

Exhibit 1

ALTERNATIVE 1

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF VENTURA ADDING PROVISIONS TO THE VENTURA COUNTY ORDINANCE CODE RELATING TO INDUSTRIAL HEMP

The Board of Supervisors of the County of Ventura, State of California, ordains as follows:

Section I

Section 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones) of division 8, chapter 1, article 5 of the Ventura County Ordinance Code is hereby amended to add the reference “(See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation)” under the heading “Agricultural and Agricultural Operations” directly across from the subheading “Crop and Orchard Production” so that this subheading reads as shown in Exhibit A hereto which is incorporated herein by this reference.

Section II

Section 8105-5 (Permitted Uses in Commercial and Industrial Zones) of division 8, chapter 1, article 5 of the Ventura County Ordinance Code is hereby amended to add the reference “(See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation)” directly across from the heading “Crop and Orchard Production” so that this heading reads as shown in Exhibit B hereto which is incorporated herein by this reference.

Section III

Section 8174-5 (Permitted Uses By Zone) of division 8, chapter 1.1, article 4 of the Ventura County Ordinance Code is hereby amended to add the reference “(See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation)” under the heading “Agricultural and Agricultural Operations” directly across from the subheading “Crop Production” so that this subheading reads as shown in Exhibit C hereto which is incorporated herein by this reference.

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Section IV

Chapter 6, sections 9600 through 9631, is hereby added to division 9 of the Ventura County Ordinance Code to read as follows:

Chapter 6. – Cultivation of Industrial Hemp

9600 – Title

The provisions of this chapter shall be known as the Hemp Regulations or the Ventura County Hemp Regulations.

9601 – Findings and purpose

Pursuant to the California Constitution, article 11, section 7, and section 65850 of the Government Code, in order to protect public health, safety and welfare, the Board of Supervisors adopts the Hemp Regulations to mitigate objectionable odors and other adverse effects of hemp cultivation and related activities. All hemp cultivation and related activities in the unincorporated area shall be conducted in accordance with state law, including the requirement to register pursuant to division 24 of the Food and Agricultural Code, in addition to the Hemp Regulations.

9602 – Definitions

For the purpose of this chapter, the following definitions shall apply. Terms not defined in this section shall have the same meanings as in Food and Agricultural Code, division 24, section 81000 et seq.

- a. “Commissioner” means the Ventura County Agricultural Commissioner.
- b. “List of Low Odor Varieties” means the list of hemp varieties found to be low in odor established pursuant to section 9615 of this chapter.
- c. “Hemp” has the same meaning as “industrial hemp” or “hemp” as defined by Food and Agricultural Code section 81000, as that definition may be amended.
- d. “Sensitive site” means a property with a certificate of occupancy that is any of the following:
 - 1) Within a residential zone within a city;
 - 2) Within an unincorporated area designated “Urban,” “Existing Community” or “Existing Community-Urban Reserve” in the Ventura County General Plan;
 - 3) An elementary or high school;
 - 4) A licensed daycare center that was licensed on or before the effective date of the current registration;
 - 5) A college or university building; or
 - 6) A hospital or medical facility.

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9610 – Odor Mitigation

- a. Except as exempted below in subdivision b. of this section, no flowering hemp shall be grown within one-half mile of any sensitive site, except that when a sensitive site is established after a grower registers with the Commissioner, that grower shall not be prohibited from cultivating flowering hemp at the site for the remainder of the grower's registration period.
- b. The following are exempt from the restriction in subdivision a. of this section:
 - 1) Any planting of flowering hemp consisting of five acres or less grown by an established agricultural research institution registered with the Commissioner and at least one-half mile from any other exempt planting;
 - 2) Any planting from seed on the List of Low Odor Varieties or that was on the List of Low Odor Varieties at the time it was planted.
- c. Any flowering hemp planted within one mile of a sensitive site, except for a variety on the List of Low Odor Varieties, must be harvested within 30 days of issuance of the first laboratory test report indicating "PASSED AS CALIFORNIA INDUSTRIAL HEMP" pursuant to Food and Agricultural Code section 81006. Within 15 days of the completion of harvest, the harvested hemp and remaining hemp debris must be tilled under or moved beyond one mile from any sensitive site.
- d. If adverse weather or other unforeseen natural elements during the 30- and 15-day periods described in subdivision c. of this section necessitate cessation of work harvesting the hemp or tilling under or removing hemp debris, the Commissioner may grant a variance extending the required time to harvest the hemp or remove or till under the hemp debris. The variance shall grant no more than one additional day to harvest or till under or remove hemp debris for each day or portion of a day the Commissioner finds adverse weather or other unforeseen action of the elements necessitated cessation of the work.

9615 – List of Low Odor Varieties

- a. The Commissioner shall maintain a list of varieties of hemp that the Commissioner or an entity acceptable to the Commissioner has found to be low in odor.
- b. A variety of hemp is considered low in odor if it is not reasonably foreseeable that allowing it to be planted within the buffer zones or excluded area established pursuant to this chapter will result in objectionable odors affecting a significant number of people.
- c. At least 30 days before adding or removing a variety from the List of Low Odor Varieties, the Commissioner shall give notice of the Commissioner's intent to add or remove a variety from the List of Low Odor Varieties, the reasons for that proposed action, and the opportunity for any interested person to submit comments and information to the Commissioner. Notice required by this subsection may be given by posting on the Commissioner's website and e-mailing to each person who has filed a request with the Commissioner to receive such notice.

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- d. If, and when the Commissioner adds or removes a variety from the List of Low Odor Varieties, the Commissioner shall issue a written decision with statement of reasons for that action, which shall be posted on the Commissioner's website and e-mailed to each person that has requested notice pursuant to subdivision c of this section.
- e. If the Commissioner removes a variety from the List of Low Odor Varieties, any cultivation of the removed variety may continue until such variety which has been planted is harvested.

9620 – Pollen Control

Male hemp plants may only be grown by a registered seed breeder. Male hemp plants may only be grown in an enclosed greenhouse unless they are more than 3 miles from any registered hemp site or the registrant obtains written permission from all registrants of any registered hemp site within 3 miles of the proposed planting and submits a copy to the Commissioner.

9621 – Signs Required.

- a. Any site used for the cultivation of industrial hemp shall have onsite signs indicating that "Industrial Hemp" is being cultivated. Any signage required under this Section shall be exempt from the signage requirements and restrictions of Article 10 of the Non-Coastal Zoning Ordinance or Section 8175-5.13 of the Coastal Zoning Ordinance, as applicable. The signs shall:
 - 1) state "Industrial hemp";
 - 2) state "NO TRESPASSING" in English and Spanish;
 - 3) measure at least three feet wide by three feet high, with letters and symbols not less than three inches in height that sharply contrast with their immediate background;
 - 4) except for locations affecting a traffic sight triangle where there are no traffic controls on either street at an intersection, be posted at the corners of the site and at all usual points of entry to the site; and
 - 5) when a site is adjacent to a public right-of-way signs be posted at intervals of not more than 1/3 of a mile along the border.
- b. Signs may also include information such as: an owner applied number; "Not Marijuana"; "No THC"; "Less than 0.3% THC," or "No Effects if Smoked."

9622 - Transportation of Hemp.

Any person transporting hemp in a vehicle shall have in their possession a copy of the certificate of registration.

9623 - Site Security.

Each registrant shall submit a site security plan to the Commissioner for the Commissioner's approval and shall comply with such approved plan. The site security plan that may include measures such as owner applied numbers, fencing, locking gates when no employees are present, security personnel on site or other security measures.

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9624 – Ancillary Activities.

Activities ancillary to hemp cultivation, including, but not limited to, drying, curing, trimming and storage, shall be allowed wherever hemp cultivation is allowed; provided that any outdoor ancillary activities that occur within one mile of a sensitive site must be completed within 45 days of issuance of the first laboratory test report indicating “PASSED AS CALIFORNIA INDUSTRIAL HEMP: pursuant to Food and Agricultural Code Section 81006.

9630 – Fees

The Commissioner shall impose fees on industrial hemp and seed growers for all costs of administering and enforcing division 24 of the Food and Agricultural Code that are not reimbursed by the state and all additional costs of administering and enforcing these Hemp Regulations. A schedule of such fees shall be adopted by resolution of the County Board of Supervisors.

9631 – Nuisance, Abatement and Penalties.

- a. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of the Hemp Regulations. Any violation of the Hemp Regulations is enforceable pursuant to section 13 or as otherwise provided by County ordinance or state law. The specific remedies provided in this section are cumulative and in addition to any other remedies available at law or in equity.
- b. Any hemp cultivated in violation of the Hemp Regulations is a public nuisance, and the Commissioner may abate or order the violator to abate it. The Commissioner may enter property and structures where hemp may be grown to inspect for compliance with the Hemp Regulations and abate such nuisances.
- c. Odor from a registered hemp cultivation site is not a nuisance if the hemp cultivation site is operated in accordance with the Hemp Regulations and state industrial hemp laws.
- d. Any person or entity that violates any provision of this ordinance is guilty of a misdemeanor.

Section V

SEVERABILITY. If any provision or clause of this ordinance or its application to any person or circumstance is found to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity will not affect other provisions, clauses, or applications, and to this end the provisions and clauses of this ordinance are declared to be severable.

Section VI

OPERATIVE AND EFFECTIVE DATES OF ORDINANCE.

- a. This ordinance shall take effect and be operative in the non-coastal zone of unincorporated Ventura County thirty (30) days after its adoption.

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- b. This ordinance shall take effect and be operative in the coastal zone of unincorporated Ventura County upon certification by the California Coastal Commission.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES: Supervisors _____

NOES: _____

ABSENT: _____

KELLY LONG, CHAIR
BOARD OF SUPERVISORS
COUNTY OF VENTURA

ATTEST:
Michael Powers, Clerk
of the Board of Supervisors,
County of Ventura, State of
California

By _____
Deputy Clerk of the Board