



# Regulating Industrial Hemp in Sonoma County

---

SONOMA COUNTY DEPARTMENT OF AGRICULTURE/WEIGHTS & MEASURES

133 AVIATION BOULEVARD, SUITE 110

SANTA ROSA, CA 95403

[WWW.SONOMACOUNTY.CA.GOV/AWM](http://WWW.SONOMACOUNTY.CA.GOV/AWM)



Presented by:

**Tony Linegar**

Agricultural Commissioner/  
Sealer of Weights & Measures



# Overview

---

- ▶ How will industrial hemp be regulated at the local level
- ▶ How moratorium was established
- ▶ How chapter 37 language will replace moratorium
- ▶ Additional information needed from registrants at the local level
- ▶ How local program will work
- ▶ How can we regulate to protect other industries
- ▶ Enforcement structure to prevent fraud yet provide opportunity to Sonoma County agricultural producers



# Timeline for Industrial Hemp Regulation

---

- ▶ **April 2, 2019:** County enacts Moratorium ahead of CDFA opening up registration and state program implementation.
- ▶ **April 16, 2019:** CDFA begins accepting industrial hemp registrations for cultivation statewide in counties without a moratorium.
- ▶ **May-June 2019:** CDFA begins statewide county conference calls to share data, metrics, and lessons amongst counties with industrial hemp registrants and activities.
- ▶ **June 2019:** AWM begins development of local program potential and begins task of developing an ordinance to regulate industrial hemp.



# Timeline for Industrial Hemp Regulation

---

- ▶ **August 2019:** AWM begins meeting with a hemp advisory group assembled by the ag commissioner to evaluate considerations for hemp regulation in the county.
- ▶ **September 2019:** AWM begins drafting Staff Report to present to the Sonoma County Planning Commission to address crop and neighborhood compatibility issues.
- ▶ **August 2019:** AWM begins drafting the language for Chapter 37 of County Code for the regulation of hemp through a local ordinance to augment regulation provided by the state.



# Important Dates

---

- ▶ **Thursday, November 21, 2019:** Planning Commission presentation of zoning considerations for industrial hemp.

**Upcoming Events »**



**Planning Commission Meeting**  
When: **November 21, 2019** at 1:00 PM  
[Agenda / Chapter 26 Amendment - Industrial Hemp Ordinance \[PDF: 1.1 MB\]](#)  
County of Sonoma Planning Commission Meeting will serve to answer questions on the Planning Commission Staff Report.

- ▶ **Monday, December 16, 2019:** First reading of Chapter 37 – Industrial Hemp presentation to the Board of Supervisors.



# Local Considerations

---

- ▶ Legal agriculture
- ▶ Zoning: compatibility in residential zoning districts and environmental protections in resource zoning designations
- ▶ Right to Farm protections in ag zoned areas
- ▶ Pollen management/crop compatibility
- ▶ Enforcement/fraud mitigation



# Pollen Management/Compatibility

---

Must start from clone or feminized seed

Fem test documentation required to register

All intentional male cultivation (seed & fiber) indoors only with output filtration

Inspections for those planting from feminized seed to insure males are properly managed

Penalties for failure to manage males

200' recommended setback from vineyard and orchard crops, occupied structures.

# Zoning Issues

---

- ▶ Industrial hemp land use compatibility by zoning district:
  - ▶ Rural Residential
  - ▶ Agriculture and Residential
  - ▶ Resources and Rural Development
  - ▶ Agricultural Zones
- ▶ Post-harvest handling practices of industrial hemp that are ancillary agricultural production activities
- ▶ Allowances for industrial hemp extraction activities



# Rural Residential (RR)

---

- ▶ Purpose: to preserve the rural character of those lands best suited for low-density residential development.
- ▶ Primary use is residential.
- ▶ Odor presents compatibility issues relative to residential neighborhoods.

# Agricultural & Residential (AR)

---

- ▶ Purpose: to provide lands for raising crops and farm animals in areas designated primarily for rural residential use.
- ▶ Primary use remains residential.

# Resources & Rural Development (RRD)

---

- ▶ Purpose: to provide protection for lands needed for timber production, geothermal production, aggregate resource production, lands needed for protection of watersheds, fish and wildlife habitat, biotic resources and for agricultural production activities.
- ▶ Significant amount of agriculture in RRD zoning.



# Ag Zones (LIA, LEA, DA)

---

- ▶ Primary use of lands in these zoning districts is agriculture. Zones include:
  - ▶ Land Intensive Agriculture (LIA)
  - ▶ Land Extensive Agriculture (LEA)
  - ▶ Diverse Agriculture (DA)
- ▶ These zoning districts are specifically protected under the Sonoma County Right to Farm Ordinance.
- ▶ Owners who buy property in these zoning districts or directly adjacent sign a disclosure statement.



# Summary of Zoning Proposals

---

- ▶ Rural Residential (RR): Prohibit
- ▶ Agriculture & Residential (AR): 600' mandatory setback from occupied structures, 200' from property lines; may be waived by neighbor
- ▶ Resources & Rural Development (RRD): No grading, no tree removal
- ▶ Ag Zones (LIA, LEA, DA): Recommended BMPs

# Best Management Practices – General

---

- ▶ All cultivation should maintain a setback of 200 feet from vineyard and orchard crops on adjacent parcels.
- ▶ All cultivation should maintain a setback of 200 feet from any occupied residential or business structure on adjacent parcels.
- ▶ Source and plant clean propagative material and nursery stock.
- ▶ Inspect planting stock for pests and disease before planting and avoid planting material with pests and disease.
- ▶ Where appropriate, hedgerows, windbreaks, and/or buffers should be established to modify climatological factors affecting crop production.



# Best Management Practices – Pesticides

---

- ▶ Comply with all pesticide laws and regulations as enforced by the California Department of Pesticide Regulations.
- ▶ Prior to the use of any pesticide obtain an Operator Identification Number from the County Ag Commissioner.



# Best Management Practices – Water Use

---

- ▶ Irrigation shall be conducted in manner that does not result in runoff from cultivated areas.
- ▶ Inspect irrigation system regularly for leaks and repair leaks before and during each cropping season.
- ▶ Irrigation systems should be equipped with a backflow prevention device to protect water sources.
- ▶ Where practicable employ water saving practices such as rainwater catchment systems, mulches, drip-irrigation, and water recycling and filtration systems.



# Best Management Practices – Erosion and Sediment Control

---

- ▶ Manage all crop residues in a manner that does not result in discharge of pollutants into a watercourse. Plant residues may be managed through composting, chipping or shredding, cultivating or otherwise incorporating plant residues into the soil.
- ▶ Composting of any material shall be conducted outside of riparian corridor setbacks for agriculture.
- ▶ Maintain a vegetative barrier around cultivated areas and interior watercourses to mitigate the movement of sediment and nutrients off site.
- ▶ Avoid any soil disturbance between November 1 and April 15.



# Best Management Practices – Pollen Management

---

- ▶ After initiation of flowering, walk crop on a daily basis to identify and remove all male plants.
- ▶ All indoor and greenhouse cultivation should be equipped with pollen filtration on air intake as well as exhaust systems to prevent introduction or dispersal of pollen.

# Post-Harvest Handling IS Agricultural Production

---

- ▶ Agricultural production activities that are allowed by right and include drying, trimming, curing, manicuring, grading, etc.
- ▶ Industrial hemp meets the current definition of “agricultural crop” in the zoning code, which is “Any cultivated crop grown and harvested for commercial purposes”.
- ▶ Most zoning districts allow, as a permitted use, outdoor and indoor crop production/growing and harvesting of crops, which includes industrial hemp.



# Allowances for Extraction Activities

---

- ▶ Staff to add language to the definition of agricultural processing to clarify the allowance for on-farm extraction of oil from industrial hemp, as follows:
- ▶ “Agricultural Processing means the act of changing an agricultural product from its natural state to a different form, as grapes to wine, apples to juice or sauce, agricultural crops to extracted oils, etc.”
- ▶ Hemp oil is extracted from raw industrial hemp biomass using pressure and non-volatile solvents (CO<sub>2</sub> and ethanol). Using pressure to perform these processes is similar to those practices used for making wine, olive oil, and apple juices, and sauces.



# Allowances for Extraction Activities

---

- ▶ Agricultural processing is allowed with a use permit in the following zoning districts: AR, LIA, LEA, DA, RRD, CR, AS, MP, M1, M2, and M3.
- ▶ Akin to other processing on ag land such as wineries; a use permit is required.

# Enforcement/Fraud Mitigation

---

- ▶ Unregistered hemp may be enforced as unpermitted cannabis.
- ▶ Plant count and reporting of plant removal.
- ▶ Authority to test at any time. Over 5% THC treated as cannabis.

# Public Comment/Questions

---

Please send any public comments and/or questions regarding zoning considerations to:

Email: [SonomaAg@sonoma-county.org](mailto:SonomaAg@sonoma-county.org)

