



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING

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Hearing Date: Meeting of January 7, 2021
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: Public Hearing on the Industrial Hemp Land Use Ordinance;
Case No.: PLN-2019-15590

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Please contact Lana Adler, at 445-7541, or by email at eadler@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 7, 2021	Draft Industrial Hemp Coastal/Inland Ordinance	Lana Adler

Project Description: This item involves proposed amendments to the Zoning Regulations for both Coastal and Inland areas of the unincorporated County to add an Industrial Hemp Ordinance (addition of Sections 313-55.5 and 314-55.5 of Chapters 3 and 4 of Division 1 of Title III of the Humboldt County Code). The proposed ordinance makes permanent the existing temporary prohibition on Industrial Hemp cultivation with an exception of allowing limited cultivation of Industrial Hemp for research and educational purposes at the College of the Redwoods campus on Tompkins Hill Road with a Special Permit (Assessor Parcel Numbers 307-011-013, 307-011-014, 307-021-022, 307-051-012, 307-051-013, 307-061-005, 307-061-006 and 307-061-007). The Planning and Building Department is recommending the Planning Commission approve of the proposed changes to the Zoning Regulations. The Planning Commission will be making recommendations to the Board of Supervisors for final action.

Project Location: The new regulations would apply throughout the unincorporated areas of Humboldt County, including the Coastal Zone.

Present Plan Designations: Various.

Present Zoning: Various.

Environmental Review: This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines, which states an activity is not subject to CEQA when it will not result in a physical change to the environment either directly or indirectly.

Also, adoption of the Coastal Industrial Hemp Ordinance is statutorily exempt from CEQA pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA).

State Appeal Status: The portion of the Industrial Hemp Ordinance that affects land use within the coastal zone must be certified or otherwise approved by the Coastal Commission prior to taking effect.

AMENDMENTS TO THE COASTAL AND INLAND ZONING ORDINANCE FOR INDUSTRIAL HEMP CULTIVATION

Recommended Commission Action

1. Open the public hearing.
2. Request that staff present the staff report.
3. Receive public testimony.
4. Deliberate and comment on the draft ordinance, public input, and alternatives presented.
5. Take the following action:

"Based on evidence in the staff report and public testimony, make all of the required findings and adopt the Resolution recommending that the Humboldt County Board of Supervisors find that the proposed ordinance amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15050(c)(2) and 15060(c)(3) and statutorily exempt from CEQA pursuant Sections 21080.5 and 21080.9 of the Public Resources Code and 15265 of the State CEQA Guidelines; and that the Board of Supervisors adopt the Industrial Hemp Zoning Ordinances."

Executive Summary: Since May 21, 2019 Industrial Hemp cultivation has not been allowed in the unincorporated areas of Humboldt County under a temporary moratorium adopted by the Board of Supervisors which lasts until May 10, 2021. The proposed zoning ordinance amendments extend the prohibition on Industrial Hemp cultivation indefinitely. This precautionary approach aligns with the expressed concerns from the public about potential impacts on the commercial cannabis industry from Industrial Hemp cultivation including cross pollination and the introduction of new pests and pathogens.

Staff is recommending the proposed Ordinance Amendments include an exception to allow cultivation of Industrial Hemp with a Special Permit at the College of the Redwoods Tompkins Hill Road campus for research and educational purposes. The proposed Zoning Ordinance amendments for the Coastal and Inland Areas of the County (adding Section 313-55.5 and 314-55.5 to Chapter 3 and Chapter 4 of Division 1 of Title III of the Humboldt County Code) are shown in Attachments 1 and 2 of the staff report.

Background: New Federal law allowing cultivation of Industrial Hemp in 2019 was viewed by many locally as a potential new market for cannabis farmers to participate in, particularly small legacy cannabis farmers who opted out of the commercial cannabis industry due to the regulatory burdens and high costs of permitting. On May 21, 2019 the Board of Supervisors placed a temporary moratorium on the cultivation of Industrial Hemp to allow time to develop appropriate legislation for Industrial Hemp activities.

At the direction of the Board of Supervisors, an ordinance that would broadly allow cultivation of Industrial Hemp was brought before the Planning Commission on October 3rd and 17th, 2019. Based on extensive public comment in opposition to the proposed amendments expressed at the hearings, the Planning Commission recommended that the Board of Supervisors prohibit Industrial Hemp cultivation to minimize the risks of Industrial Hemp cultivation inadvertently pollinating permitted cannabis cultivation sites

and potentially introducing new pests and pathogens that could adversely affect the commercial cannabis industry.

The Board of Supervisors met in November and December 2019 to consider the Planning Commission's recommendations and decided to extend the temporary moratorium until December 25th, 2020 and at the same time, directed staff to examine the Commercial Cannabis Land Use Ordinance (CCLUO) to determine if there are regulatory barriers which preclude small farmers from entry into the legal marketplace.

In mid-2020, Planning staff brought forward draft amendments to the CCLUO that established new streamlined permitting pathways for small farmers to participate in the commercial cannabis industry. The "Small Farmer" amendments were reviewed and approved by the Planning Commission in August, 2020, and adopted by the Board of Supervisors (Ordinance 2652 adopted October 6, 2020). These amendments allow cultivation of up to 2,000 square feet of commercial cannabis with a fixed-cost ministerial permit that is guaranteed to be completed within 30 days after receipt of a complete application.

On December 8, 2020, the Board of Supervisors extended the temporary moratorium on Industrial Hemp cultivation to enable staff time to bring forward a permanent moratorium on Industrial Hemp cultivation for the unincorporated areas. The proposed amendments accomplish this objective with one exception - to allow with a Special Permit the cultivation of Industrial Hemp at the College of the Redwoods (CR) Tompkins Hill campus for research and educational purposes. This exception responds to communications between the County's Agriculture Commissioner Jeff Dolf and CR officials in November, 2020 when they indicated they may pursue a future addition to their curriculum focused on cultivation of Industrial Hemp. The proposed ordinance would build in an allowance for that with a Special Permit should the school's administrators choose to add this curriculum in the future.

Alternatives: The Planning Commission could choose to recommend the CR exception be deleted from the draft ordinance. This alternative should be approved if the Planning Commission receives compelling public testimony supporting a finding that the risks to the commercial cannabis industry in the vicinity of the CR campus is too high to consider ever allowing any Industrial Hemp cultivation there.

Going in the opposite (more permissive) direction, the Commission could choose to recommend the ordinance allow for an exemption for Established Agricultural Research Institutions (EARIs) which would allow both College of the Redwoods and Humboldt State University to cultivate Industrial Hemp for research and educational purposes on any property they own in the unincorporated areas of the County. This alternative would allow Industrial Hemp cultivation on EARl properties without an option for controls to be included as part of the ordinance. Given the public comment in opposition to Industrial Hemp cultivation expressed at previous Planning Commission and Board of Supervisor meetings, staff does not support this alternative because it could put at risk permitted cannabis cultivation sites in the vicinity of any property acquired or leased by these institutions in the future.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

Case Number PLN-2019-15590

RECOMMENDS THAT THE BOARD OF SUPERVISORS CERTIFY COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPT THE AMENDMENTS TO SECTION 313-55.5 AND 314-55.5 OF CHAPTERS 3 AND 4 OF DIVISION 1 OF TITLE III OF THE HUMBOLDT COUNTY CODE – INDUSTRIAL HEMP ORDINANCE.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend zoning ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, on April 2, 2019, the Board of Supervisors directed staff to prepare a work program for regulation of Industrial Hemp cultivation in Humboldt County; and

WHEREAS, in June 2019 the Planning and Building Department held three public workshops to get public input on what should be included in the proposed Zoning Ordinance amendments; and

WHEREAS, comments received supported a tiered approach to allowing cultivation; and

WHEREAS, in August, 2019 a workshop draft Industrial Hemp Ordinance was published which includes 1) industrial Hemp cultivation areas with no local regulation (“Industrial Hemp Management Zones”), 2) cultivation allowances for CCLUO permit holders, 3) “Accessory Use” cultivation which would allow small grows on parcels with existing residences, and 4) a path for cultivation in other areas just like cannabis cultivation under the CCLUO; and

WHEREAS, in September 2019 the Planning and Building Department held two public workshops on the proposed ordinance amendments; and

WHEREAS, comments received expressed concern that large-scale Industrial Hemp farms grown in the Management Zone could potentially have widespread impacts on cannabis farms from uncontrolled pollen drift; “mono-cropping” of Industrial Hemp and the potential to bring in new pests and pathogens could destroy the economic viability of the local cannabis industry; and Accessory Use grows are not going to be economically viable when Industrial Hemp is being produced throughout the United States and the price has dropped significantly for CBD produced from Industrial Hemp; and

WHEREAS, on October 3, 2019 the Planning Commission held a public workshop on the proposed ordinance amendments; and

WHEREAS, written and verbal comments at the meeting expressed the same concerns raised at the September workshops; and

WHEREAS, staff introduced, and the Planning Commission approved a revised draft ordinance at the October 17, 2019 meeting which took a more cautionary approach and did not allow any Industrial Hemp activities, including cultivation, distribution, sale, manufacturing or processing of Industrial Hemp; and

WHEREAS, on November 19, 2019 the Board of Supervisors took no action on the Planning Commission-recommended Industrial Hemp ordinance and instead directed staff to explore reducing barriers for entry of small farmers into the legal marketplace through amendments to the Commercial Cannabis Land Use Ordinance (CCLUO); and

WHEREAS, in October, 2020 the Board of Supervisors approved amendments to the CCLUO which established a streamlined permitting pathway to encourage small farmers to participate in the commercial cannabis industry; and

WHEREAS, in an email exchange with Agriculture Commissioner Jeff Dolf on November 4, 2020, representatives of the College of the Redwoods indicated they may pursue a curriculum based on Industrial Hemp cultivation activities at the Tompkins Hill campus for research and educational purposes in the future; and

WHEREAS, the draft ordinance amendments would allow with a Special Permit the cultivation of Industrial Hemp at the CR Tompkins Hill campus for research and educational purposes; and

WHEREAS, the staff report describes a more restrictive alternative for the Planning Commission's consideration that would prohibit Industrial Hemp cultivation in all unincorporated areas, including the CR campus, and another more permissive alternative to allow cultivation of Industrial Hemp at establish agricultural research institutions; and

WHEREAS, Exhibit A to this resolution includes substantial evidence in support of making all the required findings for approving the proposed zoning ordinance amendments; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 7, 2021, during which the Planning Commission reviewed the staff report, took public comments, and deliberated on the draft Industrial Hemp Ordinance and alternatives presented;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings are hereby made:

1. The proposed ordinances are in the public interest; and
2. The proposed ordinances are consistent with the General Plan; and
3. The proposed ordinances do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
4. The proposed Coastal Zone ordinance is consistent with the Coastal Act; and

5. The Planning Commission makes the findings in Exhibit A of this resolution, which is incorporated fully herein, based on the evidence provided.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the ordinances to the Zoning Regulations of the Coastal Zoning Ordinance (Section 313 of Title III, Division 1, Chapter 3 of Humboldt County Code) as shown in Attachment 1 of this staff report and summarized as follows:
 - (a) Sets forth a prohibition of Industrial Hemp cultivation in the coastal areas, excepting the CR Tompkins Hill Campus for research and educational purposes, in the unincorporated area of Humboldt County.
3. Adopt the ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 2 of this staff report and summarized as follows:
 - (a) Sets forth a prohibition of Industrial Hemp cultivation in the inland areas, excepting the CR Tompkins Hill Campus for research and educational purposes, in the unincorporated area of Humboldt County.
4. Direct Planning staff to submit the Coastal Zoning Ordinance amendments to the Coastal Commission for certification.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk.
6. Direct the Clerk of the Board to publish within 15 days of approval a post approval summary in a newspaper of general circulation and give notice of the decision to interested parties.

Adopted after review and consideration of all the evidence on _____, 2021.

The motion was made by Commissioner __ and seconded by Commissioner __.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford
Director, Planning and Building Department

Exhibit A – Required Findings of Approval

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).			
1.	FINDING:		The proposed Industrial Hemp Ordinance is exempt from environmental review.
	EVIDENCE:	a)	<p>The California Environmental Quality Act (CEQA) Guidelines Sections 15050(c)(2) and 15060(c)(3), states that an activity is not subject to CEQA when it will not result in a physical change to the environment either directly or indirectly. The proposed amendments to the zoning ordinance will prohibit cultivation of Industrial Hemp in all areas of the County except at the CR Tompkins Hill campus, and cultivation of Industrial Hemp at the CR Tompkins Hill campus will only be allowed with a Special Permit which will be a discretionary permit subject to environmental review.</p> <p>Also, Public Resources Code Section 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the coastal version of the ordinance is statutorily exempt from environmental review. Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA.</p>
CONSISTENCY WITH THE ZONING ORDINANCE.			
2.	FINDING:		Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed Zoning Ordinance amendment is in the public interest.
	EVIDENCE:	a)	<p>These regulations which prohibit Industrial Hemp cultivation except at the CR Tompkins Hill Campus for research and educational purposes are in the public interest because they reduce potential impacts to the legal cannabis industry through cross pollination and the introduction of new pests and pathogens from Industrial Hemp.</p> <p>Additionally, by prohibiting hemp cultivation in undisturbed natural areas, the proposed amendments would reduce environmental harm resulting from new hemp cultivation activities, including but not limited to impacts resulting from land clearing causing soil erosion into streams, degrading fish, and wildlife habitat. Tribal Cultural Resources impacts resulting from Industrial Hemp cultivation would not occur because new Industrial Hemp cultivation activities would not be allowed. If the proposed ordinance were not to be adopted, Industrial Hemp cultivation would be automatically allowed, which could result in fish and wildlife impacts associated with the drawdown</p>

			<p>or dewatering of streams resulting from increased water use for irrigation of Industrial Hemp cultivation sites; land clearing and potentially disturbance of cultural resources would occur, along with the increased use of pesticides, herbicides, and fertilizers for pest, pathogen and plant health management, all of which could adversely impact the environment and have detrimental public health effects.</p>
3.	FINDING:		<p>Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed Ordinances is consistent with the General Plan.</p>
	EVIDENCE:	a)	<p>The purpose of the ordinance is to establish land use regulations concerning the cultivation of Industrial Hemp within the County of Humboldt. Implementation of these regulations, by prohibiting cultivation of Industrial Hemp (excepting the CR Tompkins Hill Campus for research and educational purposes), is an effort to eliminate potential impacts to the County's commercial cannabis industry to reduce uncontrolled pollen drift from hemp to cannabis; the potential of introducing new pests and pathogens that could destroy the economic viability of the local cannabis industry.</p> <p>Policy UL-P21 of the 2017 Humboldt County General Plan states: Cultivation of medical cannabis shall be regulated by ordinance to provide for the health, safety, and welfare of the community, but shall not interfere with the patient's right to medical cannabis.</p> <p>This ordinance accomplishes the General Plan objectives by protecting the commercial cannabis industry from potential impacts of Industrial Hemp cultivation which include cross pollination, and the introduction of new pests and pathogens, which may result in reduced commercial cannabis productivity. Additionally, the ordinance protects the public, health, safety and welfare by minimizing the risks of Industrial Hemp cultivation introducing new pests and pathogens to the agricultural community as a whole. As mentioned in the Staff Report, there is interest from the College of the Redwoods to initiate a research and educational Industrial Hemp program in the future. Education and research could assist in better informing the agricultural community, the public and cannabis cultivators if potential conflicts can be mitigated. Requiring a Special Permit for Industrial Hemp cultivation at the CR campus provides a mechanism for the County to ensure there will be no conflict between those activities and permitted commercial cannabis cultivation sites nearby.</p>
4.	FINDING:		<p>Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance to not reduce the residential density for any parcel below that utilized by the State Department of Housing and Community Development (HCD) in determining compliance with housing element law.</p>

	EVIDENCE:	<p>a) The proposed ordinances will not affect Housing Element densities because it only disallows Industrial Hemp cultivation, except for research and educational purposes at the CR Tompkins Hill Campus zoned PF-2, Public Facility – Rural. These ordinance amendments do not involve parcels zoned for residential use that are included in the residential land inventory used the by the Department of Housing and Community Development in determining compliance with housing element law.</p>
5.	FINDING:	<p>Section 312-50.3.3 requires if the proposed changes to the Zoning Ordinance requires a Local Coastal Plan Amendment, the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:</p> <p>a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p> <p>b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes)</p> <p>c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)</p> <p>d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p>e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p> <p>f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).</p> <p>The proposed Industrial Hemp Ordinance is consistent with the Coastal Act.</p>
	EVIDENCE:	<p>a) Access The proposed ordinance prohibits Industrial Hemp cultivation except for research and education at the CR Tompkins Hill Campus. There is no evidence that prohibiting Industrial Hemp will impact coastal access. For new Industrial Hemp cultivation at the CR campus a Special Permit, would be required and impacts on coastal resource access would be evaluated under the same controls and conditions that currently apply to other development allowed at the site.</p>

		<p>b) Recreation The proposed ordinance prohibits Industrial Hemp cultivation except for research and education at the CR Tompkins Hill Campus. There is no evidence that prohibiting Industrial Hemp cultivation will impact coastal recreation facilities. For new Industrial Hemp cultivation at the CR campus a Special Permit, would be required and impacts on coastal recreation from those activities would be evaluated under the same controls and conditions that currently apply to other development allowed at the site.</p> <p>c) Marine Resources The proposed ordinance prohibits Industrial Hemp cultivation except for research and education at the CR Tompkins Hill Campus. There is no evidence that prohibiting Industrial Hemp cultivation will impact marine resources. For new Industrial Hemp cultivation at the CR campus a Special Permit, would be required and impacts on marine resources from those activities would be evaluated under the same controls and conditions that currently apply to other development allowed at the site.</p> <p>d) Land Resources The proposed ordinance prohibits Industrial Hemp cultivation except for research and education at the CR Tompkins Hill Campus. There is no evidence that disallowing Industrial Hemp cultivation will impact environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources. For new Industrial Hemp cultivation at the CR campus a Special Permit, would be required and impacts of new Industrial Hemp cultivation operations on environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources would be evaluated under the same controls and conditions that currently apply to other development allowed at the site.</p> <p>e) Development The proposed ordinance prohibits Industrial Hemp cultivation except for research and education at the CR Tompkins Hill Campus. There is no evidence that disallowing Industrial Hemp cultivation will impact scenic resources, public works facilities, or the safety, and priority of coastal dependent developments. For new Industrial Hemp cultivation at the CR campus a Special Permit, would be required and impacts of new Industrial Hemp cultivation operations on the location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants would be evaluated under the same controls and conditions that currently apply to other development allowed at the site.</p>
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		f)	<p>Industrial Development</p> <p>The proposed ordinance prohibits Industrial Hemp cultivation except for research and education at the CR Tompkins Hill Campus. There is no evidence that disallowing Industrial Hemp cultivation will impact the location and expansion or use of tanker facilities, oil and gas development or transport (both onshore and off), or power plants. For new Industrial Hemp cultivation at the CR campus a Special Permit, would be required and impacts of new Industrial Hemp cultivation operations on the location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants would be evaluated under the same controls and conditions that currently apply to other development allowed at the site.</p>
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ATTACHMENT 1
DRAFT INDUSTRIAL HEMP COASTAL ORDINANCE

313-55.5 INDUSTRIAL HEMP LAND USE REGULATIONS FOR THE COASTAL AREA OF THE COUNTY OF HUMBOLDT

55.5.1 AUTHORITY AND TITLE

This Section regulates the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the Coastal Area of the County of Humboldt.

55.5.2 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.

55.5.3 APPLICABILITY AND INTERPRETATION

55.5.3.1 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.

55.5.3.2 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.

55.5.3.3 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.

55.5.3.4 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.

55.5.4 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.

55.5.5 GENERAL PROVISIONS APPLICABLE TO INDUSTRIAL HEMP CULTIVATION AND REGISTRATION OF INDUSTRIAL HEMP CULTIVATION SITES

55.5.5.1 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 FAC section 81000, are similarly prohibited from cultivating Industrial Hemp for agricultural or academic research purposes.

55.5.5.2. 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.

55.5.5.3. Exception. With a Special Permit, cultivation of Industrial Hemp for research and educational purposes and issuance of a registration for an Industrial Hemp cultivation site for research and educational purposes is allowed on the College of the Redwoods Tompkins Hill campus, which is the land area within the following Assessor Parcel Numbers as shown on the County's webGIS (<http://webgis.co.humboldt.ca.us/HCEGIS2.0/>) on January 7, 2021: 307-011-013-000, 307-011-014-000, 307-021-022-000, 307-051-012-000, 307-051-013-000, 307-061-005-000, 307-061-006-000, and 307-061-007-000.

55.5.6 RELEASE OF LIABILITY, INDEMNIFICATION, AND HOLD HARMLESS

As part of the application for any Special Permit for Industrial Hemp cultivation, College of the Redwoods as a permittee, shall indemnify and hold harmless the County of Humboldt and its agents, officers, elected officials, and students for any claims, damages, or injuries brought by affected property owners or other third parties due to the Industrial Hemp cultivation and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of these uses.

ATTACHMENT 2

DRAFT INDUSTRIAL HEMP INLAND ORDINANCE

314-55.5 INDUSTRIAL HEMP LAND USE REGULATIONS FOR THE INLAND AREA OF THE COUNTY OF HUMBOLDT

55.5.1 AUTHORITY AND TITLE

This Section regulates the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the Inland Area of the County of Humboldt.

55.5.2 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.

55.5.3 APPLICABILITY AND INTERPRETATION

55.5.3.1 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 outside of the Coastal Zone shall be controlled by the provisions of this Section.

55.5.3.2 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.

55.5.3.3 Nothing in this Section is intended, nor shall it be construed, to exempt 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 regulations, endangered species, or any other environmental, building or land use standards or permitting requirements.

55.5.3.4 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.

55.5.4 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.

55.5.5 GENERAL PROVISIONS APPLICABLE TO INDUSTRIAL HEMP CULTIVATION AND REGISTRATION OF INDUSTRIAL HEMP CULTIVATION SITES

55.5.5.1 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 FAC section 81000, are similarly prohibited from cultivating Industrial Hemp for agricultural or academic research purposes.

55.5.5.2 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.

55.5.5.3. Exception. With a Special Permit, cultivation of Industrial Hemp for research and educational purposes and issuance of a registration for an Industrial Hemp cultivation site for research and educational purposes is allowed on the College of the Redwoods Tompkins Hill campus, which is the land area within the following Assessor Parcel Numbers as shown on the County's webGIS (<http://webgis.co.humboldt.ca.us/HCEGIS2.0/>) on January 7, 2021: 307-011-013-000, 307-011-014-000, 307-021-022-000, 307-051-012-000, 307-051-013-000, 307-061-005-000, 307-061-006-000, and 307-061-007-000.

55.5.6 RELEASE OF LIABILITY, INDEMNIFICATION, AND HOLD HARMLESS

As part of the application for any Special Permit for Industrial Hemp cultivation, College of the Redwoods as a permittee, shall indemnify and hold harmless the County of Humboldt and its agents, officers, elected officials, and students for any claims, damages, or injuries brought by affected property owners or other third parties due to the Industrial Hemp activity and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of these uses.