

ORDINANCE NO. 813

AN ORDINANCE OF THE COLUSA COUNTY BOARD OF SUPERVISORS AMENDING CHAPTER 11 OF THE COLUSA COUNTY CODE REGARDING AMENDING CERTAIN INDUSTRIAL HEMP PROVISIONS INCLUDING A PROCESSOR LICENSE, LICENSE PROCESSING DEPOSITS, AND COMPLIANCE PROVISIONS

The Board of Supervisors for the County of Colusa ordains as follows:

SECTION 1

Section 11-8.1(b)(1) is hereby added to read as follows:

(1) Prior to the commencement of an industrial hemp processing use, an industrial hemp processing license shall be issued by the community development director for said use. To obtain an industrial hemp processing license, an application shall be submitted to the director detailing the processing details, the source of the industrial hemp with proof that it was grown under a valid State registration and any required local jurisdiction approval, and local jurisdiction testing verifying that the level of tetrahydrocannabinol (THC) is no more than three-tenths of one percent. The director shall determine the form of the application.

SECTION 2

Section 11-8.2(b)(2)(D) is hereby amended to read as follows:

(D) The two thousand five hundred dollar deposit submitted to the community development department pursuant to this section may also be used to reimburse the county for all unreimbursed costs for all staff time, any consultant time, and all other related expenses to process and monitor the license application, including any required investigations, inspections, and testing.

SECTION 3

Section 11-8.3 is hereby amended to read as follows and Sections 11-8.3(a), (b), and (c) shall remain unchanged:

All industrial hemp operations, including industrial hemp processing, shall comply with the following requirements in addition to any additional license conditions that the community development director and/or agricultural commissioner determine in their discretion to be necessary to protect the health, safety, and welfare of the community:

SECTION 4

Section 11-8.4(c) is hereby added to read as follows:

(c) The community development director may in their discretion not issue an industrial hemp license for a property or applicant when said property owner or applicant failed to reasonably correct a written notice of code violation involving an industrial hemp license or County code provisions in the preceding twelve months. The decision to withhold an industrial hemp license may be appealed pursuant to Section 44-1.80.080 of the County Code.

SECTION 5

Section 11-8.1(a) is hereby amended to read as follows and Sections 11-8.1(a)(1), (2), (3) and (4) shall remain unchanged:

(a) Industrial hemp cultivation, including seed production, may only occur on properties zoned foothill agriculture (F-A), exclusive agriculture (E-A), and upland conservation (U-C) that are a minimum of one and one-half miles away from the following boundaries:

SECTION 6

This ordinance is exempt from the California Environmental Quality Act (CEQA) because it is not a project under CEQA. Additionally, if it were deemed a project it would be categorically exempt under California Code of Regulations Title 14, Division 6, Chapter 3 Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15061(b)(3) because there is no possibility that the project may have a significant effect on the environment.

SECTION 7

The provisions of Chapter 11 are severable and if any provision of Chapter 11 or its application in a particular circumstance is held invalid, the remainder of the Chapter, including the application of such part or provision in another circumstance, will not be affected and will continue in full force. The Board of Supervisors declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase in Chapter 11 irrespective of the fact that any one, or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

/

/

/

SECTION 8

This ordinance shall become effective thirty (30) days after its passage. It shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Colusa, State of California, within fifteen (15) days after its passage.

Introduced at a regular meeting of the Board of Supervisors held on the 16th day of February, 2021, and passed and adopted by the Board of Supervisors of the County of Colusa, State of California, on the 2nd day of March, 2021, by the following roll call vote:

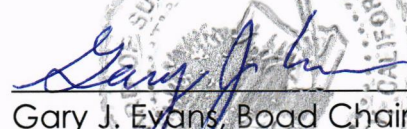
AYES: Supervisors Daurice K. Smith, Kent S. Boes, Denise J. Carter, J. Merced Corona and Gary J. Evans.

NOES: None.

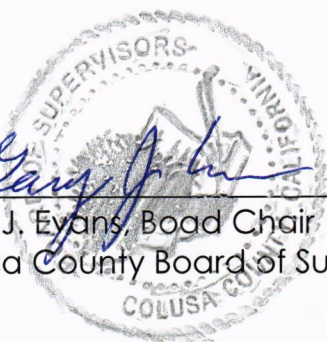
ABSENT: None.

ATTEST: Wendy G. Tyler
Clerk to the Board of Supervisors

By Patricia B. Rodriguez
Patricia Rodriguez, Deputy



Gary J. Evans, Board Chair
Colusa County Board of Supervisors



APPROVED AS TO FORM:

Marcos A. Kropf

Marcos A. Kropf, County Counsel