

ATTACHMENT 3

DRAFT COASTAL INDUSTRIAL HEMP ORDINANCE

ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 3 OF HUMBOLDT COUNTY CODE

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 3 of the Zoning Regulations is hereby amended to establish land use regulations for the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the Coastal Area of the County of Humboldt which reduce negative impacts of Industrial Hemp Cultivation on our community and environment. The ordinance adds section 313-55.5 to Chapter 3 of Division 1 of Title III of the County Code, Coastal Zoning Code, relating to Industrial Hemp.

SECTION 2. INDUSTRIAL HEMP ORDINANCE

Subdivision 313-55.5 regarding Industrial Hemp Cultivation is added to Title III, Division 1, Chapter 3 of the Humboldt County Code as follows:

313-55.5 Industrial Hemp Land Use Regulations

55.5.1 Purpose and Intent

The purpose of this Section is to establish land use regulations for the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the Coastal Area of the County of Humboldt which reduce negative impacts of Industrial Hemp Cultivation on our community and environment.

55.5.2 Applicability and Interpretation

55.5.2.1 All facilities and activities involved in the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the jurisdiction of the County of Humboldt within the Coastal Zone shall be controlled by the provisions of this Section.

~~55.5.2.2 — Nothing in this Section is intended, nor shall it be construed, to exempt cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites from compliance with all other applicable Humboldt County zoning, land use, grading, and streamside management area regulations as well as other applicable provisions of the County Code.~~

~~55.5.2.3 — Nothing in this Section is intended, nor shall it be construed, to exempt cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites from any and all applicable local and state construction, electrical, plumbing, water rights, waste water discharge, water quality, streamside management area, Coastal Development Permit regulations, endangered species, or any other environmental, building or land use standards or permitting requirements.~~

55.5.2.42 Severability. If any provision of this Section, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Section that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Section are severable.

55.5.3 Definitions

“Industrial Hemp”: A crop agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa Linnaeus* 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 (THC) concentration of no more than 0.3 percent on a dry weight basis.

55.5.4 General Provisions Applicable to Industrial Hemp Cultivation and Registration of Industrial Hemp Cultivation Sites

55.5.4.1 Cultivation of Industrial Hemp by any person or entity for any purpose is expressly prohibited in all zoning districts in the unincorporated area of the County. Additionally, "Established Agricultural Research Institutions" as defined in Food and Agriculture Code section 81000, are similarly prohibited from cultivating Industrial Hemp for agricultural or academic research purposes.

55.5.4.2. Acceptance of any application for or issuance of a registration, permit or entitlement, or approval of any type, that authorizes the establishment, operation, maintenance, development or construction of any facility or use for the purpose of the cultivation of Industrial Hemp is expressly prohibited in all zoning districts in the unincorporated area of the County.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately upon certification of the proposed amendments to the Local Coastal Program by the California Coastal Commission.

PASSED AND ADOPTED this _____ day of _____, 2021, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Virginia Bass, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:

Kathy Hayes

Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: Ryan Sharp, Deputy

ATTACHMENT 4

DRAFT INLAND INDUSTRIAL HEMP ORDINANCE

ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4 OF HUMBOLDT COUNTY CODE

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 4 of the Zoning Regulations is hereby amended to establish land use regulations for the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the Inland Area of the County of Humboldt which reduce negative impacts of Industrial Hemp Cultivation on our community and environment. The ordinance adds section 314-55.5 to Chapter 4 of Division 1 of Title III of the County Code, Zoning Code For Areas Outside the Coastal Zone, relating to Industrial Hemp.

SECTION 2. INDUSTRIAL HEMP ORDINANCE

Subdivision 314-55.5 regarding Industrial Hemp Cultivation is added to Title III, Division 1, Chapter 4 of the Humboldt County Code as follows:

314-55.5 Industrial Hemp Land Use Regulations

55.5.1 Purpose and Intent

The purpose of this Section is to establish land use regulations for the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the Inland Area of the County of Humboldt which reduce negative impacts of Industrial Hemp Cultivation on our community and environment.

55.5.2 Applicability and Interpretation

55.5.2.1 All facilities and activities involved in the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the jurisdiction of the County of Humboldt within the Coastal Zone shall be controlled by the provisions of this Section.

~~55.5.2.2 Nothing in this Section is intended, nor shall it be construed, to exempt cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites from compliance with all other applicable Humboldt County zoning, land use, grading, and streamside management area regulations as well as other applicable provisions of the County Code.~~

~~55.5.2.3 Nothing in this Section is intended, nor shall it be construed, to exempt cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites from any and all applicable local and state construction, electrical, plumbing, water rights, waste water discharge, water quality, streamside management area, Coastal Development Permit regulations, endangered species, or any other environmental, building or land use standards or permitting requirements.~~

55.5.2.42 Severability. If any provision of this Section, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Section that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Section are severable.

55.5.3 Definitions

“Industrial Hemp”: A crop agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa Linnaeus* 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 (THC) concentration of no more than 0.3 percent on a dry weight basis.

55.5.4 General Provisions Applicable to Industrial Hemp Cultivation and Registration of Industrial Hemp Cultivation Sites

55.5.4.1 Cultivation of Industrial Hemp by any person or entity for any purpose is expressly prohibited in all zoning districts in the unincorporated area of the County. Additionally, "Established Agricultural Research Institutions" as defined in Food and Agriculture Code section 81000, are similarly prohibited from cultivating Industrial Hemp for agricultural or academic research purposes.

55.5.4.2. Acceptance of any application for or issuance of a registration, permit or entitlement, or approval of any type, that authorizes the establishment, operation, maintenance, development or construction of any facility or use for the purpose of the cultivation of Industrial Hemp is expressly prohibited in all zoning districts in the unincorporated area of the County.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect 30 days after approval by the Board of Supervisors.

PASSED AND ADOPTED this _____ day of _____, 2021, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Virginia Bass, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: Ryan Sharp, Deputy