

VENTURA COUNTY PROPOSED HEMP ORDINANCE



Ed Williams, Ventura County Agricultural Commissioner

July 15, 2020

Agricultural Policy Advisory Committee

Hemp Ordinances in Ventura County

April 2019 – State Regulations, Federal Farm Bill, State Food and Agricultural Code Provide for Registration of Industrial Hemp Seed Breeders and Producers

August 2019 – Agricultural Commissioner's Office and Board Offices began to receive numerous complaints about hemp odor. Presentations and townhall meetings were made in 7 cities/communities, for interested officials, residents and growers.

November 19, 2019, December 10, 2019, January 14, 2020, and February 25, 2020 the Board of Supervisors conducted a series of Board hearings regarding industrial hemp. The outcome of which was an Urgency Ordinance, and the extension of that Urgency Ordinance.

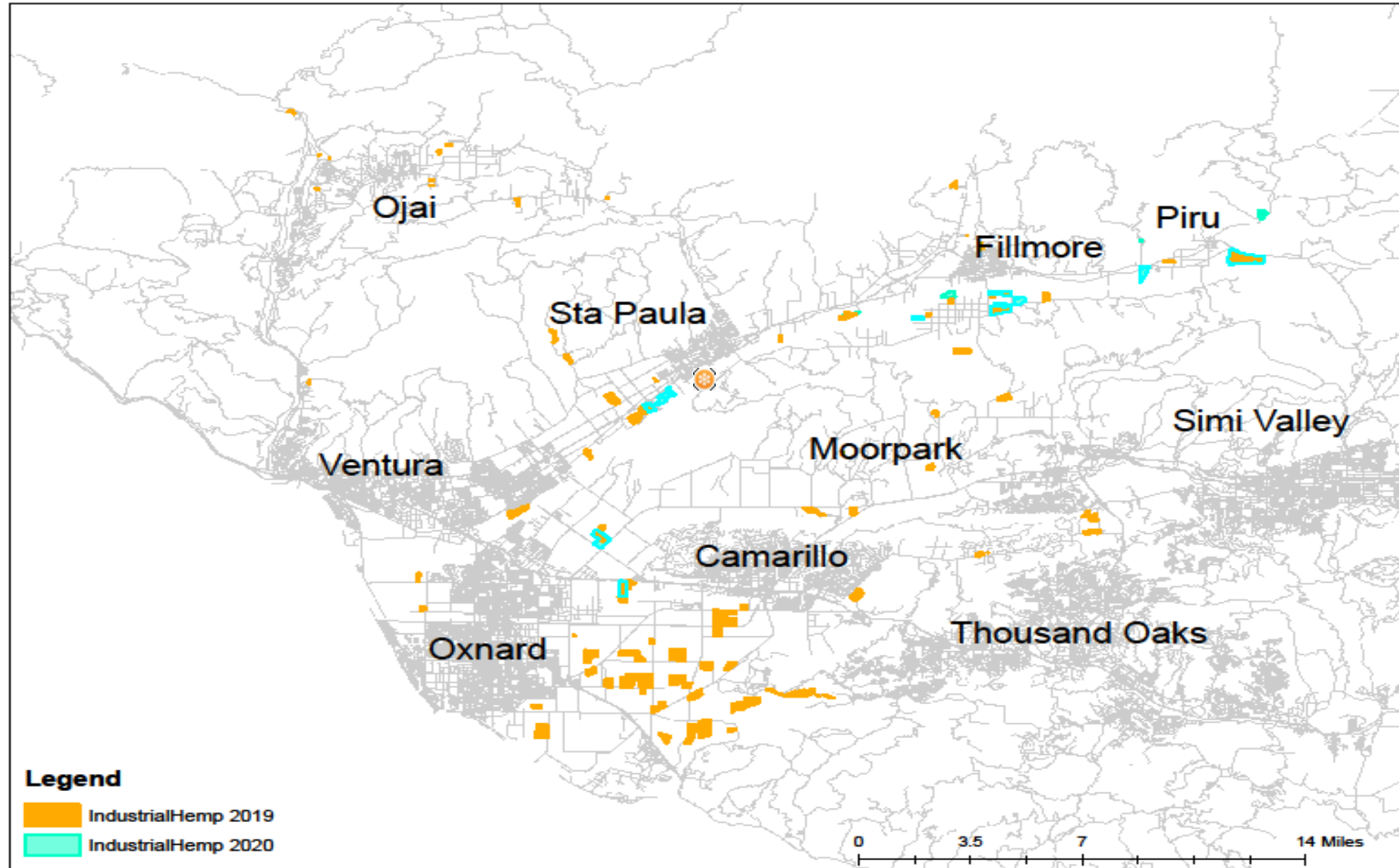
Direction was given to the Agricultural Commissioner to develop language for additional mitigation measures and to come back with a proposal for a regular ordinance.



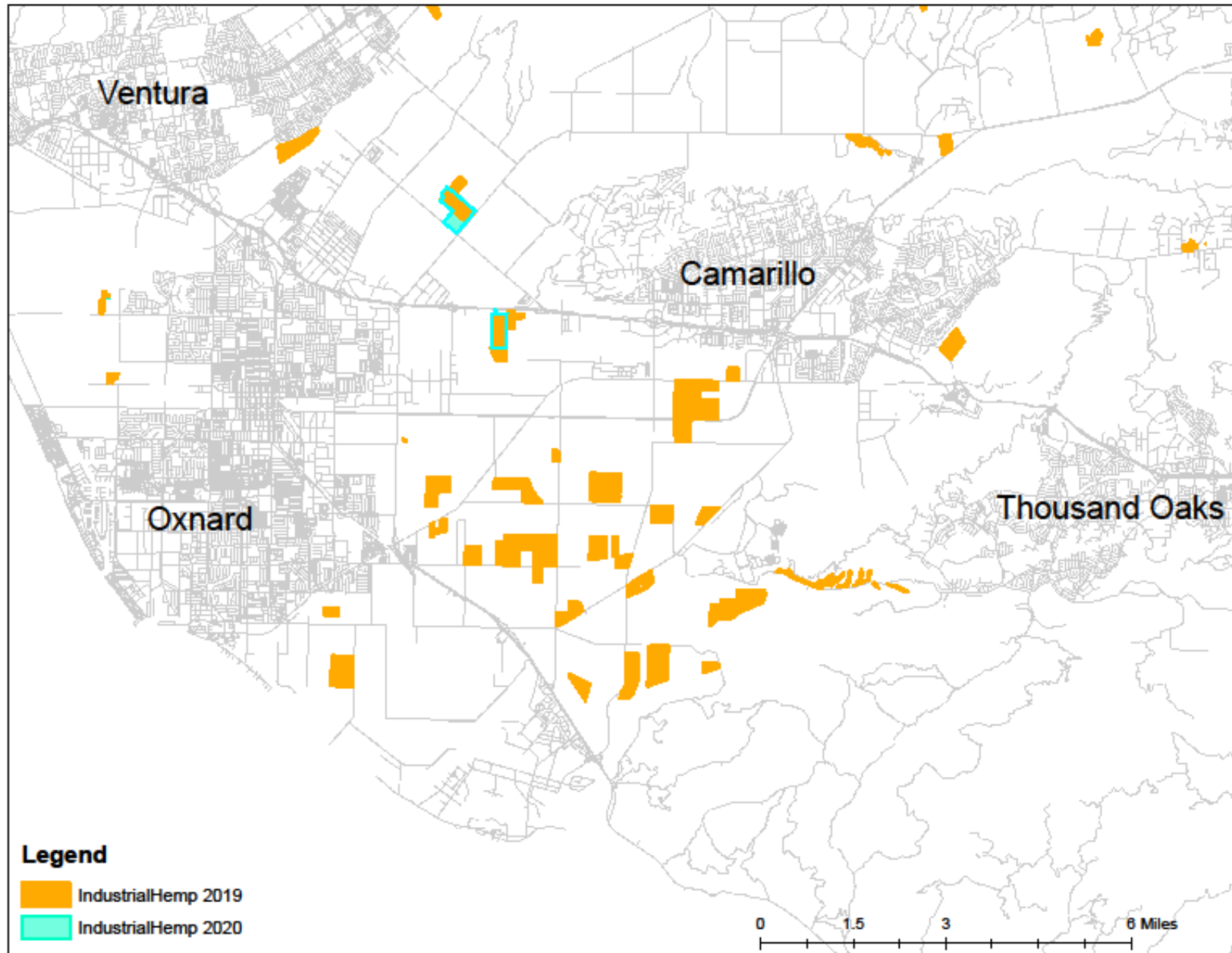
Hemp Data

- 2019 – 3,600 acres produced
 - 3,470 acres harvested
 - 123 acres destroyed
- 2020 – 1,300 acres registered
 - 900 acres lost contracts
 - 170 acres expected planting

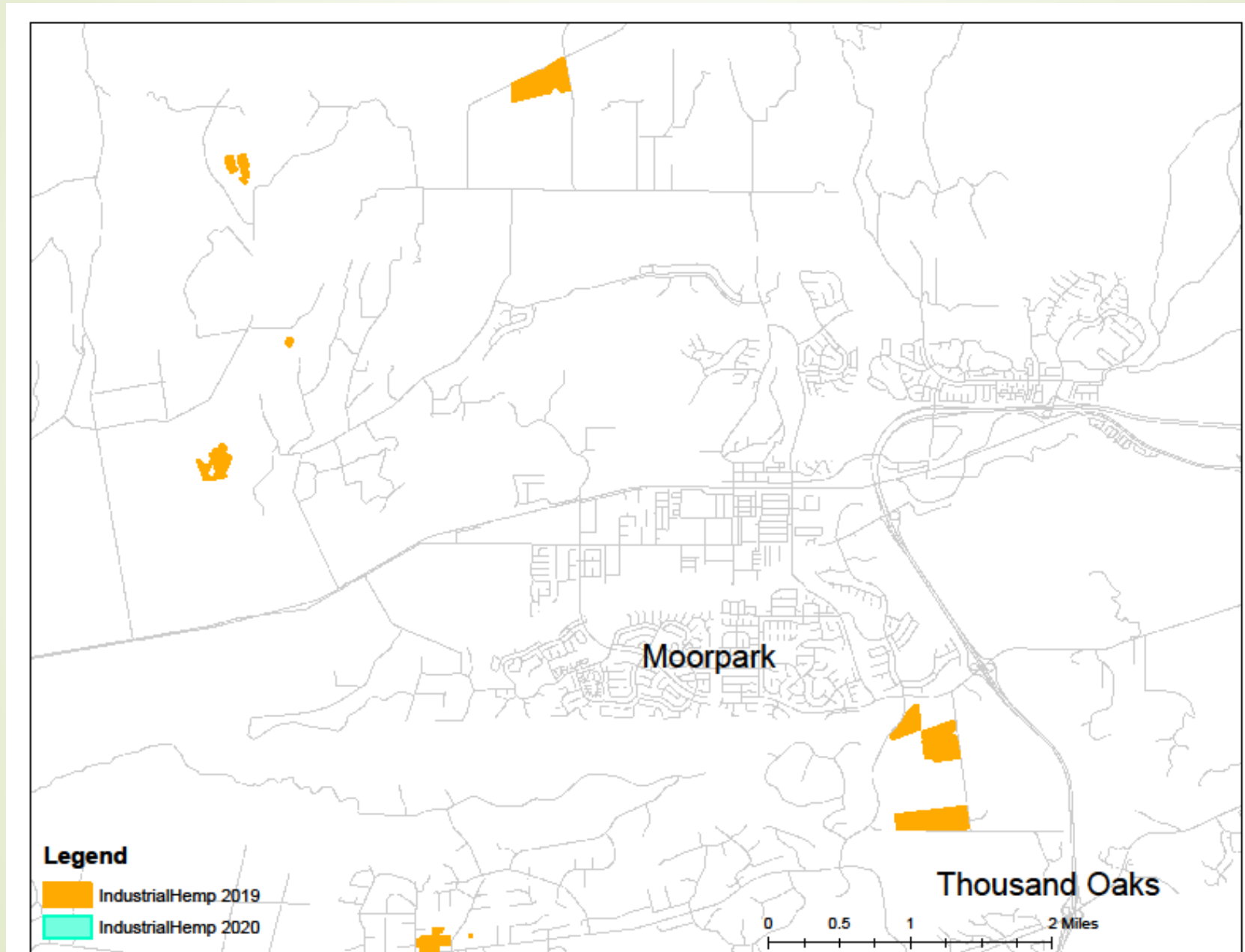
Registered Hemp Sites in 2019 and 2020



Registered Hemp Sites in 2019 and 2020



Registered Hemp Sites in 2019 and 2020



Urgency Ordinance



Language in Urgency Ordinance - 2/25/2020

- Section 1. A. For the duration of this ordinance and any extension thereof, the outdoor planting of industrial hemp (as defined in Food and Agricultural Code section 81000, as such may be amended from time to time) shall be prohibited in any part of the unincorporated area of Ventura County that is within one-half mile of (i) any land within a city zoned for residential use, (ii) any existing residential community in the unincorporated area of Ventura County or (iii) any school, and no person or entity shall engage in or cause the outdoor planting of any industrial hemp in those parts of the unincorporated area of Ventura County.
- B. For purposes of this ordinance, "outdoor planting" means any planting other than propagative plants, in containers, that are not flowering. "Propagative plants" include live plants, seeds, seedlings, clones, cuttings, transplants or other propagules used to establish plants for planting.

Language in Urgency Ordinance 2/25/2020

C. For purposes of this ordinance, "existing residential community" means any area designated as "urban," "existing community" or "existing community-urban reserve" on the Ventura County General Plan land use maps.

D. For purposes of this ordinance, "school" means any licensed day care center, public and private schools, colleges and universities.

Section 5. A. Any industrial hemp planted in violation of section 1 of this ordinance is a public nuisance, and the Agricultural Commissioner may abate or order the violator to abate it.

B. Any person or entity that violated section 1 of this ordinance is guilty of a misdemeanor/infracton, which is enforceable pursuant to sections 13 through 13-4 of the Ventura County Ordinance Code.

This urgency ordinance shall . . . be operative . . . For 10 months and 15 days . . .

Lawsuit Filed by Hemp Producers

Claims that the implementation of the “Hemp Ban” failed to meet the requirements of:

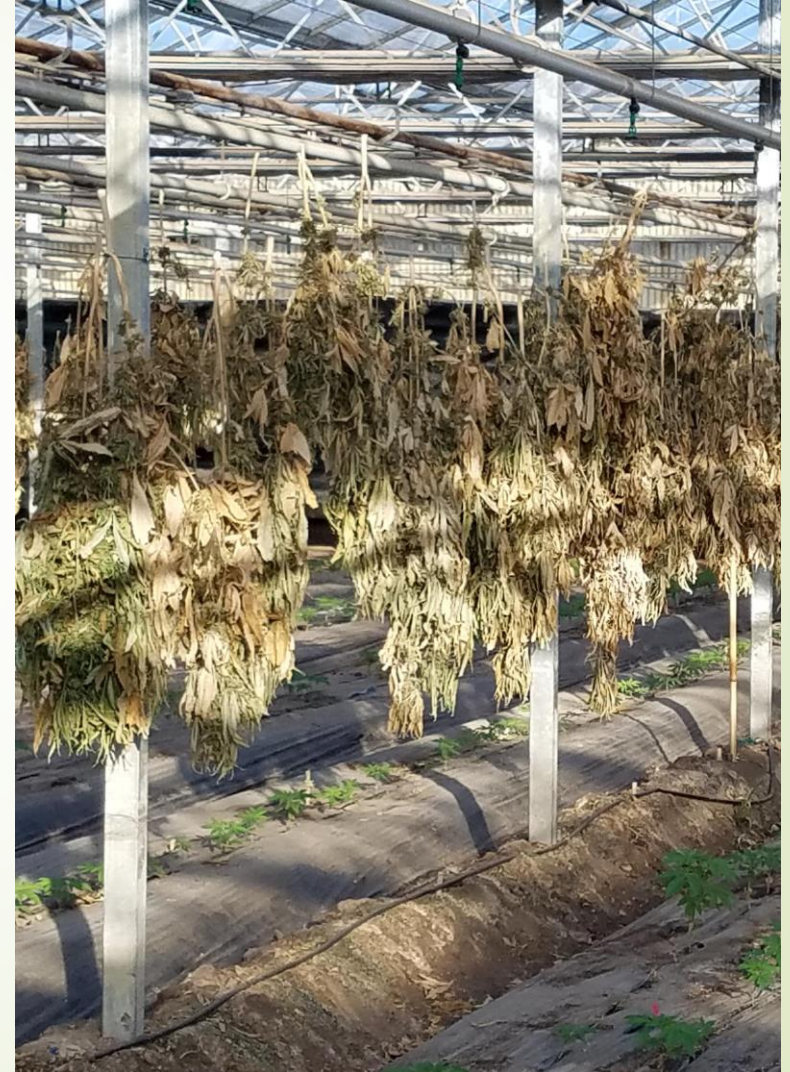
- California Environmental Quality Act

- State Planning and Zoning Law

- State Right to Farm Act

- County Right to Farm Act

- County General Plan



Draft Regular Ordinance



Framework for Regular Ordinance 7/16/2020

Definitions of terms used.

“List of Low-Odor Varieties” means a list, maintained by the Agricultural Commissioner, of certified hemp varieties found to be low in odor.

“Sensitive site” means any occupied property within a:

1. Residential zone within a city
2. Unincorporated area designated “Urban,” “Existing Community” or “Existing Community-Urban Reserve” in the General Plan, or a:
3. School K-12
4. Licensed daycare center
5. College or university building
6. Hospital or medical facility

Framework for Regular Ordinance

Odor Mitigation

Except as exempted below, no flowering hemp shall be grown within ½ mile of any sensitive site.

Within 1 mile of any sensitive site, hemp must be harvested within 30 days of receipt of the first Laboratory Test Result indicating “PASSED AS CALIFORNIA INDUSTRIAL HEMP.” Within 15 days of the completion of harvest, remaining hemp debris must be tilled under or moved beyond 1 mile from any sensitive site.

The following are exempt from the above restrictions:

Any planting of five acres or less grown by an established agricultural research institution registered with the Agricultural Commissioner and at least ½ mile from any other planting within ½ mile of a sensitive site

Any planting from certified seed on the List of Low-Odor Varieties

Framework for Regular Ordinance

Pollen Control

Hemp plants producing pollen may only be grown by a registered seed breeder in an enclosed greenhouse unless they are more than 3 miles from any registered hemp planting.

All other registrants must regularly patrol hemp fields and destroy all male plants within five days of discovery.



Framework for Regular Ordinance - Signs Required

All parcels used for the cultivation of industrial hemp shall have onsite signs indicating that “Industrial Hemp” is being cultivated on site. The signs shall:

- state “Industrial hemp,” and
- state “NO TRESPASSING” in English and Spanish, that
- measure at least three feet wide by three feet high, with letters and symbols not less than three inches in height that sharply contrast with their immediate background, that
- except for locations affecting a traffic sight triangle where there are no traffic controls on either street at an intersection, are posted at the corners of the parcel and at all usual points of entry to the parcel. When a parcel is adjacent to a public right-of-way signs shall be posted at intervals of not more than 1/3 of a mile along the border.

Framework for Regular Ordinance

Transportation of Hemp.

Any person transporting industrial hemp in a vehicle shall have in their possession a copy of the certificate of registration issued by the county agricultural commissioner and a certificate of analysis demonstrating that the industrial hemp has met the 0.3 % maximum level permitted by law.

Site Security.

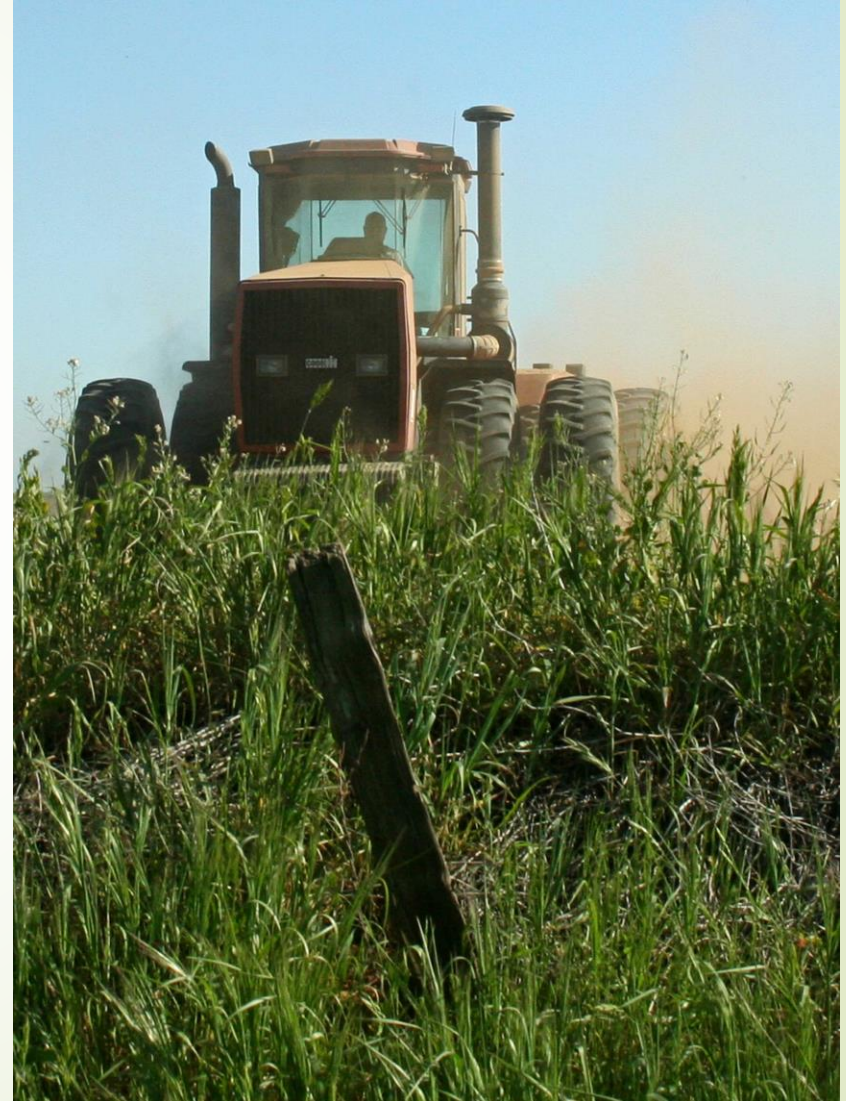
Each registrant shall submit a site security plan to the Agricultural Commissioner that may include measures such as Owner Applied Numbers, fencing, locking gates when no employees are present, security personnel on site or other security measures.

Framework for Regular Ordinance

Abatement and Penalties.

Any industrial hemp planted in violation of this ordinance is a public nuisance, and the Agricultural Commissioner may abate or order the violator to abate it. The Agricultural Commissioner may enter property and structures where industrial hemp may be grown to inspect for compliance with this ordinance and abate such nuisances.

Any person or entity that violates any provision of this ordinance is guilty of a misdemeanor.



Framework for Regular Ordinance

Severability.

If any provision or any part of any provision of this ordinance or the application thereof to any person, property or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or parts of a provision or applications of the ordinance which can be given effect without the invalid provision, provision part or application, and, to this end, the provisions and the parts of the provisions of the ordinance are hereby declared to be severable.

Authority.

The California Constitution, Article 11, Section 7, and Section 65850 of the Government Code provide that the Board of Supervisors may adopt an ordinance under the County's police power and authority to regulate land use.

Picklist Alternatives/Options for Sensitive Sites

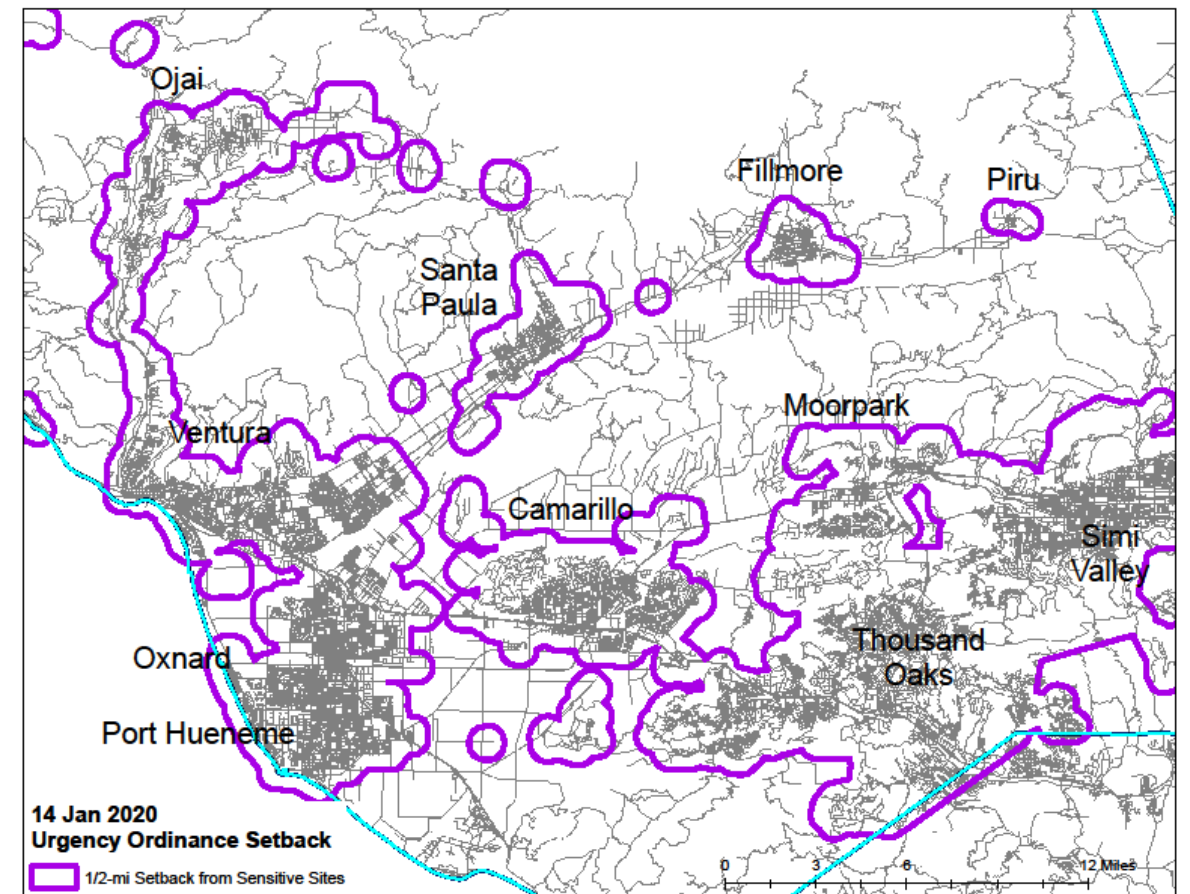
“Sensitive site” means any occupied:

Hotel, motel, inn, hostel, or other temporary residential unit within city boundaries.

And/or

“Sensitive site” means any:

Area within city boundaries.



Alternatives/Options for Odor Mitigation

Harvest Discipline Countywide

Hemp must be harvested within 30 days of receipt of the first Laboratory Test Result indicating “PASSED AS CALIFORNIA INDUSTRIAL HEMP.” Within 15 days of the completion of harvest, remaining hemp debris must be tilled under or removed from the field unless it is more than 1 mile from any sensitive site.

Hemp-free Period

No flowering hemp shall be grown from November 1 to March 31, within 1 mile of any sensitive site. Hemp debris must be tilled or moved more than 1 mile from any sensitive site prior to November 1



Alternatives/Options for Setback

Except as exempted below, no flowering hemp shall be grown within 1 mile from any sensitive site, OR

No flowering hemp shall be grown within 600 feet of any sensitive site, and

Except as exempted, no flowering hemp shall be grown from 600 feet to ($\frac{1}{4}$ mile, or $\frac{1}{2}$ mile, or 1 mile) from any sensitive site, OR

No flowering hemp shall be grown within $\frac{1}{4}$ mile of any sensitive site, and

Except as exempted, no flowering hemp shall be grown from $\frac{1}{4}$ mile to ($\frac{1}{2}$ mile, 1 mile) from any sensitive site, OR

No flowering hemp shall be grown within $\frac{1}{4}$ mile of any sensitive site, OR

No flowering hemp shall be grown within 1 mile of any sensitive site.

Alternatives/Options for Exemptions

The following are exempt from the setback restrictions:

Any planting of five acres or less in an Odor-Controlled Greenhouse which is at least $\frac{1}{2}$ mile from any other planting within $\frac{1}{2}$ mile of a sensitive site

Any planting of ten acres or less upon express written consent of each resident of a sensitive site and at least $\frac{1}{2}$ mile from any other planting within $\frac{1}{2}$ mile of a sensitive site

Written consent is valid only for the period of registration and new written consent must be obtained upon renewal of registration

Options for Hemp Signage

Signs may also include information such as:

An owner applied number, or

“Not Marijuana,” or

“No THC,” or “Less than 0.3% THC,” or

“No Effects if Smoked.”



Optional Language for Regular Ordinance

Nuisance Claims

Odor from a registered industrial hemp cultivation site is not a nuisance if the industrial hemp cultivation site is operated in accordance with this chapter and state industrial hemp laws.



Optional Language for Greenhouse Lighting

No outdoor grow lights are permitted between the hours of 10:00 PM and 6:00 AM within ½ mile of any sensitive site unless the glare is not visible from any neighboring property or the lights are within an enclosed structure with:

Fully or partially shielded directional lighting preventing visibility of glare from any neighboring property; or

Fitted with blackout screening for the walls and roof, preventing visibility of glare from any neighboring property.



Thank You – Comments regarding proposed language may be submitted to VCACHemp@ventura.org. Draft language is posted online at <https://www.ventura.org/agricultural-commissioner/>

