

Attachment 2 Industrial Hemp Ordinance Options

<b>Ordinance Treatment</b>	<b>Option 1 - Treat Industrial Hemp as a traditional agricultural row crop</b>	<b>Option 2 - Comprehensive Regulations</b>
Outline of the Approach	New (short) section added to the zoning ordinance treating industrial hemp as an agricultural crop only. Industrial hemp (cannabis with THC content of .3% percent or less) grown for medicinal cannabinoid (CBD) extracts is considered medicinal cannabis, subject to all the requirements of the existing Commercial Cannabis Land Use Ordinance (CCLUO).	Incorporation of industrial hemp regulations into the CCLUO as another form of “new” cultivation. Industrial hemp grown as an agricultural crop (no medicinal extract value) would be treated somewhat differently than industrial hemp grown for medicinal purposes, but many of the CCLUO requirements that apply to cannabis cultivation would also apply to all industrial hemp cultivation.
Definition	“Industrial hemp” is defined as an agricultural crop. When grown for medicinal cannabinoid extracts, industrial hemp is a form of medicinal cannabis, covered by the CCLUO regulations. “Established agricultural research institution” needs more definition to ensure legitimate research cultivation only.	Industrial hemp grown as an agricultural crop (no medicinal extract value) would be defined separately from industrial hemp grown for medicinal purposes.
Zones Allowed	AE, AG	AE, AG, FR, and U with Resource Production General Plan designation (not Timberland) or Residential land use designation
Minimum Parcel Size	20 acres (?)	<ul style="list-style-type: none"> <li>• 5 acre minimum, up to 10,000 square feet (sf)</li> <li>• 10 acres +, up to 43,560 sf</li> <li>• On 320 acres to 1,020 acres, 1 acre for each 100 acres (8 acres max)</li> </ul>
Maximum Cultivation Area	Limited only by setback requirements and parcel size	<ul style="list-style-type: none"> <li>• 5 -10 acres, up to 10,000 sf</li> <li>• 10 acres +, up to 43,560 sf</li> <li>• On 320 acres to 1,020 acres, 1 acre for each 100 acres (8 acres max)</li> </ul>
Permit Requirements	State law requirements (FAC 8100, et. seq.): <ul style="list-style-type: none"> <li>• Annual Registration with Ag Commissioner &amp; registration fee</li> <li>• Use of approved seed cultivars</li> </ul>	See “Application Performance Standards” in CCLUO

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	<ul style="list-style-type: none"> <li>• GPS coordinates of cultivation site</li> <li>• Adequate signage of hemp cultivation</li> <li>• Cultivation of not less than 1/10 acre</li> <li>• Pre-harvest sampling and testing to indicate % of THC levels content by Department-approved laboratory</li> <li>• Destruction of non-compliant crop</li> </ul>	
<p>Locational Performance Standards</p>	<p>Outside Spheres of Influence and Community Plan areas. Further refinement of areas where Industrial Hemp cultivation activities will be allowed could include one or more of the following:</p> <ul style="list-style-type: none"> <li>• No cultivation within critical watersheds (Resolution No. 18-43)</li> <li>• Natural slopes of 10% (or less)</li> <li>• Planting only in prime or natural soils (no imported soil planting beds)</li> <li>• No conversion of timberland</li> <li>• Setback criteria from permitted cannabis cultivation sites</li> </ul>	<p>All Option 1 Requirements and:</p> <ul style="list-style-type: none"> <li>• Permit provisions within areas of Tribal Affiliation, and Special Areas (Tribal Lands, schools, school bus stops)</li> <li>• Road must meet Road System Performance Standards</li> <li>• Setbacks: <ul style="list-style-type: none"> <li>○ 30' property line</li> <li>○ 300' residence on adjacent parcel</li> <li>○ 270' undeveloped adjacent parcel</li> <li>○ 600' Church, Public Park, Tribal Cultural Resource, School or School Bus Stop</li> <li>○ 1,000' Tribal Ceremonial Sites</li> </ul> </li> </ul>
<p>Application Performance Standards</p>	<p>Identify application criteria, which may include:</p> <ul style="list-style-type: none"> <li>• Registration of activities with the Agricultural Commissioner and Sheriff</li> <li>• Reduce law enforcement burden</li> <li>• Only natural light</li> <li>• Indoor cultivation requires CUP or prohibited altogether</li> <li>• Dry farmed and/or areas traditionally irrigated for row crops</li> <li>• Require feminized seed or female clones only</li> </ul>	<p>All Option 1 Requirements and:</p> <ul style="list-style-type: none"> <li>• Application Assistance meeting prior to application submission</li> <li>• Commercial Land Use Permit required for cultivation activities: Zoning Clearance Certificate, Special Permit, or Conditional Use Permit</li> <li>• Annual permit, subject to annual inspection by Ag Commissioner</li> <li>• CUP required within 1,000' of City SOI, specified CPA's, Tribal Lands</li> <li>• Water source from non-diversionary source or public or private supplier</li> <li>• Dry farming is also allowed</li> </ul>

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	<ul style="list-style-type: none"> <li>• Verification that product is sold is not used for medicinal CBD purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Diversionary irrigation source may be allowed with a Special Permit</li> <li>• Early notification to Surrounding Areas, nearby Cities, and Tribes</li> <li>• Restriction of grading activities</li> <li>• No tree removal</li> <li>• Product sold may be agricultural or medicinal</li> </ul>
CEQA Considerations	<ul style="list-style-type: none"> <li>• Addendum to EIR certified for the CCLUO</li> </ul>	<ul style="list-style-type: none"> <li>• Addendum to EIR certified for the CCLUO or Mitigated Negative Declaration if mitigation measures are needed to reduce environmental impacts to less than significant levels.</li> </ul>
Timeline for ordinance adoption	Six months	Six months
Staffing	No additional planning staff required; Agricultural Commissioner may need additional staff depending on scale of response	Additional staff as needed for inspections and processing applications