

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE ZONING CODE
OF SACRAMENTO COUNTY RELATING TO REGULATIONS FOR THE
CULTIVATION AND PROCESSING OF INDUSTRIAL HEMP**

The Board of Supervisors of the County of Sacramento, State of California, do ordain as follows:

SECTION 1: The Zoning Code of Sacramento County, Ordinance No. 2015-0003 is amended to revise various provisions as described in Exhibit A.

SECTION 2: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof, and, before expiration of 15 days from the date of its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published within the County of Sacramento, State of California.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 26th day of January 2021, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,

(PER POLITICAL REFORM ACT (§ 18702.5.))

Chair of the Board of Supervisors
of Sacramento County, California

(S E A L)

ATTEST: _____
Clerk, Board of Supervisors

EXHIBIT A

3.2.5. Allowed Uses in All Zoning Districts

TABLE 3.1: ALLOWED USES [AMENDED 02-24-2017][AMENDED 06-22-2017][AMENDED 12-01-2017][AMENDED 01-12-2019]																									
KEY																									
P= Permitted Primary Use			UPP= Conditional Use Permit by the Planning Commission						A = Permitted Accessory Use						Grey Boxes = Refer to Applicable Use Standards in Sections Identified										
UPM= Minor Use Permit			UPB= Conditional Use Permit by the Board of Supervisors						TUZ = Temporary Use Permit by the Zoning Administrator																
UPZ = Conditional Use Permit by the Zoning Administrator																									
Zoning Districts	Agricultural			Agricultural Residential		Residential					Recreation			Mixed Use			Commercial			Industrial			Use Standard		
Use, Service, or Facility	AG-20, through AG-160	UR	IR	AR-10, AR-5	AR-2, AR-1	RD-1, RD-2	RD-3, RD-1	RD-5, RD-7, RD-10	RD-15 through RD-10	RM-2	RR	O	C-O	NMC	CMC	CMZ	BP	LC ¹	GC ²	MP	M-1	M-2			
AGRICULTURAL USES																									
A. General Agricultural Uses	P	P	P	P	P ₃								P	UPZ	UPZ							P	P	P	3.4.1
B. Agricultural Equipment Repair, Maintenance and Manufacturing	UPZ																					UPZ	UPZ		
C. Agricultural Supplies and Services	UPZ																	P				P	P		
D. Primary processing of agricultural products	P ⁴	P ⁴	P ⁴	P ⁴																		UPZ	P ⁴		3.4.12
E. Commercial Beekeeping	P	P	P	P	P																				3.4.2
F. Non-Commercial Beekeeping					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4.2
G. Crop Dusting Service	UPP																								

¹ Includes former SC zoning district. Refer to Title IV of the Sacramento County Zoning Code interim standards for SC zoning districts.
² Includes former AC and TC zoning districts; interim standards for AC and TC zoning districts should refer to Title IV of the Sacramento County Zoning Code.
³ In the AR-1 zoning district, general agricultural uses are permitted on lots of 150 feet or greater in width.
⁴ Permitted up to five (5) acres in AG zones and up to one (1) acre in AR zones. Otherwise, need UPZ if exceed acreage. Includes processing of industrial hemp pursuant to Section 3.4.12 in AG-20 through AG-160 and M-2 zones only. In the M-1 zone a UPZ is required.

TABLE 3.1: ALLOWED USES [AMENDED 02-24-2017][AMENDED 06-22-2017][AMENDED 12-01-2017][AMENDED 01-12-2019]

Zoning Districts		Agricultural			Agricultural Residential		Residential					Recreation			Mixed Use			Commercial			Industrial			Use Standard	
		AG-20, through AG-160	UR	IR	AR-10, AR-5	AR-2, AR-1	RD-1, RD-2	RD-3, RD-4	RD-5, RD-7, RD-10	RD-15 through RD-40	RM-2	RR	O	C-O	NMC	CMC	CMZ	BP	LC ¹	GC ²	MP	M-1	M-2		
O. Large Wineries/Breweries	UPZ											UPZ										P _a	P _a	3.4.9	
P. Food Processing Industry ⁹	UPB	UPB	UPB																					3.4.10	
Q. Water Impoundment, Constructed Lake/Pond	P	P	P	P	P	P	P	P	P	P	P	P												3.4.11	
R. Industrial Hemp	P																					P	P	3.4.12	
RESIDENTIAL USES																									
A. Household Living Uses¹⁰																									
1. Dwelling, Duplex or Halfplex								UPZ ¹¹	P	P															3.5.1.B
2. Dwelling, Multiple Family								UPZ ¹²	P						P	P	P	UPP	P	P					3.5.1.C
3. Dwelling, Single-family Attached		UPZ	UPZ			UPZ	UPZ	UPZ	P	UPZ	UPZ				P	P	P	UPP	P	P					3.5.1.D
4. Dwelling, Single-family Detached	P	P	P	P	P	P	P	P	P	P	P	UPP		P	UPM	P	UPP								3.5.1.E

⁸ In the M-1 and M-2 zoning districts, use is allowed if in compliance with use standards and the tasting facilities are limited to a maximum of 15 percent of the square footage of the indoor portion of the winery/brewery; otherwise, a Minor Use Permit is required.
⁹ Use is intended for agricultural zoning districts, and must be accompanied by the Food Processing (FP) combining zoning district.
¹⁰ See "Accessory Uses" (Table 3.2) for accessory dwellings and guest houses.
¹¹ In the RD-5 and RD-7 zoning districts, permitted subject to issuance of a conditional use permit by the Zoning Administrator; in the RD-10 zoning district, the use is permitted by right.
¹² Use is conditionally permitted, as noted, only in the RD-10 zoning district. Not permitted in the other referenced zoning districts.

3.4.12. Industrial Hemp

3.4.12.A. Outdoor industrial hemp cultivation, commercial hemp production, seed production, and related nursery uses are permitted in all AG zones if the following standards are met:

1. Minimum parcel size of 40 acres.
2. Minimum setback requirements shall be as outlined in Chapter 6.87 of the County Code and as may be modified by the Agricultural Commissioner’s Office.
3. Signage required for hemp cultivation shall comply with Chapter 6.87 of the County Code.
4. Primary processing of industrial hemp (drying, curing, pressing and/or similar activities occurring after harvest) in AG zones shall take place in a fully enclosed legally permitted building where the odor cannot be detected from outside the structure and is limited to a maximum area of five acres dedicated to structures related to the cultivation and or processing of industrial hemp as a permitted use. All methods of processing shall be non-volatile. Processing of industrial hemp shall be limited to crops grown on site or under the same ownership. If the indoor cultivation, processing, or storage area exceeds five acres or processing or storage occurs outside of a fully enclosed building a Use

Permit from the Zoning Administrator is required (see Section 3.4.12.C for additional requirements).

5. Grower must be licensed and registered with the Agricultural Commissioner.

3.4-12.B. Indoor industrial hemp cultivation and processing, seed production, or related nursery production and including incidental activities related thereto within the M-1 and M-2 industrial zones shall meet the following standards:

1. Structure(s) must comply with all applicable building codes.
2. Sites shall be developed in compliance with the development standards listed in Chapter 5.6 for projects in Industrial Zones.
3. All odor shall be mitigated so as not to be detected from outside the building structure.
4. All methods of processing shall be non-volatile.
5. Grower must be licensed and registered with the Agricultural Commissioner.
6. Processing in the M-1 zone requires a Use Permit from the Zoning Administrator pursuant to Section 3.4.12.C.

3.4.12.C. Processing of industrial hemp in the M-1 zone and any processing of industrial hemp that exceeds the requirements of Zoning Code Section 3.4.12.A.4 above, shall require a Use Permit from the Zoning Administrator. Applications for Use Permits to process industrial hemp shall include the following in addition to any requirements listed in Section 6.4.3; Conditional Use Permits:

1. An odor control and mitigation plan to ensure odors of industrial hemp cannot be detected from outside of the buildings(s) in which the Business operates. The odor control and mitigation plan shall be certified by a licensed professional engineer and shall include the following components:
 - a. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;
 - b. Staff training procedures; and
 - c. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to

effectively mitigate industrial hemp odors.

- d. For Processing in Agricultural zones that require a use permit, the Odor Control and Mitigation Plan shall identify ways to mitigate/reduce odor based on surrounding uses and compliance with the County Right to Farm Ordinance.
2. A Safety Plan demonstrating adequate security on the premises, including lighting and alarms, to insure the public safety, the safety of persons within the facility, and to protect the premises from theft. The Safety Plan shall include the following minimum requirements:
 - a. Lighting Plan: An interior and exterior lighting plan that utilizes best management practices to reduce glare, light pollution, and light trespass onto adjacent properties while still maintaining adequate security to provide illumination and clear visibility of outdoor areas surrounding buildings and in particular any points of ingress and egress. Interior lighting systems shall confine light and glare to the interior of the building.
 - b. Security cameras. Surveillance video cameras shall be installed and maintained in good working order to provide coverage on a 24-hour basis of all internal and exterior areas where industrial hemp is cultivated, weighed, manufactured/processed, packaged, stored, and/or transferred. The security surveillance cameras shall be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras shall remain active at all times and shall be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for 60 days.
 - c. A professionally monitored alarm system shall be installed and maintained in good working condition and in compliance with County Code Chapter 9.96; Emergency Alarms.
 - d. Secure storage and waste. Identify how industrial hemp products and associated product waste will be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
 - e. Transportation. Identify procedures for safe and secure transportation and delivery of industrial hemp to and from the facility.
 - f. Locks. All points of ingress and egress to the industrial hemp processing facility shall be secured with Building Code compliant commercial-grade, non-residential door locks or

window locks. Any exterior fences with locked gates shall utilize a fire/police accessible lock system such as a knox-box.

- g. Emergency Access. Identify security measures designed to ensure emergency access in compliance with the California Fire Code and local Fire Department standards.
- h. Noise. Facilities located within 300 feet of a non-industrial use or zone district shall provide a noise analysis demonstrating that any ventilation system or other equipment shall comply with County noise regulations.

3.4.12.D. Industrial hemp cultivation or seed production for research purposes is permitted in all AG zones if the following standards are met:

1. Must be associated with an accredited university or college.
2. Minimum parcel size of 40 acres.
3. Minimum setback requirements shall be as outlined in Chapter 6.87 of the County Code and as may be modified by the Agricultural Commissioner's Office.
4. The maximum cultivation area shall not exceed one acre.
5. Signage required for hemp cultivation shall comply with Chapter 6.87 of the County Code.
6. Grower must be licensed and registered with the Agricultural Commissioner.

7.3. CODE TERMS AND USE DEFINITIONS

This Section defines the terms used in this Code and the uses contained in Chapter 3, Use Regulations.

Agricultural Research Institution

Has the same meaning as that term defined in Section 81000 of the California Food and Agriculture Code and as may be modified from time to time therein. Currently defined as:

- A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.
- An institution of higher education that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.

Agricultural Uses, Urban [ADDED 02-24-2017]

The growing of fruits, herbs, and/or vegetables and/or the raising of animals in an urban area for food or other purposes. Urban agriculture includes, but is not limited to, private gardens, market gardens and community gardens. Urban agriculture does not include the cultivation of cannabis or industrial hemp.

Hemp

Shall have the same meaning as "Industrial Hemp".

Industrial Hemp

Has the same meaning as that term defined in Section 81000 of the California Food and Agriculture Code.

Industrial-Hemp Cultivation

Includes any activity involving the propagation, planting, growing, breeding, harvesting, grading, trimming, or other development of industrial hemp plants or propagative plant material. Drying, curing, pressing and other similar post harvest activities are considered primary processing of agricultural products.

Nursery (horticulture)

An establishment for the growth, display, and/or sale of plants, shrubs, trees, and accessory items used in indoor or outdoor planting, conducted within an enclosed building or outdoors. Includes establishments for the development and production of seeds. Industrial hemp nurseries are restricted to wholesale establishments.

Nursery Stock

Any plant for planting, propagation, or ornamentation and as defined by Section Section 5005 of the California Food and Agriculture Code.

Primary Processing of Agricultural Products

The act of changing or preparing an agricultural commodity, subsequent to its harvest or in its natural mature state to the initial stage of processing in order to prepare it for market or further processing at an off-site location. Examples of primary processing include drying, curing, pressing, crushing, extracting, sorting, nut hulling and shelling, grading of livestock or agricultural products, primary processing of fruits to juice and initial storage of the juice without fermentation, and cleaning and packing of fruits agricultural products for shipment. Primary processing does not include smoking of fish or meat, canneries, mills, food processing, light or heavy processing into non-food commodities (see assembly, manufacturing, and processing), refineries, feed lots, kill floors, or other similar uses.

Processor

The business of processing or manufacturing hemp, that solicits, buys,

contracts to buy, or otherwise takes title to, or possession or control of, any hemp from its cultivator for the purpose of processing or manufacturing it and selling, reselling, or redelivering it in any dried, canned, extracted, fermented, distilled, frozen, eviscerated, or other preserved or processed form.

Sensitive Receptor

A facility or land use that serves or attracts members of a population who are particularly sensitive to the effects of air pollutants or strong odors, such as children, the elderly, and people with illnesses. Sensitive receptors include, but are not limited to, hospitals, convalescent facilities providing 24 hour care, senior living facilities (excluding small residential care homes), places of worship, child daycare centers, private and public k-12 schools, youth oriented facilities, afterschool programs, parks, sports complexes, etc.