

ORDINANCE NO. 2020-1816

**AN ORDINANCE OF THE SOLANO COUNTY BOARD OF SUPERVISORS
REGULATING THE CULTIVATION OF INDUSTRIAL HEMP**

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

SECTION 1. Findings

A. In December 2018, the federal Agricultural Improvement Act of 2018 (“Act”), otherwise known as the “2018 Farm Bill”, was signed into law. The Act removes cannabis having a THC content of .3 percent or less, otherwise referred to as hemp, from the list of prohibited Schedule I drugs under the federal Controlled Substances Act.

B. The Act allows the legal cultivation of hemp subject to an approved state regulatory scheme and local control. To that end, the State of California enacted the California Industrial Hemp Law as codified under section 81000 et seq. of the California Food and Agriculture Code.

C. Division 24 (§§ 81000-81015) of the Food and Agricultural Code addresses the growing and cultivation of hemp in California. Under the Food and Agricultural Code, any commercial grower or seed breeder of industrial hemp must register with the county agricultural commissioner prior to cultivation.

D. In 2019, the Solano County Agricultural Commissioner registered several commercial growers within the unincorporated area of Solano County.

E. Leading up to and during the harvest season, the Solano County Sheriff received numerous reports of nuisance activities, and possible criminal activities, occurring at or near hemp fields. These reported activities include attempted or actual theft of crop as well as actions by growers or their security personnel attempting to protect their crop from theft in a manner that cause nuisance or risk of harm to persons on neighboring properties.

F. The events that occurred during the 2019 harvest season demonstrate that hemp has a potential for theft unlike any other commercial agricultural commodity, and growers have responded to this potential for theft by employing extraordinary security practices. It is these actions of thieves and potential thieves, and the countermeasures taken by growers and their security personnel, that pose a risk to the community and are a public nuisance.

SECTION 2 Chapter 2.2 of the Solano County Code is amended to add Article II to read as follows:

ARTICLE II. CULTIVATION OF INDUSTRIAL HEMP

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2.2-100 Purpose

It is the purpose and intent of this Ordinance to add Article II to Chapter 2.2 of the Solano County Code to impose reasonable regulations to protect the County's residents, neighborhoods, businesses and the environment from disproportionately negative impacts caused by cultivation of hemp and enforce rules and regulations consistent with state law. It is further the purpose and intent of this Ordinance to require all persons seeking to cultivate hemp in the unincorporated area of the County to obtain a permit. Nothing in this Ordinance is intended to authorize the cultivation of hemp for purposes that violate state or federal law. The provisions of this Article are in addition to any other permits, licenses, and approvals that may be required to cultivate hemp in the County, including the requirement to register with the Agricultural Commissioner pursuant to section 81003, 81004, or 81004.5 of the California Food and Agricultural Code.

2.2-110 Authority

The Board of Supervisors for the County of Solano enacts this Article under the authority granted to the County by Article XI, Section 7 of the California Constitution, Government Code Section 25845, California Food and Agricultural Code sections 81000 et. seq., and the federal Agricultural Improvement Act of 2018.

2.2-120 Definitions

For the purposes of this Article, the following definitions shall apply, unless the context clearly indicates otherwise. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision. If a word is not defined in this Article, the common and ordinary meaning of the word shall apply.

A. **"Applicant"** is a Person applying for an initial or renewal Hemp Cultivation Permit under this Article.

B. **"Cultivation"** means any activity involving the propagation, planting, growing, or harvesting of hemp, including activities carried out by hemp breeders or by Established Agricultural Research Institutions for research or educational purposes. "Cultivation" also means the processing of harvested hemp, including drying, grading, trimming, extraction of plant components, or packaging for transport, when conducted on the same property where the Hemp was grown.

C. **"Enforcing officer"** means the Solano County Administrative Officer, Resource Management Director, Sheriff, or Agricultural Commissioner, or their authorized deputy(ies) or designee(s), or any person employed by the County of Solano and appointed to the position of Code Enforcement Officer, each of whom is independently authorized to enforce this Article.

D. **"Established Agricultural Research Institution"** has the same meaning as in Section 81000 of the California Food and Agriculture Code.

E. **“Extraction”** means a process by which cannabinoids are separated from Hemp plant material through chemical or physical means.

F. **“Greenhouse”** means a structure or thermally isolated area of a building that maintains a specialized sunlit environment used for and essential to the cultivation, protection, or maintenance of plants.

G. **“Hemp”** or **“Industrial hemp”** has the same meaning as in Section 81000 of the Food and Agricultural Code. That section defines industrial hemp as “an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.”

H. **“Hemp Cultivation Permit”** means the permit established pursuant to this Article, which is required to engage in a Hemp Cultivation in the unincorporated area of Solano County.

I. **“Hoop house”** means a shade cloth structure that is readily removable and temporary in nature, without any equipment or utilities. The ends may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently.

J. **“Indoor”** means within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County of Solano, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2” x 4” or thicker studs overlain with 3/8” or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

K. **“Outdoor”** means a location that is not “indoors”.

L. **“Person”** includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, collective, cooperative, institution, including an Established Agricultural Research Institution, or any other group or entity, or combination acting as a unit. Except where otherwise indicated by context, the singular shall include the plural.

M. **“California Industrial Hemp Law”** means Division 24 of the California Food and Agricultural Code, beginning at section 81000, as may be amended from time to time.

N. **“Permit Holder”** means a Person who has been issued a Hemp Cultivation Permit pursuant to this Article.

O. **“Processing”** means the extraction of plant components, packaging for transport, storage, including the storage in a vehicle, trailer, or other container waiting for transport, refinement, treatment, removal of flowers, or conversion of Hemp where a physical, chemical or similar change of the Hemp plant occurs. Examples of Hemp Processing include but are not

limited to cooling, freezing, dehydrating, extracting oil, or the sorting, cleaning, packing, and storing of products preparatory to sale or shipment.

P. “**Site**” means the area(s) designated in the applications materials on part of a parcel or adjoining parcels under single ownership or control that may contain Hemp, including, for example, the cultivation area(s) and structure(s) used for Incidental activities.

Q. “**Volatile solvent**” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

2.2-130 Limited areas for Hemp Cultivation

A. Hemp Cultivation, including seed production, may only be eligible for a Hemp Cultivation Permit within the geographical area of unincorporated Solano County bounded by:

- 1) The western boundary shall be a north to south line running 1 mile east of Highway 113 between Midway Road on the north to a point 3 miles north of Highway 12.
- 2) The eastern boundary shall be the eastern County boundary line.
- 3) The southern boundary shall be a line running west to east 3 miles north of Highway 12 from 1 mile east of Highway 113 and extending to the eastern County boundary line.
- 4) The northern boundary line shall be Midway Road as it extends from 1 mile east of highway 113 on the west to the eastern County boundary.

B. Setbacks

1) Hemp Cultivation shall be located no closer than 100 feet from the parcel boundary line and no closer than 2,500 feet from an off-Site occupied legal residence under separate ownership. Notwithstanding the foregoing, Indoor Hemp Cultivation may potentially be located within 2,500 feet of an off-Site occupied legal residence under separate ownership subject to conditions of the Hemp Cultivation Permit, which may include signed written consent of the owner of the off-Site occupied legal residence.

2) Setbacks shall be measured from the closest point of the cultivation site to the closest point of the residence.

2.2-140. Hemp Cultivation Permit

A. Prohibition. It is unlawful and shall constitute a public nuisance for any Person, including an Established Agricultural Research Institution, to engage in Hemp Cultivation within the unincorporated area of Solano County without first obtaining a Hemp Cultivation Permit. A Hemp Cultivation Permit is a discretionary permit process that requires public notice and a public hearing.

B. Applicability

1) Nothing in this Article, including the issuance of a Hemp Cultivation Permit, relieves a Person from responsibility for damage to other persons or property, or imposes liability upon the County, its officers, agents, or employees, for damage to persons or property.

2) Nothing in this Article eliminates the need for a Person undertaking Hemp Cultivation to comply with local, state, or federal law, or to obtain other permits, approvals, or authorizations required by this code or state or federal agencies.

C. Application Requirements. Prior to the review of any application for a Hemp Cultivation Permit by the Department of Resource Management, the Applicant shall submit a complete application package. A complete application package includes the following components:

1) Completed application form provided by the Department of Resource Management along with any applicable application or permit fee.

2) Applicants must submit a security plan for review and approval by the Solano County Sheriff's Office.

3) Applicants must be the deed holder of the land upon which the Hemp Cultivation will occur or provide a notarized written consent from the deed holder, in a form acceptable to the Director of Resource Management, granting permission to engage in Hemp Cultivation on the specified parcel(s).

4) Applicants must demonstrate that they satisfy the registration requirements set forth in the California Industrial Hemp Law.

5) Applicants must declare whether Hemp Cultivation will be for purposes of seed, fiber, oil, flower or nursery production.

6) Applicants must complete a California Department of Food & Agriculture Destruction Plan form, or other destruction plan form approved by the Solano County Agricultural Commissioner, detailing how the crop would be destroyed should it fail to meet the THC limits specified by the Food and Agriculture Code Section 81006(e) et seq.

7) Applicants must deposit funds or other security approved by County Counsel, which may include a bond, in an amount sufficient to cover all costs and expenses likely to be incurred by the County in the implementation and enforcement of this Article. Cash received by the County will be deposited into the County treasury and kept in a separate account for this purpose. Any funds deposited with the County and not expended by County will be refundable within one year from the date of issuance of the Hemp Cultivation Permit, unless the Applicant opts to apply the deposit to the following year's approved application.

If security is provided in the form of a bond, the bond shall be conditioned upon full and faithful performance by the Permit Holder of all obligations under this Article and the Hemp Cultivation Permit and shall be kept in full force and effect by the Permit Holder throughout the life of the Hemp Cultivation Permit and all renewals.

In the event that the Permit Holder violates any of the provisions of this Article or any County rules or orders, including failure to pay any fees due to the County, such violation shall permit the County at its option to resort to the security provided, including a bond, to cover any costs incurred.

8) Applicants must, along with the owners of the property on which the Site is located, execute an agreement to indemnify and hold harmless the County of Solano and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the Cultivation of Hemp and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the Cultivation of Hemp in a form prescribed by the County. The indemnification shall apply to any damages, costs of suit, attorneys' fees or other expenses awarded against the County, its agents, officers and employees in connection with any such action.

In addition, the agreement shall release the County of Solano, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from any abatement, arrest or prosecution for cultivation in violation of state or federal laws.

D. Public hearing. The Director of Resource Management, or his/her designee, will hold a public hearing on any Hemp Cultivation Permit application.

E. Public notice. Notice of the hearing shall be given pursuant to Section 28-04 of the Solano County Code.

F. Action

1) The Director of Resource Management may approve an application for a Hemp Cultivation Permit if he/she finds that the requirements set forth in this Article are fulfilled.

2) When approving a Hemp Cultivation Permit, the Director of Resource Management may impose conditions in addition to the general conditions enumerated in Section 2.2-150 of this Article, together with guarantees that such conditions will be complied with, when such additional conditions are in the public interest.

3) Any action taken by the Director of Resource Management on a Hemp Cultivation Permit application shall not become effective until the time for filing an appeal has expired or, if an appeal has been filed, the appeal has been decided or withdrawn.

G. Required findings

1) That the Applicant exhibits proof that the establishment, maintenance or operation of a Hemp Cultivation use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in or passing through the vicinity of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

2) That an adequate security plan has been provided and that odor will not have a significant impact on nearby residences. Approval of a security plan by the Sheriff's Office will be substantial evidence that the standard has been met.

H. Appeals

1) The Board of Supervisors shall have power to hear and decide appeals when it is alleged by the appellant that there is error in any decision or determination made by the Director of Resource Management or his/her designee in the administration or enforcement of this Article. Appeals will be conducted in accordance with rules and procedures established by the Office of the County Counsel.

2) Any Person aggrieved or affected by any determination made under this Article may, within ten calendar days of the date of the decision of determination, file an appeal in writing with the Clerk of the Board of Supervisors. The written appeal must contain the factual and/or legal basis for the appeal and the appeal must be accompanied by such fee or fees as may be set by the Board of Supervisors. No part of the fee or fees are refundable.

3) Filing of an appeal shall stay all proceedings until determination of the appeal. Upon receipt of such appeal, the Clerk of the Board will set the date for a hearing and provide notice of the hearing pursuant to Section 28-04 of the Solano County Code.

4) Notice of the Board of Supervisor's decision will be provided in writing to the appellant.

2.2-150 Terms and conditions of Hemp Cultivation Permits

A Hemp Cultivation Permit will state the terms and conditions upon which Hemp may be cultivated by the Permit Holder, including but not limited to the following:

A. Hemp Cultivation must be conducted in accordance with all applicable federal, state and local laws, rules, regulations and standards including but not limited to those related to setbacks, building permits, land conversion, grading, electricity, water usage, water quality, wildlife, woodland and riparian habitat and species protection, agricultural discharges and worker and environmental protections.

B. The Permit Holder must consent to inspections, crop sampling and testing that may be conducted at any reasonable time, with or without prior notice, at the discretion of the County. A Permit Holder is responsible for payment of the actual costs, including, but not limited to, the costs of staff time, for monitoring and inspection activities.

C. A Permit Holder must grant to the County of Solano the right to enter onto any Hemp Cultivation Site, and any buildings or enclosures in which Hemp is located, with or without prior notice, as reasonably necessary to inspect, sample and/or test the crop and to destroy non-compliant crops pursuant to the California Industrial Hemp Law and this Article.

D. Hemp Cultivation must be conducted in accordance with a security plan reviewed by the Solano County Sheriff's Office. Such plan must, at a minimum, describe physical and operational security measures sufficient to deter theft, mitigate other potential crime, and appropriately secure Hemp and Hemp derived products.

E. Any structure(s) used for Hemp Cultivation must have all permits required under state law and Solano County Code.

F. Drying and trimming of Hemp must be conducted in a Hoop House, in a Greenhouse or Indoors. Harvested Hemp may not remain Outdoors beyond the day it is harvested.

G. Permit holders may conduct Hemp Processing on the Site, but all Processing activities must occur Indoors within secure permitted buildings/structures.

H. The following restrictions apply to Hemp nursery production:

1) No flowering plants allowed; and

2) Applicants for the cultivation of transplants or seed must have a license to sell nursery stock issued by the California Department of Food and Agriculture as required under California Food and Agricultural Code Section 6721 et seq.

I. All parcels used for Hemp Cultivation shall have onsite signage indicating that Hemp is being cultivated on site. The signs shall be in English and Spanish and:

1) State: "INDUSTRIAL HEMP – NO TRESPASSING".

2) Be of a size so that the wording on the sign is clearly visible and readable to a person with normal vision from a distance of 25 feet; and

3) Use letters and symbols that are of a color that sharply contrasts with their immediate background; and

4) Be posted at the corners of the parcel and at all usual points of entry to the parcel, including each road, footpath, walkway, or aisle that enters the cultivation area. When a parcel is adjacent to a public right-of-way, such as a road, trail, or path, signs shall be posted at intervals not exceeding 600 feet along the parcel's border with the right-of-way.

J. Applicants are responsible for the actual costs incurred by the County in regulating Hemp cultivation, including, but not limited to, the costs of staff time associated with processing a Hemp Cultivation Permit, inspecting and monitoring Hemp cultivation Sites, sampling and testing, coordination with other affected County departments, and associated activities of the Sheriff's Office or an Enforcing Officer. The amount of fees for such permits will be set by the Board of Supervisors and not exceed the amount reasonably required to inspect, administer, or process the required permits, certificates, licenses, or other forms or documents, or to defray the costs of regulation required to be carried out by the County including all costs of enforcement.

K. Failure to pay all fees attributable to County costs incurred due to the permitting or regulation of Hemp is cause for revocation or non-renewal of the Hemp Cultivation Permit until all outstanding fees are paid in full.

L. Testing of Hemp done pursuant to this Article must be done by a laboratory approved by the County.

M. Processing using Volatile Solvents is prohibited.

N. Any violation of the terms of the Hemp Cultivation Permit is cause for revocation or non-renewal of the Hemp Cultivation Permit.

O. The owner(s) of the property on which the Site is located is responsible and jointly liable for all violations of this Article and applicable laws with respect to the property and the Hemp Cultivation Permit.

2.2-160. Permit expiration, renewal

A. Expiration. A Hemp Cultivation Permit expires one year from the date of issuance.

B. Renewal. A Hemp Cultivation Permit is subject to annual renewal. The Director of Resource Management may administratively approve a Hemp Cultivation Permit renewal if all the following criteria are met:

- 1) The Permit Holder has requested renewal;
- 2) The Permit Holder has paid any applicable renewal fee;
- 3) The Permit Holder has registered with the County Agricultural Commissioner for the following year pursuant to the California Industrial Hemp Law;
- 4) The use is being conducted in full compliance with all conditions of the Hemp Cultivation Permit and all requirements of law and this Article;
- 5) That the use for which the Hemp Cultivation Permit was granted has not been conducted so as to be a nuisance or detrimental to the public health, welfare, or safety; and
- 6) The Permit Holder has taken substantial steps towards putting the property into the use for which the Hemp Cultivation Permit was granted within the preceding year.

C. If the criteria is not met for administrative approval, the Applicant must submit a new application and follow the application process required by this Article for an initial Hemp Cultivation Permit.

2.2-170. Hemp transportation

Any Person transporting Hemp must 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 Hemp has met the 0.3 % THC maximum level permitted by law.

2.2-180. Destruction of non-compliant crops

A Hemp crop that does not comply with the provisions of this Article and all applicable provisions of state and federal law, and associated rules and regulations, must be destroyed. Crop destruction will proceed in accordance with all applicable laws and regulations, including Food and Agricultural Code section 81006 and California Code of Regulations, title 3, sections 4950 and 4950.1; however, if a second laboratory test report from crop retesting indicates the percentage concentration of THC exceeds three-tenths of one percent but is less than one

percent, destruction of the non-compliant Hemp crop must be completed within 7 days instead of 45 days.

2.2-190. Violations

A. The cultivation of Hemp in violation of federal, state, and local laws and/or rules and regulations, including the duty to register with the State, obtain a Hemp Cultivation Permit, and to comply with requirements for cultivation, sampling, laboratory testing, harvesting, and crop destruction, is deemed to be conducted or maintained in a manner inconsistent with proper and accepted customs and standards on agricultural land and constitutes a public nuisance.

B. Any person guilty of a violation of the provisions of this Article will be liable for such costs, expenses and disbursements paid or incurred by the County in abatement and prosecution of the violation.

C. It is unlawful and constitutes a misdemeanor for any person to violate or fail to comply with any provision of this Article. A misdemeanor shall be punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

D. Each person is guilty of a separate offense each and every day during any portion of which any violation of any provision of the ordinances of the County is committed, continued or permitted by any such person.

E. In addition to any other remedy, violation of any of the provisions of this Article may be remedied by injunction or other civil proceedings.

F. All remedies listed in this Article, including permit revocation, shall be cumulative and not exclusive. The County is authorized to pursue any proceedings or remedies provided by law.

G. The Permit Holder is responsible for any and all violations of applicable state and/or local laws, as well as any the provisions of this Article, whether committed by the Person holding the Hemp Cultivation Permit, any employee or agent of the Person holding the Hemp Cultivation Permit, which violations occur in or about the Person holding the Hemp Cultivation Permit or whether or not the violations occur within that Person's presence.

2.2-200. Enforcement

A. Violation notices and orders

The Enforcing Officer may issue a violation notice to any Person that is not in compliance with this Article. The notice shall include the violation(s) found, the specific corrective action required, a date for corrective action to be completed, and notice that failure to comply with the notice may result in revocation of the Hemp Cultivation Permit and the right to request an appeal to the Director of Resource Management, or his/her designee, within five days of receipt of the notice. Failure to request a hearing within the specified time frame waives such right.

The appeal request must set forth the factual and/or legal basis for the appeal, as applicable, and be received by the Department of Resource Management by the deadline. Failure to request a hearing in the manner required and within the specified time frame waives such right.

B. Administrative hearing proceedings

Upon receipt of a written request for an appeal of a notice of violation, the Department of Resource Management will schedule the appeal and provide written notice of the time and location of the appeal to the appellant. The Director of Resource Management or his/her designee shall serve as the administrative hearing officer. At the time and date specified on the notice, the administrative hearing officer shall hear the violations charged against the appellant. The administrative hearing officer will review the evidence and determine the validity of the violations and determine the appropriate remedy to correct the violation, if any.

C. Permit Revocation. Failure to correct the violation, as required by the notice of violation if not appealed, or as ordered by the administrative hearing officer after appeal, may result in the revocation of the Hemp Cultivation Permit, under the following conditions:

1) The County will issue notice of intention to revoke the Hemp Cultivation Permit, which shall contain notice of the Permit Holder's right to request an appeal hearing in front of the Director of Resource Management or his/her designee.

2) The Permit Holder may appeal the revocation by submitting a written appeal to the Department of Resource Management within ten days after the date of the notice of revocation. The appeal must set forth the factual and/or legal basis for the appeal, as applicable, and be received by the Department by the deadline, not just postmarked by that date. The required filing fee, if any, must also accompany an appeal.

a. Failure to request a hearing in the manner required and within the specified time frame waives such right and the Department of Resource Management may revoke the Hemp Cultivation Permit without a hearing.

b. The appellant shall be given notice as to the time, date, and location of the hearing. The notice shall be delivered by certified United States Mail and be postmarked at least calendar ten days prior to the date of the hearing.

c. Formal rules of evidence or procedure shall not apply at the appeal hearing, including rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Director of Resource Management has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

d. The standard of proof shall be by a preponderance of the evidence.

D. Appeal. A Permit Holder may appeal a decision of the Director of Resource Management to revoke a Hemp Cultivation Permit to the Solano County Board of Supervisors.

1) All appeals must be submitted in writing to the Department of Resource Management within five days of the decision to revoke the Hemp Cultivation Permit. The appeal shall contain reasons and pertinent documentation why the appellant believes the decision to be unwarranted. Failure to request a hearing in the manner required and within the specified time

frame waives such right and the Department of Resource Management may revoke the Hemp Cultivation Permit without a hearing. The required filing fee, if any, shall also accompany appeals.

2) The appellant shall be given notice as to the time, date, and location of the hearing. The notice shall be delivered by certified United States Mail and be postmarked at least ten days prior to the date of the hearing. The Clerk of the Board shall set the time and place of the hearing and give notice to the appellant and the Director of Resource Management.

2.2-210 Limitation on County's liability

To the fullest extent permitted by law, the County of Solano does not and will not assume any liability whatsoever with respect to having issued a Hemp Cultivation Permit pursuant to this Article.

SECTION 3 TERMINATION OF MORATORIUM ON HEMP CULTIVATION AND PROCESSING

The Interim Ordinance of the County of Solano Extending a Temporary Moratorium on the Cultivation or Processing of Industrial Hemp within the Unincorporated Areas of the County of Solano adopted by the Solano County Board of Supervisors on October 27, 2020 shall terminate concurrently with the effective date of this Ordinance, as set forth in Section 6 below.

SECTION 4 CEQA

The Board finds that this ordinance is exempt from the California Environmental Quality Act (CEQA) because it is not a project under CEQA. Additionally, if it were deemed a project it would be categorically exempt under California Code of Regulations Title 14, Division 6, Chapter 3 section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, section 15308 because this ordinance will assure the protection of the environment, and 15321 because it amounts to an action by an agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency.

SECTION 5 Validity

If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Board of Supervisors declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, words, or phrases may be declared invalid or unconstitutional.

SECTION 6 Effective Date

This ordinance shall take effect and be in full force after 30 days from the date of passage.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on November 10, 2020 by the following vote:

AYES: Supervisors: Hannigan, Brown, Spering, Vasquez, and Thomson

NOES: Supervisors: None

EXCUSED: Supervisors: None



ERIN HANNIGAN, Chair
Solano County Board of Supervisors

ATTEST:

BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: 
Alicia Draves, Chief Deputy Clerk

Introduced: October 27, 2020
Adopted: November 10, 2020
Effective: December 10, 2020