

ORDINANCE NO. 1289

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 15.798 OF THE GLENN COUNTY CODE ESTABLISHING REGULATIONS FOR THE CULTIVATION OF INDUSTRIAL HEMP IN THE UNINCORPORATED AREAS OF GLENN COUNTY**

THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN ORDAINS AS FOLLOWS:

**SECTION 1:** The Glenn County Code is hereby amended by amending Title 15, Chapter 15.798 to read in its entirety as follows:

**DIVISION 5: SPECIAL USE STANDARDS**

**Chapter 15.798**

**INDUSTRIAL HEMP CULTIVATION**

**Sections:**

- 15.798.010 Purpose and authority***
- 15.798.020 Definitions***
- 15.798.030 Administration***
- 15.798.040 License required***
- 15.798.050 License requirements***
- 15.798.060 Cultivation requirements***
- 15.798.070 Destruction of non-compliant hemp crops***
- 15.798.080 Fees***
- 15.798.090 Public nuisance***
- 15.798.100 Violations***
- 15.798.110 Zoning District Land Use Table***

**15.798.010 Purpose and authority**

Pursuant to Article XI, section 7, of the California Constitution, the County of Glenn ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens. It is the purpose and intent of this Ordinance to establish standards, requirements, and regulations governing industrial hemp cultivation.

Further, it is the purpose and intent of this chapter to impose reasonable land use regulations to protect the County's residents, neighborhoods, businesses, and the environment from disproportionately negative impacts caused by industrial hemp cultivation, and to enforce rules and regulations consistent with state and federal law.

The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the County, and are in addition to any permits, licenses and approval required under state, County, or other law.

#### **15.798.020 Definitions**

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise. If a word is not defined in this chapter, the common and ordinary meaning of the word shall apply. All citations to state law shall refer to the act, statute, or regulations as may be amended from time to time.

A. "Cultivation" shall include any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of hemp.

B. "Established agricultural research institution" is an institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows or cultivates industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research in accordance with Section 7606 of the Federal Agricultural Act of 2014 (7 U.S.C. Sec. 5940) or is otherwise approved by the California Secretary of Food and Agriculture.

C. "Hemp" shall have the same meaning as "industrial hemp" set forth below.

D. "Industrial hemp" has the same meaning as that term as defined in section 11018.5 of the Health and Safety Code. That section defines industrial hemp as "a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of one percent (0.3%) tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom."

E. "Nursery stock" shall have the meaning set forth in Food and Agricultural Code section 5005.

F. "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, and vice versa.

G. "Sensitive receptor" is a facility or land use that serves or attracts members of a population who are particularly sensitive to the effects of air pollutants or strong odors, such as children, the elderly, and people with illnesses. Examples of sensitive receptors include hospitals, schools, and parks.

H. "Transplant" is a cultivated hemp plant grown from seed or cutting in soil or individual containers for less than eight (8) weeks that does not exceed a height of eight (8) inches.

### **15.798.030 Administration**

The Sheriff, the Agricultural Commissioner, and/or the Planning and Community Development Services Agency Director, or their respective designees, are charged with the responsibility of administering, and exercising the authority conferred under, this chapter.

### **15.798.040 License required**

No person shall cultivate industrial hemp in the unincorporated areas of Glenn County without first obtaining a license issued by the Agricultural Commissioner to cultivate as provided in this chapter. A license for cultivation may be issued to an established agricultural research institution only if it meets the definition of established agricultural research institution stated in section 15.798.020 of this chapter. A license issued under this chapter does not grant any interest in real property or create any interest of value and is not transferable.

### **15.798.050 License requirements**

A license for the cultivation of industrial hemp may be issued only if each of the following requirements are met:

A. Applicants shall submit an application in accordance with the application process established by the Agricultural Commissioner. A single license may be issued for multiple parcels.

B. An applicant shall be the deed holder of the land upon which hemp is to be cultivated, or provide written consent in a form acceptable to the Agricultural Commissioner, from the deed holder granting permission for the cultivation of industrial hemp on the specified parcel(s).

C. Each parcel for which a license application is submitted must be a minimum of 36 acres in size, and located in the FA (Foothill Agricultural/Forestry), AE (Exclusive Agricultural), AP (Agricultural Preserve Zone), FS (Farmland and Security Zone), or AT (Agricultural Transitional) zoning districts. Conditional Use Permits are required for any parcels less than 36 acres (where permitted).

D. Before a license is issued under this chapter, the applicant shall submit a bond or other form of security acceptable to the agricultural commissioner in the amount of one hundred (100%) of the estimated cost to fully abate a crop of industrial hemp that does not meet requirements for legal harvest under applicable laws and regulations. The financial security provided shall be released to the applicant after the agricultural commissioner determines that the security is no longer needed to secure the abatement of a non-compliant hemp crop.

E. An applicant shall fully satisfy the registration requirements stated in Food and Agricultural Code section 81003 as may be amended from time to time.

F. An applicant for the cultivation of transplants shall have a license to sell nursery stock as required under California Food and Agricultural Code section 6721 et seq.

G. Each license issued under this chapter shall expire one year from the date of its issuance.

#### **15.798.060 Cultivation requirements**

The following standards shall apply to the cultivation of industrial hemp.

A. The cultivation of industrial hemp is permitted in the FA (Foothill Agricultural/Forestry), AE (Exclusive Agricultural), AP (Agricultural Preserve Zone), FS (Farmland Security Zone), or AT (Agricultural Transitional) zoning districts. Cultivation of industrial hemp is prohibited in all other zoning districts including any zoning within the sphere of influence of the cities of Willows and Orland, or within the sphere of influence of Artois, Butte City, Elk Creek, or Hamilton City.

B. A person cultivating industrial hemp shall design the parcel used for cultivation in a manner that minimizes odors to surrounding areas.

C. The field planting (by seed or transplants) of outdoor industrial hemp cultivation shall be permitted to occur between July 15 and December 31 of each calendar year, and shall meet the following setback requirements:

1. Two-hundred (200) feet from any boundary line of the parcel, unless the boundary line is adjacent to the boundary line of a parcel that is either owned, managed, or otherwise under the control of the person who obtained the license for the cultivation of industrial hemp.

2. One-thousand (1,000) feet from any sensitive receptor.

3. Two-hundred (200) feet from any residence.

D. Any structure(s) containing facilities used for the processing of industrial hemp must have all permits required under state law and Glenn County Code.

E. The indoor cultivation of hemp is limited to the cultivation of hemp transplants in a structure dedicated solely to the cultivation of nursery stock and located within the FA (Foothill Agricultural/Forestry), AE (Exclusive Agricultural), AP (Agricultural Preserve Zone), FS (Farmland Security Zone), or AT (Agricultural Transitional) zoning districts on a parcel with a minimum size of thirty-six (36) acres. All other indoor cultivation of industrial hemp is prohibited. Structures must comply with applicable building codes and be permitted by the Planning and Community Development Services Agency as required by County code. Structures used for indoor cultivation of hemp shall meet the following setbacks:

1. Fifty (50) feet from any boundary line of the parcel adjacent to a parcel under different ownership.

2. Five-hundred (500) feet from any sensitive receptor.

3. One-hundred (100) feet from any residence.

F. All parcels used for the cultivation of industrial hemp shall have onsite signage indicating that hemp is being cultivated on site. The signs shall:

1. 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 twenty-five (25) feet; and

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

3. 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 six-hundred (600) feet along the parcel's border with the right-of-way.

G. A person cultivating industrial hemp shall comply with all provisions of California State law, and associated regulations, applicable to the cultivation of industrial hemp, including, but not limited to, requirements for cultivation, sampling, laboratory testing, harvesting, and crop destruction.

#### **15.798.070 Destruction of non-compliant industrial hemp crops**

An industrial hemp crop that does not comply with the provisions of this chapter and all applicable provisions of California State law, and associated regulations, shall be destroyed. Crop destruction shall proceed as provided for in all applicable laws and regulations, which includes Food and Agricultural Code section 81006 and California Code of Regulations, title 3, sections 4950 and 4950.1. The grower of the industrial hemp crop shall submit a destruction plan to the Agricultural Commissioner at least twenty-four (24) hours prior to the start of the destruction. The Agricultural Commissioner shall approve the method of destruction. An industrial hemp grower that fails to destroy an industrial hemp crop as required shall forfeit the financial security provided under section 15.798.050, subsection D, and the Agricultural Commission shall proceed to destroy the non-compliant crop.

#### **15.798.080 Fees**

The Board of Supervisors may, by resolution, establish a fee for a license issued under this chapter.

### **15.798.090 Public nuisance**

The cultivation of industrial hemp in violation of state law, state regulation, this chapter, or other local regulation, constitutes a public nuisance subject to abatement and the imposition of administrative penalties under chapter 1.15 of the Glenn County Code. Each and every day a violation of this chapter exists constitutes a separate and distinct violation.

### **15.798.100 Violations**

Each and every violation of this chapter shall constitute a separate violation. All violations of this chapter are subject to punishment and enforcement measures authorized under federal, state, and Glenn County Code.

**15.798.110 Zoning District Land Use Table**

Land Use	<b>INDUSTRIAL HEMP</b>												
	<p><b>Key:</b>                      (P) - Permitted use, subject to zoning clearance and building permits.                      (AP) - Administrative Permit issued by Ag. Commissioner, subject to zoning clearance and building permits.                      (SPR) Site Plan Review issued by Planning Director, subject to zoning clearance and building permits.                      (UP) - Conditional Use Permit required                      (-) - Use not allowed</p>												
	<b>Zoning Districts-Use-Specific Regulations</b>												
	TPZ /RZ	FA	AP	FS	AE	AT	M	MP	SC	C	C C	L C	Any RES.
Cultivator (Greenhouse)	-	UP	UP	UP	UP	UP	-	-	-	-	-	-	-
Cultivator – Outdoor for parcels 36 acres or greater	-	AP	AP	AP	AP	AP	-	-	-	-	-	-	-
Cultivator – Outdoor for parcels less than 36 acres	-	UP	UP	UP	UP	UP	-	-	-	-	-	-	-
Outdoor Storage	-	AP	AP	AP	AP	AP	UP	UP	UP	UP	-	-	-
Retail Sales	-	-	-	-	-	-	-	-	UP	UP	-	-	-
Distributor	-	-	-	-	-	-	UP	UP	UP	UP	-	-	-
Manufacturer (Manufacturing/processing – “volatile”)	-	-	-	-	-	-	UP	UP	-	-	-	-	-
Manufacturer (Manufacturing/processing – “non-volatile”)	-	-	-	-	-	-	UP	UP	-	-	-	-	-
Testing (Laboratory – “No Retail”)	-	-	-	-	-	-	SPR	SPR	UP	UP	-	-	-
Transporter (Freight/transport)	-	UP	P	P	P	P	UP	UP	-	-	-	-	-
Nursery	-	AP	AP	AP	AP	UP	UP	UP	UP	UP	-	-	-
Warehousing	-	UP	UP	UP	UP	UP	UP	UP	UP	UP	-	-	-

*Conditional Use Permits are required for any parcels less than 36 acres (where permitted). Cultivation of industrial hemp is prohibited in all other zoning districts including any zoning within the sphere of influence of the cities of Willows and Orland, or within the sphere of influence of Artois, Butte City, Elk Creek, or Hamilton City.*

**SECTION 3:** If any section, subsection, sentence, clause, portion, or phrase of this ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

**SECTION 4:** This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in a newspaper of general circulation, in the County of Glenn, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED this Sixteenth day of June 2020, by the Glenn County Board of Supervisors, State of California, by the following vote:

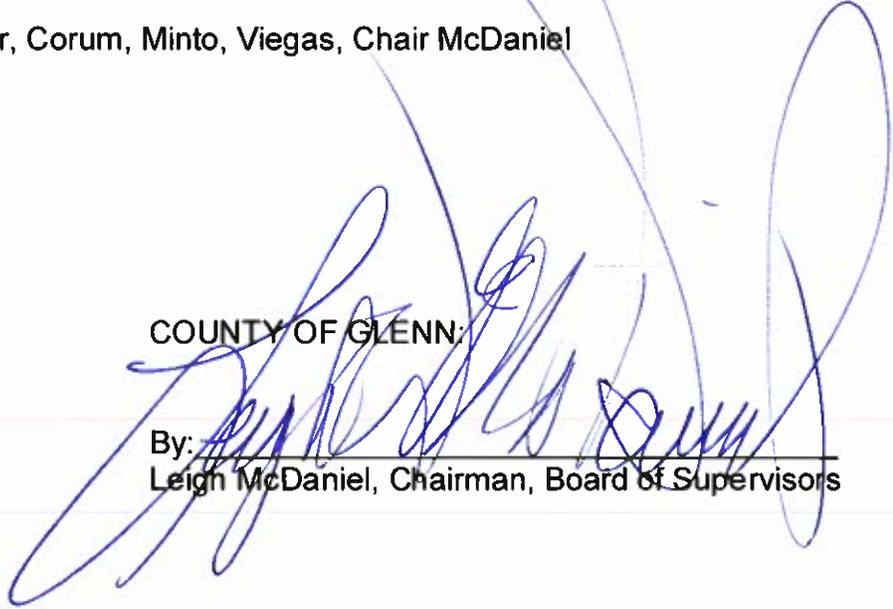
AYES: Supervisors Barr, Corum, Minto, Viegas, Chair McDaniel

NOES: None

ABSTAIN: None

ABSENT: None

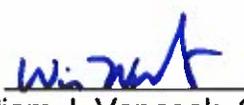
COUNTY OF GLENN:

By:   
Leigh McDaniel, Chairman, Board of Supervisors

ATTEST:

By:   
Di Aulabaugh, Clerk of the Board

APPROVED AS TO FORM

By:   
William J. Vanasek, County Counsel