



# INDUSTRIAL HEMP ORDINANCE

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# Background



- ▶ On March 26<sup>th</sup>, 2019, as an urgency measure, the Board adopted an interim zoning ordinance prohibiting the cultivation of Industrial Hemp in the unincorporated areas of the county.
- ▶ The purpose was to allow County staff the opportunity to assess the potential impacts of Industrial Hemp cultivation and related activities, and to evaluate potential regulations to mitigate any negative impacts.
- ▶ The decision made on March 26, 2019, turned out to be quite fortuitous as there were many regulatory changes occurring at that time and still occurring now, almost a year later.



# Stakeholder Comments

- ▶ On or about March 1, 2019, efforts were made to solicit comments from growers, County and City officials, and agricultural Industry groups to determine the amount of interest in allowing Industrial Hemp cultivation in Tulare County.
- ▶ The early responses were widely in favor of the idea, but there was also a strong contingent of those that agreed with the eventual temporary moratorium. Support for Industrial Hemp grew even more as more information was made available.
- ▶ During this time, the Agricultural Commissioner worked with a sub-committee of the Tulare County Ag Advisory Committee to develop the proposed ordinance.



# Stakeholder Comments-cont.

- ▶ The Committee held several meetings with individuals and groups culminating with a public workshop attended by growers, processors, officials, and industry participants.
  - ▶ All of the comments were considered, debated, evaluated, and many were incorporated into the proposed ordinance before you.
  - ▶ Weekly meetings between California Department of Food and Agriculture, Industrial Hemp Board, and County Agricultural Commissioners throughout the state were held to share concerns and information.
  - ▶ The Agricultural Advisory Committee voted to recommend support of the proposed Ordinance.
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# Key Points

- ▶ The Ordinance allows the cultivation and production of Industrial Hemp as a legal agricultural crop in the same fashion as the County's General Plan Zoning allows for the production of field crops, fruit and nut crops, vines, vegetables, horticultural specialties, timber, and much more.
- ▶ A permit application is required for the cultivation of Industrial Hemp in all AE agricultural zones, and M-1 (Light Manufacturing) zones.
- ▶ A permit application is required for processing of Industrial Hemp in all AE agricultural zones, and M-1 (Light Manufacturing) & M-2 (Manufacturing) zones. A Special Use Permit is required from the Tulare County Resource Management Agency for all except M-2 zones mentioned here.



# Cultivation and Processing Requirements

- Outdoor cultivation has a 50 feet setback requirement from the boundary line of the parcel, unless the adjacent parcel is owned, or managed by the same person.
- A quarter-mile setback from any Urban Development.
- A 200 feet setback from any residence not owned by the grower.
- Indoor cultivation (nurseries for example) must be in structures that comply with applicable building codes.
- Processing setbacks are similar but with some difference, like a 1000 foot setback from an Urban Development.



# Board of Supervisors Request

- ▶ 1. Hold a Public Hearing at 9:30 a.m. or shortly thereafter, regarding two proposed ordinances related to the regulation of Industrial Hemp Cultivation and Processing: the first ordinance to establish regulation for the Cultivation and Processing of Industrial Hemp in the unincorporated areas of Tulare County, adding chapter 5-10 to Part VI of the Tulare County Code; and the second ordinance to amend sections 9.5, 9.55, 9.6, 9.7, 9.8, 13, 14, and 16 of the Zoning Ordinance Code of Tulare County, pertaining to the Cultivation and Processing of Industrial Hemp in the unincorporated area of Tulare County.



# Continued

- 2. Introduce and waive the first reading of an ordinance establishing regulation for the Cultivation and Processing of Industrial Hemp in the unincorporated areas of Tulare County, adding chapter 5-10 to Part VI of the Tulare County Code;
- 3. Introduce and waive the first reading of an ordinance amending sections 9.5, 9.55, 9.6, 9.7, 9.8, 13, 14, and 16 of the Zoning Ordinance Code of Tulare County, pertaining to the Cultivation and Processing of Industrial Hemp in the unincorporated areas of Tulare County.
- 4. Set the second reading of the ordinances for April 7, 2020.
- 5. Direct the Clerk to publish a summary or summaries of the ordinances before the second reading, as required by law.



# Questions?

## ► Thank you!

- To the many that participated in developing this ordinance including but not limited to County Counsel, Ag Advisory Board, Hemp sub-committee to the Ag Advisory Board, Tulare County Farm Bureau, Tulare County growers, members of the Hemp Industry and members of the public.
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