



**Agricultural  
Commissioner/Sealer  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** March 24, 2020 **REVISED**

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Tom Tucker    PHONE: 559-684-3350				

**SUBJECT:** Ordinances Regulating the Cultivation and Processing of Industrial Hemp in the unincorporated areas of Tulare County.

**REQUEST(S):**  
That the Board of Supervisors:

On March 24, 2020:

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 areas of Tulare County.
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

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the second reading, as required by law.

On April 7, 2020

6. Approve a non-project exemption (14 Cal. Code. Regs. § 15378), a general rule exemption (14 Cal. Code. Regs. § 15061(b)(3), and a Class 8 Categorical Exemption, (14 Cal. Code. Regs. § 15308) with respect to adoption of the ordinances, pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.
7. Waive the second reading and adopt 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;
8. Waive the second reading and adopt 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.
9. Repeal ordinance no. 3555, an interim zoning ordinance prohibiting in the unincorporated areas of the County all "Industrial Hemp" cultivation, effective 30 days from the adoption of the ordinances.
10. Direct the Clerk to publish a summary or summaries of the ordinances and post a full copy of the ordinances after adoption, as required by law.
11. Direct an Environmental Assessment Officer of the Tulare County Resource Management Agency, or designee, to file a CEQA Notice of Exemption with respect to adoption of the ordinances with the Tulare County Clerk.
12. Designate the Agricultural Commissioner, or designee, as the official Tulare County contact for State Industrial Hemp licensing authorities.

**SUMMARY:**

On March 26, 2019, as an urgency measure, the Board of Supervisors adopted an interim zoning ordinance prohibiting in the incorporated areas of the County all "Industrial Hemp" cultivation, as defined by California Food and Agricultural Code section 81000 and Health and Safety Code section 11018.5, for both commercial purposes or by "Established Agricultural Research Institutions." The purpose of this urgency interim ordinance was to enact a 22 month and 15 day extension to the initial temporary moratorium on the cultivation of "Industrial Hemp," as defined by California Food and Agricultural Code section 81000 and Health and Safety Code section 11018.5, for both commercial purposes or by "Established Agricultural Research Institutions." This Urgency Interim Ordinance allowed County staff an opportunity to assess the potential impacts of Industrial Hemp cultivation and related activities, and to evaluate potential regulations to mitigate potential negative impacts related to Industrial Hemp.

The people of Tulare County have reached out to Tulare County staff, including the Agricultural Commissioner of the County, the Planning Commissioners, and Board

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of Supervisors members inquiring about the ability to cultivate and produce industrial hemp within the unincorporated areas of the County. Industrial hemp cultivation is occurring in all the surrounding Counties of Fresno, Kings and Kern Counties. More recent inquires have been made from professional agronomists and directly from regional hemp industry producers. Staff and the Agricultural Commissioner have held two workshops with the Agricultural Advisory Committee, stand-alone workshops at the Tulare Agricultural Center, and several one on one meetings with agricultural constituents concerning the potential cultivation and processing of industrial hemp.

In addition, the County is aware that "industrial hemp" is crossing State lines, with its destination in Tulare County. Therefore, it is the Agricultural Commissioner's intent to allow industrial hemp to be grown in the unincorporated areas and produced here, without losing the potential income on the cultivation side and/or the production side (i.e. allowing for both the supply and demand sides of this industry). Hence, it is recommended that the County lift the Industrial Hemp ban, and create County-wide regulations to foster this industry, without unnecessarily burdening the industry's growth.

Under the proposed ordinances, the County would find that these "reasonable regulations" are to allow the cultivation and production of industrial hemp. The ordinances require a permit from the Agricultural Commissioner for all cultivation and production, as the County is allowing Hemp to be cultivated in all Agricultural Zones, and allowing indoor cultivation / production in industrial zones and agricultural zones with Use Permits.

The regulations that will be put in place by the ordinances are rationally related to the government's interest in allowing the growth of industrial hemp (as stated above), and the regulations are not overly burdensome. These regulations do not cause the exclusion of any persons for any reasons from purchasing, growing, harvesting, storing and producing of industrial hemp in the prescribed zones, consistent with the Zoning Code, General Plan and planning, practice, and history of Tulare County in producing agricultural products. These regulations are being applied consistently in all areas of the County.

The ordinances specifically find that the rational for allowing industrial hemp is as follows:

- (1) State Law and Federal Law allows for the cultivation and production of industrial hemp, consistent with most agricultural products under existing USDA acts and regulations. The State of California is still promulgating regulations around the cultivation and production of Industrial Hemp, but there is no indication that the State is going to expressly or impliedly preempt, or exclude, counties from regulating Industrial Hemp. In almost every case of land use and zoning law, the State will allow the counties to

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reasonably regulate any industry in order to lessen nuisances. If there is a dramatic change to these laws or rules, the County can change the regulations at that time to match these new rules and definitions, and the Zoning Code changes are written to allow the Agricultural Commissioner to make those changes without having to necessarily change the Zoning Code.

- (2) Unlike Cannabis, the County can treat the cultivation and processing of “industrial hemp” as being consistent with the other agricultural products in Tulare County. Moreover, even though the County competes with City Municipalities within differing economic development industry segments, and the Cities have allowed for the permitting of cannabis related facilities, the General Plans of the cities and the County were based on pushing “growth” into Cities. Cities have the licensing and tax structures in place to regulate commercial cannabis activities. Because of these efficiencies, the County has not chosen to provide the same level of regulation in the commercial cannabis industry. However, since industrial hemp is an agricultural commodity, it is treated differently than cannabis and should be produced in the agricultural and related industrial areas of the unincorporated portion of the County.
- (3) Agriculture is the most vital industry to Tulare County. The County’s General Plan and Zoning allows for the production of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock without the need for a use permit in every zone under the Zoning Code. Many of these same items can also be cultivated in a residential zone, without a use permit. However, the current County land use regulations related to crop production did not contemplate the possibility of industrial hemp as a permissible “agricultural” or other “horticultural” product, and thus do not adequately address the unique legal, land use, environmental, and public health, safety, and welfare issues and impacts associated with cultivating and processing industrial hemp. Therefore, this Ordinance clarifies that it is the intent of Tulare County to allow industrial hemp and continue to consistently keep commercialized use of cannabis outside the definition of agriculture under the County’s Zoning Code and General Plan Land Use Definitions, within Tulare County.

As such, staff recommends the Industrial Hemp Changes to Ordinance No. 352, the Zoning Ordinance of Tulare County, pertaining to Industrial Hemp changes to manufacturing zoning Section 13.b.2 (M-1 zone), Section 14.b.7 (M-2 zone), and agricultural zoning Section 9.5 (AE Zones) b.21 through Section 10 (A-1 zones) b.26. The adoption of these ordinances will remove the moratorium regarding industrial hemp but not change the status of any cannabis or medical marijuana collectives within the County.

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As proposed, these ordinances would take effect 30 days after their second reading and adoption.

**FISCAL IMPACT/FINANCING:**

There will be two sources of funding available to enforce the provisions of this ordinance. The first is an existing Agreement with the California Department of Food and Agriculture, for \$2,000, included in the Agricultural Commissioner's FY2020 budget. The second is a fee, going before the Board on April 28, 2020, allowing for cost recovery of any additional expenses not covered by the aforementioned Agreement. These costs would include but are not limited to clerical and other staff time in the permit application process, grow site inspections both pre-plant and pre-harvest, laboratory sample collection costs and any others associated with abatements. The fee will be requested to be effective upon adoption. There is no net county cost associated with this ordinance.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The application of any Zoning changes related to "Industrial Hemp" is generally consistent with General Plan and Zoning Code, as related to specifically Agricultural Cultivation and Production and the Agricultural Element of the County General Plan, and is consistent with State and Federal law.

No General Plan Amendments are necessary to implement these considerations.

**ADMINISTRATIVE SIGN-OFF:**

/s/ Tom Tucker  
Tom Tucker  
Agricultural Commissioner  
Sealer of Weights and Measures

cc: County Administrative Office

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Attachment(s): Attachment A - General Ordinance  
Attachment B - Zoning Ordinance  
Attachment C - Notice of Exemption  
Attachment D - Ordinance Summaries

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF ORDINANCES ) Resolution No. \_\_\_\_\_  
REGULATING THE CULTIVATION AND )  
PROCESSING OF INDUSTRIAL HEMP IN )  
THE UNINCORPORATED AREAS OF )  
TULARE COUNTY. )  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

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11. Directed an Environmental Assessment Officer of the Tulare County Resource Management Agency, or designee, to file a CEQA Notice of Exemption with respect to adoption of the ordinances with the Tulare County Clerk.
12. Designate the Agricultural Commissioner, or designee, as the official Tulare County contact for State Industrial Hemp licensing authorities.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING REGULATIONS 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.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1: Chapter 5, Article 10, titled "Industrial Hemp Cultivation," is added to the Tulare County Code as follows:

**Article 10. INDUSTRIAL HEMP CULTIVATION**

**Sections:**

- 5-10-010 Purpose and Authority
- 5-10-020 Definitions
- 5-10-030 Administration
- 5-10-040 Permit Required
- 5-10-050 Permit Requirements
- 5-10-060 Cultivation Requirements
- 5-10-070 Processing requirements
- 5-10-080 Transportation Requirements
- 5-10-090 Destruction of Non-Compliant Hemp Crops
- 5-10-100 Fees
- 5-10-110 Public Nuisance
- 5-10-120 Violations
- 5-10-130 Cost Recovery
- 5-10-140 Remedies Cumulative
- 5-10-150 County's Right to Revocation of Permit
- 5-10-160 Limitation of County's Liability
- 5-10-170 Appeals

**5-10-010 Purpose and Authority**

Pursuant to Article XI, section 7, of the California Constitution, the County of Tulare ("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 and visitors. 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 and approvals which may be required to conduct business in the County, and are in addition to any permits, licenses, and approvals required under State, County, or other law.

### **5-10-020 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 they may be amended from time to time.

- A. "Applicant" shall include any Person (as defined in Subsection G below) who is eligible to Cultivate Industrial Hemp under this Chapter. A Person with a State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on Cultivation of Industrial Hemp under Federal Law.
- B. "Cultivation" shall include any activity involving the propagation, planting, growing, harvesting, grading, or trimming of Industrial Hemp.
- C. "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.
- D. "Hemp" shall have the same meaning as Industrial Hemp. "Industrial Hemp" has the same meaning as that term is defined in Section 11018.5 of the California Health and Safety Code, which defines Industrial Hemp as "a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowing 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. "Industrial Hemp Handler" means a Person engaged in the business of producing, grading, packing, or otherwise preparing Industrial Hemp or Industrial Hemp products for market or who engages in the operation of selling or marketing Industrial Hemp that such Person has produced, purchased, or acquired from a producer, or which such Person is marketing on behalf of a producer, whether as owner, agent, employee, or otherwise.
- F. "Nursery stock" shall have the meaning set forth in California Food and Agricultural Code section 5005.

- G. "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.
- H. "Processing" means the operation of receiving, grading, packing, fermenting, distilling, extracting, preserving, drying, grinding, crushing, or changing the form of any Industrial Hemp or Hemp for the purpose of preparing it for market or of marketing such Industrial Hemp or Hemp, or any other activities which are performed for the purpose of preparing it for market or of marketing such Hemp or Industrial Hemp. This definition specifically does not include operations which are solely dedicated to the retail sale of Industrial Hemp products.
- I. "Urban Development" is a City, any urban development boundary, any municipal or County park, any church, or any school.

#### **5-10-030 Administration**

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

#### **5-10-040 Permits Required**

- A. No Person, including an Established Agricultural Research Institution, shall cultivate Industrial Hemp in the unincorporated areas of Tulare County without first obtaining a permit issued by the Agricultural Commissioner to Cultivate Industrial Hemp as provided in this Chapter. A permit 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 5-10-020 of this Chapter. A permit issued under this Chapter does not grant any interest in real property or create any interest of value and is not transferable.
- B. No Person, including an Established Agricultural Research Institution shall process Industrial Hemp in the unincorporated areas of Tulare County without first obtaining a permit issued by the Agricultural Commissioner to Process Industrial Hemp as provided in this Chapter. A permit for Processing may be issued to an Established Agricultural Research Institution only if it meets the definition of Established Agricultural Research Institution stated in section 5-10-020 of this Chapter. A permit issued under this Chapter does not grant any interest in real property or create any interest of value and is not transferable.

#### **5-10-050 Permit Requirements**

A permit for the Cultivation and/or Processing 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 permit may be issued for multiple sites.
- B. An applicant shall be the owner and/or record holder of title of the land upon which Hemp is to be cultivated, or provide written consent in a notarized form acceptable to the Agricultural Commissioner, from the owner and/or record holder of title of granting permission for the cultivation of Industrial Hemp on the specified parcel(s).
- C. Each parcel for which a Cultivation permit application is submitted must be located in the AE, AE-10, AE-20, AE-40, or AE-80 (Exclusive Agricultural), and M-1 (Light Manufacturing) zones.
- D. Each parcel for which a Processing permit application is submitted must be located in the AE, AE-10, AE-20, AE-40, AE-80 (Exclusive Agricultural), M-1, or M-2 (Manufacturing) zones. Any application submitted for a parcel located in the AE, AE-10 AE-20, AE-40, AE-80, or M-1 zone shall require a Special Use Permit from the Tulare County Resource Management Agency.
- E. Before a permit is issued under this Chapter, and if the Applicant is not the owner of the property upon which Industrial Hemp shall be cultivated, the Applicant shall submit a bond or other form of security acceptable to the Agricultural Commissioner in the amount of one hundred (100) percent 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.
- F. An Applicant shall fully satisfy the registration requirements stated in California Food and Agricultural Code section 81003.
- G. An Applicant for the cultivation of nursery stock shall have a license to sell nursery stock as required under California Food and Agricultural Code section 6721 et seq.
- H. Each permit issued under this Chapter shall expire one year from the date of its issuance.

#### **5-10-060 Cultivation Requirements**

The following standards shall apply to the Cultivation of Industrial Hemp.

- A. The Cultivation of Industrial Hemp is permitted in zones of AE, AE-10, AE-20, AE-40, AE-80, and M-1, as defined in the Tulare County Zoning Ordinance. Cultivation of Industrial Hemp is prohibited in all other zones.
- B. Outdoor Industrial Hemp Cultivation shall meet the following setback requirements, from the outermost edges of the parcel upon which the Cultivation is occurring:
  - i. 50 feet from any boundary line of the parcel, unless the boundary line is adjacent to a parcel that is either owned, managed, or otherwise

- under the control of the person who obtained the permit for the Cultivation of Industrial Hemp.
  - ii. One-quarter mile from any Urban Development.
  - iii. 200 feet from any residence not owned by the grower.
- C. Any structure(s) containing facilities used for the Processing of Industrial Hemp must have all permits required under state law and Tulare County Code.
- D. The indoor cultivation of hemp is limited to the cultivation of hemp in a structure dedicated solely to the cultivation of nursery stock and/or indoor Cultivation of Industrial Hemp and shall be located within the M-1, AE, AE-10, AE-20, AE-40, and AE-80 zones. Structures must comply with applicable building codes and be permitted by the Resource Management Agency by County Code.
- E. A person cultivating Industrial Hemp shall comply with all provisions of Federal and 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.

### **5-10-070 Processing Requirements**

The following standards shall apply to the Processing of Industrial Hemp.

- A. The Processing of Industrial Hemp is permitted in zones of AE, AE-10, AE-20, AE-40, AE-80, M-1, and M-2 zones; as defined in, and subject to, Special Use Permit requirements outlined in the Tulare County Zoning Ordinance. Processing of Industrial Hemp is prohibited in all other zones.
- B. Industrial Hemp Processing shall meet the following setback requirements, from the outermost edge of the parcel upon which the Processing is occurring:
  - i. Any indoor Industrial Hemp Processing shall be 1000 feet from any Urban Development if in an AE, AE-10, AE-20, AE-40, or AE-80 zone. If the indoor Industrial Hemp Processing is in an M-1 or M-2 zone, there is no setback requirement from Urban Development.
  - ii. In the AE, AE-10, AE-20, AE-40, or AE-80 zone Industrial Hemp Processing shall be 200 feet from any residence not owned by the Processor.
  - iii. In the M-1 or M-2 zones Industrial Hemp Processing shall be 200 feet from any residential zone.
  - iv. Any outdoor Processing of Industrial Hemp in the AE, AE-10, AE-20, AE-40, AE-80, M-1, or M-2 zones must be 1000 feet from any Urban Development.
- C. Any structure(s) containing facilities used for the Processing of Industrial Hemp must have all permits required under state law and Tulare County Code.
- D. A person Processing Industrial Hemp shall comply with all provisions of Federal and California State law, and associated regulations, applicable to the ~~cultivation~~ Processing of Industrial Hemp, including, but not limited to sampling, laboratory testing, harvesting, and destruction.

### **5-10-080 Transportation Requirements**

Any Person transporting Industrial Hemp within the boundaries of Tulare County shall carry with them the bill of lading and the test results from an International Organization for Standardization accredited lab specific to that site of Industrial Hemp. The bill of lading and/or test results must also include the name and Permit identification number of the Permittee and the name and address of the intended destination. The test results shall meet the THC level as required by law and/or regulation for Industrial Hemp and shall stay with that Industrial Hemp until that Industrial Hemp reaches its final destination for Processing. Once the Industrial Hemp reaches its final destination, the test results shall be kept on file by the Industrial Hemp Handler for at least 2 years.

### **5-10-090 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 5-10-050, subsection D, and the Agricultural Commissioner shall proceed to destroy the non-compliant crop.

### **5-10-100 Fees**

The Board of Supervisors may, by resolution, establish a fee for a permit issued under this Chapter.

### **5-10-110 Public Nuisance**

The Cultivation or Processing 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 23, Article 3 of the Tulare County Code. Each and every day a violation of this Chapter exists constitutes a separate and distinct violation.

### **5-10-120 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 Tulare County Code.

### **5-10-130 Cost Recovery**

The County shall be reimbursed for all time, services, and materials needed to implement, administer and enforce any section of this Chapter, including destruction of non-compliant crops of Industrial Hemp, Inspections necessitated by reports of non-compliant Industrial Hemp crops, and other enforcement actions as necessary. All fees applied by the Agricultural Commissioner shall be listed in a document stored at the Agricultural Commissioner's Office and available upon request of the Agricultural Commissioner in a master fee schedule.

#### **5-10-140 Remedies Cumulative**

All remedies provided for herein are cumulative and not exclusive, and are in addition to any other remedy or penalty provided in this Code and by law. Nothing in this Chapter shall be deemed to authorize or permit any activity that violates any provision of state or federal law.

#### **5-10-150 County's Right to Revocation of Permit**

- A. Any Person who violates this Chapter knowingly and willfully, shall be stripped of their Permit and ability to apply for a Permit to Cultivate or Process Industrial Hemp within the County of Tulare for three (3) years from the date of the final decision of the Agricultural Commissioner that a violation has been made knowingly and willfully.
- B. The District Attorney shall have the right to petition the Tulare County Board of Supervisors for revocation of a Hemp Cultivation Permit or Processing Permit upon a showing of good cause.

#### **5-10-160 Limitation of County's Liability**

To the fullest extent permitted by law, the County of Tulare shall not assume any liability whatsoever with respect to having granted a permit to any Person pursuant to this Chapter.

#### **5-10-170 Appeals**

Any decision regarding the issuance of a Permit, the call for destruction of a Crop, the determination of a Violation under this Chapter, or the revocation of a Permit to Cultivate or Process Industrial Hemp made by the enforcing agency as defined within this Chapter shall be in writing and final unless appealed pursuant to Part 1, Chapter 31 of this Code, with a form furnished by the Clerk of the Board for such appeals. An appellant must pay a fee in an amount adequate to cover the cost of Processing and hearing the appeal, as that amount is established from time-to-time by resolution of the Board.

### **SECTION 2: EFFECTIVE DATE**

This ordinance shall become effective and be in full force on and after thirty (30) days of its passage and adoption, and prior to the expiration of fifteen (15) days from the passage and adoption thereof, shall be published in a newspaper of general circulation printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors of the County of Tulare, voting for or against the same.

**SECTION 3: SEVERABILITY**

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 declare that it 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 be declared invalid or unconstitutional.

The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Tulare, State of California at a regular meeting thereof held on the 24th day of March, 2020 by the following vote:

**SUPERVISORS**

AYES:

NOES:

ABSENT:

---

Pete Vander Poel  
Chair, Board of Supervisors

ATTEST:

JASON T. BRITT  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM  
DEANNE H. PETERSON  
TULARE COUNTY COUNSEL

By: \_\_\_\_\_

Deputy:

Matter No. \_\_\_\_\_



ORDINANCE NO.

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. THE PLANNING COMMISSION WILL MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AMENDING THE ZONING ORDINANCE OF TULARE COUNTY, ORDINANCE NO. 352, PERTAINING TO INDUSTRIAL HEMP.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

**Section 1.** Section 9.5 of the Zoning Ordinance pertaining to the "AE" EXCLUSIVE AGRICULTURALZONE is hereby amended to add the following:

**“B.21. (“PERMITTED USES”)** The cultivation of industrial hemp, as defined in Chapter 5, Article 10 of the Tulare County Ordinance Code. Persons cultivating industrial hemp must meet the cultivation and setback requirements as outlined in the aforementioned section of the Tulare County Ordinance Code.” and

**“D.20. (USE PERMITS”)** Establishment for the processing of industrial hemp pursuant to the regulations set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.”

**Section 2.** Section 9.55 of the Zoning Ordinance Code pertaining to the "AE-10" EXCLUSIVE AGRICULTURAL ZONE is hereby amended to add the following:

**“B.24. (“PERMITTED USES”)** The cultivation of industrial hemp, as defined in Chapter 5, Article 10 of the Tulare County Ordinance Code. Persons cultivating industrial hemp

must meet the cultivation and setback requirements as outlined in the aforementioned section of the Tulare County Ordinance Code.” and

“**E.18. (“USE PERMITS”)** “Establishment for the processing of industrial hemp pursuant to the regulations set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.”

**Section 3.** Section 9.6 of the Zoning Ordinance Code pertaining to the "AE-20" EXCLUSIVE AGRICULTURALZONE is hereby amended to add the following

“**B.25. (“PERMITTED USES”)** The cultivation of industrial hemp, as defined in Chapter 5, Article 10 of the Tulare County Ordinance Code. Persons cultivating industrial hemp must meet the cultivation and setback requirements as outlined in the aforementioned section of the Tulare County Ordinance Code.” and

“**E. 25. (“USE PERMITS”)** Establishment for the processing of industrial hemp pursuant to the regulations set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.”

**Section 4.** Section 9.7 of the Zoning Ordinance Code pertaining to the "AE-40" EXCLUSIVE AGRICULTURAL ZONE is hereby amended to add the following:

“**B.25. (“PERMITTED USES”)** The cultivation of industrial hemp, as defined in Chapter 5, Article 10 of the Tulare County Ordinance Code. Persons cultivating industrial hemp must meet the cultivation and setback requirements as outlined in the aforementioned section of the Tulare County Ordinance Code.” and

“**E.38. (“USE PERMITS”)** Establishment for the processing of industrial hemp pursuant to the regulations set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.”

**Section 5.** Section 9.8 of the Zoning Ordinance Code pertaining to the "AE-80" EXCLUSIVE AGRICULTURAL ZONE is hereby amended to add the following:

**"B.26. ("PERMITTED USES")** The cultivation of industrial hem, as defined in Chapter 5, Article 10 of the Tulare County Ordinance Code. Persons cultivating industrial hemp must meet the cultivation and setback requirements as outlined in the aforementioned section of the Tulare County Ordinance Code." and

**"E. 33. ("USE PERMITS")** Establishment for the processing of industrial hemp pursuant to the regulations set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code."

**Section 6.** Section 13 of the Zoning Ordinance Code pertaining to the "M-1" LIGHT MANUFACTURING ZONE is hereby amended to add the following:

**"B.8. ("PERMITTED USES")** The cultivation of industrial hemp, as defined in Chapter 5, Article 10 of the Tulare County Ordinance Code. Persons cultivating industrial hemp must meet the cultivation and setback requirements as outlined in the aforementioned section of the Tulare County Ordinance Code." and

**"C.4. ("USES REQUIRING A SPECIAL USE PERMIT")** Establishment for the processing of industrial hemp pursuant to the regulations set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code."

**Section 7.** Section 14 of the Zoning Ordinance Code pertaining to "M-2" HEAVY MANUFACTURING ZONE is hereby amended to add the following to B.2 ("PERMITTED USES")**"** Processing of Industrial Hemp, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code."

**Section 8.** Section 16 (“VARIANCES AND SPECIAL USE PERMITS”), Part II.B of the Zoning Ordinance Code pertaining to SPECIAL USES AND ZONES IN WHICH ALLOWABLE” is hereby amended to add “Processing of Industrial Hemp – AE, AE-10, AE-20, AE-40, AE-80, M-1.”

**Section 9.**

The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof [a summary] shall be published once in the \_\_\_\_\_, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

COUNTY OF TULARE

By: \_\_\_\_\_  
Chair, Board of Supervisors

ATTEST: JASON T. BRITT  
County Administrative Officer/  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

Approved as to Form:  
County Counsel

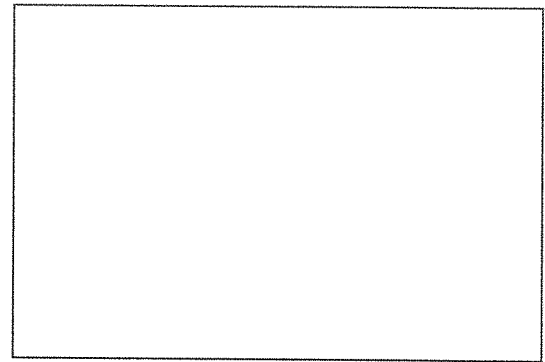
By \_\_\_\_\_  
Deputy  
Matter # \_\_\_\_\_

# Notice of Exemption

Fee Exempt per Government Code Section 6103

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Tulare County Clerk  
Room 105, Courthouse  
221 South Mooney Boulevard  
Visalia, California 93291



Date filed with the Tulare County Clerk

Lead Agency: Tulare County Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, Ca 93277

Applicant(s): Tulare County Agricultural Commissioner  
4437 S Laspina St.  
Tulare, CA 93274

Ph: 559-684-3350

Project Title: Industrial Hemp Regulatory Ordinances

Project Location - Specific: Unincorporated Areas of Tulare County, CA.

Project Location- Section, County See Project Location Map, Attachment "A", incorporated herein by reference

Project Location - City: N/A

Project Location - County: Tulare

1.

D

**escription of Nature, Purpose, and Beneficiaries of Project:** [Nature] The Tulare County Agricultural Commissioner intends to pass ordinances regulating the Cultivation and Processing of Industrial Hemp. These ordinances will permit Industrial Hemp Cultivation and Processing within the unincorporated areas of Tulare County. These activities have been selected to occur in specific zones with setbacks from urban development and with respect to the County's current zoning scheme. [Purpose] The ordinances shall regulate the zones in which Industrial Hemp may be Cultivated or Processed within the unincorporated areas of the County of Tulare. Additionally, the ordinances will provide for reasonable regulations as to the manner in which Industrial Hemp shall be Cultivated, Processed, or Transported within the County. [Benefit] Agriculture is the most vital industry to Tulare County. The County's General Plan and Zoning allows for the production of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock without the need for a use permit in every zone under the Zoning Code. Many of these same items can also be cultivated in a residential zone, without a use permit. However, the current County land use regulations related to crop production did not contemplate the possibility of industrial hemp as a permissible "agricultural" or other "horticultural" product, and thus do not adequately address the unique legal, land use, environmental, and public health, safety, and welfare issues and impacts associated with cultivating and processing industrial hemp. Therefore, this Ordinances clarify that it is the intent of Tulare County to allow industrial hemp and continue to consistently keep commercialized use of cannabis outside the definition of agriculture under the County's Zoning Code and General Plan Land Use Definitions, within Tulare County.

2.

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(c));
- General Rule: CEQA guidelines 15061 (b)(3)
- Categorical Exemption: (Sec. 15378)
- Statutory Exemptions:

**Reasons why project/activity is exempt:** The proposed project is excluded or exempt from the California Environmental Quality Act (CEQA) on the grounds that the project is consistent with the following:

Under the California Environmental Quality Act (CEQA), County approval of the proposed project is Exempt from CEQA pursuant to State CEQA Guidelines, 14 Cal. Code Regs. § 15061(b)(3) Common Sense Exemption and does not meet the definition of a

"Project" per § 15378).

Not A Project

With respect to the County's determination that this action is not a project, the adoption and implementation of the proposed ordinance amendments are not a "project" as defined by CEQA and CEQA's Implementing Guidelines at Section 15378 since the proposed action does not have the "potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" in that the actions are consistent with existing farming practices.

**Name of Public Agency Approving Project:** County of Tulare, Resource Management Agency

**Project Planner/Representative:** Agricultural Commissioner/Tom Tucker **Area Code/Telephone:** 559-684-3350

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Chief Environmental Planner  
Hector Guerra

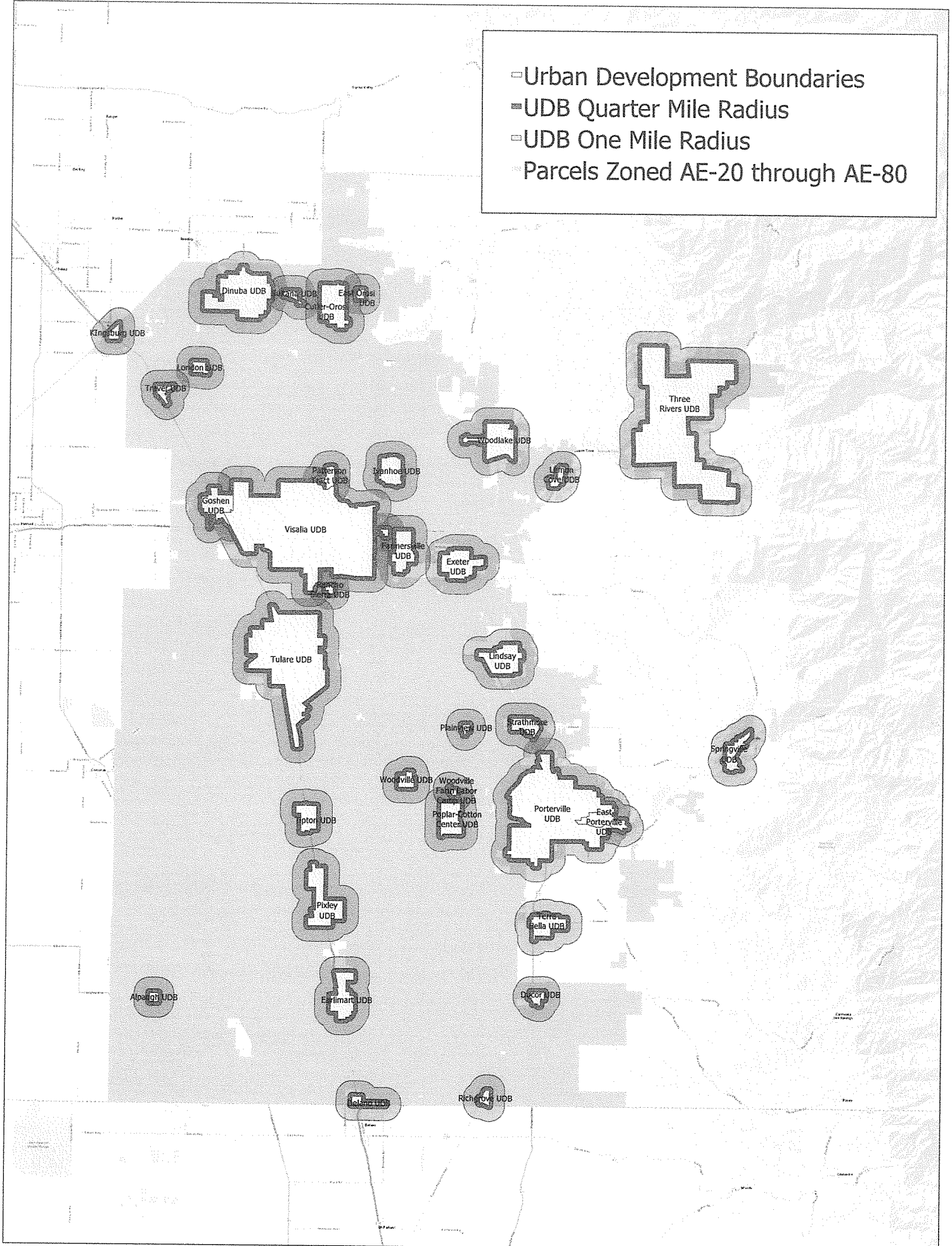
Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Environmental Assessment Officer  
Reed Schenke P.E. RMA Director

Signed by Lead Agency

Date received for filing at OPR: N/A

Signed by Applicant

- ▣ Urban Development Boundaries
- ▣ UDB Quarter Mile Radius
- ▣ UDB One Mile Radius
- ▣ Parcels Zoned AE-20 through AE-80





ORDINANCE NO. \_\_\_\_\_

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF A PROPOSED ORDINANCE ESTABLISHING REGULATIONS 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.

SUMMARY OF PROPOSED ORDINANCE

This proposed Ordinance adds Chapter 5, Article 10 to Part VI of the Ordinance Code of Tulare County, pertaining to the Regulation of Cultivation and Processing of Industrial Hemp in the Unincorporated Areas of Tulare County.

The proposed ordinance will:

- 1) Establish the permitting process by the Agricultural Commissioner for the Cultivation of Industrial Hemp within the "AE", "AE-10", "AE-20", "AE-40", and "AE-80" Exclusive Agricultural Zones.
- 2) Establish the permitting process by the Agricultural Commissioner for the Processing of Industrial Hemp within the "M-1" Light Manufacturing Zone.
- 3) Set forth setback requirements for Processing and Cultivation of Industrial Hemp from any urban development boundary, any municipal or County park, any church, or any school.
- 4) Establish the permitting process by the Agricultural Commissioner for the Processing of Industrial Hemp within the M-2 zone.
- 5) Establishes abatement standards and requirements for noncomplying Industrial Hemp crops.
- 6) Establishes regulations for transportation of Industrial Hemp within Tulare County.
- 7) Establishes and appeals process for individuals disagreeing with a determination regarding the permitting process for Industrial Hemp Cultivation or Processing.
- 8) Establishes that the Cultivation or Processing of Industrial Hemp in violation of State law or this ordinance shall be a Public Nuisance.

The Ordinance herein summarized will be considered by the Board of Supervisors of the County of Tulare, State of California, on **Tuesday, March 24, 2020**, at a regular public meeting of said Board.

At least five (5) days prior to **Tuesday, March 24, 2020**, a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors and shall be available for public inspection at that location.

COUNTY OF TULARE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT  
County Administrative Officer/  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

ORDINANCE NO. \_\_\_\_\_

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF A PROPOSED 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.

SUMMARY OF PROPOSED ORDINANCE

This proposed Ordinance amends 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.

The proposed ordinance will:

- 1) Add the permitted use of the Cultivation of Industrial Hemp within the "AE", "AE-10", "AE-20", "AE-40", and "AE-80" Exclusive Agricultural Zones, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.
- 2) Add the permitted use of the Cultivation of Industrial Hemp within the "M-1" Light Manufacturing Zone, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.
- 3) Add special use permits to be acquired for Processing of Industrial Hemp within the AE, AE-10, AE-20, AE-40, AE-80, and M-2 zones, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.
- 4) Add the permitted use of Processing of Industrial Hemp within the M-2 zone, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.

The Ordinance herein summarized will be considered by the Board of Supervisors of the County of Tulare, State of California, on **Tuesday, March 24, 2020**, at a regular public meeting of said Board.

At least five (5) days prior to **Tuesday, March 24, 2020**, a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors and shall be available for public inspection at that location.

COUNTY OF TULARE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT

County Administrative Officer/  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

ORDINANCE NO. \_\_\_\_\_

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF A PROPOSED ORDINANCE ESTABLISHING REGULATIONS 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.

SUMMARY OF PROPOSED ORDINANCE

This proposed Ordinance added Chapter 5, Article 10 to Part VI of the Ordinance Code of Tulare County, pertaining to the Regulation of Cultivation and Processing of Industrial Hemp in the Unincorporated Areas of Tulare County.

The proposed ordinance:

- 1) Establishes the permitting process by the Agricultural Commissioner for the Cultivation of Industrial Hemp within the "AE", "AE-10", "AE-20", "AE-40", and "AE-80" Exclusive Agricultural Zones.
- 2) Establishes the permitting process by the Agricultural Commissioner for the Processing of Industrial Hemp within the "M-1" Light Manufacturing Zone.
- 3) Sets forth setback requirements for Processing and Cultivation of Industrial Hemp from any urban development boundary, any municipal or County park, any church, or any school.
- 4) Establishes the permitting process by the Agricultural Commissioner for the Processing of Industrial Hemp within the M-2 zone.
- 5) Establishes abatement standards and requirements for noncomplying Industrial Hemp crops.
- 6) Establishes regulations for transportation of Industrial Hemp within Tulare County.
- 7) Establishes and appeals process for individuals disagreeing with a determination regarding the permitting process for Industrial Hemp Cultivation or Processing.
- 8) Establishes that the Cultivation or Processing of Industrial Hemp in violation of State law or this ordinance shall be a Public Nuisance.

The Ordinance herein summarized was considered by the Board of Supervisors of the County of Tulare, State of California, on **Tuesday, March 24, 2020**, at a regular public meeting of said Board.

COUNTY OF TULARE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT  
County Administrative Officer/  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

ORDINANCE NO. \_\_\_\_\_

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF A PROPOSED 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.

SUMMARY OF PROPOSED ORDINANCE

This proposed Ordinance amends 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.

The proposed ordinance:

- 1) Adds the permitted use of the Cultivation of Industrial Hemp within the "AE", "AE-10", "AE-20", "AE-40", and "AE-80" Exclusive Agricultural Zones, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.
- 2) Adds the permitted use of the Cultivation of Industrial Hemp within the "M-1" Light Manufacturing Zone, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.
- 3) Adds special use permits to be acquired for Processing of Industrial Hemp within the AE, AE-10, AE-20, AE-40, AE-80, and M-2 zones, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.
- 4) Adds the permitted use of Processing of Industrial Hemp within the M-2 zone, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.

The Ordinance herein summarized was considered by the Board of Supervisors of the County of Tulare, State of California, on **Tuesday, March 24, 2020**, at a regular public meeting of said Board.

COUNTY OF TULARE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT  
County Administrative Officer/  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

Deputy Clerk



ORDINANCE NO. \_\_\_\_\_

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF AN ORDINANCE ESTABLISHING REGULATIONS 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.

SUMMARY OF PROPOSED ORDINANCE

This Ordinance added Chapter 5, Article 10 to Part VI of the Ordinance Code of Tulare County, pertaining to the Regulation of Cultivation and Processing of Industrial Hemp in the Unincorporated Areas of Tulare County.

The ordinance:

- 1) Establishes the permitting process by the Agricultural Commissioner for the Cultivation of Industrial Hemp within the "AE", "AE-10", "AE-20", "AE-40", and "AE-80" Exclusive Agricultural Zones.
- 2) Establishes the permitting process by the Agricultural Commissioner for the Processing of Industrial Hemp within the "M-1" Light Manufacturing Zone.
- 3) Sets forth setback requirements for Processing and Cultivation of Industrial Hemp from any urban development boundary, any municipal or County park, any church, or any school.
- 4) Establishes the permitting process by the Agricultural Commissioner for the Processing of Industrial Hemp within the M-2 zone.
- 5) Establishes abatement standards and requirements for noncomplying Industrial Hemp crops.
- 6) Establishes regulations for transportation of Industrial Hemp within Tulare County.
- 7) Establishes and appeals process for individuals disagreeing with a determination regarding the permitting process for Industrial Hemp Cultivation or Processing.
- 8) Establishes that the Cultivation or Processing of Industrial Hemp in violation of State law or this ordinance shall be a Public Nuisance.

The effective date of these changes will be the 7<sup>th</sup> day of May, 2020.

The ordinance herein summarized was adopted by the Tulare County Board of Supervisors on April 7, 2020 at a regular meeting of said Board.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

COUNTY OF TULARE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT  
County Administrative Officer/  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

ORDINANCE NO. \_\_\_\_\_

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY 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.

### SUMMARY OF ORDINANCE

This Ordinance amended 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.

The adopted ordinance:

- 1) Allows for the Cultivation of Industrial Hemp within the "AE", "AE-10", "AE-20", "AE-40", and "AE-80" Exclusive Agricultural Zones, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.
- 2) Allows for the Cultivation of Industrial Hemp within the "M-1" Light Manufacturing Zone, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.
- 3) Adds special use permit requirements for Processing of Industrial Hemp within the AE, AE-10, AE-20, AE-40, AE-80, and M-2 zones, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.
- 4) Allows for the Processing of Industrial Hemp within the M-2 zone, subject to the requirements set forth in Chapter 5, Article 10 of the Tulare County Ordinance Code.

The effective date of these changes will be the 7<sup>th</sup> day of May, 2020.

The ordinance herein summarized was adopted by the Tulare County Board of Supervisors on April 7, 2020 at a regular meeting of said Board.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

COUNTY OF TULARE

By: \_\_\_\_\_

Chairman, Board of Supervisors

ATTEST: JASON T. BRITT  
County Administrative Officer/  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy