

ORDINANCE NO. 2019- 1127

AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA,  
AMENDING PLUMAS COUNTY CODE TITLE 9 (PLANNING AND ZONING),  
CHAPTER 2, ARTICLE 2 (CLARIFICATION THAT "HORTICULTURE" DOES NOT  
INCLUDE "INDUSTRIAL HEMP" AND ADDITION OF DEFINITION OF  
"AGRICULTURAL PROCESSING) AND ARTICLES 30 AND 31 (ADDITION OF  
"AGRICULTURAL PROCESSING" AS A USE SUBJECT TO THE ISSUANCE OF A  
SPECIAL USE PERMIT IN THE AGRICULTURAL PRESERVE AND GENERAL  
AGRICULTURE ZONES)

The Board of Supervisors of the County of Plumas, State of California, ORDAINS as follows:

**Section 1.** Plumas County Code Sections 9-2.202.5 "Agricultural Processing" and 9-2.249 "Horticulture" of Article 2 of Chapter 2 of Title 9 (Planning and Zoning) of the Plumas County Code are hereby amended and adopted as set forth in Exhibit "A".

**Section 2.** Plumas County Code Section 9-2.3002(b) "Uses (AP)" of Article 30 of Chapter 2 and Plumas County Code Section 9-2.3102(b) "Uses (GA)" in Title 9 (Planning and Zoning) of the Plumas County Code are hereby amended and adopted as set forth in "Exhibit A".

**Section 6.**

Exhibit "A" shall take effect thirty (30) days after adoption by the Board of Supervisors.

**Section 7. Codification.**

This ordinance shall be codified.

**Section 8. Publication.**

A summary of this ordinance shall be published, pursuant to Section 25124(b)(1) of the Government Code of the State of California, before the expiration of fifteen days after the passage of the ordinance, once, with the names of the supervisors voting for and against the ordinance, in the *Feather River Bulletin*, the *Indian Valley Record*, the *Chester Progressive*, and the *Portola Reporter*, newspapers of general circulation in the County of Plumas.

The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors on

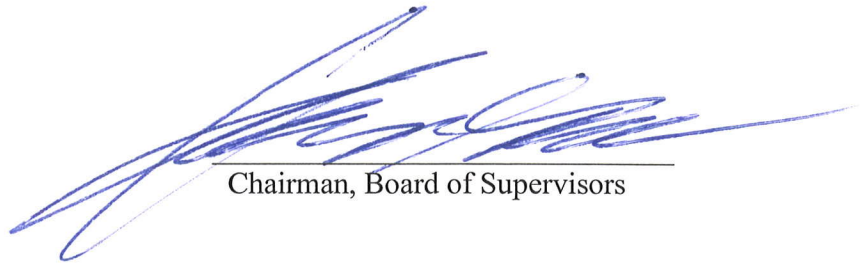
the 19 day of NOVEMBER, 2019, and passed and adopted on the 10

day of DECEMBER, 2019 by the following vote:

AYES: Supervisors: SIMPSON, THRALL, ENGEL, GOSS

NOES: Supervisors: NONE

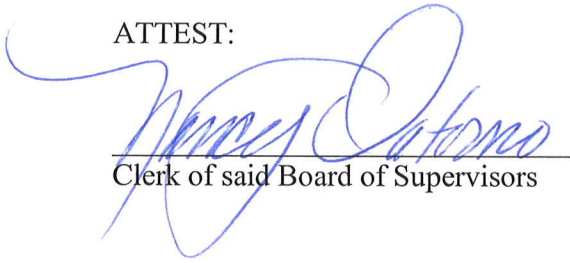
ABSENT: Supervisors: NONE



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Chairman, Board of Supervisors

ATTEST:



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Clerk of said Board of Supervisors

## Exhibit "A"

### Sec. 9-2.202.5. Agricultural processing.

"'Agricultural processing' shall mean the making of agricultural commodities or products by hand or machinery that changes the natural condition of the commodity or product through refinement for further processing or consumer use. 'Agricultural processing' does include (a) the processing of 'Industrial hemp' as defined in Plumas County Code Section 9-2.251.5 and does include, but is not limited to (b) farm machinery equipment fabrication and assembly. 'Agricultural processing' does not include (a) 'Cannabis' as defined in Plumas County Code Section 9-2.220.1 and (b) 'Composting' as defined in Plumas County Code Section 6-10.102(a)(24)."

### Sec. 9-2.249. Horticulture

"'Horticulture' shall mean producing crops for commercial purposes. "'Horticulture' shall not include 'Cannabis cultivation' as set forth in Sec. 9-2.220.2 of this section or 'Industrial hemp' as set forth in Sec. 9-2.251.5 of this section."

### Sec. 9-2.3002. Uses (AP).

- (a) The following uses shall be permitted in the Agricultural Preserve Zone (AP):
  - (1) Agriculture, timber management, agricultural product sales, animal breeding and boarding, and employee housing;
  - (2) One dwelling unit; and
  - (3) Child day care homes and limited child day care homes.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
  - (1) Mining, limited electric generation, public utility facilities, public service facilities, wildlife management, transport stations, agricultural auction yards, **agricultural processing**, outdoor shooting ranges, hunting clubs, and bed and breakfast inns; and
  - (2) Recreational uses, but not limited to walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation.

### Sec. 9-2.3102. Uses (GA).

- (a) The following uses shall be permitted in the General Agriculture Zone (GA):
  - (1) Agriculture, timber management, wildlife management, agricultural product sales, animal breeding and boarding, and employee housing;
  - (2) One dwelling unit and one additional dwelling unit on any parcel of eighty (80) acres or more; and
  - (3) Child day care homes, limited child day care homes, and home businesses.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
  - (1) Mining, limited electric generation, home industry, public utility facilities, public service facilities, agricultural auction yards, **agricultural processing**, transport stations, veterinary services, outdoor shooting ranges, and hunting clubs; and
  - (2) On land of a soil type not suitable for identification as an important agricultural area, noncommercial camp grounds, recreational facilities, and resorts.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
  - (1) Dwelling units at the ratio of up to one per each forty (40) acres of lot area.

RESOLUTION NUMBER P. C. 2019-8

**RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS THAT THE ORDINANCE AMENDING PLUMAS COUNTY CODE TITLE 9 (PLANNING AND ZONING), CHAPTER 2, ARTICLE 2 (CLARIFICATION THAT THE DEFINITION OF "HORTICULTURE" DOES NOT INCLUDE "INDUSTRIAL HEMP" AND ADDITION OF DEFINITION "AGRICULTURAL PROCESSING") AND ARTICLES 30 AND 31 (ADDITION OF "AGRICULTURAL PROCESSING" AS A USE SUBJECT TO THE ISSUANCE OF A SPECIAL USE PERMIT IN THE AGRICULTURAL PRESERVE AND GENERAL AGRICULTURE ZONES) BE INCORPORATED INTO THE PLUMAS COUNTY CODE AND THAT THE BOARD FIND THE ORDINANCE ADOPTION IS EXEMPT FROM CEQA UNDER 15061(b)(3)**

**WHEREAS**, the Board of Supervisors directed the Planning Commission to look at various issues, including zoning for Industrial hemp, at the meeting held on December 11, 2018; and

**WHEREAS**, the Planning Commission discussed the issue of zoning for Industrial hemp at the meeting held on August 1, 2019 and directed planning staff to prepare a draft ordinance amending the zoning code to clarify that the definition of "Horticulture" does not include Industrial hemp as defined in state law and local zoning code; and

**WHEREAS**, the removal of Industrial hemp as a permitted use under "Horticulture" was intended to provide protection and prevent nuisances and issues of incompatibility that might occur within the smaller parcel sized residential areas that allow "Horticulture", such as S-1 (Suburban 1-acre), S-3 (Secondary Suburban 3-acre), R-10 (Rural 10-acre) and R-20 (Rural 20-acre) zones; and

**WHEREAS**, in addition to the amendment to the definition of "Horticulture", the Planning Commission held a workshop on August 15, 2019 to discuss amending the zoning code to add definitions of "Agricultural processing" and "Agricultural manufacturing" and to permit such uses in the Agricultural Preserve (AP) and the General Agriculture (GA) zones; and

**WHEREAS**, the Planning Commission held a second workshop on September 5, 2019 on the proposed draft ordinance amending the zoning code to solely add a definition of "Agricultural processing" and to permit "Agricultural processing" subject to the issuance of a special use permit in the Agricultural Preserve (AP) and the General Agriculture (GA) zones; and

**WHEREAS**, changes to the proposed draft ordinance were incorporated by planning staff as a result of comments received at the two workshops held on August 15, 2019 and September 5, 2019; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on the proposed ordinance on October 3, 2019 and received testimony from all interested parties; and

**WHEREAS**, testimony was presented at the public hearing regarding the removal of Industrial hemp from smaller sized parcels, such as those located within the R-10 (Rural 10-acre) and R-20 (Rural 20-acre) zones, in that nurseries or other types of limited cultivation, involving seed production and production of cultivars as well as other potential production of hemp products that may have economic value would be eliminated; and

**WHEREAS**, Plumas County Code Section 9-2.265.5 defines Nursery as:

“Nursery’ shall mean a home business for the retail sale of plants and accessory commodities where:

(a) The area in which plants are raised and kept is not considered as part of the 600 square foot area which is the limit of the area occupied by the home business; (b) Accessory commodities may include fertilizers, soil amendments, pesticides, and herbicides for the use of which no special license or other entitlement is required and shall not be considered toxic, explosive or flammable.”; and

WHEREAS, Plumas County Code Section 9-2.251.5 defines Industrial hemp as:

“‘Industrial hemp’ shall have the same meaning as that set forth in Section 11018.5 of the Health and Safety Code.”; and

WHEREAS, Health and Safety Code Section 11018.5(a) defines Industrial hemp as:

“‘Industrial hemp’ means 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 flowering 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.”; and

WHEREAS, rather than continue the public hearing to allow planning staff to return to the Planning Commission with a method to allow the limited use of Industrial hemp in the residential zones of R-10 (Rural 10-acre) and R-20 (Rural 20-acre), the Planning Commission voted 3-0 (2 absent) to allow the proposed ordinance to go forward to the Board of Supervisors with a recommendation to adopt, but for the Board of Supervisors to consider the issue of potentially allowing some sort of nursery or limited cultivation and/or production of Industrial hemp in the R-10 and/or R-20 residential zones.

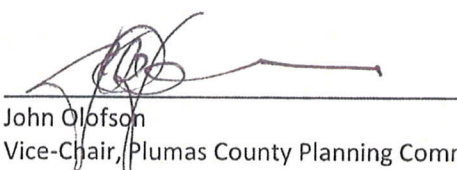
**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the County of Plumas, State of California recommends that the Board of Supervisors:

1. Find that the ordinance adoption is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) because “Agricultural processing” will be permitted subject to special use permit and discretionary review, which will include project specific environmental review to address any potential environmental impacts. The precluding of “Industrial hemp” from those zones that permit “Horticulture” will not create any adverse environmental impacts, and will serve to protect public health and safety.
2. Adopt the ordinance amending Title 9 of the Plumas County Code as shown in Exhibit “A” attached.


The foregoing Resolution was duly passed and adopted by the Plumas County Planning Commission at a meeting held on the 17<sup>th</sup> day of OCTOBER, 2019 by the following roll call vote:

AYES:	Commissioners:	STOUT, GREENING, WILLIAMS, OLOFSON
NOES:	Commissioners:	NONE
ABSENT:	Commissioners:	ABBOTT

Said resolution to be effective as of the 17<sup>TH</sup> day of OCTOBER, 2019.

  
John Olofson  
Vice-Chair, Plumas County Planning Commission

ATTEST:

  
Tracey Ferguson, Planning Director