

ORDINANCE NO. 2019-05

Ordinance Amending Title 18 to Define Hemp and Allow for its Provision

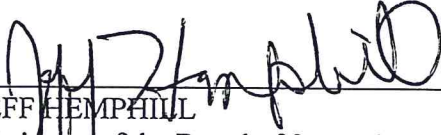
The following ordinance, consisting of four sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the 25 th day of June, 2019, by the following vote:

AYES: Supervisors Hemphill, Gallagher, Teeter, Albaugh and Hammond.

NOES: None.

ABSTAIN: None.

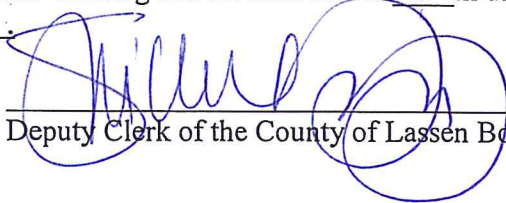
ABSENT: None.

  
JEFF HEMPHILL  
Chairman of the Board of Supervisors,  
County of Lassen, State of California

Attest:  
JULIE-BUSTAMANTE  
Clerk of the Board

By:   
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors,  
County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said  
Board of Supervisors at a regular meeting thereof held on the 25 th day of  
June, 20 19.

  
Deputy Clerk of the County of Lassen Board of Supervisors

**THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN  
ORDAINS AS FOLLOWS:**

**SECTION ONE:** This ordinance shall take effect thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

**SECTION TWO:** Add Section 18.14.515 to the Lassen County Code to read as follows:

"18.14.515 Hemp, industrial. 'Industrial hemp' shall have the same meaning as that set forth in Section 11018.5 of the California Health and Safety Code. All references to 'hemp' in this title shall mean 'industrial hemp' as defined in this subsection."

**SECTION THREE:** Add Section 18.102.110 to the Lassen County Code to read as follows:

"18.102.110 Provisions for hemp. 'Hemp' or 'industrial hemp' shall be considered a use allowed in certain districts, subject to all of the following:

- (1) 'Hemp' or 'industrial hemp' shall only be allowed by right in districts that are not identified in subsection (2) below;
- (2) 'Hemp' or 'industrial hemp' shall not be allowed in the "R-1" Single Family Residential District, "R-2" Limited Multiple-Family Residential District, "R-3" Multiple-Family Residential District, "P.U.D." Planned Unit Development, "P-C" Planned Community District, "R-S" Resort District, "O-C-B" Public Campground/Boating/Beach District, "O-H" Historical Site District, "O-D" Primitive Area, "O-S" Open Space District, "T-P-Z" Timber Production Zone District, "F-R" Forest Recreation District, "A-F" Agricultural Forest District, "H-R" Hydroelectric District, or the "Y-C" Airport Commercial District.
- (3) 'Hemp' or 'industrial hemp' shall only be cultivated on parcels at least 19 acres in size;
- (4) Any cultivation of 'hemp' or 'industrial hemp' must be at least 150 yards from any and all residences, existing schools, school bus stops, licensed day care providers, churches, or public parks that are under separate ownership from that of the parcel or parcels on which the 'hemp' or 'industrial hemp' is cultivated.
- (5) 'Hemp' or 'industrial' hemp may be cultivated both indoors and outdoors subject to the requirements of this section and any other applicable County, State, or federal regulations.

- (6) 'Indoor' or 'indoors' means that the structure within which 'hemp' or 'industrial hemp' is being cultivated, must be either a private residence or an accessory structure within the meaning of those definitions found in this section. All cultivation which does not specifically meet the definition of 'indoor' or 'indoors' is considered 'outdoor' or 'outdoors.' The cultivation of 'hemp' or 'industrial hemp' which occurs in a greenhouse or hoop house is considered 'outdoor' or 'outdoors' cultivation for purposes of this title.
- (7) 'Outdoor' or 'outdoors' means any cultivation location that does not specifically meet the definition of 'indoor' or 'indoors' or is otherwise specifically defined as 'outdoor' or 'outdoors.'
- (8) 'Private residence' means a lawfully established structure, suitable for human occupancy as required by Sections 17922 and 17958 of the California Health and Safety Code. A recreational vehicle does not constitute a lawfully established structure for purposes of this title.
- (9) 'Accessory structure' means a fully enclosed and secure structure that complies with the California Building Standards Code, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two-inch by four-inch or thicker studs overlain with three-eighths-inch or thicker plywood or equivalent materials. An accessory structure is a structure that is secondary or incidental to a private residence. A structure cannot be an accessory structure if there is not a private residence on the premises. A greenhouse or hoop house is not an accessory structure for purposes of this title and all cultivation within a greenhouse or hoop house is to be deemed 'outdoors.'"

**SECTION FOUR:** If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.