

**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION**

Resolution  
No. 2019-013

**A resolution recommending that the Board of Supervisors table County Project (Zoning Amendment) No. 2019-071, an amendment to Title 17, Zoning, for regulation of hemp cultivation and prohibition of hemp cultivation by “established agricultural research institutions” until such time as Federal regulations on industrial hemp cultivation are available and extend the existing moratorium on hemp cultivation for an additional year, if necessary**

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**WHEREAS**, the Mariposa County Code is adopted by ordinance; and

**WHEREAS**, Title 17, Zoning, does not define or provide any specific regulations for hemp cultivation; and

**WHEREAS**, the California Industrial Hemp Farming Act was enacted in 2013 but remained inoperative until federal laws allowed industrial hemp production; and

**WHEREAS**, the passage of Proposition 64 removed the inoperative statement and the California Industrial Hemp Farming Act became effective January 1, 2017; and

**WHEREAS**, the California Industrial Hemp Farming Act authorized the commercial production of industrial hemp and provided for the registration of growers along with general registration requirements, set the maximum THC level for hemp at 0.3%, and required testing and sampling of industrial hemp prior to being harvested; and

**WHEREAS**, while the California Industrial Hemp Farming Act was effective, the regulations needed to govern industrial hemp production had not been created; thus no industrial hemp cultivation has been allowed since then; and

**WHEREAS**, the 2018 Farm Bill was signed into law on December 20, 2018, removing hemp from the definition of marijuana under the Federal Controlled Substances Act, defining hemp as an agricultural commodity, and including provisions regarding the cultivation, shipment, and sale of industrial hemp; and

**WHEREAS**, Senate Bill 1409 went into effect on January 1, 2019 and further expanded provisions for industrial hemp cultivation in California; and

**WHEREAS**, as of March 26, 2019, the California Department of Food and Agriculture’s (CDFA’s) expected release of initial registration regulations was anticipated to occur on April 3, 2019; and

**WHEREAS**, there was an urgent need for County staff to assess the potential local impacts of industrial hemp grown commercially or by “Established Agricultural Research Institutions” and to explore the feasibility of developing reasonable regulatory options relating thereto. Allowing the cultivation of commercial hemp or cultivation of hemp by “Established Agricultural Research Institutions” prior to studying whether or not its nuisance potential can be mitigated through reasonable regulations creates an urgent and immediate threat to the public health, safety and/or welfare of the citizens of Mariposa County; and

**WHEREAS**, on the 26<sup>th</sup> day of March 2019, the Board of Supervisors adopted Ordinance No. 1141, an interim urgency ordinance to temporarily prohibit the cultivation of industrial hemp and the cultivation of hemp by “established agricultural research institutions”, which was later extended on May 9, 2019 for an additional 10 months and 15 days; and

**WHEREAS**, on the 9<sup>th</sup> day of April 2019, pursuant to the authority established by the Mariposa County Code, Zoning Section 17.128.020.B, the Board of Supervisors adopted Resolution No. 2019-188 to initiate amendments to Mariposa County Code, Title 17, the Zoning Ordinance to establish regulations and development standards for the cultivation of hemp and to prohibit the cultivation of hemp by “established agricultural research institutions”; and

**WHEREAS**, the California Department of Food and Agriculture’s (CDFA’s) initial registration regulations became effective on April 25, 2019; and

**WHEREAS**, the California Department of Food and Agriculture’s (CDFA’s) hemp testing regulations for tetrahydrocannabinol became effective on June 10, 2019; and

**WHEREAS**, as a result of the Board of Supervisors action, the County Code amendments were assigned a project number: County Project (Zoning Amendment) No. 2019-071; and

**WHEREAS**, a duly noticed Planning Commission public hearing was scheduled for the 9<sup>th</sup> day of August 2019; and

**WHEREAS**, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

**WHEREAS**, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

**WHEREAS**, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, and testimony presented by the public concerning the application; and

**WHEREAS**, the Planning Commission requested additional information and continued the item to a future notice public hearing; and

**WHEREAS**, a duly noticed Planning Commission public hearing was scheduled for the 20<sup>th</sup> day of September 2019; and

**WHEREAS**, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

**WHEREAS**, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, and testimony presented by the public concerning the application; and

**WHEREAS**, the Federal regulations for industrial hemp are not yet available and upon being effective may require changes to the State of California's industrial hemp regulations, as well as local regulations; and

**WHEREAS**, the Planning Commission continued the public hearing until the 11<sup>th</sup> day of October 2019 and directed staff to bring back a resolution recommending that the Board of Supervisors table County Project (Zoning Amendment) No. 2019-071 until Federal regulations for industrial hemp are available and extend the existing moratorium on hemp cultivation in Mariposa County; and

**WHEREAS**, the Planning Commission did hold the continued public hearing on the 11<sup>th</sup> day of October 2019; and

**WHEREAS**, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

**WHEREAS**, the Planning Commission did hold a public hearing on the continued date and considered all of the information in the public record, including the Staff Report, and testimony presented by the public concerning the application.

**NOW BE IT THEREFORE RESOLVED THAT**, the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors table County Project (Zoning Amendment) No. 2019-071 until such time as Federal regulations for industrial hemp cultivation are released.

**BE IT FURTHER RESOLVED THAT**, the Planning Commission recommends that the Board of Supervisors extend the urgency ordinance prohibiting the cultivation of hemp in Mariposa County, if necessary.

**BE IT FINALLY RESOLVED THAT**, the Planning Commission recommends that the Board of Supervisors direct staff to monitor the Federal regulations and reschedule this project for consideration by the Planning Commission at such time as the impacts of the Federal regulations on State and local regulations are known.

**ON MOTION BY** Commissioner Harris, seconded by Commissioner Walls; this resolution is duly passed and adopted this 11<sup>th</sup> day of October 2019 by the following vote:

**AYES:** McCamman, Harris, and Walls

NOES: Herman and Sweeney

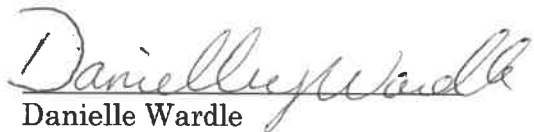
ABSENT:

ABSTAIN:



John McCamman, Chairman  
Mariposa County Planning Commission

Attest:



Danielle Wardle  
Planning Commission Secretary