

# ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, January 7, 2019  
9:30 a.m.

Supervisor Scott Haggerty, Chair  
Supervisor Nate Miley

Location: County Administration Building  
1221 Oak Street, Room 255, 2<sup>nd</sup> floor  
Oakland, CA 94612

## Summary/Action Minutes

**I. Consideration of draft amendments to Chapter 6.106, Chapter 6.108 of the County Ordinance Code to modify the criteria for participation in commercial cannabis cultivation and retail operations for individuals with prior felony convictions – Community Development Agency**  
[Attachment](#)

Liz McElligott, Assistant Agency Director, Community Development Agency presented a memorandum and draft amendments for consideration of amendments to Chapter 6.106, Chapter 6.108 of the County Ordinance Code to modify the criteria for participation in commercial cannabis cultivation and retail operations for individuals with prior felony convictions.

At Transportation/Planning Committee meeting on December 4, 2018, the Committee directed staff to prepare draft amendments to revise the cultivation and retail sales ordinances to modify the three-year prohibition on applicants and potential employees with felony convictions to include a case-by-case eligibility review process similar to that in state law under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

A draft of proposed ordinance amendments to establish a case-by-case review process is provided for review. This is a first draft and does not include drafting changes to reflect detailed feedback from the various County departments, which will be provided over the next few weeks.

Staff requests any preliminary feedback from your Committee in relation to the first draft of proposed ordinance amendments to create a case-by-case review process. Staff will incorporate any changes in response to any feedback, will seek detailed feedback from relevant County departments in relation to the proposed ordinance amendments, and will bring an updated draft of the ordinance amendments back to the Committee at the next meeting, along with the other proposed changes to the cannabis ordinances including the additional license types and child support provisions.

**Purpose:**

- ☐ Report progress
- ☐ Advocacy or Education
- ☒ **Request Transportation and Planning Committee recommendation**
- ☐ Other:

**Recommendation from Transportation & Planning Committee:** The Transportation and Planning Committee supports the current ordinance Sections 6.108.100(A)(4), 6.108.120(A)(12), and 6.108.125(A)(9) of the retail sales ordinance and Sections 6.106.060(B)(3), and 6.106.100(A)(4) of the cultivation ordinance that prohibit any person who has been convicted of a felony within the past three years from being engaged in the operation of a cannabis facility.

## **II. Update on Recent State and Federal Legislation Pertaining to the Cultivation of Industrial Hemp** [Attachment](#)

Liz McElligott, Assistant Agency Director, Community Development Agency presented a memorandum on recent State and Federal legislation pertaining to the cultivation of industrial hemp.

In the past several months, new legislation at both the state and federal levels significantly loosened limitations on the cultivation of industrial hemp. State and federal law both define “industrial hemp” as cannabis plants that contain no more than three-tenths of one percent tetrahydrocannabinol (THC), the main psychoactive substance in cannabis. Hemp seeds and flowers can be used in foods and personal care products. The fibers and stalks can be used in a wide variety of products, including fabrics and construction materials.

### *State Requirements for Hemp Cultivation*

The California Industrial Hemp Farming Act (Senate Bill 566) was signed into law in 2013 to authorize the commercial production of industrial hemp by registered growers and established agricultural research institutions. The Act requires all growers of industrial hemp for commercial purposes to register with the county agricultural commissioner prior to cultivation. Because state regulations are necessary to implement the registration process, it has not been adopted, registration is not yet available.

State law established an Industrial Hemp Advisory Board to advise the California Department of Food and Agriculture (CDFA) and make recommendations pertaining to the cultivation of industrial hemp, including industrial hemp seed law and regulations, annual budgets, and setting an assessment rate. The Board consists of eleven members representing hemp growers, agricultural research institutions, the State Sheriff’s Association, a hemp industry association, hemp product processors and manufacturers, and businesses that sell hemp products, as well as a county agricultural commissioner and a member of the general public.

Staff will continue to monitor developments in state and federal laws and regulations pertaining to industrial hemp and will inform the Committee of changes affecting the County’s ordinances.

### **Speaker**

Jack Norton, Ag Advisory Committee for Alameda County, agrees with the Supervisors, it will be regulated on the State and Federal level, allow registration process in Alameda County then the County should move forward, as hemp is an agricultural product.

At the request of Supervisor Miley, Mr. Norton explained that the difference between cannabis and hemp is the percentage of tetrahydrocannabinol (THC). Hemp products and derivatives have less than .3 percent of THC.

### **Purpose:**

- ☐ Report progress
- ☒ **Advocacy or Education**
- ☐ Request Transportation and Planning Committee recommendation
- ☐ Other:

This item was informational only and required no Committee action.

## **III. Transportation Wildlife Corridors Initiative in Alameda County** – Alameda County Resource Conservation District [Attachment](#)

Katherine Boxer, Executive Director, Alameda County Resource Conservation District presented a PowerPoint presentation regarding the Transportation Wildlife Corridors Initiative in Alameda County.

Last year, the Alameda County Resource Conservation District (ACRCD) launched the Transportation Wildlife Corridors Initiative in coordination with the Road Ecology Center at the University of California, Davis. Katherine Boxer, Executive Officer of the ACRCD, and Dr. Fraser Shilling, Co-Director of the Davis Road Ecology Center, have established a multi-agency Transportation Wildlife Corridor Planning Committee to plan and develop wildlife corridors over and under major highways in Alameda County. The Wildlife Corridor Initiative has received the full support of the ACRCD Board of Directors.

It has been recognized that I-580, I-680 and SR-84 are dangerous barriers to natural wildlife movement in the Tri Valley. The goal of the Transportation Wildlife Corridors Committee is to identify optimal wildlife corridor sites, research and substantiate existing wildlife presence in those areas, design corridor structures as necessary; restore natural habitat on significant acreage on corridor access areas, identify landowners in and adjacent to the corridor sites, and meet with landowners to address installation of wildlife cameras, potential conservation easements or mitigation credits, as well as other measures.

ACRCD has provided a list of project summaries for the I-580 and I-680 corridors, as well as a current list of Planning Committee members.

### **Speaker**

Dr. Larry Gosselin stated that he is a private land owner in the area of one of the wildlife corridors, and he would like to address some of the concerns that land owners have. He supports the project.

### **Purpose:**

- ☐ Report progress
- ☐ Advocacy or Education
- ☒ **Request Transportation and Planning Committee recommendation**
- ☐ Other:

**Recommendation from Transportation & Planning Committee:** Transportation and Planning Committee supports the project and suggested ACRCD work with Alameda County Transportation Commission, Metropolitan Transportation Commission regarding the Transportation Wildlife Corridors Initiative in Alameda County. In addition, the Committee suggested ACRCD review the Dublin Grade to be a part of the Transportation Wildlife Corridors Initiative in Alameda County.

## **IV. PUBLIC COMMENT**

None.

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