




County of Sacramento

MEMORANDUM

Date: February 23, 2021

To: Leighann Moffitt, Planning Director
Office of Planning and Environmental Review

Chris Flores, Agricultural Commissioner / Sealer of Weights and Measures

From: Florence Evans, Clerk of the Board 

Subject: **Item No. 19 - PLNP2019-00198 Adopt County Code Related to Industrial Hemp**

The Board of Supervisors, meeting in regular session on Tuesday, February 9, 2021, by unanimous vote (5;0) recognized the exempt status of the amendments and adopted Ordinance No. SCC-1670 adding Chapter 6.87 to the Sacramento County Code related to industrial hemp.

cc: File
Applicant
Steve Hartwig, Deputy County Executive, Public Works & Infrastructure

APPROVED

BOARD OF SUPERVISORS

By ORD No. SCC-1670
FEB 09 2021

COUNTY OF SACRAMENTO
CALIFORNIA

19

BY Florence Davis
Clerk of the Board

For the Agenda of:
February 9, 2021

To: Board of Supervisors

Through: Ann Edwards, Acting County Executive

From: Chris Flores, Agricultural Commissioner / Sealer of Weights and Measures

Subject: PLNP2019-00198. Adopt County Code Related To Industrial Hemp. Adopt Ordinance Adding Chapter 6.87 To The County Code Relating To Industrial Hemp. Applicant: County Of Sacramento. Countywide. Environmental Determination: Exempt

District(s): All

RECOMMENDED ACTION

1. Recognize the exempt status of the amendments pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) (Attachment).
2. Adopt the Ordinance adding Chapter 6.87 to the Sacramento County Code related to industrial hemp.

BACKGROUND

At the January 26, 2021 Board of Supervisors hearing, the Board adopted a Zoning Code Amendment modifying chapters three and seven of the Sacramento County Zoning Code, introduced an Ordinance to add Chapter 6.87 to the County Code pertaining to industrial hemp, and continued adoption of the County Code Ordinance to February 9, 2021.

The item before the Board is the second reading and adoption of the County Ordinance to add Chapter 6.87 to the Sacramento County Code related to industrial hemp.

Attachments:

- ATT - Notice of Exemption
- ORD - Ordinance Of The Sacramento County Code Relating To Regulations For The Cultivation Of Industrial Hemp (Clean: New Chapter, all new text)

SCC NO. 1670

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE RELATING TO
REGULATIONS FOR THE CULTIVATION OF INDUSTRIAL HEMP**

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

SECTION 1. Chapter 6.87, Title 6, of the Sacramento County Code is added to
read as follows:

CHAPTER 6.87 INDUSTRIAL HEMP CULTIVATION

- 6.87.010 Purpose and Authority**
- 6.87.020 Definitions**
- 6.87.030 Administration and Enforcement**
- 6.87.040 License**
- 6.87.050 License Requirements**
- 6.87.060 Cultivation Requirements**
- 6.87.070 Industrial Hemp for Research**
- 6.87.080 Destruction of Non-compliant Hemp Crops**
- 6.87.090 Fees**
- 6.87.100 Violations Public Nuisance**
- 6.87.110 CEQA**
- 6.87.120 Validity**

6.87.010 Purpose and Authority.

Pursuant to Article XI, Section 7, of the California Constitution, the County of Sacramento ("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 residents. It is the purpose and intent of this Ordinance to establish standards, requirements, and regulations governing industrial hemp cultivation, including cultivation for commercial and research purposes, and non-volatile industrial hemp processing.

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 negative impacts caused by industrial hemp cultivation and processing, and to enforce rules and regulations consistent with state and federal law. Any standards, requirements and regulations established by the State of California, or any of its departments or divisions, regarding the cultivation or processing of industrial hemp for commercial and/or research purposes shall be the minimum standards applicable within the unincorporated areas of the County.

The County of Sacramento Board of Supervisors ("Board") hereby adopts this Chapter pursuant to its police power for the purpose of preserving the health, safety and

public welfare of the residents of the County. The Board finds that agriculture is extremely important to the County's economy and that ensuring the continuance of agricultural commodities is essential to the health and well-being of County residents. The Board determines that the enforcement of this Chapter is essential.

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 other entitlements and approvals required under federal, state, County, or other law.

6.87.020 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 federal or state law shall refer to the act, statute, or regulations as may be amended from time to time.

A. **"Cultivation"** includes any activity involving the propagation, planting, growing, breeding, harvesting, grading, trimming or other development of industrial hemp plants or propagative plant material.

B. **"Established Agricultural Research Institution"** has the same meaning as that term is defined in Section 81000 of the California Food and Agriculture Code.

C. **"Hemp"** shall have the same meaning as "industrial hemp" as defined in Section 81000 of the California Food and Agriculture Code and set forth below.

D. **"Hemp Breeder"** is an individual or public or private institution or organization that is registered with the Agricultural Commissioner to develop seed cultivars intended for sale or research.

E. **"Industrial hemp"** has the same meaning as that term is defined in Section 81000 of the California Food and Agriculture 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."

F. **"Institution of higher education"** has the same meaning as that term is defined in the federal Higher Education Act of 1965 Section 101 (20 U.S.C. Sect 1001).

G. **"Nursery stock"** has the same meaning as that term is defined in California Food and Agricultural Code Section 5005.

H. **"Outdoor(s)"** means not within an enclosed structure; or within a structure that is not fully enclosed, such as a greenhouse or hoop house.

I. **"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.

J. **"Processing"** means the business of processing or manufacturing hemp, that solicits, buys, contracts to buy, or otherwise takes title to, or possession or control of, any hemp from its cultivator for the purpose of processing or manufacturing it and

selling, reselling, or redelivering it in any dried, canned, extracted, fermented, distilled, frozen, eviscerated, or other preserved or processed form.

K. **“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. Sensitive receptors include, but are not limited to, hospitals, convalescent facilities providing 24 hour care, senior living facilities (excluding small residential care homes), places of worship, child daycare centers, private and public k-12 schools, youth-oriented facilities, afterschool programs, parks, sports complexes, etc.

6.87.030 Administration and Enforcement.

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

6.87.040 License.

No person shall cultivate industrial hemp, including cultivation for research purposes, or prepare a site for cultivation in the unincorporated areas of Sacramento County without first obtaining a license from the Agricultural Commissioner as provided in this Chapter. Licensees must comply with all standards required by this Chapter.

A license for cultivation may only be issued to an Established Agricultural Research Institution if the Institution meets the criteria set forth in Section 6.87.020, subdivision B, of this Chapter.

A license issued by the Agricultural Commissioner under this Chapter does not grant any entitlement or interest in real property, nor does it create any interest of value, and it does not run with the land. A Person that has obtained a license from the Agricultural Commissioner shall not transfer ownership or control of the license to another Person as the license is non-transferable and automatically terminates upon transfer of ownership. Any attempt to transfer ownership shall cause the license to be automatically revoked.

Nothing in this Chapter, including the issuance of a license, 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.

Receipt of a license from the Agricultural Commissioner does not obviate the California Department of Food and Agriculture’s registration requirements for the cultivation of industrial hemp. Further, nothing in this Chapter eliminates the need for a person undertaking industrial hemp cultivation to comply with local, state, and federal law, and to obtain other permits, approvals, or authorizations required by this Code and any state or federal agencies.

6.87.050 License Requirements.

A license for the cultivation of industrial hemp for commercial or research purposes may be issued by the Agricultural Commissioner only if all of the requirements listed below are met. Further, the Agricultural Commissioner, in her sole discretion, may require and consider additional information in order to determine whether a license

should be issued. Said information may include, but is not limited to, neighbor notification responses, odor management plan, safety plan, and mitigation plan.

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 property owner of the land upon which the hemp is to be cultivated, or must provide written authorization in a form acceptable to the Agricultural Commissioner, from the property owner, granting permission for the cultivation of industrial hemp on the specified parcel(s).

C. Applicants for propagative plant material cultivation must have a license to sell nursery stock as required under California Food and Agricultural Code Section 6721 et seq.

D. Before a license is issued under this Chapter, the applicant shall satisfy the state registration requirements set forth in California Food and Agricultural Code Section 81003.

E. Before a license is issued under this Chapter, the applicant shall submit a bond acceptable to the Agricultural Commissioner in the amount of one hundred percent (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 bond provided shall be released to the applicant after the Agricultural Commissioner determines that it is no longer needed to secure the abatement of a non-compliant hemp crop.

F. Before a license is issued under this Chapter, the applicant shall submit a Site Security Plan to the Agricultural Commissioner. The Site Security Plan shall include detailed information regarding fencing, cameras, bonded security personnel, locking gates, access by law enforcement and first responders, and any other security measures as required by the Agricultural Commissioner.

G. Before a license is issued under this Chapter, applicants must consent to inspections and testing which may be conducted at any time, with or without prior notice, at the discretion of the Agricultural Commissioner. A fee may be established to cover the costs of such inspections and testing.

H. Each parcel for which a license is issued shall meet the minimum standards set forth in the Sacramento County Zoning Code.

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

J. A license renewal application shall be submitted in accordance with the process established by the Agricultural Commissioner.

K. The Agricultural Commissioner has the sole discretion to suspend or revoke a license issued pursuant to this Chapter in the event any of the following occur:

- i. Application was based on inaccurate or incomplete information;
- ii. Applicant has operated in violation of the County Code, County Zoning Code, or licensing requirements;
- iii. Applicant has failed to pay fees or penalties; or
- iv. Applicant has been the subject of a nuisance finding for unauthorized cannabis activity.

6.87.060 Cultivation Requirements.

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

A. It shall be the responsibility of the Persons cultivating industrial hemp to ensure that they are, at all times, operating in a manner compliant with all applicable federal, state, and local laws, and/or regulatory, requirements, and any additional specific operating procedures or requirements which may be imposed by the County. This includes, but is not limited to, requirements for cultivation, sampling, laboratory testing, harvesting, and crop destruction. Nothing in this Chapter shall be construed as authorizing any actions that violate federal, state, or local law regarding the cultivation of industrial hemp.

B. The outdoor cultivation of industrial hemp, along with incidental activities as defined herein, is permitted in Agricultural Zones with a minimum parcel size of 40 acres (AG-160, AG-80, AG-40, and AG-20). Outdoor cultivation of industrial hemp is prohibited in all other zoning districts. Indoor cultivation of industrial hemp is permitted in Industrial Zones (M-1 and M-2).

C. Outdoor industrial hemp cultivation in Sacramento County shall meet the following setback requirements:

i. 200 feet from property lines, unless the property line is adjacent to the property line of a parcel that is either owned, managed, or otherwise under the control of the Person who is cultivating industrial hemp;

ii. 600 feet from any residential structure (including Accessory Dwelling Units) on neighboring parcels zoned Agricultural (AG) and measured from the residential structure to the closest portion of the industrial hemp crop;

iii. 1,320 feet from any parcel containing a sensitive receptor measured from the property line of the sensitive receptor site to the closest portion of the industrial hemp crop;

iv. 1,320 feet from any property that is not zoned General Agricultural (AG). Measured from the property line of the adjacent parcel to the closest portion of the industrial hemp crop;

v. 1,320 feet from any adjacent incorporated city boundary or adjacent county boundary, measured from the adjacent property line to the closest portion of the industrial hemp crop.

D. A Person cultivating industrial hemp shall design the parcel to be used for cultivation in a manner that minimizes impacts to surrounding areas.

i. No usage of outdoor grow lights is permitted between the hours of 10:00 PM and 6:00 AM unless the glare is not visible from any neighboring property or the lights are within an enclosed structure with:

1. Fully or partially shielded directional lighting preventing visibility of glare from any neighboring property; or

2. Fitted with blackout screening for walls and roof, preventing visibility of glare from any neighboring property.

E. Any structure(s) containing facilities used for the processing of industrial hemp must have all permits required under state law, Building Codes, and Sacramento County Code.

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

- i. Measure at least three feet wide by three feet high and say **"INDUSTRIAL HEMP - NO TRESPASSING"** in English and Spanish; and
- ii. Use letters and symbols not less than three inches in height; and
- iii. Use letters and symbols that are of a color that sharply contrasts with their immediate background; and
- iv. Be posted at the corners of the field(s) and at all points of entry to the field, including each road, trail, footpath, walkway, or aisle that enters the cultivation area. When a field is adjacent to a public right-of-way, such as a road, trail or path, signs shall be posted at intervals not exceeding three hundred (300) feet along the field's border with the right-of-way, where the cultivation of industrial hemp is taking place.

G. Indoor industrial hemp cultivation and processing is allowed within the Industrial zones (M-1 and M-2). Structures in these zones must comply with applicable building codes and be permitted by the Office of Planning and Environmental Review as required by County Code, County Zoning Code, and state Building Codes. All methods of processing shall be non-volatile. All odor shall be mitigated so as not to be detected from outside the building structure.

6.87.070 Industrial Hemp for Research.

A. The cultivation of industrial hemp by an Established Agricultural Research Institution for research or educational purposes shall be subject to all State requirements imposed by the California Department of Food and Agriculture.

B. Hemp cultivation by an Established Agricultural Research Institution for research or educational purposes shall be limited to a maximum cultivation area of one acre and shall be subject to the minimum zoning, parcel size, and setback requirements set forth in Section 6.87.060 above.

6.87.080 Destruction of Non-Compliant Industrial Hemp Crops.

An industrial hemp crop that does not comply with this Chapter, all applicable provisions of federal and state law, and all associated rules and regulations, shall be destroyed. When an industrial hemp crop or plant is removed or destroyed prior to harvest for any purpose, the cultivator must submit a destruction plan to the Agricultural Commissioner.

Crop destruction shall proceed as provided for in all applicable laws and regulations. The crop destruction plan must include all information required under state law and information required by the Agricultural Commissioner to ensure compliance with this Chapter, including, but not limited to, photographs, test results, reports, etc. No industrial hemp plant may be removed prior to the Agricultural Commissioner's review and approval of the destruction plan. An inspection prior to and/or following removal and/or destruction, or other verification of compliance with an approved destruction plan, may be required at the discretion of the Agricultural Commissioner.

A destruction plan is not required for industrial hemp removal or destruction at an Established Agricultural Research Institution's registered site.

Any violations of this section are also subject to abatement under Title 16, Chapter 16.18 of the Sacramento County Code. Industrial hemp removal or destruction in violation of this Chapter may also be subject to enforcement in the same manner as unauthorized cannabis cultivation set forth in Title 6, Chapter 6.88 of Sacramento County Code.

6.87.090 Fees.

Pursuant to Section 81005 of the California Food and Agriculture Code, the Board of Supervisors may, by resolution, establish a schedule of fees, in an amount necessary to cover the costs of the Agricultural Commissioner and the County in implementing, administering, and enforcing the provisions of federal, state, and local laws, regulations and ordinances pertaining to industrial hemp. Such fees may include, but are not limited to, costs for licensing, inspections, monitoring, sampling, testing, enforcement, and abatement/destruction. Said fees may be updated by resolution of the Board of Supervisors.

Failure to pay all fees attributable to County costs incurred as a result of the cultivation or processing of industrial hemp shall serve as a basis for revocation or non-renewal of license with the County Agricultural Commissioner until all outstanding fees are paid in full.

6.87.100 Violations Public Nuisance.

The cultivation of industrial hemp in violation of federal, state, and local laws and/or rules and regulations, including the duty to register with the state, obtain a license from the County Agricultural Commissioner, and to comply with requirements for cultivation, sampling, laboratory testing, harvesting, and crop destruction, constitutes a public nuisance. A violation of any provision of this Chapter is hereby deemed an unlawful public nuisance subject to citation, abatement, and/or the imposition of administrative penalties under the authority of the Agricultural Commissioner and under Title 16, Chapter 16.18 of the Sacramento County Code. Each and every day a violation of this Chapter exists constitutes a separate and distinct violation and shall be subject to all remedies and enforcement measures authorized by the County. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, disgorgement and payment to the County for any monies unlawfully obtained, costs of abatement/destruction, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity.

Unlicensed industrial hemp cultivation may also be subject to enforcement in the same manner as unauthorized cannabis cultivation set forth in Title 6, Chapter 6.88 of the Sacramento County Code.

6.87.110 CEQA.

The Board hereby finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment from the adoption of these regulations for industrial hemp. 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.

6.87.120 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 hereby 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 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on January 26, 2021, and on

February 9, 2021, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Kennedy seconded by Supervisor Desmond, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 9th day of February, 2021 by the following vote:

AYES: Supervisors, Desmond, Frost, Kennedy, Nottoli, Serna

NOES: None

ABSENT: None

ABSTAIN: None

RECUSAL: None
(PER POLITICAL REFORM ACT (§ 18702.5.))

FILED
BOARD OF SUPERVISORS

FEB 09 2021
Alvance Evans
BY _____
Clerk of the Board

[Signature]

Chair of the Board of Supervisors
of Sacramento County, California



[Signature]

Clerk, Board of Supervisors

1852408

In accordance with Section 9200 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on February 9, 2021

By: *[Signature]*
Deputy Clerk, Board of Supervisors

EXHIBIT A

TABLE 3.1: ALLOWED USES [AMENDED 02-24-2017][AMENDED 06-22-2017][AMENDED 12-01-2017][AMENDED 01-12-2019]

KEY
 P= Permitted Primary Use UPP= Conditional Use Permit by the Planning Commission A = Permitted Accessory Use Grey Boxes = Refer to Applicable
 UPM= Minor Use Permit UPB= Conditional Use Permit by the Board of Supervisors TUZ = Temporary Use Permit by the Zoning Administrator Use Standards in Sections Identified
 UPZ = Conditional Use Permit by the Zoning Administrator

Zoning Districts	Agricultural			Agricultural Residential				Residential					Recreation			Mixed Use			Commercial			Industrial			Use Standard
	AG-20 through AG-160	UR	IR	AR-10, AR-5	AR-2, AR-1	RD-1, RD-2	RD-3, RD-4	RD-5, RD-7, RD-10	RD-15 through RD-40	RM-2	RR	O	C-O	M-1, M-2	MX	AP	LC	GC	MP	M-1	M-2				
O. Large Wineries/Breweries	UPZ																								Pa Pa 3.4.9
P. Food Processing Industry ⁹	UPB	UPB	UPB																						3.4.10
Q. Water Impoundment, Constructed Lake/Pond	P	P	P	P	P	P	P	P	P	P	P	P													3.4.11
R. Industrial Hemp	P																						P	P	3.4.12
RESIDENTIAL USES																									
A. Household Living Uses¹⁰																									
1. Dwelling, Duplex or Halfplex								UPZ ¹¹	P	P															3.5.1.B
2. Dwelling, Multiple Family								UPZ ¹²	P					P	P	P	UPP	P	P						3.5.1.C
3. Dwelling, Single-family Attached		UPZ	UPZ			UPZ	UPZ	UPZ	P	UPZ	UPZ			P	P	P	UPP	P	P						3.5.1.D
4. Dwelling, Single-family Detached	P	P	P	P	P	P	P	P	P	P	P	P	UPP		P	UPM	P	UPP							3.5.1.E

⁸ In the M-1 and M-2 zoning districts, use is allowed if in compliance with use standards and the tasting facilities are limited to a maximum of 15 percent of the square footage of the indoor portion of the winery/brewery; otherwise, a Minor Use Permit is required.
⁹ Use is intended for agricultural zoning districts, and must be accompanied by the Food Processing (FP) combining zoning district.
¹⁰ See "Accessory Uses" (Table 3.2) for accessory dwellings and guest houses.
¹¹ In the RD-5 and RD-7 zoning districts, permitted subject to issuance of a conditional use permit by the Zoning Administrator in the RD-10 zoning district, the use is permitted by right.
¹² Use is conditionally permitted, as noted, only in the RD-10 zoning district. Not permitted in the other referenced zoning districts.

3.4.12. Industrial Hemp

3.4.12.A. Outdoor industrial hemp cultivation, commercial hemp production, seed production, and related nursery uses are permitted in all AG zones if the following standards are met:

1. Minimum parcel size of 40 acres.
2. Minimum setback requirements shall be as outlined in Chapter 6.87 of the County Code and as may be modified by the Agricultural Commissioner's Office.
3. Signage required for hemp cultivation shall comply with Chapter 6.87 of the County Code.
4. Primary processing of industrial hemp (drying, curing, pressing and/or similar activities occurring after harvest) in AG zones shall take place in a fully enclosed legally permitted building where the odor cannot be detected from outside the structure and is limited to a maximum area of five acres dedicated to structures related to the cultivation and or processing of industrial hemp as a permitted use. All methods of processing shall be non-volatile. If the indoor cultivation, processing, or storage area exceeds five acres or processing or storage occurs outside of a fully enclosed building a Use Permit from the Zoning Administrator is required (see Section 3.4.12.C for additional requirements).

5. Grower must be licensed and registered with the Agricultural Commissioner.

3.4-12.B. Indoor industrial hemp cultivation and processing, seed production, or related nursery production and including incidental activities related thereto within the M-1 and M-2 industrial zones shall meet the following standards:

1. Structure(s) must comply with all applicable building codes.
2. Sites shall be developed in compliance with the development standards listed in Chapter 5.6 for projects in Industrial Zones.
3. All odor shall be mitigated so as not to be detected from outside the building structure.
4. All methods of processing shall be non-volatile.
5. Grower must be licensed and registered with the Agricultural Commissioner.
6. Processing in the M-1 zone requires a Use Permit from the Zoning Administrator pursuant to Section 3.4.12.C.

3.4.12.C. Processing of industrial hemp in the M-1 zone and any processing of industrial hemp that exceeds the requirements of Zoning Code Section 3.4.12.A.4 above, shall require a Use Permit from the Zoning Administrator. Applications for Use Permits to process industrial hemp shall include the following in addition to any requirements listed in Section 6.4.3; Conditional Use Permits:

1. An odor control and mitigation plan to ensure odors of industrial hemp cannot be detected from outside of the buildings(s) in which the Business operates. The odor control and mitigation plan shall be certified by a licensed professional engineer and shall include the following components:
 - a. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;
 - b. Staff training procedures; and
 - c. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate industrial hemp odors.
 - d. For Processing in Agricultural zones that require a use permit,

the Odor Control and Mitigation Plan shall identify ways to mitigate/reduce odor based on surrounding uses and compliance with the County Right to Farm Ordinance.

2. A Safety Plan demonstrating adequate security on the premises, including lighting and alarms, to insure the public safety, the safety of persons within the facility, and to protect the premises from theft. The Safety Plan shall include the following minimum requirements:
 - a. Lighting Plan: An interior and exterior lighting plan that utilizes best management practices to reduce glare, light pollution, and light trespass onto adjacent properties while still maintaining adequate security to provide illumination and clear visibility of outdoor areas surrounding buildings and in particular any points of ingress and egress. Interior lighting systems shall confine light and glare to the interior of the building.
 - b. Security cameras. Surveillance video cameras shall be installed and maintained in good working order to provide coverage on a 24-hour basis of all internal and exterior areas where industrial hemp is cultivated, weighed, manufactured/processed, packaged, stored, and/or transferred. The security surveillance cameras shall be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras shall remain active at all times and shall be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for 60 days.
 - c. A professionally monitored alarm system shall be installed and maintained in good working condition and in compliance with County Code Chapter 9.96; Emergency Alarms.
 - d. Secure storage and waste. Identify how industrial hemp products and associated product waste will be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
 - e. Transportation. Identify procedures for safe and secure transportation and delivery of industrial hemp to and from the facility.
 - f. Locks. All points of ingress and egress to the industrial hemp processing facility shall be secured with Building Code compliant commercial-grade, non-residential door locks or window locks. Any exterior fences with locked gates shall utilize a fire/police accessible lock system such as a knox-box.

- g. Emergency Access. Identify security measures designed to ensure emergency access in compliance with the California Fire Code and local Fire Department standards.
- h. Noise. Facilities located within 300 feet of a non-industrial use or zone district shall provide a noise analysis demonstrating that any ventilation system or other equipment shall comply with County noise regulations.

3.4.12.D. Industrial hemp cultivation or seed production for research purposes is permitted in all AG zones if the following standards are met:

1. Must be associated with an accredited university or college.
2. Minimum parcel size of 40 acres.
3. Minimum setback requirements shall be as outlined in Chapter 6.87 of the County Code and as may be modified by the Agricultural Commissioner's Office.
4. The maximum cultivation area shall not exceed one acre.
5. Signage required for hemp cultivation shall comply with Chapter 6.87 of the County Code.
6. Grower must be licensed and registered with the Agricultural Commissioner.

7.3. CODE TERMS AND USE DEFINITIONS

This Section defines the terms used in this Code and the uses contained in Chapter 3, Use Regulations.

Agricultural Research Institution

Has the same meaning as that term defined in Section 81000 of the California Food and Agriculture Code and as may be modified from time to time therein. Currently defined as:

- A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.
- An institution of higher education that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.

Agricultural Uses, Urban [ADDED 02-24-2017]

The growing of fruits, herbs, and/or vegetables and/or the raising of animals

in an urban area for food or other purposes. Urban agriculture includes, but is not limited to, private gardens, market gardens and community gardens. Urban agriculture does not include the cultivation of cannabis or industrial hemp.

Hemp

Shall have the same meaning as "Industrial Hemp".

Industrial Hemp

Has the same meaning as that term defined in Section 81000 of the California Food and Agriculture Code.

Industrial-Hemp Cultivation

Includes any activity involving the propagation, planting, growing, breeding, harvesting, grading, trimming, or other development of industrial hemp plants or propagative plant material. Drying, curing, pressing and other similar post harvest activities are considered primary processing of agricultural products.

Nursery (horticulture)

An establishment for the growth, display, and/or sale of plants, shrubs, trees, and accessory items used in indoor or outdoor planting, conducted within an enclosed building or outdoors. Includes establishments for the development and production of seeds. Industrial hemp nurseries are restricted to wholesale establishments.

Nursery Stock

Any plant for planting, propagation, or ornamentation and as defined by Section Section 5005 of the California Food and Agriculture Code.

Primary Processing of Agricultural Products

The act of changing or preparing an agricultural commodity, subsequent to its harvest or in its natural mature state to the initial stage of processing in order to prepare it for market or further processing at an off-site location. Examples of primary processing include drying, curing, pressing, crushing, extracting, sorting, nut hulling and shelling, grading of livestock or agricultural products, primary processing of fruits to juice and initial storage of the juice without fermentation, and cleaning and packing of fruits agricultural products for shipment. Primary processing does not include smoking of fish or meat, canneries, mills, food processing, light or heavy processing into non-food commodities (see assembly, manufacturing, and processing), refineries, feed lots, kill floors, or other similar uses.

Processor

The business of processing or manufacturing hemp, that solicits, buys, contracts to buy, or otherwise takes title to, or possession or control of, any hemp from its cultivator for the purpose of processing or manufacturing it

and selling, reselling, or redelivering it in any dried, canned, extracted, fermented, distilled, frozen, eviscerated, or other preserved or processed form.

Sensitive Receptor

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. Sensitive receptors include, but are not limited to, hospitals, convalescent facilities providing 24 hour care, senior living facilities (excluding small residential care homes), places of worship, child daycare centers, private and public k-12 schools, youth oriented facilities, afterschool programs, parks, sports complexes, etc.



RECORDING REQUESTED
WHEN RECORDED MAIL TO:

County of Sacramento
Office of Planning and Environmental

Review

827 Seventh Street, Room 225
Sacramento, CA 95814

CONTACT PERSON: Tim Hawkins

TELEPHONE: (916) 874-6141

SPACE ABOVE RESERVED FOR RECORDER'S USE

NOTICE OF EXEMPTION

Project Title:

Zoning Code Update for the Cultivation of Industrial Hemp

Control Number:

PLNP2019-00198

Project Location:

Countywide

APN:

Various

Description of Project:

The project includes an update to the Zoning Code and County Code to allow for the cultivation of industrial hemp in agricultural zones.

Name of public agency approving project:

Sacramento County – ceqa@sacounty.net

Person or agency carrying out project:

Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814
ATTN: Mark Michelini (916) 874-5648 MicheliniM@sacounty.net

Exempt Status:

GENERAL RULE [Section 15061(b)(3)]

Reasons why project is exempt:

The proposed action will allow for cultivation of an agricultural crop within agricultural zones. It can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment and is therefore exempt from the provisions of CEQA.

Tim Hawkins

ENVIRONMENTAL COORDINATOR OF
SACRAMENTO COUNTY, STATE OF CALIFORNIA

Copy To:

County of Sacramento
County Clerk
600 Eighth Street, Room 101
Sacramento, CA 95814

OPR:

State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814