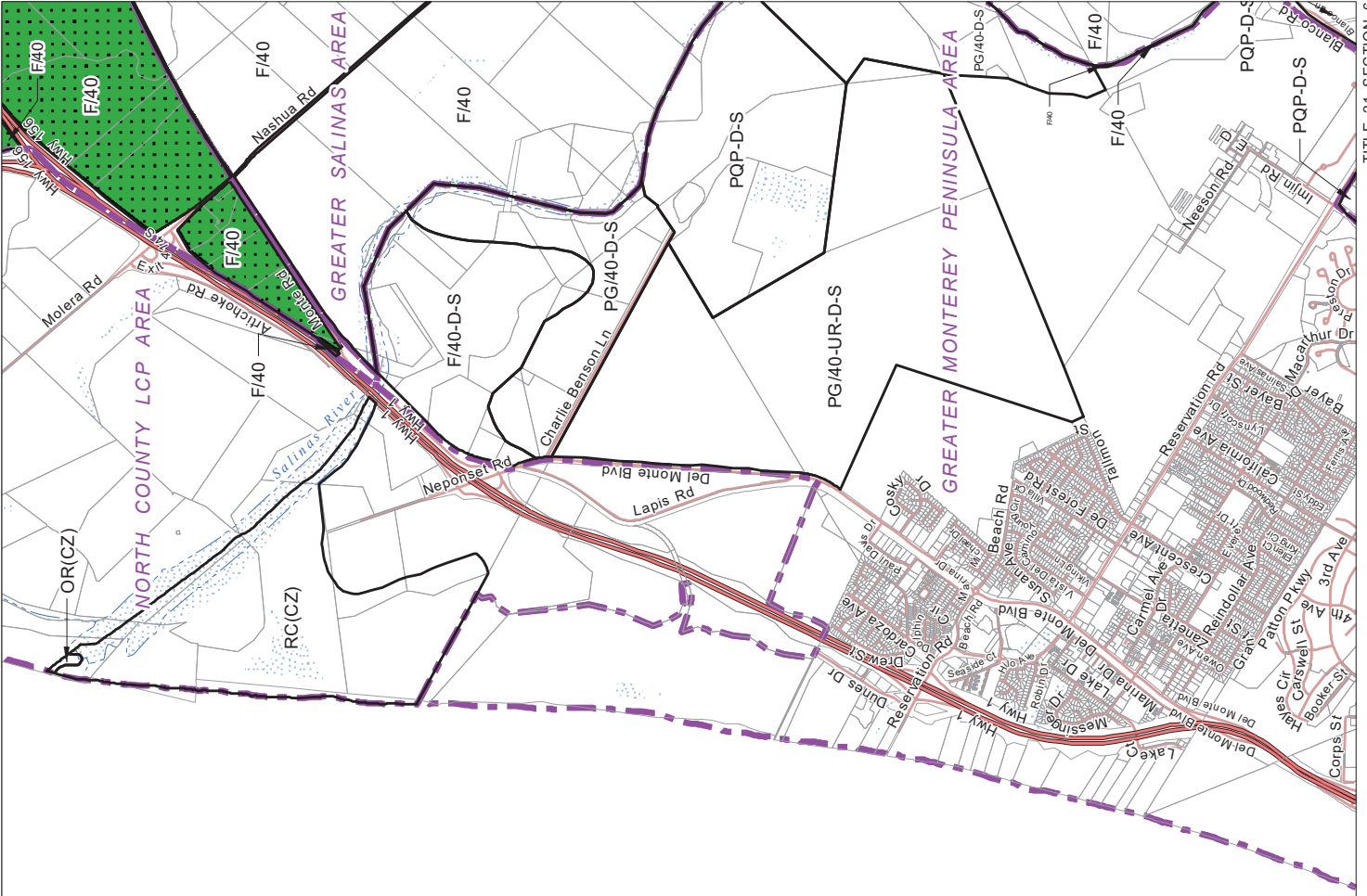
ADOPTED
DATE ORD.NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

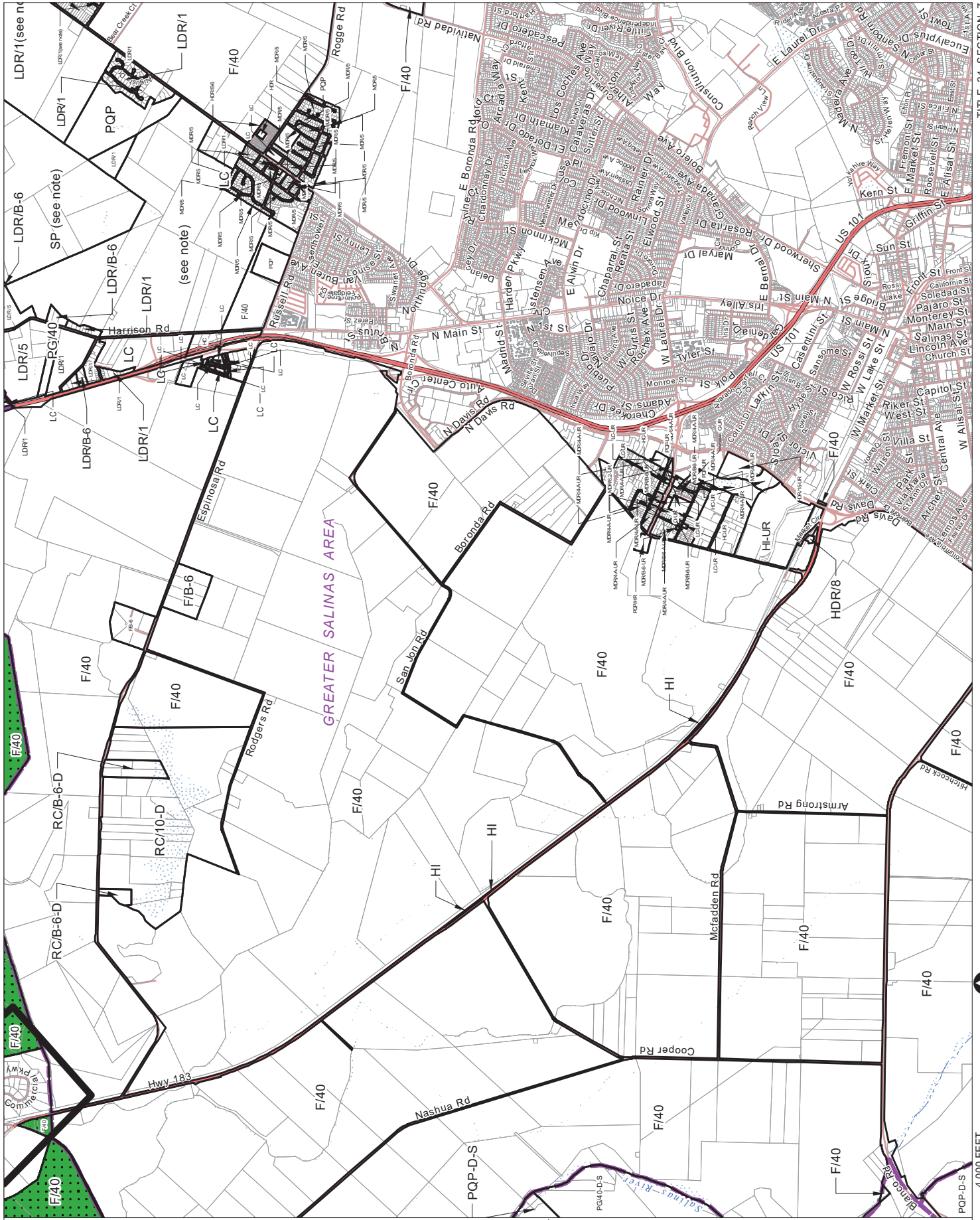
DRAFT
MAP PREPARED:
7/2/2019



0 2,000 4,000 FEET



SECTION 7 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD. NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

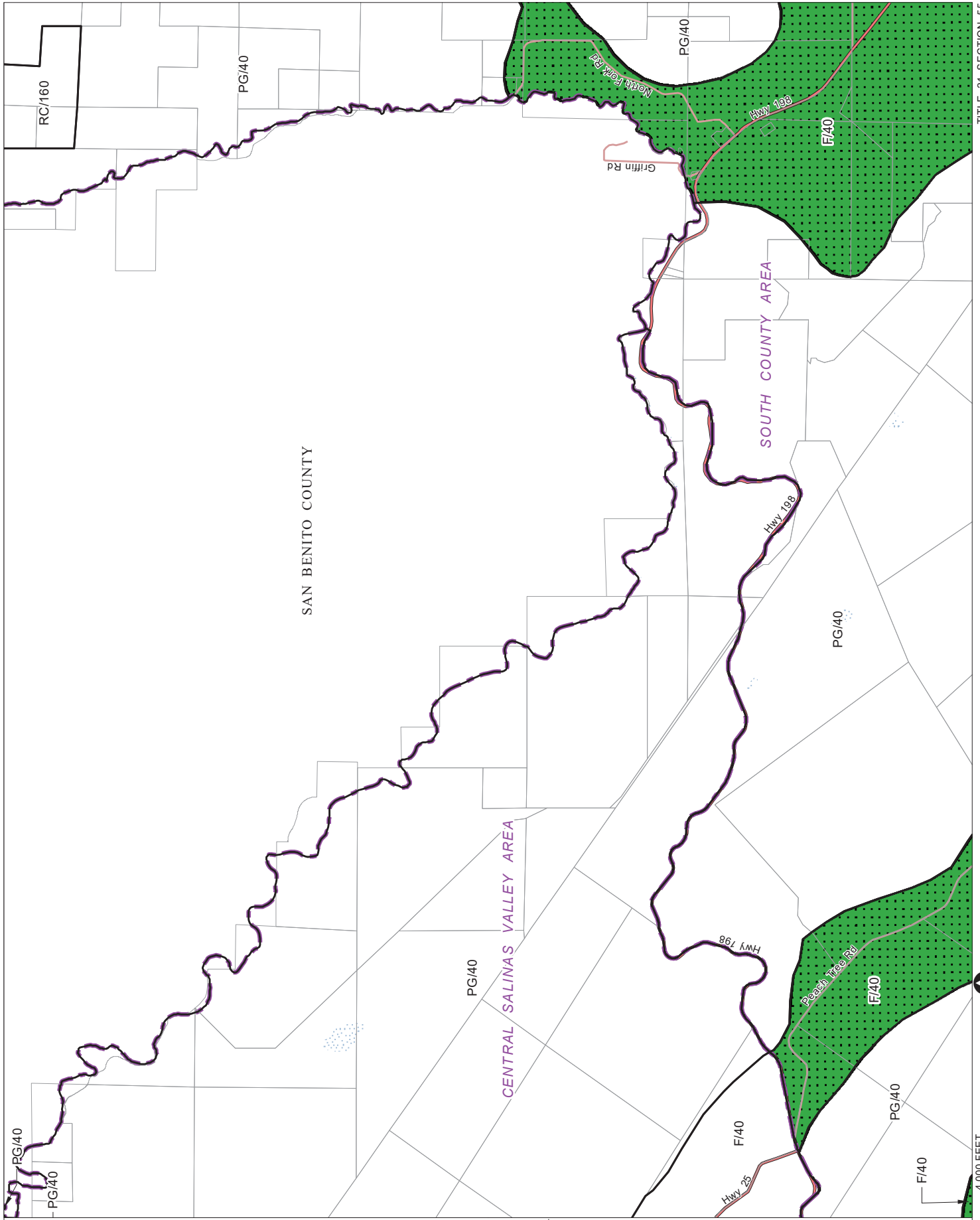
DRAFT
MAP PREPARED:
7/2/2019



0 2,000 4,000 FEET



SECTION 55 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



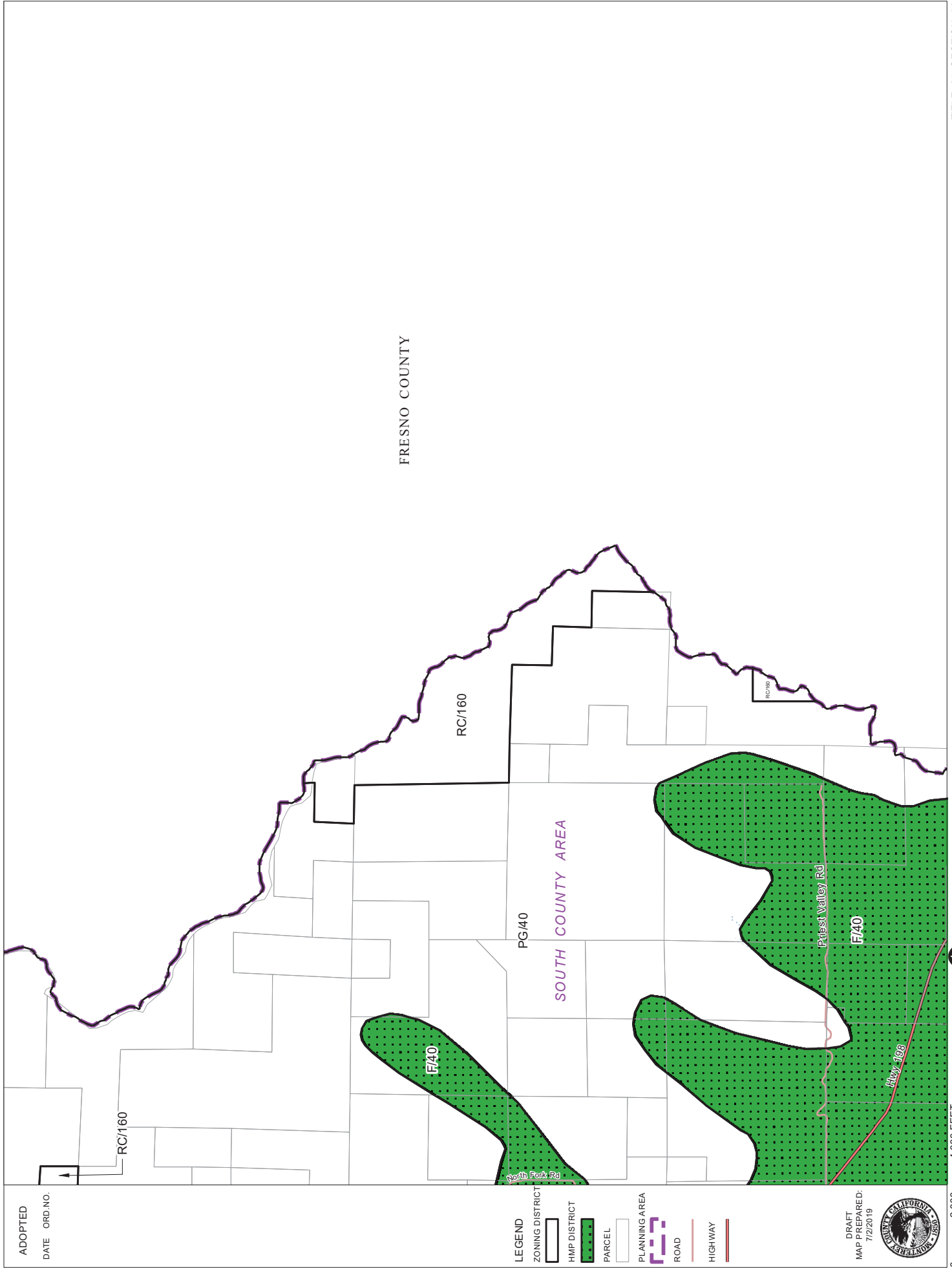
ADOPTED
DATE ORD. NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019

0 2,000 4,000 FEET

SECTION 56 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD.NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

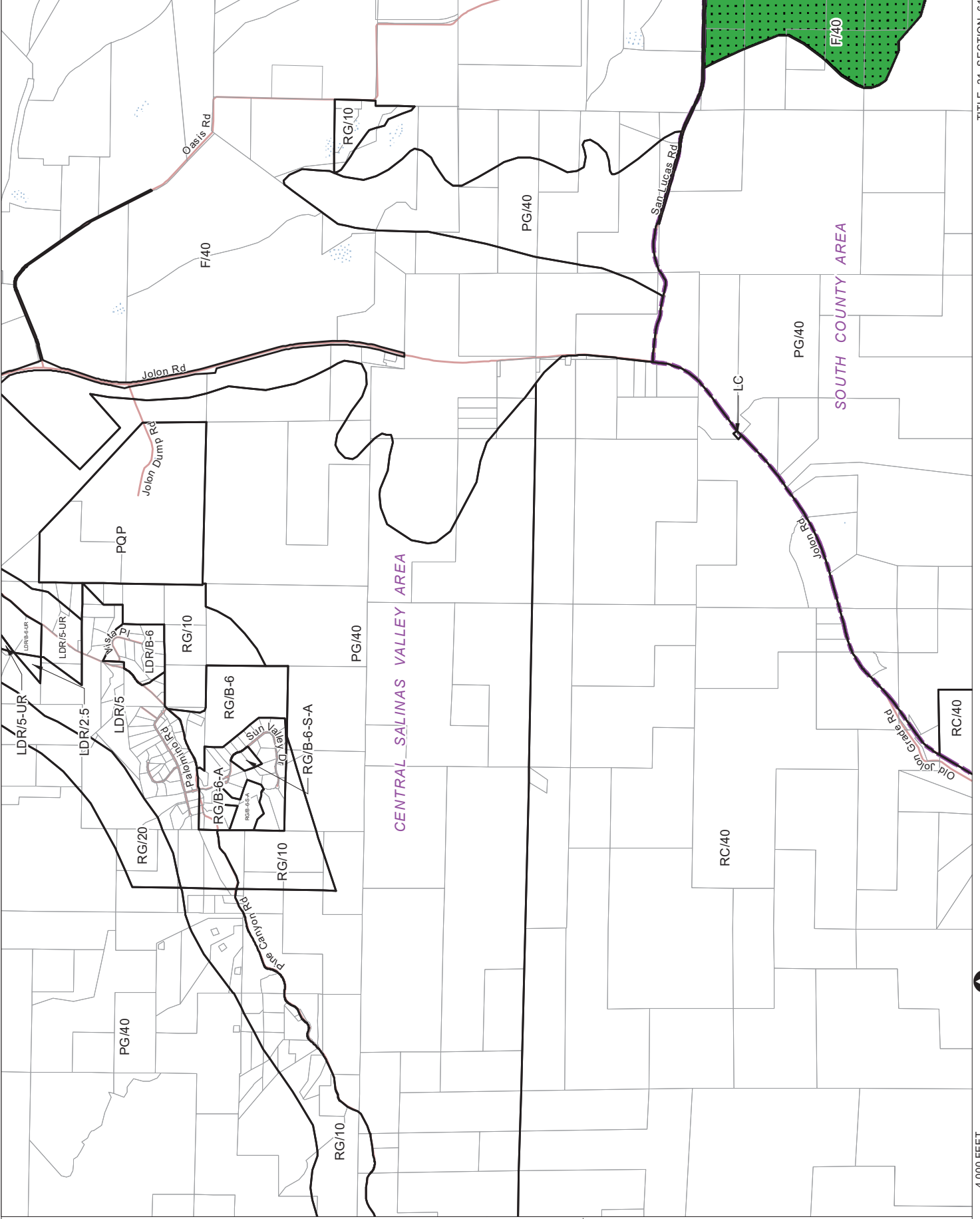
DRAFT
MAP PREPARED:
7/2/2019



0 2,000 4,000 FEET



SECTION 61 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



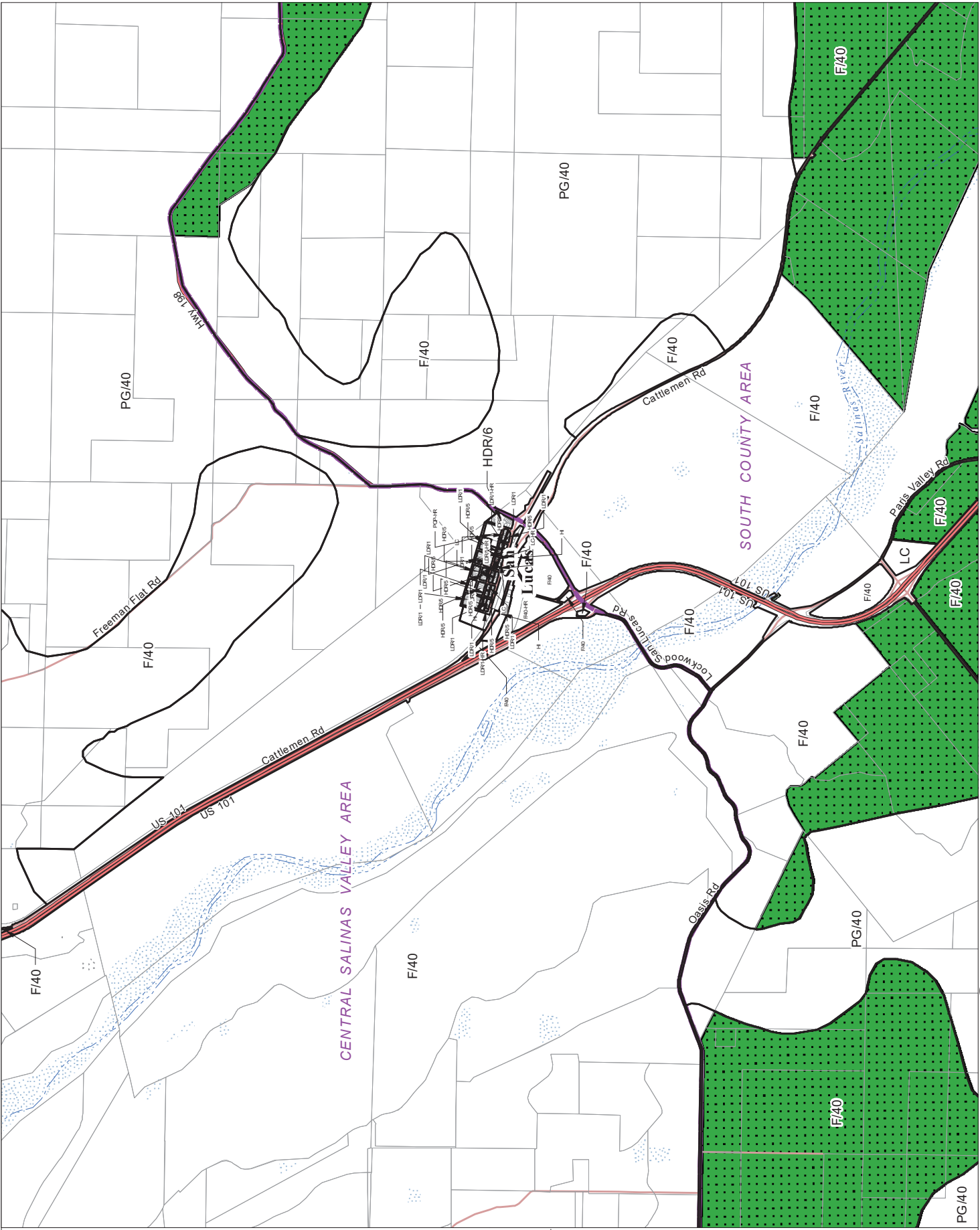
ADOPTED
DATE ORD. NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 62 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



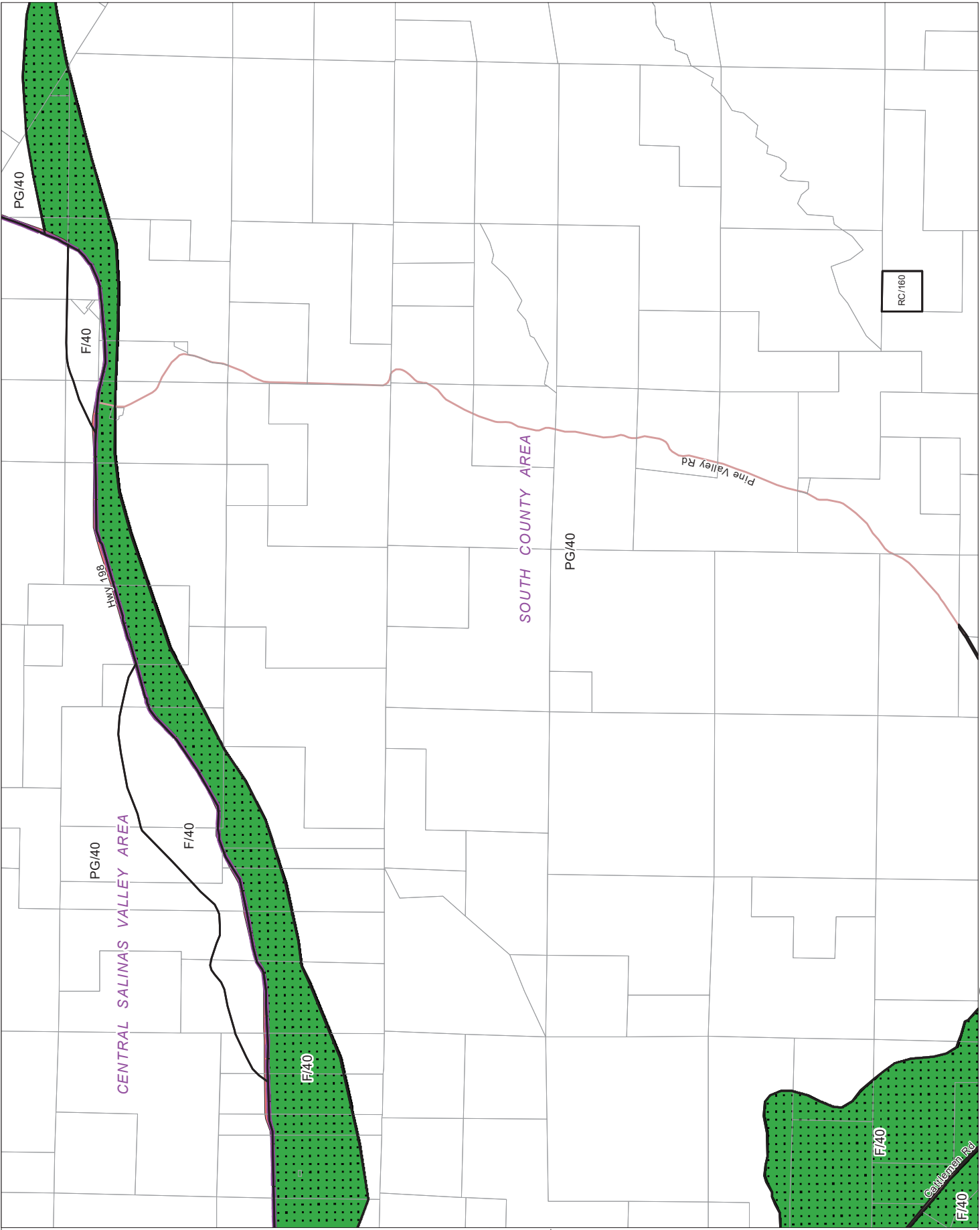
ADOPTED
DATE ORD. NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



SECTION 63 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



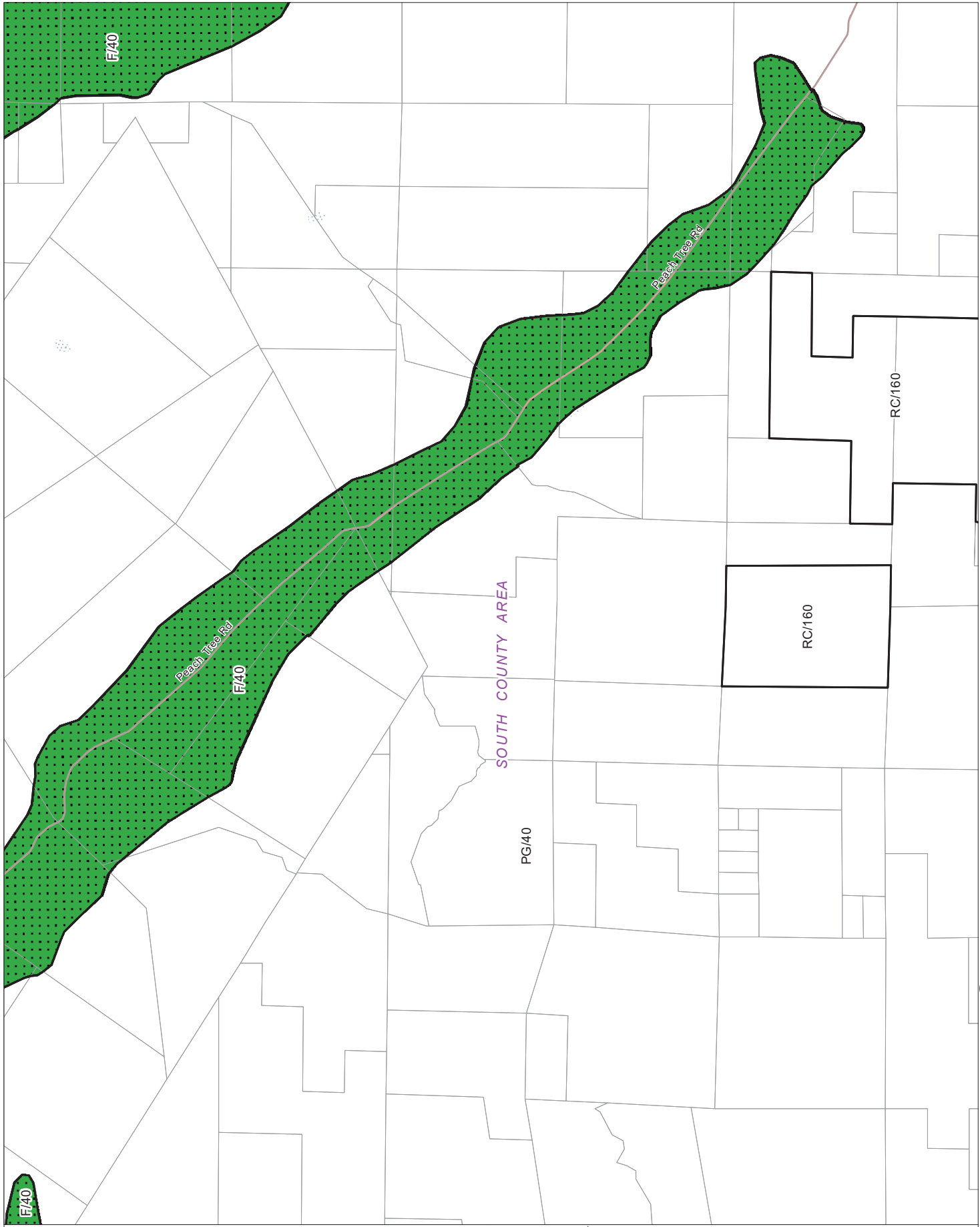
ADOPTED
DATE ORD.NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



SECTION 64 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD.NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

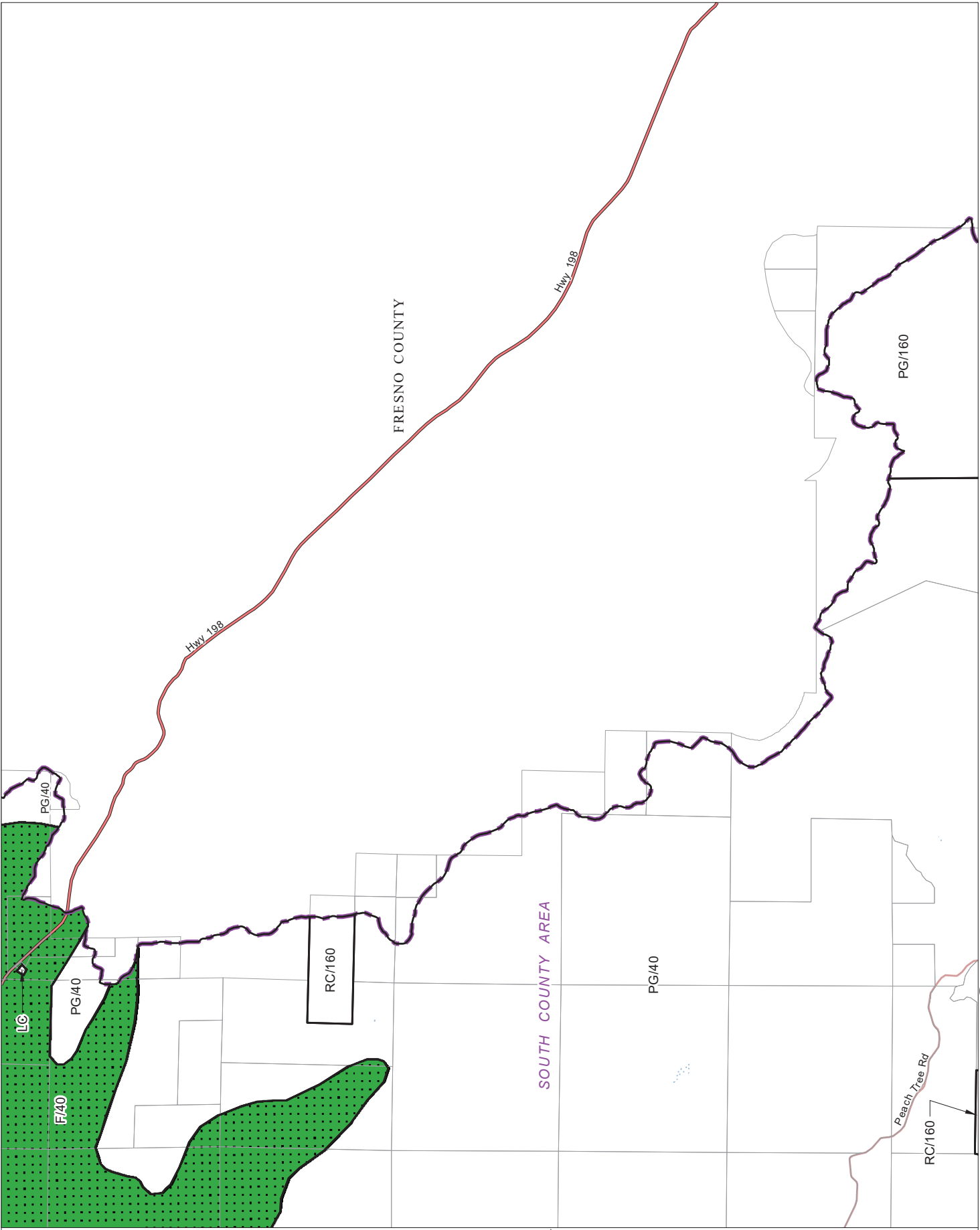
DRAFT
MAP PREPARED:
7/2/2019



0 2,000 4,000 FEET



SECTION 65 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

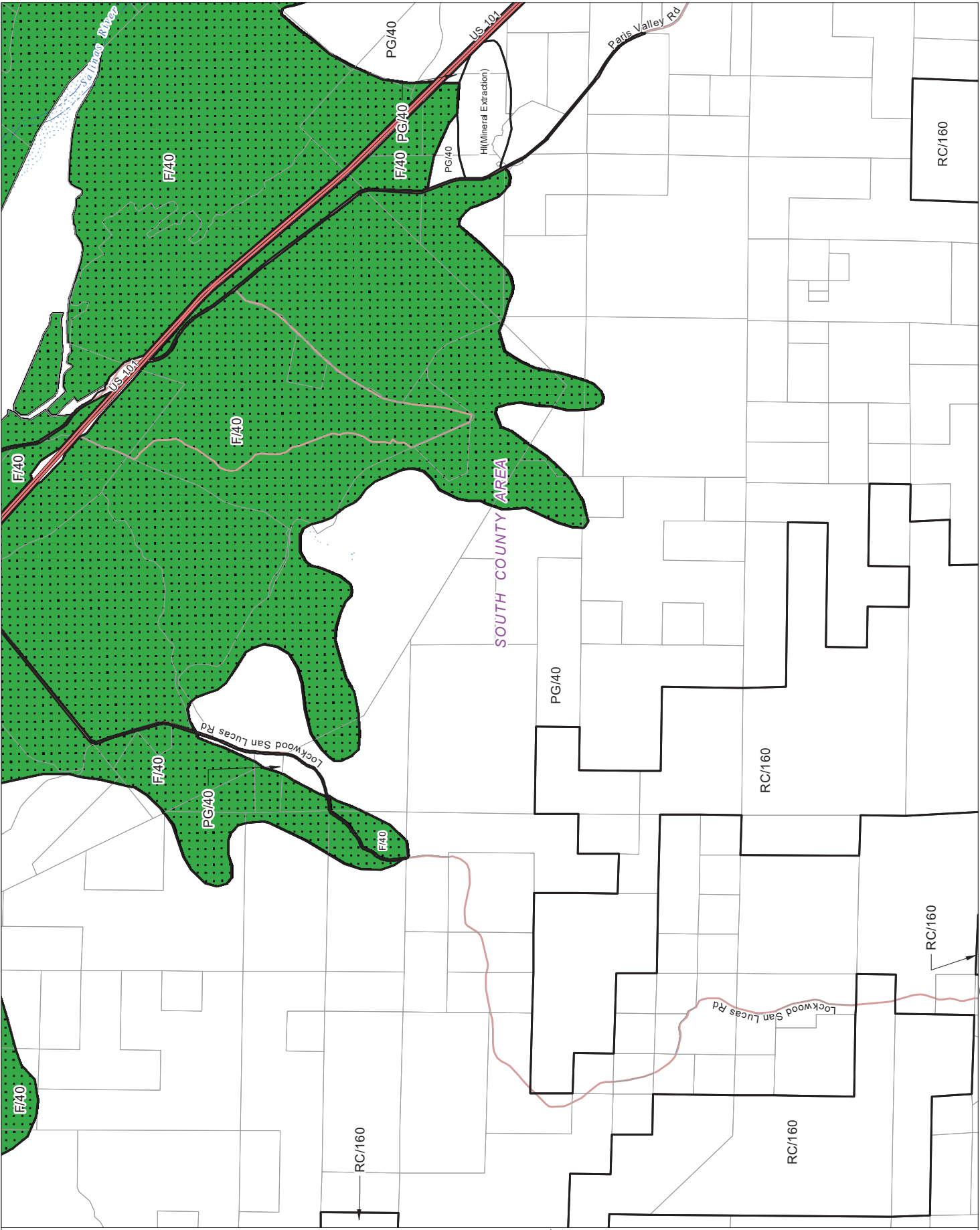


ADOPTED
DATE ORD. NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019

SECTION 70 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD. NO.

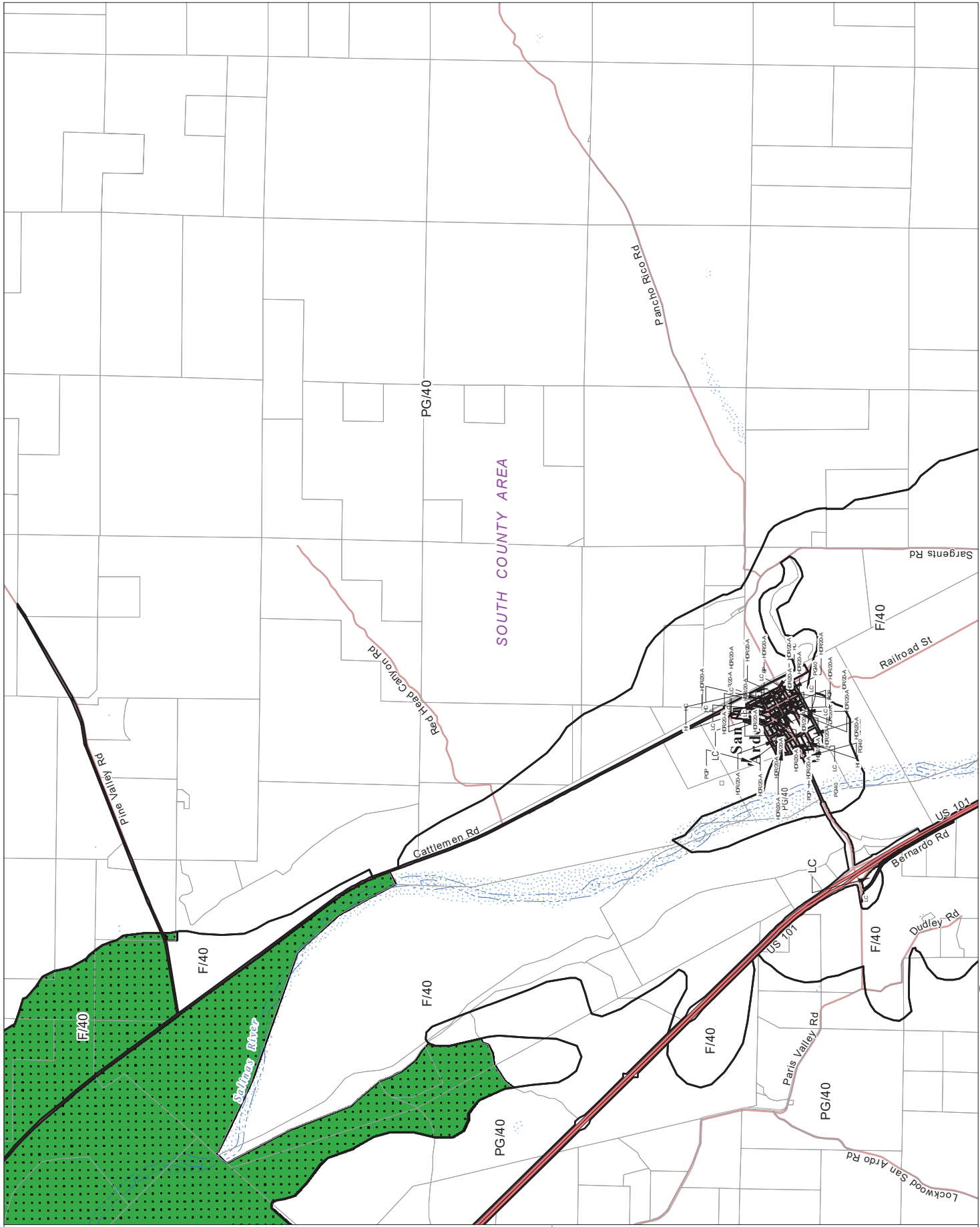
- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



0 2,000 4,000 FEET

SECTION 71 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



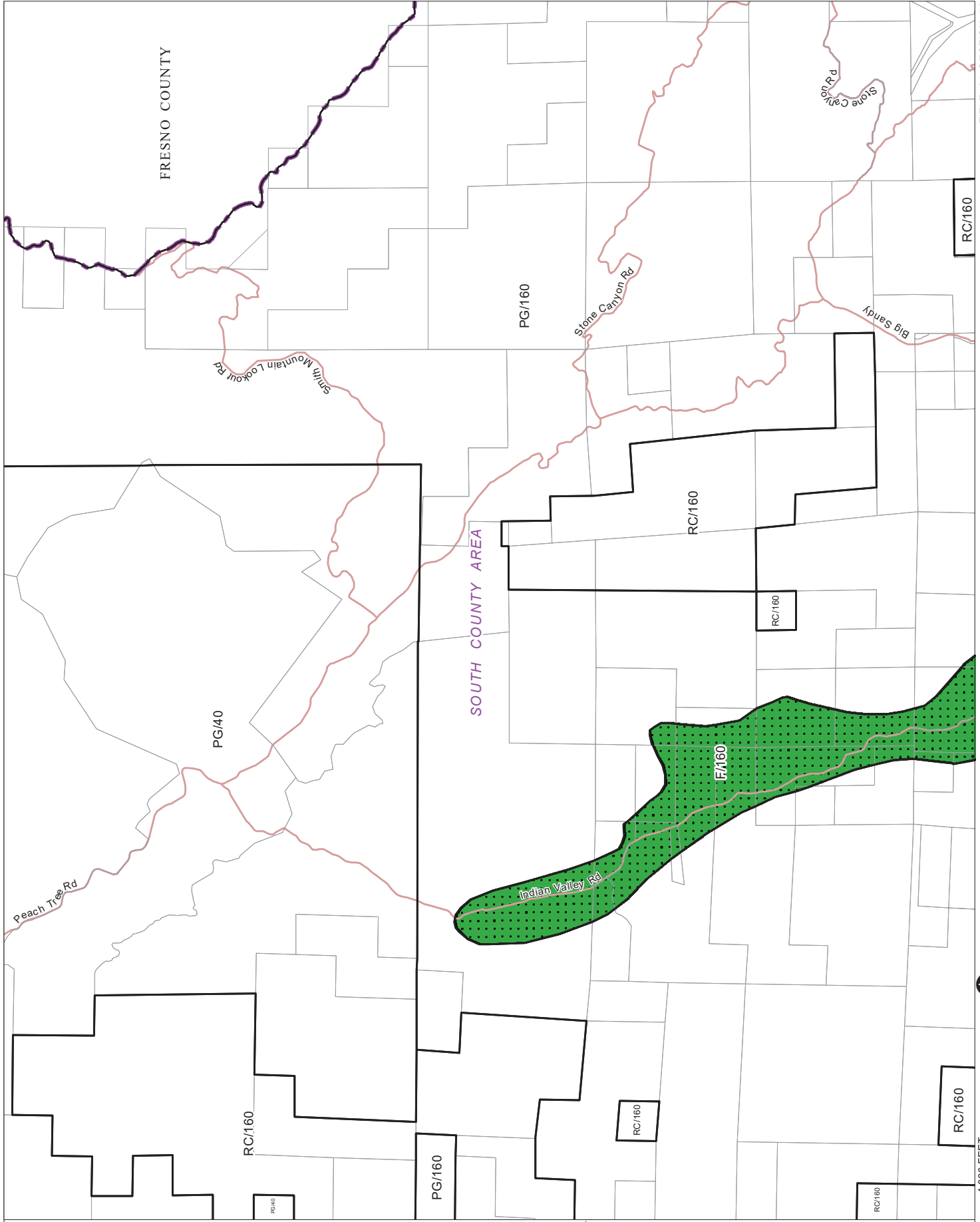
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



SECTION 73 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



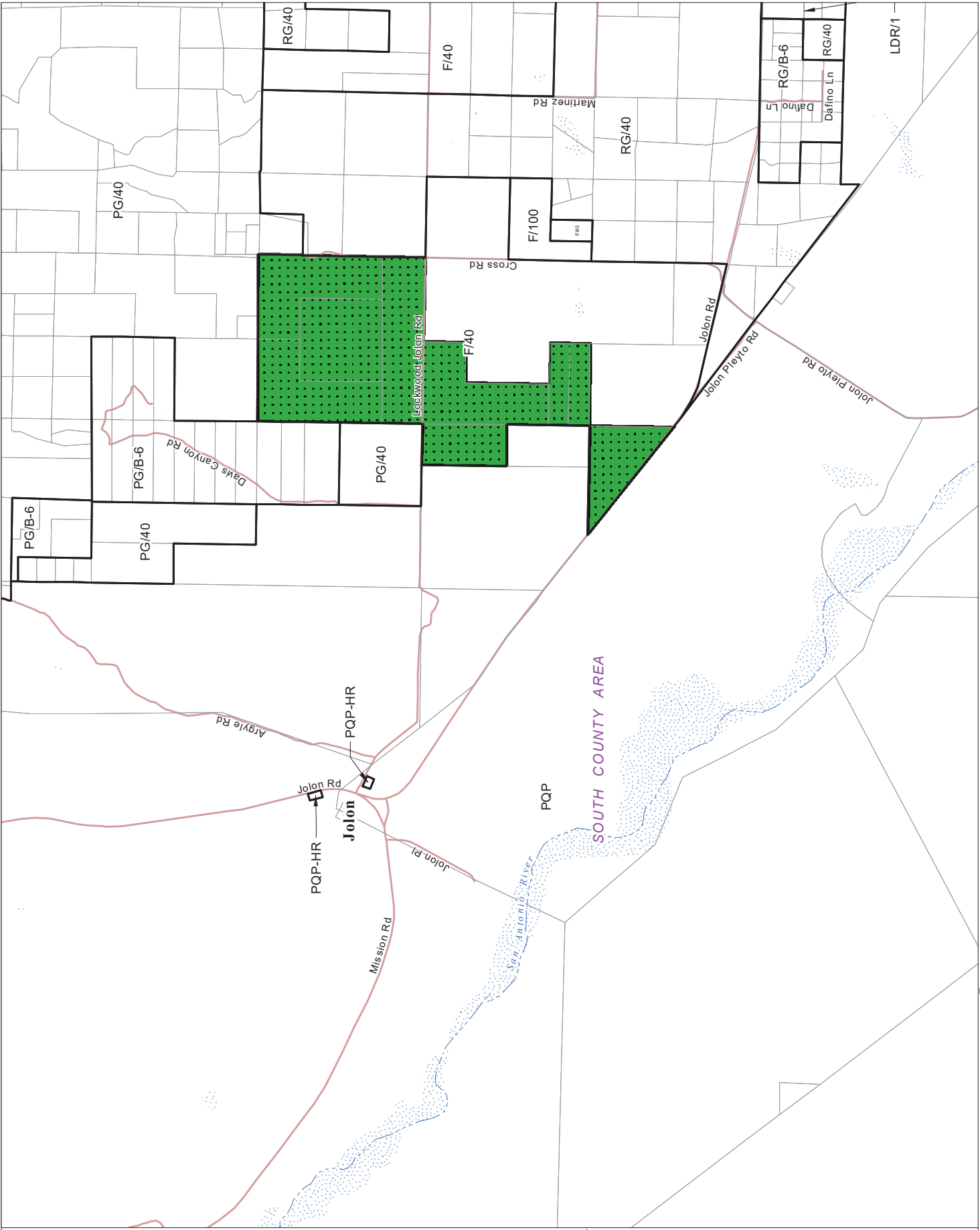
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 78 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



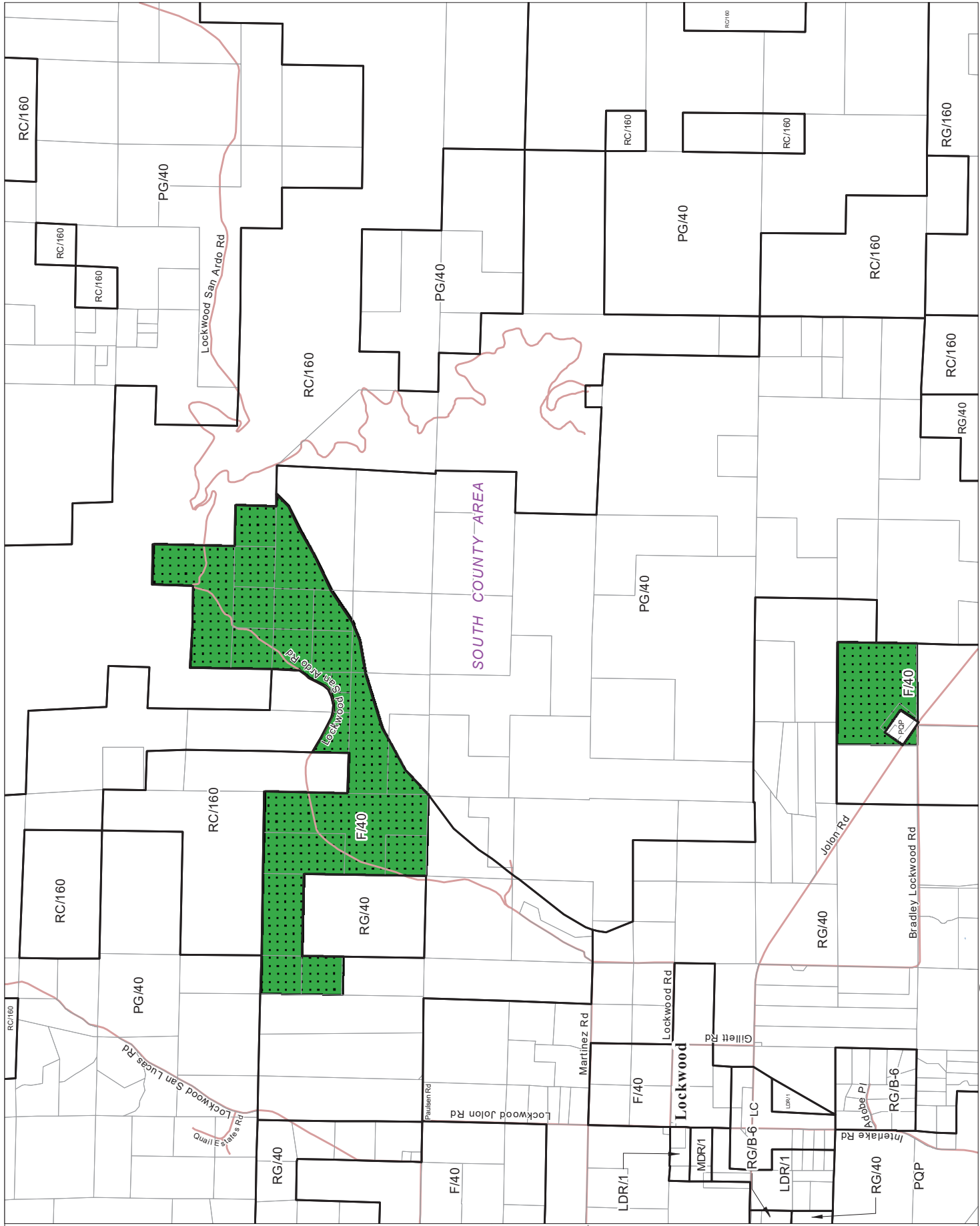
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 79 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



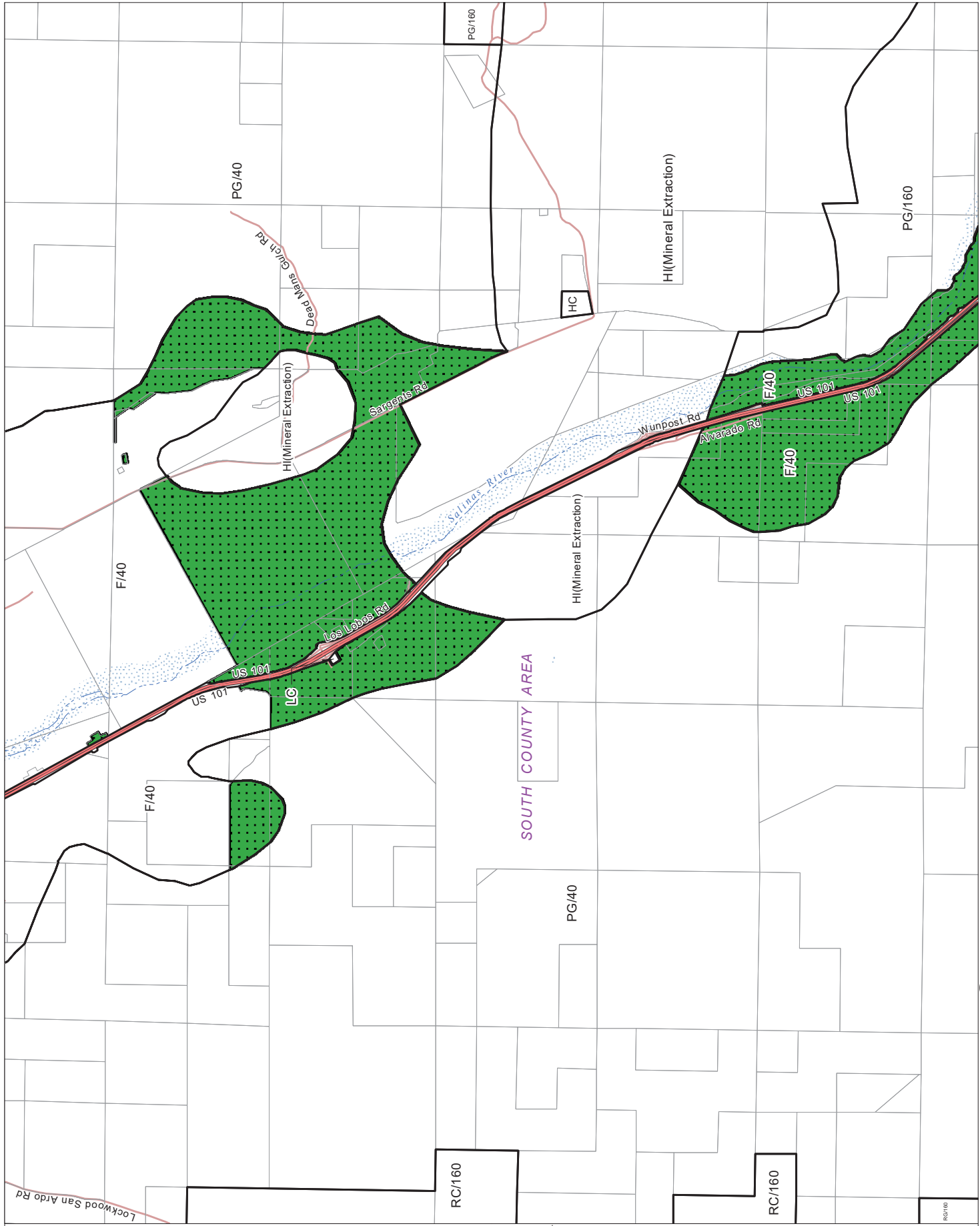
ADOPTED
DATE ORD.NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 80 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



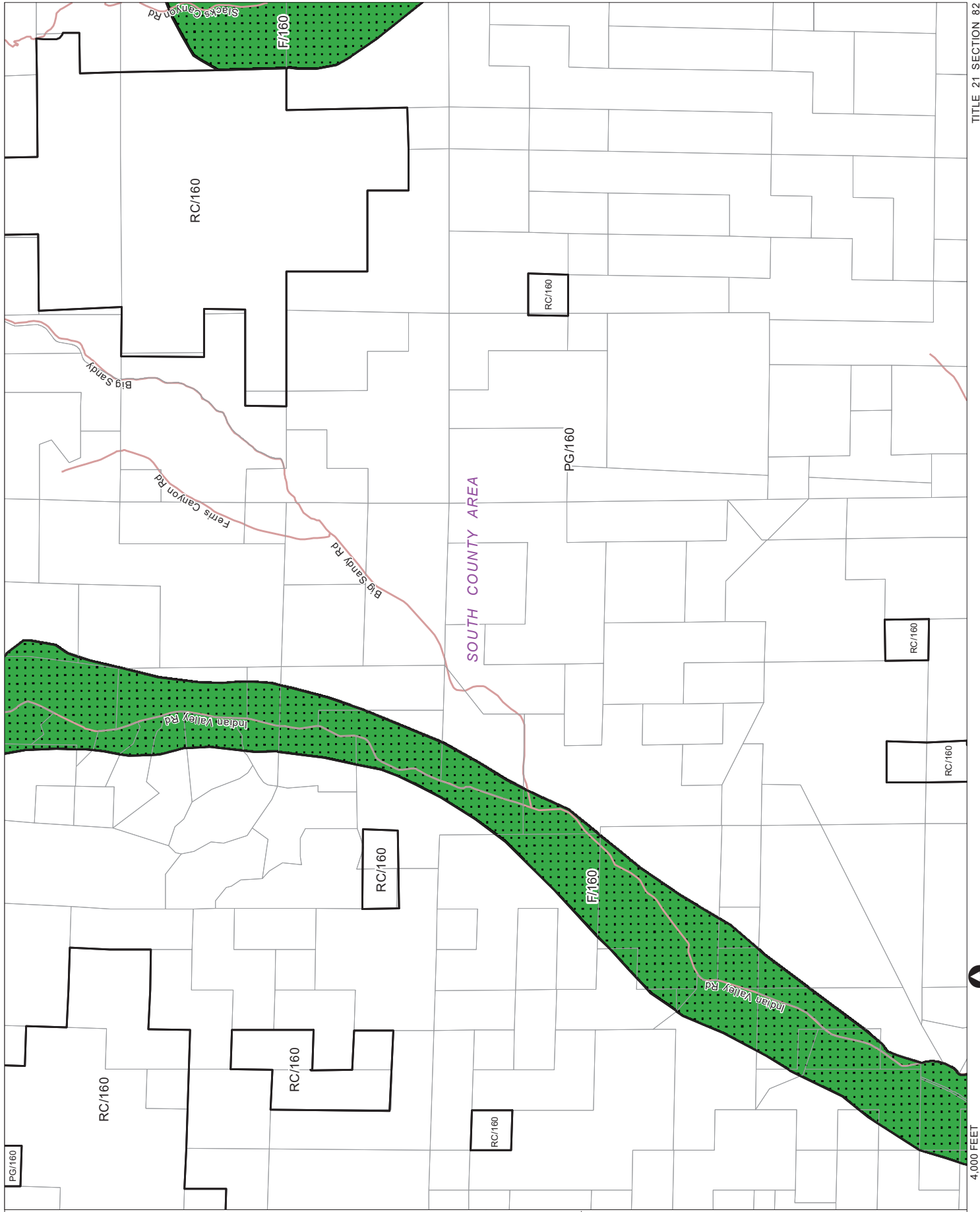
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



SECTION 82 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD.NO.

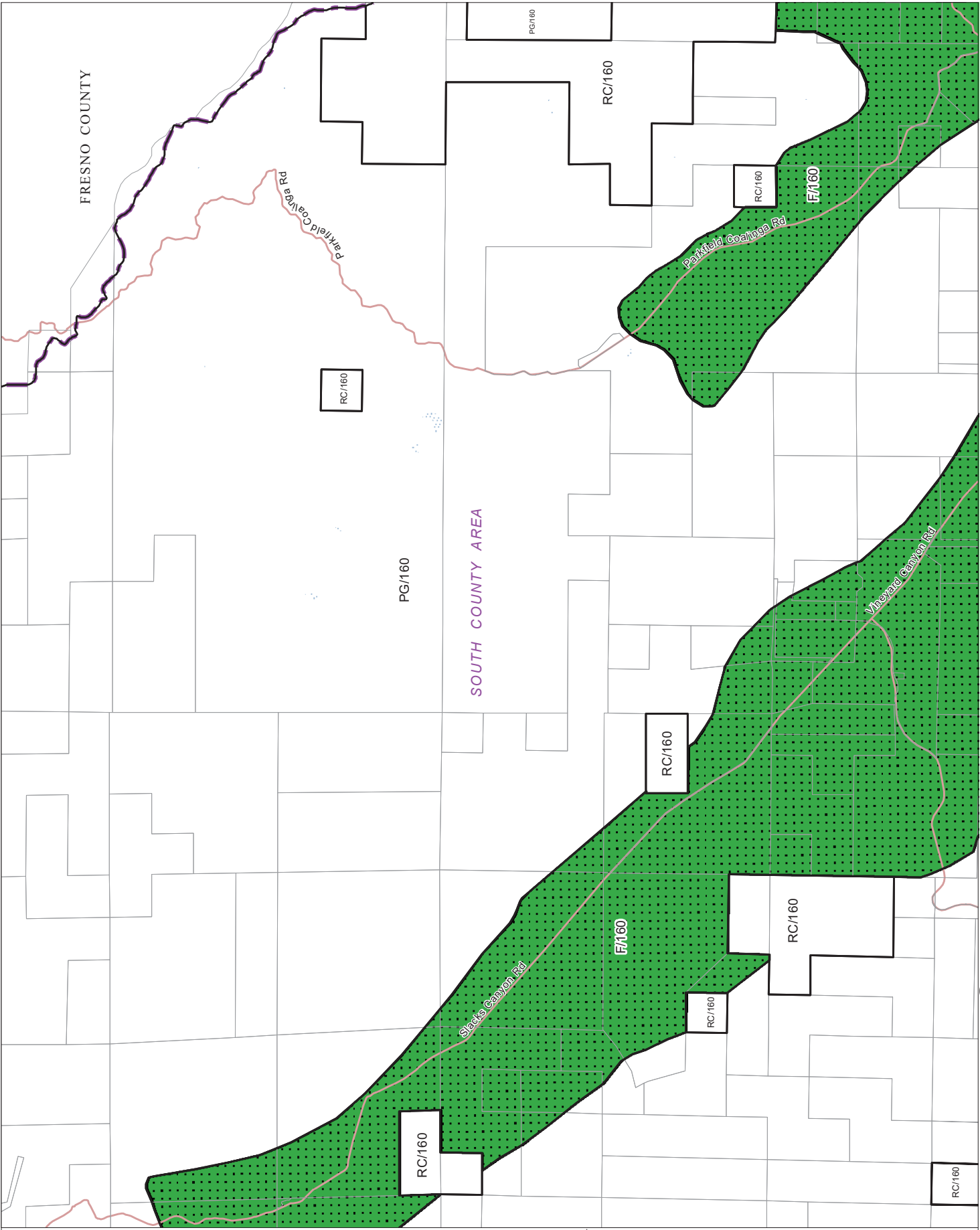
LEGEND

- ZONING DISTRICT
- HMP DISTRICT
- PARCEL
- PLANNING AREA
- ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 83 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD.NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

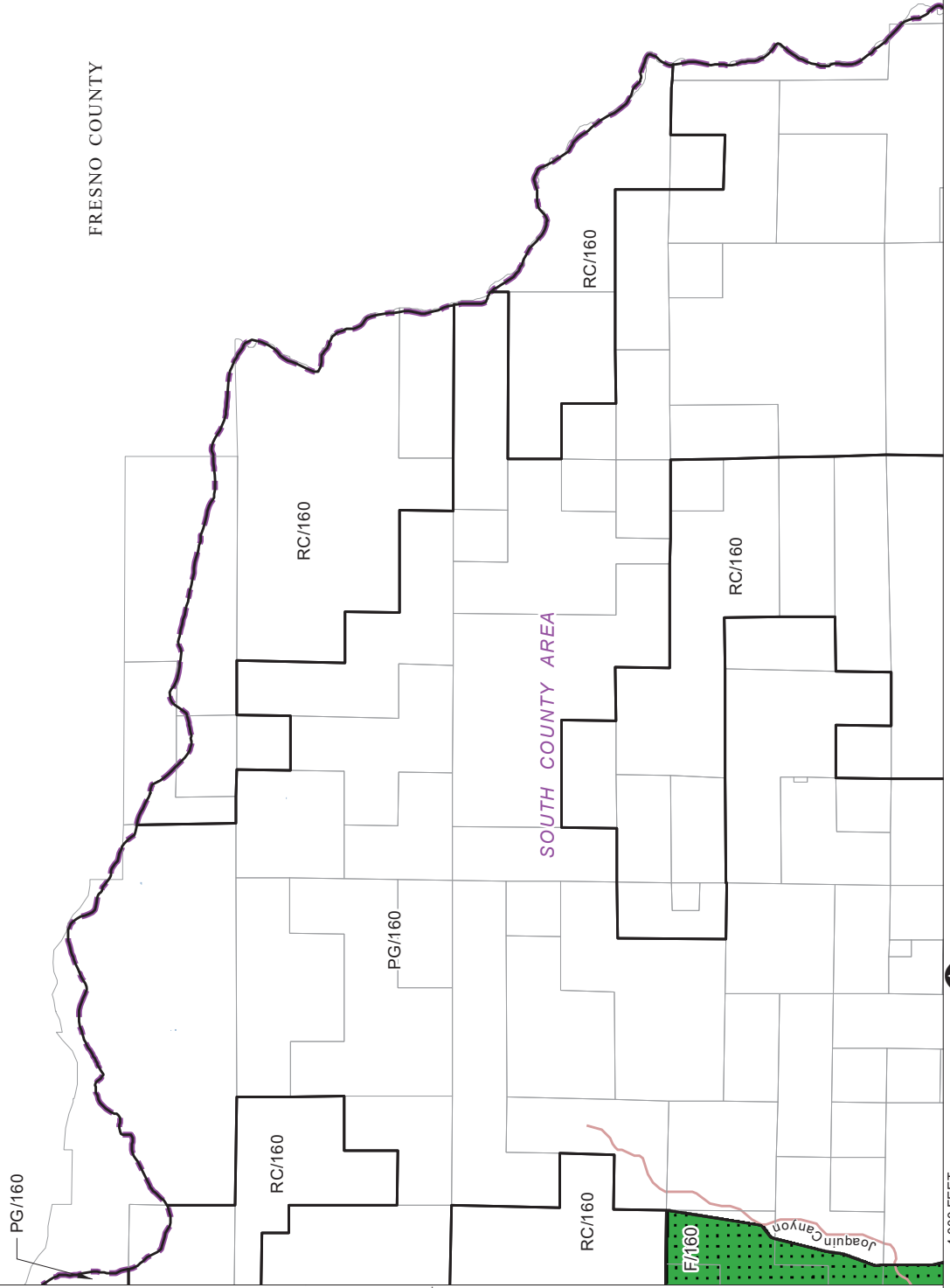
DRAFT
MAP PREPARED:
7/2/2019








0 2,000 4,000 FEET

SECTION 84 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

ADOPTED
DATE ORD.NO.

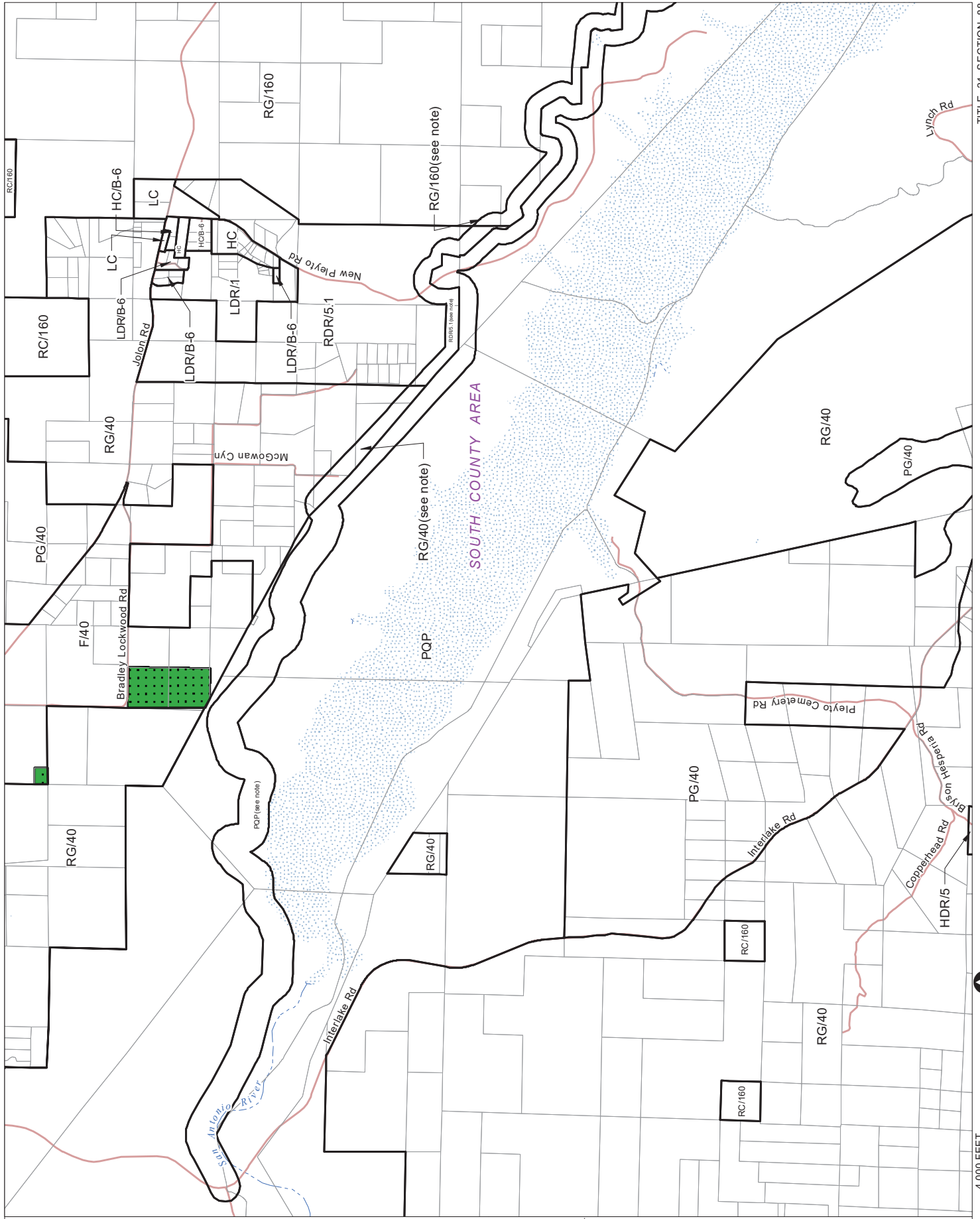


- LEGEND**
- ZONING DISTRICT 
 - HMP DISTRICT 
 - PARCEL 
 - PLANNING AREA 
 - ROAD 

DRAFT
MAP PREPARED:
7/2/2019



SECTION 88 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



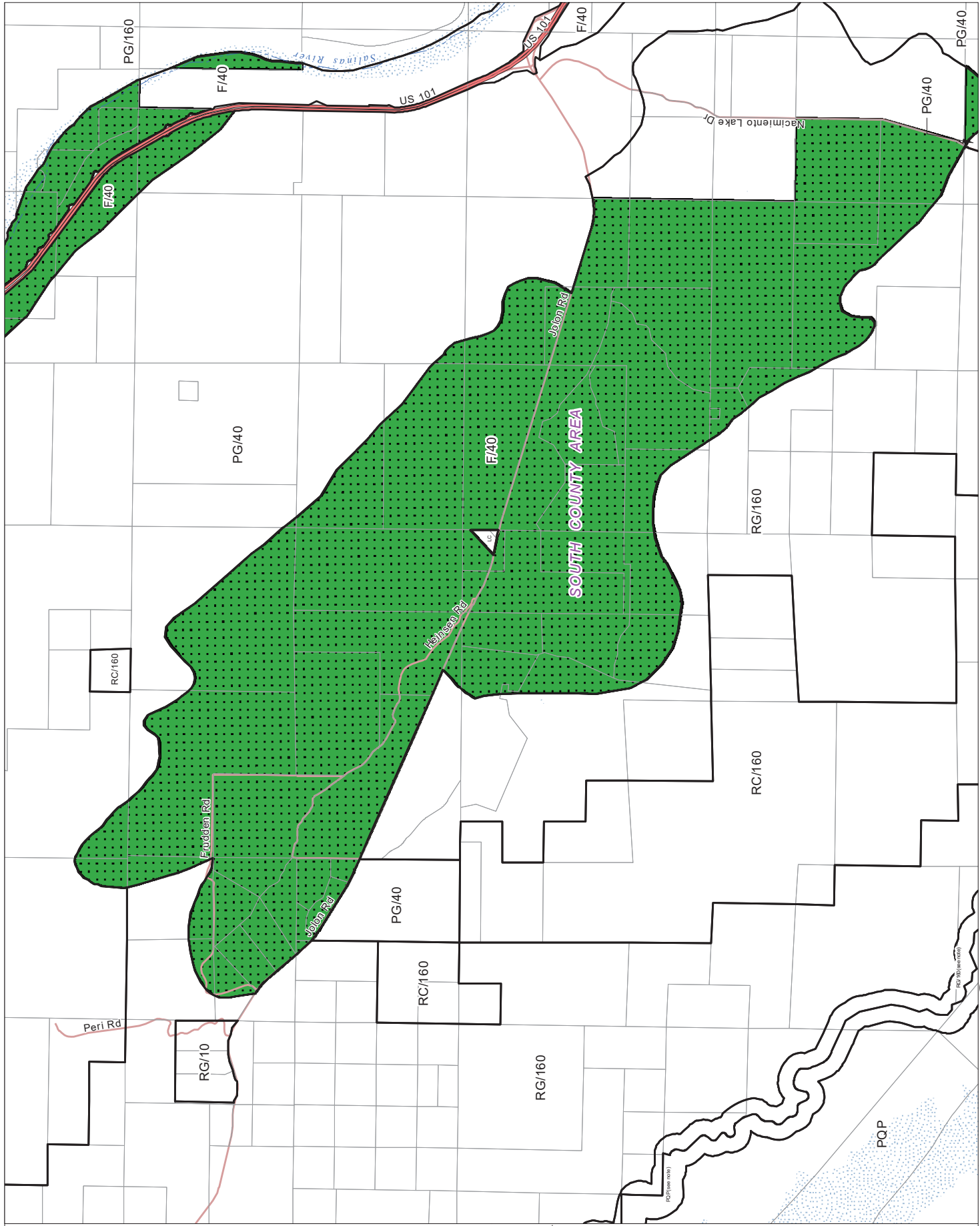
ADOPTED
DATE ORD. NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019

0 2,000 4,000 FEET

SECTION 89 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



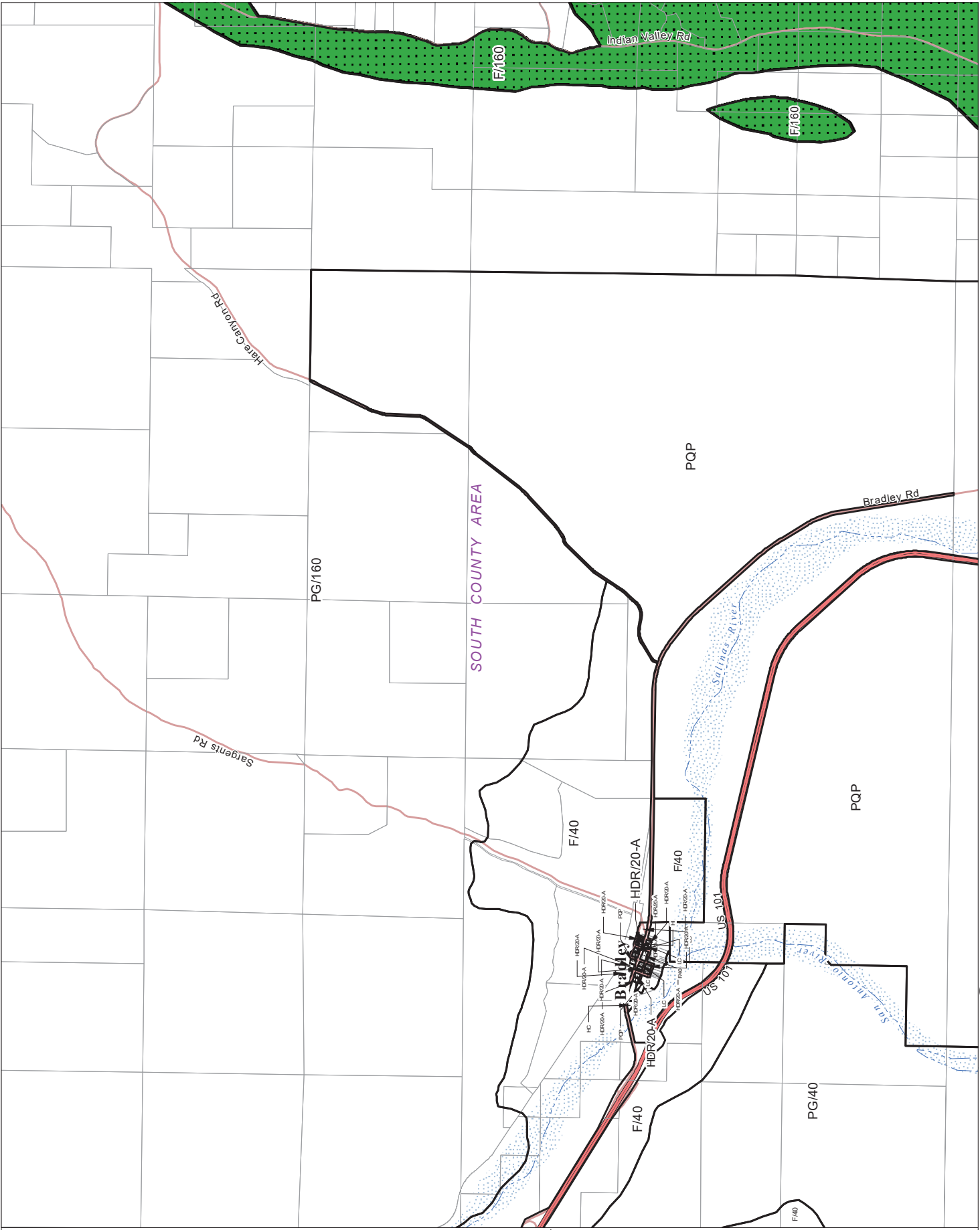
ADOPTED
DATE ORD. NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



SECTION 90 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



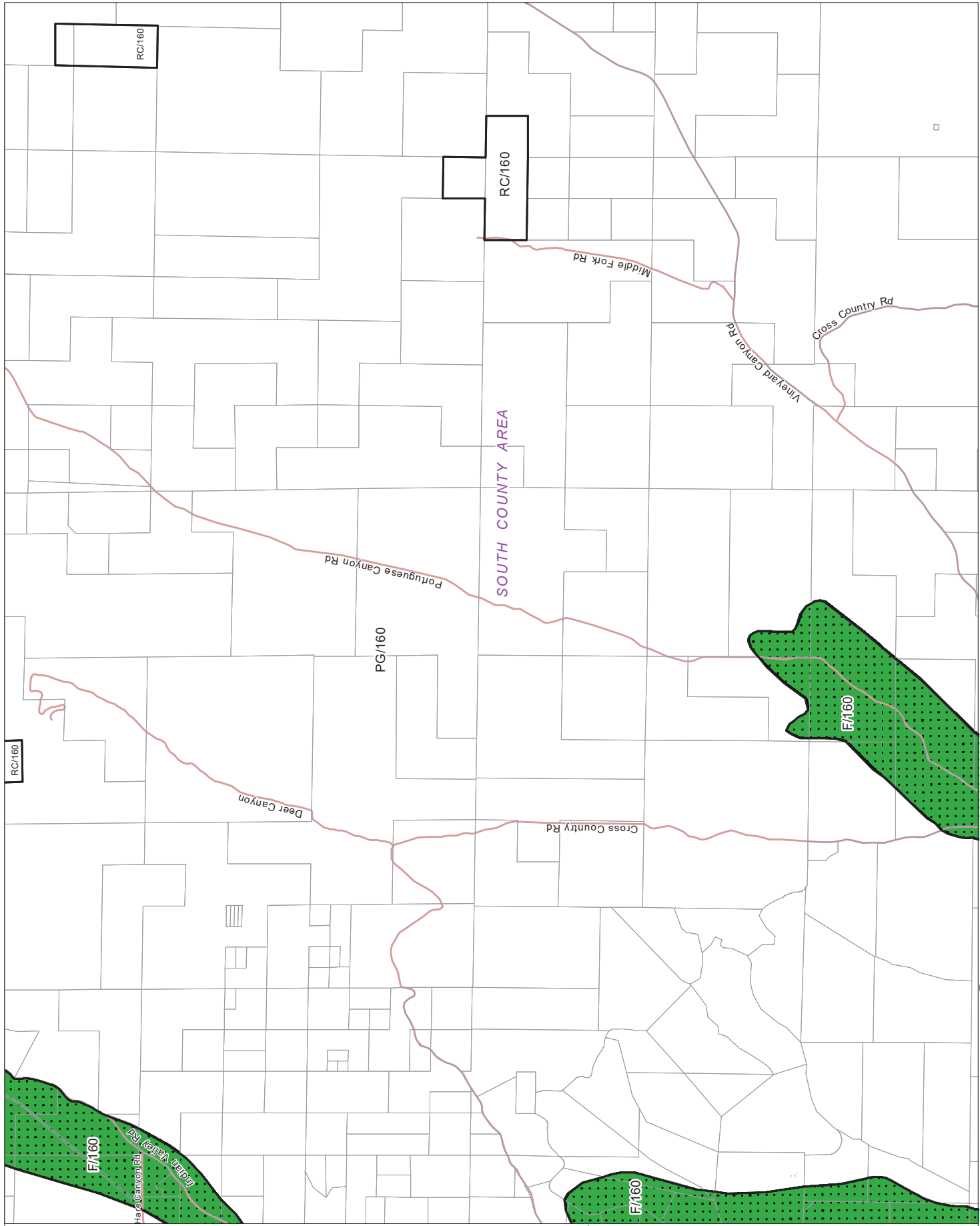
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



SECTION 91 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

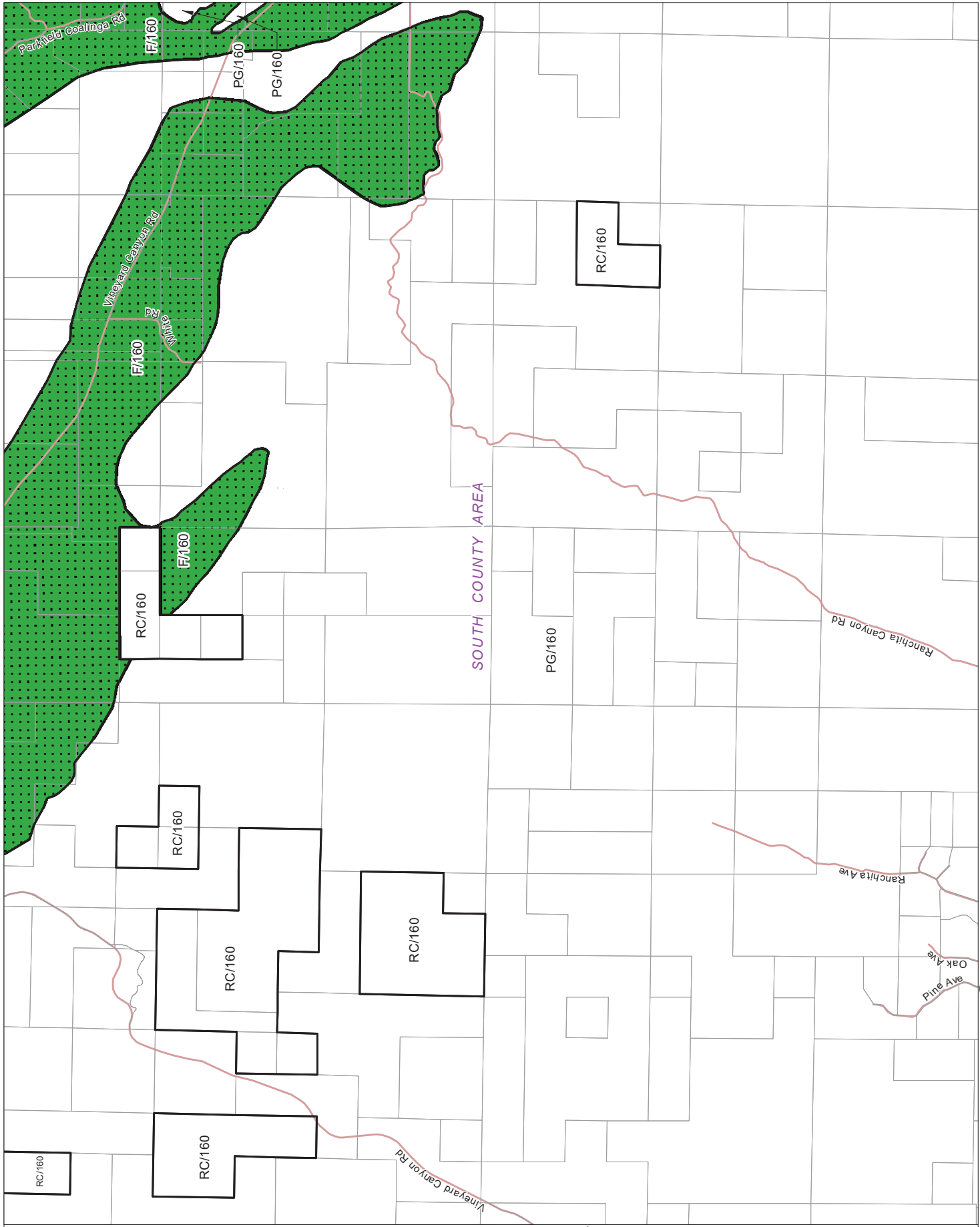


LEGEND

- ZONING DISTRICT
- HMP DISTRICT
- PARCEL
- PLANNING AREA
- ROAD

DRAFT
MAP PREPARED:
7/2/2019

SECTION 92 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD.NO.

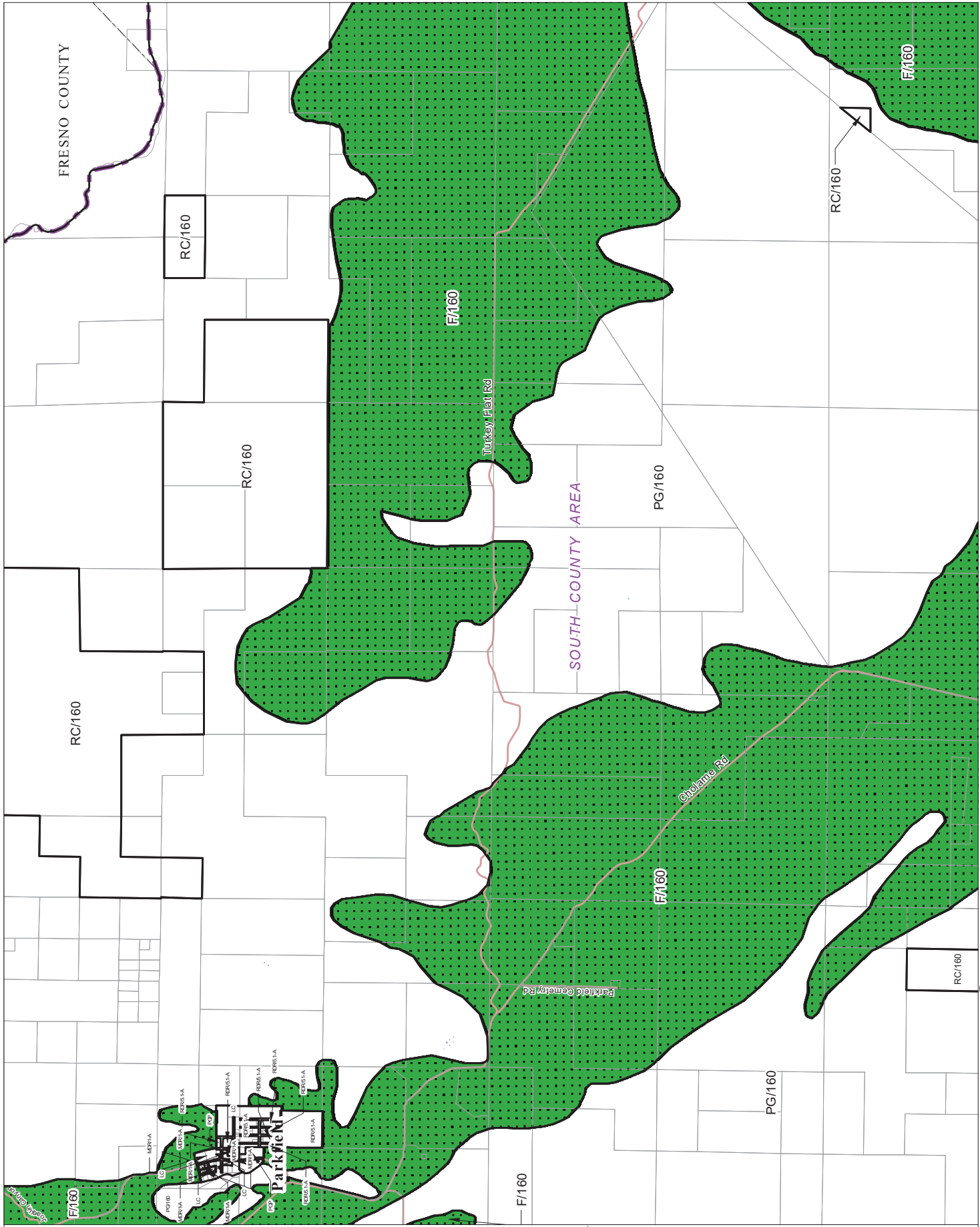
LEGEND

- ZONING DISTRICT
- HMP DISTRICT
- PARCEL
- PLANNING AREA
- ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 93 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD. NO.

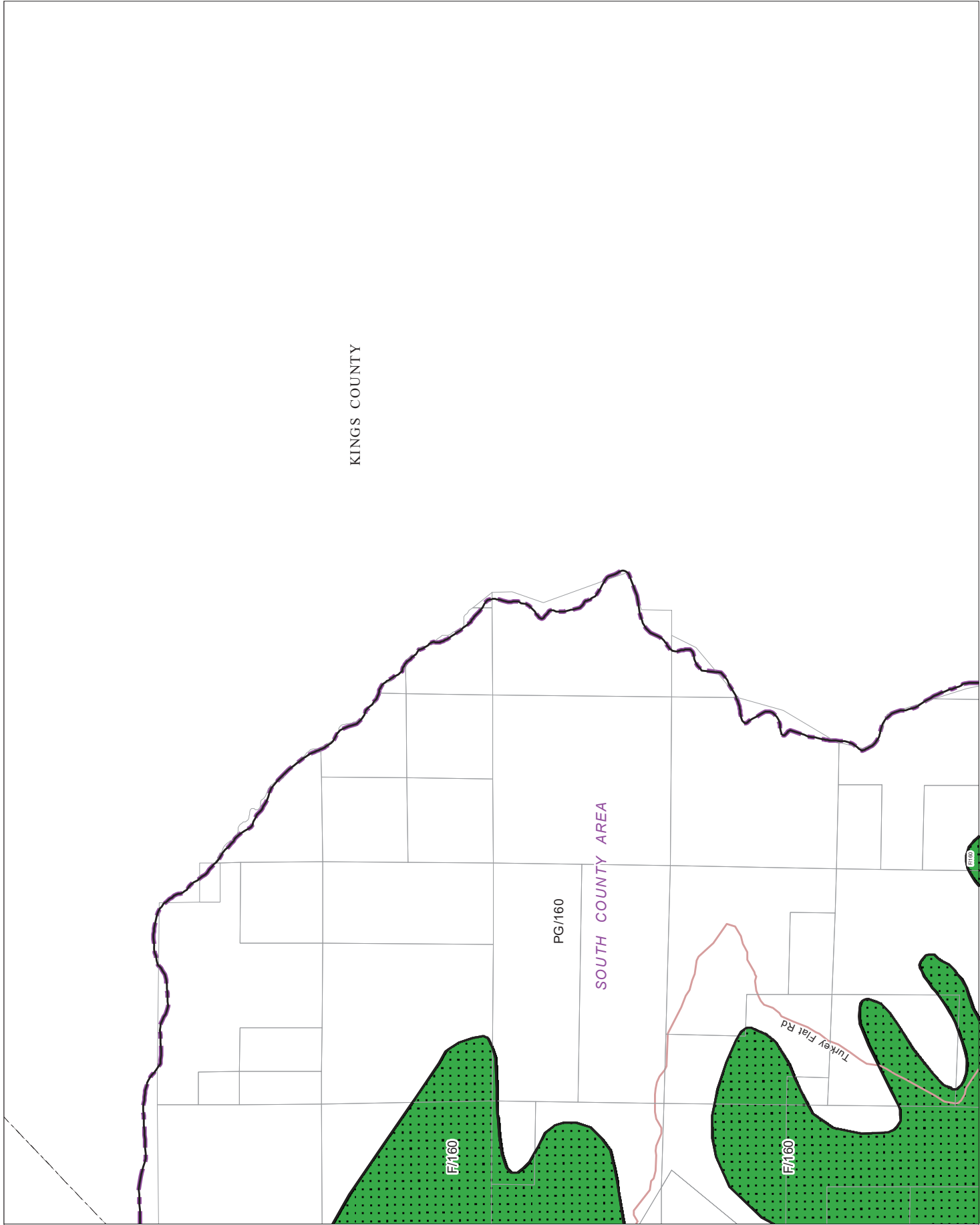
- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 94 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

ADOPTED
DATE ORD.NO.



KINGS COUNTY

PG/160
SOUTH COUNTY AREA

F/160

F/160

Turkey Flat Rd

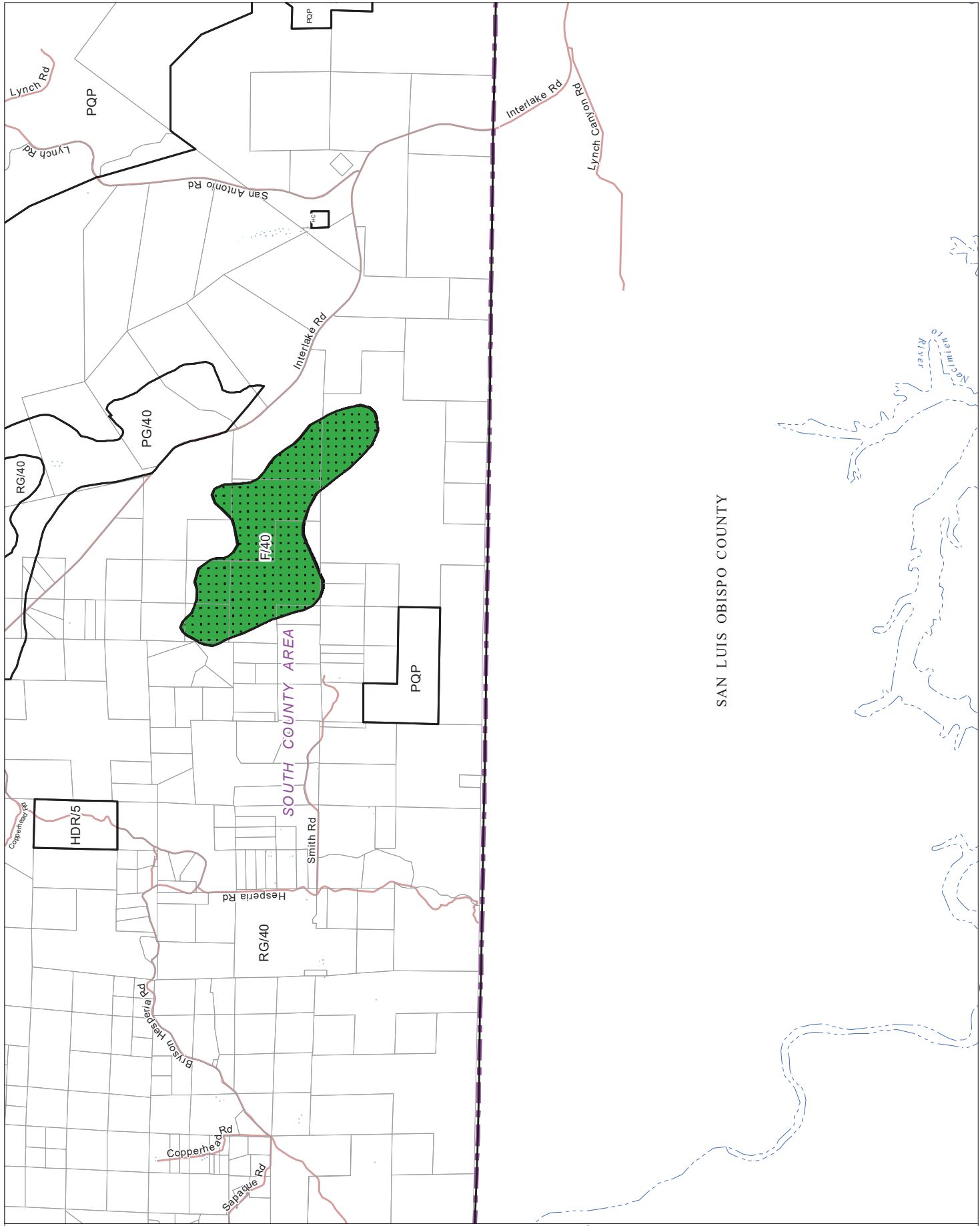
- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019



0 2,000 4,000 FEET

SECTION 97 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



SAN LUIS OBISPO COUNTY

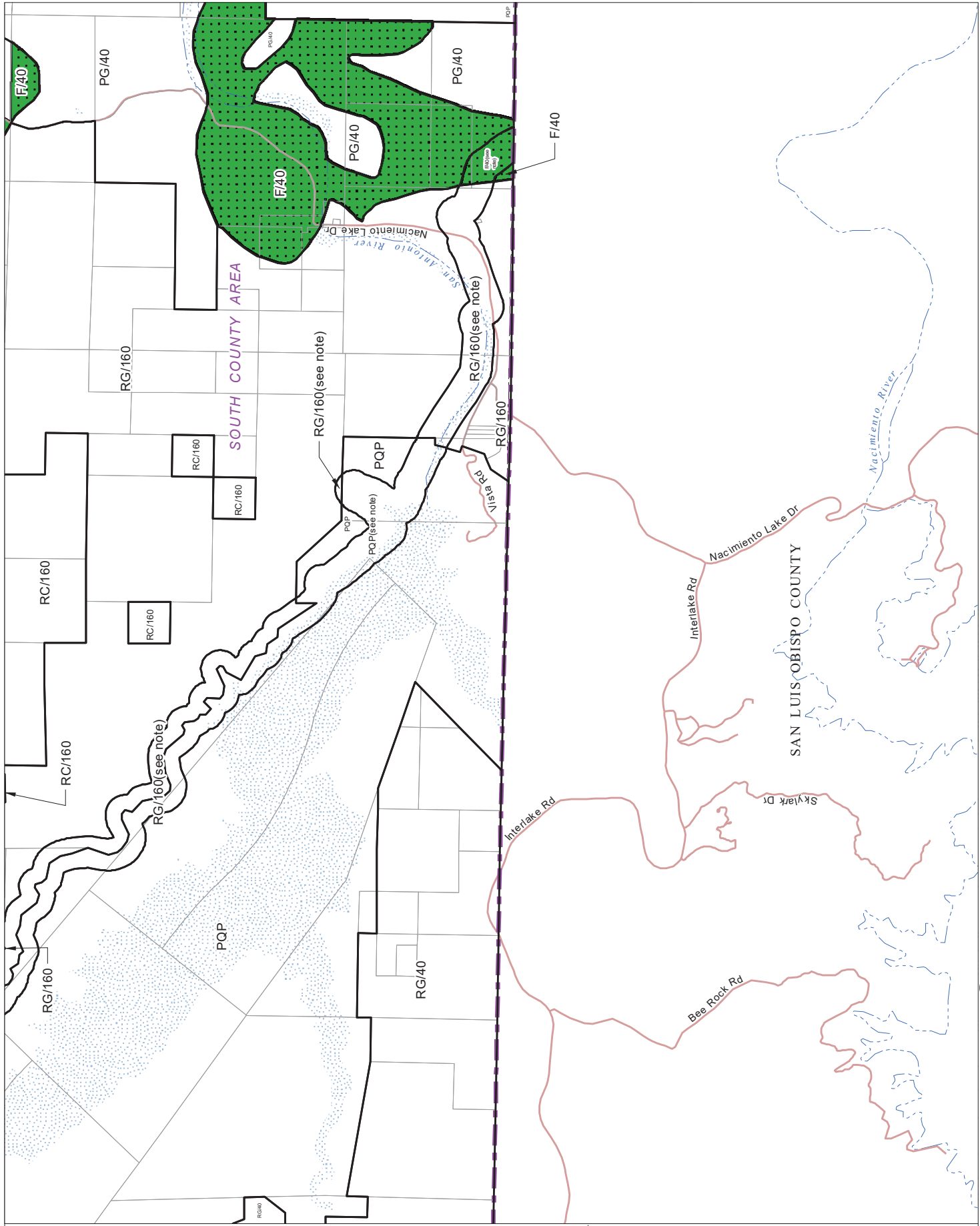
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 98 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



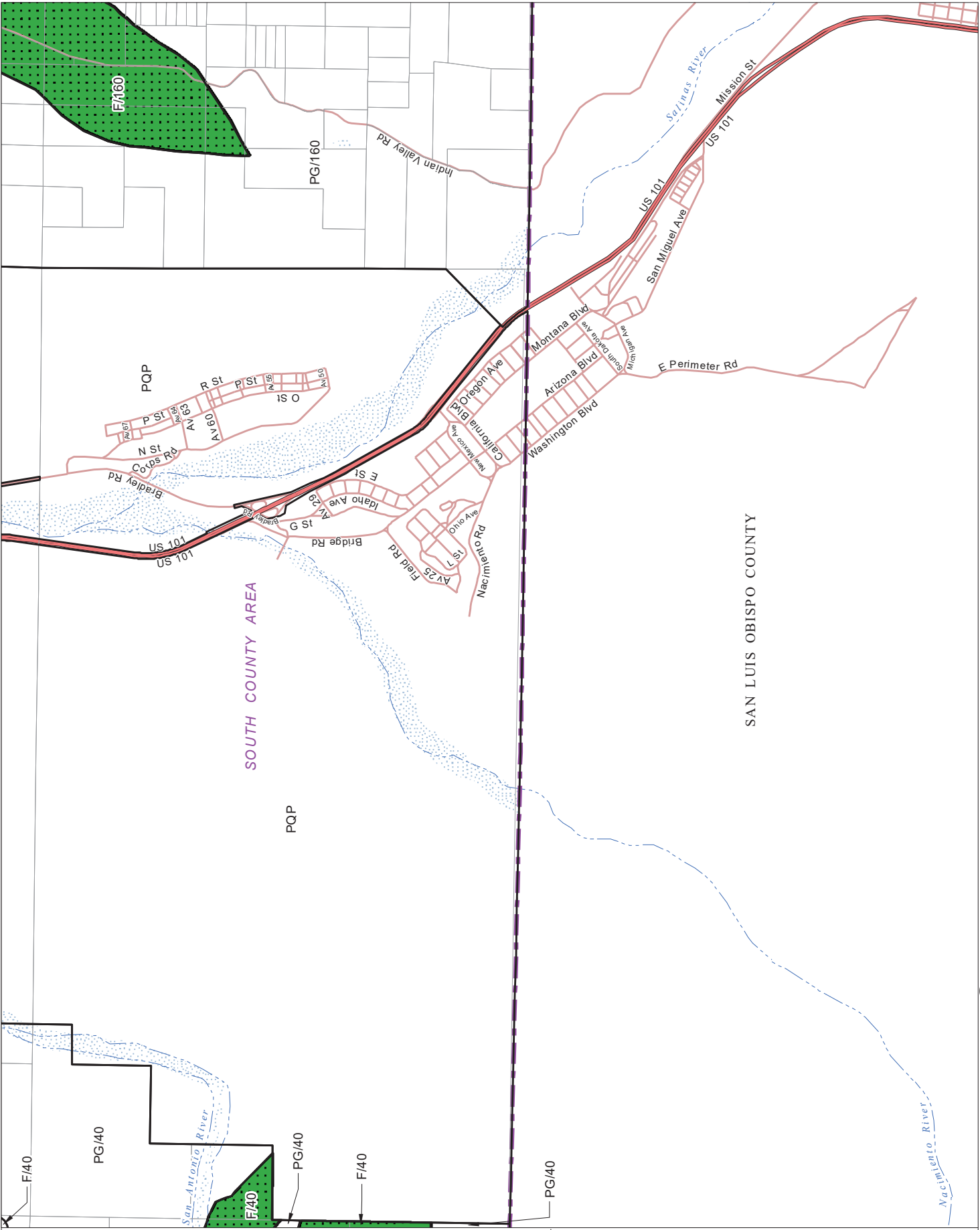
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 99 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



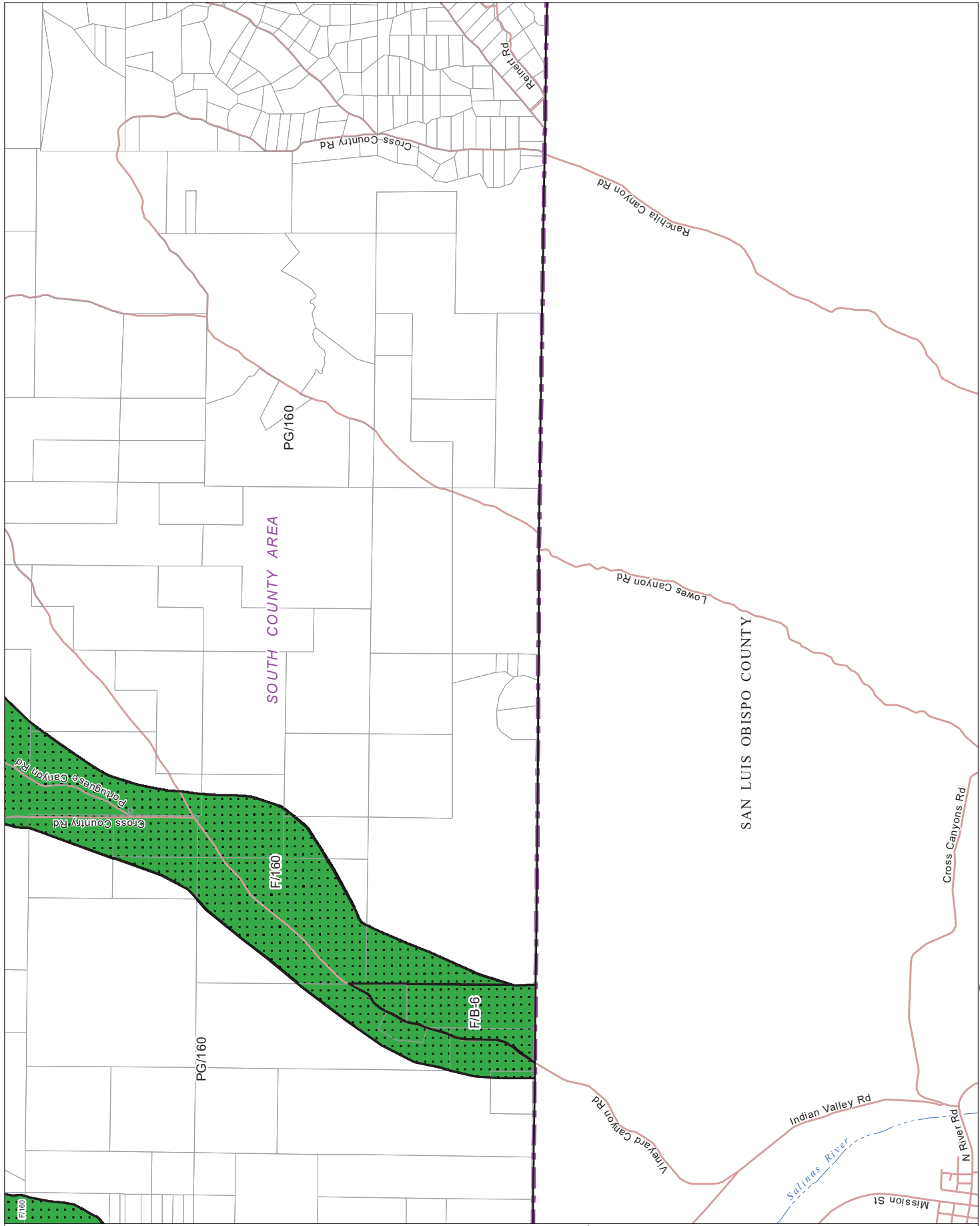
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019

0 2,000 4,000 FEET

SECTION 100 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



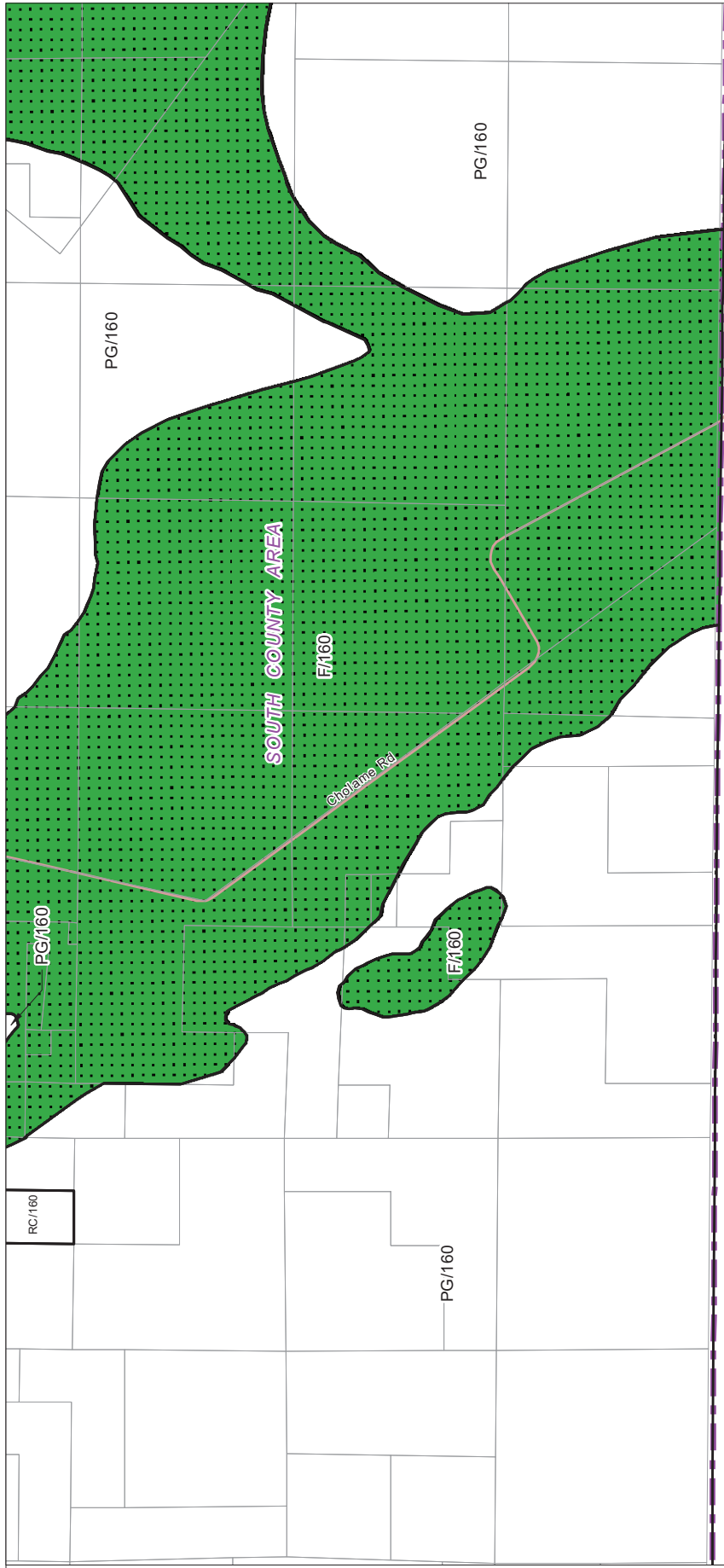
ADOPTED
DATE ORD.NO.

- LEGEND**
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019

0 2,000 4,000 FEET

SECTION 102 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



SAN LUIS OBISPO COUNTY

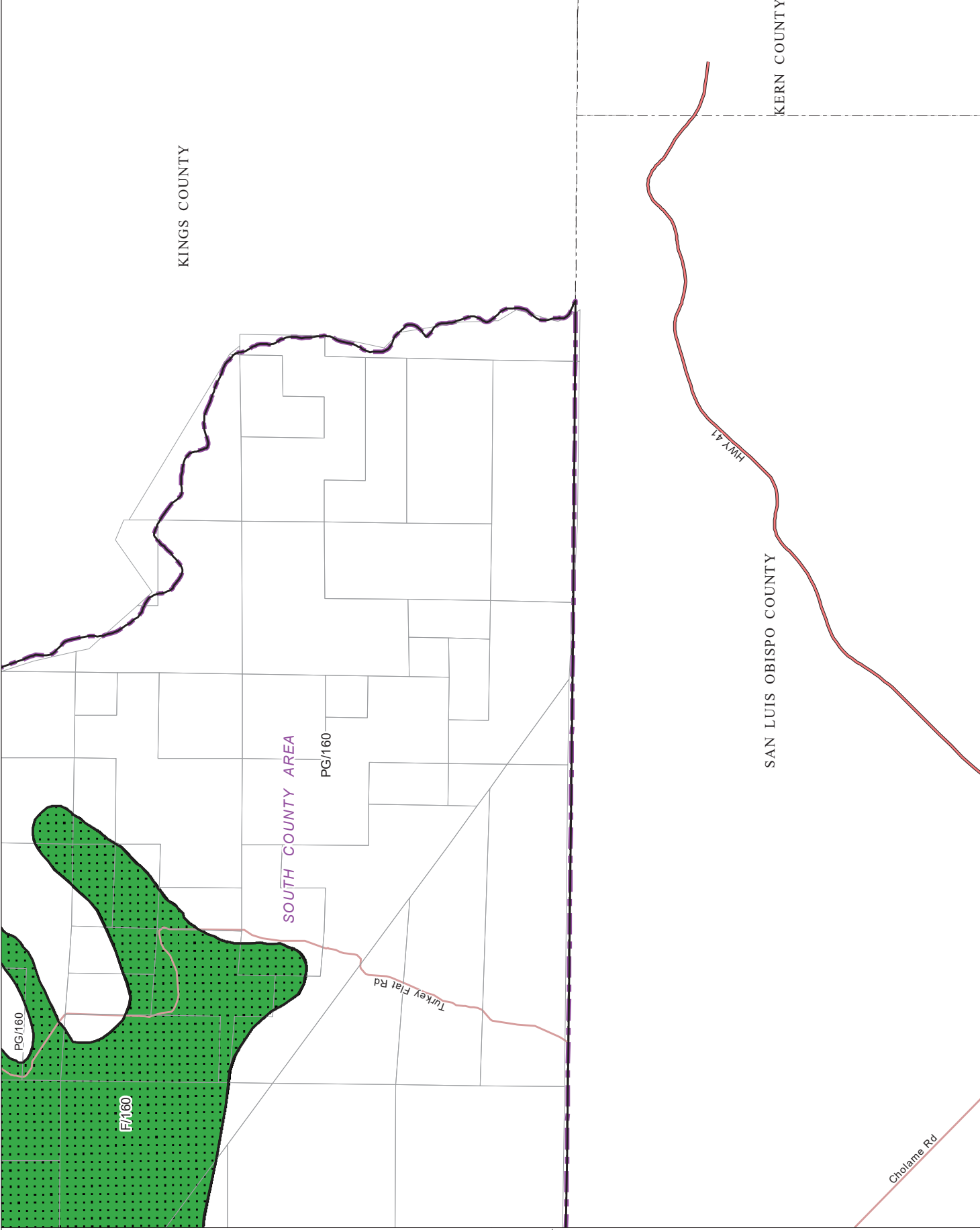
ADOPTED
DATE ORD. NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD

DRAFT
MAP PREPARED:
7/2/2019



SECTION 103 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



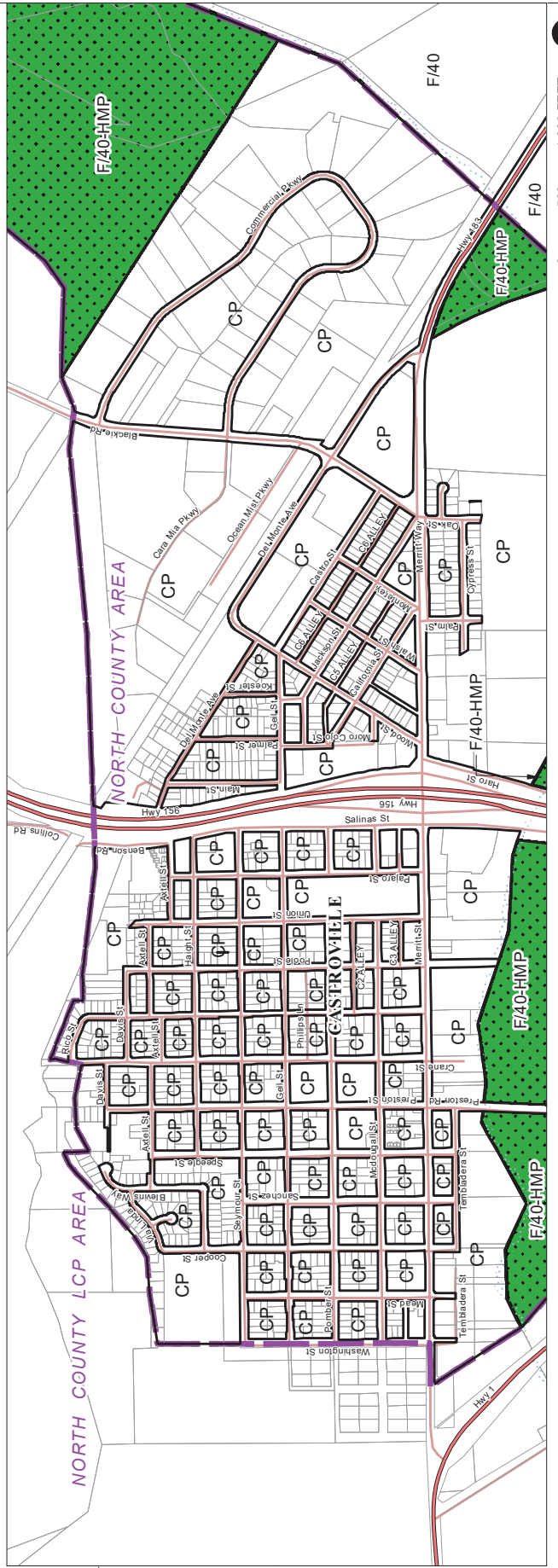
ADOPTED
DATE ORD.NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING AREA
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



SECTION 104 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



ADOPTED
DATE ORD. NO.

- LEGEND
- ZONING DISTRICT
 - HMP DISTRICT
 - PARCEL
 - PLANNING
 - ROAD
 - HIGHWAY

DRAFT
MAP PREPARED:
7/2/2019



ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 21.49 OF TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY CODE TO EXTEND THE INDUSTRIAL HEMP PILOT PROGRAM, AND AMENDING THE SECTIONAL DISTRICT MAPS TO ADD THE INDUSTRIAL HEMP “HMP” ZONING OVERLAY DESIGNATION TO PORTIONS OF CERTAIN PROPERTIES

County Counsel Summary

This ordinance amends the pilot program for the cultivation and processing of industrial hemp in the inland unincorporated area of Monterey County. This ordinance amends Chapter 21.49 of Title 21 (non-coastal zoning) of the Monterey County Code to extend the pilot program from August 31, 2020 to December 31, 2022. The ordinance also amends the Sectional District Zoning Maps to add the Industrial Hemp Zoning Overlay District (“HMP” District) to portions of parcels that are outside of the rural center and community area buffers established in the industrial hemp pilot program. Currently, if a portion of a parcel is transected by a rural center or community area buffer, the entire parcel is excluded from the HMP District on the Sectional District Zoning Maps.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and declarations.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. In 2013, the California Legislature adopted the Industrial Hemp Farming Act (Food and Agricultural Code (hereafter “FAC”) §§ 81000-81011), addressing the cultivation of industrial hemp. However, the Act did not become operative until Proposition 64, the Adult Use of Marijuana Act (November 2016), amended FAC section 81010 that established the operative date of January 1, 2017.

C. The 2014 Federal Farm Bill (P.L. 113-79, § 7606, 7 U.S.C. § 5940), authorized 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 to grow or cultivate industrial hemp if:

1. 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 where the research occurs.

D. In December 2018, President Trump signed into law the 2018 Federal Farm Bill, H.R. 2, P.L. 115-334, which removed industrial hemp from the federal list of controlled substances and authorizes the U.S. Department of Agriculture to create quality control standards for commercial hemp production.

E. Effective January 1, 2019, SB 1409 was signed into law by Governor Brown which revised the California Industrial Hemp Farming Act. The law now requires that industrial hemp cultivators, other than “Established Agricultural Research Institutions”, to pay an annual fee and register with local agricultural commissioner offices. Additionally, the law requires that “Established Agricultural Research Institutions” provide GPS coordinates to agricultural commissioners.

F. Pursuant to FAC section 81007, the California Department of Food and Agriculture (CDFA) is authorized to establish by regulation, an agricultural pilot program pursuant to section 7606 of the federal Agricultural Act of 2014, 7 U.S.C. § 5940. CDFA has adopted certain regulations, some on an emergency basis, concerning registration fees, registration application, criminal report history for industrial hemp registration, approved seed cultivars, sampling, laboratory testing, and enforcement.

G. On April 25, 2019, CDFA’s regulation establishing a \$900 registration fee became effective (3 CCR § 4900).

H. On April 30, 2019, CDFA made available applications for industrial hemp cultivators to register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

I. On July 23, 2019, the Monterey County Board of Supervisors adopted Ordinance Number 5314, which created a pilot program for the cultivation and processing of industrial hemp in the inland unincorporated area of Monterey County.

J. On February 10, 2020, CDFA proposed emergency adoption of Title 3 California Code of Regulations (CCR) Sections 4901 and 4902 to create timeframes, definitions, and procedures for industrial hemp registration and program eligibility determination.

K. Due to the fact that industrial hemp and cannabis are varieties of the same plant, *Cannabis sativa* L., the appearance and odor of industrial hemp and cannabis can be indistinguishable, particularly when hemp is cultivated with feminized flowering plants for high levels of cannabidiol (CBD) for purposes of CBD extract or oil production.

L. The purpose of this ordinance is to extend the industrial hemp pilot program, and amend the parameters of where certain activities associated with industrial hemp can occur during a limited time period. The pilot program is intended to gather data and information related to industrial hemp cultivation and processing, hemp seed production, and associated activities to enable the County to evaluate the establishment of long-term regulations and to

reduce the potential for negative impacts on the community and environment for protection of public health, safety and welfare.

M. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15305 and 15306, which exempt minor alterations in land use limitations in areas with an average slope of less than twenty percent (20%) that do not result in any changes in land use or density and information collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. This ordinance establishes a limited term pilot program for the purposes of information collection, applies to lands that allow agricultural uses as a principal use, is limited to lands that have previously been cultivated, and to lands with an average slope of less than 20%. Temporary allowances for rotation of crops to hemp on lands previously cultivated with other agricultural products, is a minor alteration in land use limitations and will not result in serious disturbance to environmental resources.

SECTION 2. Subsection B of Section 21.49.030 of the Monterey County Code is amended to read as follows:

The provisions of this Chapter, and all registrations approved by the Agricultural Commissioner pursuant to this Chapter, shall expire on ~~August 31, 2020~~ December 31, 2022.

SECTION 3. Subsection B of Section 21.49.060 of the Monterey County Code is amended to read as follows:

An application for registration to cultivate industrial hemp shall be submitted to the Agricultural Commissioner ~~no later than August 31, 2019~~. Registrations shall not be renewed or extended beyond the expiration date provided in Section 21.49.030 of this Chapter.

SECTION 4. ZONING DISTRICT MAP. The following Sectional District Maps of Section 21.08.060 of the Monterey County Code are hereby amended to revise the Industrial Hemp District (“HMP” District) designation to certain properties shown in the revised Sectional District Maps for each of the amended sections listed below with said maps being attached hereto and incorporated herein by reference.

1. Section 2A
2. Section 62
3. Section 71
4. Section 78
5. Section 79
6. Section 80
7. Section 88
8. Section 89
9. Section 90
10. Section 104

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Christopher M. Lopez, Chair
Monterey County Board of Supervisors

A T T E S T :
VALERIE RALPH
Clerk of the Board

APPROVED AS TO FORM:

KELLY L. DONLON
Deputy County Counsel

By: _____
Deputy