

GLENN COUNTY

Planning & Community Development Services Agency

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DONALD RUST, Director

STAFF REPORT

ZONE CHANGE 2020-001

INDUSTRIAL HEMP CULTIVATION

MEETING DATE: Wednesday, May 20, 2020, 9:00 a.m.

TO: Glenn County Planning Commission

FROM: Planning Staff

Attachments:

1. Planning Commission Resolution 2020-002
2. Draft Board of Supervisors Ordinance (Zone Change 2020-001)

1. PROJECT SUMMARY:

Based on California State law and on behalf of the residents of the County of Glenn, the Planning and Community Development Services Agency (PCDSA) has developed a local ordinance regarding industrial hemp cultivation. Zone Change 2020-001, with the corresponding ordinance, defines and implements specific standards for the cultivation of industrial hemp in the unincorporated areas of Glenn County.

1.1 Summary of Changes:

A. Chapter 15.798:

1. Amend Chapter 15.798 to the Special Use Standards of the Glenn County Unified Development Code (Title 15). Chapter 15.798 (as amended) describes, among other criteria, regulations for the cultivation of industrial hemp in the unincorporated areas of Glenn County.

1.2 Recommendation:

That the Planning Commission, recommend that the Board of Supervisors, find that Zone Change 2020-001 is exempt from the California Environmental Quality Act (CEQA) with the findings as stated in the Staff Report. Further, the PCDSA recommends that the Planning Commission Chairman adopt Resolution 2020-002 recommending that the Board of Supervisors approve Zone Change 2020-001, including the adoption of the corresponding Industrial Hemp Cultivation Ordinance.

2. BACKGROUND:

Currently the Glenn County Unified Development Code (Title 15) does not include a permitting process for the cultivation of industrial hemp.

The adoption of the ordinance being presented will thereby amend the Glenn County Unified Development Code (Title 15) to include an ordinance setting forth criteria for industrial hemp cultivation. With the ordinance, the County will have a means of providing the community with siting decisions and location parameters.

3. AUTHORITY:

This proposal is within the procedures established under Glenn County Code and California State law. Government Code section 50022.2 authorizes local government to adopt or amend any code. County Code Chapter 15.290 provides specifically for amending Title 15.

4. ANALYSIS:

4.1 Environment:

The amendment to Glenn County Code, Title 15, Chapter 798, for Industrial Hemp activities is not subject to review under the CEQA pursuant to CEQA guidelines sections 15060, subdivision (c)(2) - the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and 15061, subdivision (b)(3) - there is no possibility the activity in question may have a significant impact on the environment.

Guidelines Section 15061(b) (3) (the "common sense" exemption). Section 15061(b) (3) states the following:

(b) A project is exempt from CEQA if:

(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed ordinance provides standards regarding the cultivation of industrial hemp, which in turn may divert cultivation towards less environmentally sensitive locations. The ordinance provides that the cultivation of industrial hemp shall meet specific criteria and setbacks. Adoption of the ordinance does not have the potential to cause a significant effect on the environment; therefore, it is exempt from CEQA.

Since this proposal does not approve a development project or future development projects, and subsequent to this ordinance project proposals will be required to meet regulations related to specific ministerial applications processed by the Agricultural Department, while all discretionary permit applications will be processed through the PCDSA.

4.2 Proposed Amendments:

The Glenn County Code is hereby proposed to be 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.

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	INDUSTRIAL HEMP												
	<p>Key: (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>												
	Zoning Districts-Use-Specific Regulations												
	TPZ/ RZ	FA	AP	FS	AE	AT	M	MP	SC	C	CC	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.

5. ZONING AND GENERAL PLAN CONSISTENCY:

Allowing for industrial hemp cultivation, harvesting, and non-mechanical drying in the Exclusive Agricultural (AE), Agricultural Preserve (AP), Farmland Security (FS) and Foothill Agricultural/Forestry (FA) zoning district is similar to allowed uses in those zones and will require administrative (ministerial) permit from the Agricultural Commissioner for any parcels 36 acres or greater in size. Any parcels less than 36 acres will require a Conditional Use Permit. Allowing for industrial hemp processing, mechanical drying, manufacturing, warehouse, distribution and retail sales in the Commercial (C), Service Commercial (SC), Industrial (M) and Industrial Park (MP) zoning district is similar to allowed uses in those zones and will require a Conditional Use Permit.

The proposal will amend to the County Code by reformatting and replacing the existing Chapter 15.798 (Industrial Hemp). Below is a discussion of this proposal's consistency with the Unified Development Code.

5.1 Glenn County Code Section 15.010.020 A-C (Purpose of Title 15, Unified Development Code):

5.1.1 To promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare.

This proposal is consistent with the purposes of Title 15. Any future activities will be required to conform to the established guidelines of this code. The additions and modifications to the code will provide specific standards for Industrial Hemp Cultivation.

5.1.2 To implement the County General Plan, and to facilitate and guide growth in accordance with the General Plan.

The proposed zone change will not require amendments to the General Plan and will continue to implement the General Plan.

5.1.3 To protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County through the orderly, planned use of real property.

The proposed amendment to Title 15 will not grant development exemption from review to evaluate the impacts, compatibility, and merits of a proposal. In clarifying standards, the public will have improved awareness of issues that are to be addressed. The proposal is to add standards for Industrial Hemp Cultivation. The orderly and planned use of real property in the County will not be adversely affected by the proposed zone change.

5.2 GENERAL PLAN CONSISTENCY: The following includes discussion regarding the General Plan Land Use Classifications, as well as, consistency with the General Plan.

5.2.1 General Plan Land Use Classification related to Agricultural Uses: 3.0.3, 3.0.4, and 3.0.5 - identifies areas suitable for agriculture land uses which are a major segment of the county's economic base, to protect the agricultural community from encroachment of unrelated agricultural uses which, would be injurious to agricultural land uses, and to accommodate lands under Williamson Act contracts.

5.2.2 General Plan Land Use Classification related to Commercial and Industrial Uses: 3.0.10, 3.0.12, and 3.0.14 - provides for the areas for businesses, which provide goods and merchandise to the community, uses would include, but are not limited to: limited personal, medical, professional services, repair services, processing, manufacturing, warehousing, distribution centers and retail sales.

5.2.3 General Plan Land Use Policies NRP-2, NPR-8, NPR-13, CDP-31 and CDP-36: support agriculture as a total, functioning system, which will suffer if there is a decline of agricultural productivity, land use conflicts and/or excessive land fragmentation and nonagricultural development projects. Allow the existing participation in the Williamson Act. Establish urban limits around existing communities. Continue to support the County's "right to farm" ordinance and efforts.

5.2.4 Encourage infill and growth of commercial and industrial uses in areas where adequate facilities and services exist or where facilities and services are located along the I-5 and other transportation corridors, and promote development of well-planned and designed, as well as existing, industrial parks catering to local businesses, as well as to outside opportunities.

6. FINDINGS:

6.1 Environmental Determination:

Finding 1

The adoption of the Industrial Hemp Cultivation Ordinance and Zone Change is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) (the "common sense" exemption) in that there is nothing in the ordinance or its implementation that could foreseeably have a significant effect on the environment.

6.2. Zone Change 2020-001:

Finding 1

The proposed Zone Change will promote and protect the public, health, safety, peace, morals, comfort, convenience, and general welfare. Uses allowed under the proposed

zone change will be subject to all local, State, and Federal regulations including, but not limited to, Air Pollution Control District regulations, Public Works requirements, Health Department regulations, and Building Code requirements.

Finding 2

The proposed Zone Change will continue implementation of the Glenn County General Plan and facilitate and guide growth in accordance with the General Plan Land Use and all Elements of the General Plan.

Finding 3

That the proposed Zone Change will help protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County through the planned use of real property.

7. SAMPLE MOTIONS:

7.1 CEQA Exemption:

I move that the Planning Commission recommend that the Board of Supervisors find that adoption of the Industrial Hemp Cultivation Ordinance (Zone Change 2020-001) is exempt from the California Environmental Quality Act (CEQA) pursuant to the Findings listed in the Staff Report.

7.2 Zone Change 2020-001:

(Furthermore) I move that the Planning Commission Chairman execute Planning Commission Resolution 2020-002 recommending that the Board of Supervisors approve Zone Change 2020-001, including the adoption of the corresponding Industrial Hemp Cultivation Ordinance.

PLANNING COMMISSION

COUNTY OF GLENN, STATE OF CALIFORNIA

RESOLUTION NO. 2020-002

**RESOLUTION MAKING FINDINGS AND RECOMMENDING APPROVAL OF
ZONE CHANGE 2020-001, INCLUDING THE INTRODUCTION AND
ADOPTION OF THE CORRESPONDING INDUSTRIAL HEMP CULTIVATION
ORDINANCE FOR THE COUNTY OF GLENN TO THE GLENN COUNTY
BOARD OF SUPERVISORS**

WHEREAS, on Wednesday, May 20, 2020, pursuant to the Glenn County Code, a public hearing was held to amend Title 15 of the Glenn County Code as described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the Glenn County Planning & Community Development Services Agency Director has reviewed the proposed Zone Change 2020-002 and placed the matter as an item for review on the agenda of the Planning Commission on Wednesday, May 20, 2020; and

WHEREAS, pursuant to Section 65901 of the California Government Code, notice was given of a public hearing by publication in a newspaper of general circulation in the County of Glenn; and

WHEREAS, amending the County Code is authorized by Government Code Section 50022.2 and County Code Chapter 15.290.

WHEREAS, the Planning Commission after considering all the evidence, both written and oral, presented at said public hearing, did find that there was sufficient information available to enable them to make a fair and impartial decision.

NOW, THEREFORE, BE IT RESOLVED that the Glenn County Planning Commission does hereby make the following findings of fact:

FINDING FOR RECOMMENDING EXEMPTION FROM CEQA:

Finding 1

The amendment to Glenn County Code, Title 15, Chapter 798, for Industrial Hemp activities is not subject to review under the CEQA pursuant to CEQA guidelines sections 15060, subdivision (c)(2) - the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and 15061, subdivision (b)(3) - there is no possibility the activity in question may have a significant impact on the environment.

FINDINGS FOR RECOMMENDING ZONE CHANGE:

Finding 1

The proposed Zone Change will promote and protect the public, health, safety, peace, morals, comfort, convenience, and general welfare. Uses allowed under the proposed zone change will be subject to all local, State, and Federal regulations including, but not limited to, Air Pollution Control District regulations, Public Works requirements, Health Department regulations, and Building Code requirements.

Finding 2

The proposed Zone Change will continue implementation of the Glenn County General Plan and facilitate and guide growth in accordance with the General Plan Land Use and all Elements of the General Plan.

Finding 3

That the proposed Zone Change will help protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County through the planned use of real property.

The foregoing Resolution was adopted by the Planning Commission of the County of Glenn at a regular meeting thereof on Wednesday, May 20, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF GLENN:

William Carriere, Chairman
Glenn County Planning Commission

ATTEST:

Donald Rust, Director
Planning & Community Development Services Agency

“EXHIBIT A”

ORDINANCE NO. _____

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

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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.

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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

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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.

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	INDUSTRIAL HEMP												
	<p>Key: (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>												
	Zoning Districts-Use-Specific Regulations												
	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 _____ day of _____, 2020, by the Glenn County Board of Supervisors, State of California, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairman, Board of Supervisors

ATTEST:

By: _____
Di Aulabaugh, Clerk of the Board

APPROVED AS TO FORM

By: _____
William J. Vanasek, County Counsel