

Huerfano County
 Land Use Department
 400 Main Street, Suite B
 Walsenburg, Colorado 81089
 719-738-1220 ext. 103

**HUERFANO COUNTY
 HEMP
 REGULATIONS
 SECTION 19.00**



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19.01 INTRODUCTION

19.01.01 Reserved

19.01.02 Authority of article

This article is authorized by Colorado Revised Statutes 29-20-104, Current Edition.

19.01.03 Purpose of article

These regulations establish additional rules, procedures, criteria and conditions for Hemp Cultivation in the unincorporated area of Huerfano County. These regulations may be amended by Resolution of the Board of County Commissioners.

19.02 GENERAL PROVISIONS

19.02.01 Reserved

19.02.02 The Title of this section shall be the Huerfano County Hemp Regulations, and may be so cited.

19.02.03 Definitions

19.02.03.01 General definitions, terms and phrases are stated in Section 17.00 of the General Land Use Regulations.

19.02.03.02 Industrial Hemp:

A plant of the genus cannabis and any part of the plant, whether growing or not, containing a Delta-9 Tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis.

19.02.03.03 Hemp Establishment:

(a) Any establishment which has been issued a Research and Development (R & D) Industrial Hemp Registration or Commercial Industrial Hemp Registration by the Colorado Department of Agriculture, pursuant to the Industrial Hemp Regulatory Act, Title 35, Article 61, Colorado Revised Statutes, Current Edition, including outdoor farming, greenhouse farming and indoor (building; excludes residential structures) farming; greenhouse and building shall be permitted by the Huerfano County Building Department and obtain zoning authority from the Huerfano County Land Use Department. (b) Any Establishment which processes Industrial Hemp as defined herein as Hemp Processing.

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19.02.04 Hemp Establishments

19.02.04.01 Prior to the operation of any Hemp Establishment, a Industrial Hemp Permit or Research and Development Permit shall be obtained from the State of Colorado Department of Agriculture.

19.02.04.02 Prior to the operation of any Hemp Establishment, proof of processing either on-site or the name of the processing company shall be submitted to the Huerfano County Land Use Department.

19.02.04.03 Prior to the operation of any Hemp Establishment, a Conditional Use Permit Hemp application shall be submitted for review by the Huerfano County Land Use Department and only upon approval by the Huerfano County Board of County Commissioners shall the operation be permitted.

19.02.04.04 Uses established pursuant to this Section shall at all times be in complete compliance with the terms and conditions of its Hemp Establishment Permits issued by the State of Colorado Department of Agriculture and Huerfano County.

19.02.04.05 No Hemp Establishment shall be allowed as a Home Occupation use.

19.02.04.06 Distances are measured from the boundary of a grow area upon which the Hemp Establishment is located using a direct line.

19.02.04.07 No Hemp Establishment shall be located within five (5) miles of any licensed Marijuana Cultivation Facility as measured from the boundary of the grow area of the Hemp Establishment to the property line of the licensed Marijuana Cultivation Facility using a direct line. This subsection 19.02.04.07 shall not apply to:

- 1). Any Hemp Establishment that contains only plants that are confirmed female and documentation of female only plants shall be submitted to the Huerfano County Land Use Department; or
- 2). Any Hemp Establishment who submits a waiver of the distance requirement that is signed by all licensed Marijuana Cultivation Facilities or other Hemp Establishment within the five (5) mile radius; or
- 3). A location where the Huerfano County Land Use Department previously approved a Conditional Use Permit Hemp application and a permitted Hemp Establishment has existed in a continuous operation since the time of original permitting.

19.02.04.08 No Hemp Establishment shall be located within 1,000' feet of any existing public or private elementary, middle, junior high or high school as measured from property line of the school to the property line of the Hemp Establishment using a direct line.

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19.02.04.09 No Hemp Establishment shall be located in:

- 1). A building containing residential units,
- 2). A moveable or mobile structure.

19.02.04.10 Permitted Zoning Districts. Hemp Establishment is only permitted in the Agricultural Zoning Districts in a greenhouse, building, or outside; in the Industrial and Commercial Service Zoning Districts in a greenhouse or building. Male hemp plants and hermaphrodite hemp plants shall only be grown in an enclosed building, which does not include a greenhouse, with a proper filtration system and clothing/footwear preventative measures (i.e., clean room mat) to prevent escape of pollen/seed/or other product that might be detrimental to a hemp and/or marijuana crop or a). a waiver of the distance requirement that is signed by all licensed Marijuana Cultivation Facilities or other Hemp Establishments within the five (5) mile radius.

19.02.04.11 Any transporting of Hemp shall be accompanied by a copy of the Department of Agriculture Hemp Permit.

19.02.04.12 Quarterly and year end harvest data shall be provided to the Huerfano County Land Use Department.

19.02.04.13 Huerfano County Land Use Department and the Huerfano County Sheriff's Department has the right to inspect the Hemp Establishment and request paperwork from the Department of Agriculture. Other Governmental Agencies whether State or local, such as the Division of Water Resources, County Health Department, have the right to inspect the Hemp Establishment for compliance with their respective regulations.

19.02.04.14 Industrial Hemp processing and stripping for oils and CBD shall only use non-volatile chemicals.

19.03 SUBMITTAL REQUIREMENTS

Application for a Hemp Establishment shall require submission of:

- 1). An application form provided by Huerfano County
- 2). Submission of a Letter of Intent with all other requirements as outlined in Section 1.06.01.01 of the Huerfano County Land Use Regulations.
- 3). Submission of a Site Plan with all other requirements as outlined in Section 1.06.01.02 of the Huerfano County Land Use Regulations.
- 4). Commercial Industrial Hemp Permit or Research and Development Permit from the State of Colorado Department of Agriculture.

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- 5). Proof of processing on-site or the name of the processing company and a letter from said company stating the intent to process product for the Hemp Establishment.
- 6). Map drawn to appropriate scale (north arrow and scale) identifying location of Hemp Establishment with a five (5) mile perimeter buffer shown and location of any Marijuana Establishment as measured from the grow area of the Hemp Establishment to the grow area of the Marijuana Cultivation Facility using a direct line.
- 7). If applicable, a waiver of the distance requirement that is signed by all Marijuana Cultivation Facilities within the five (5) mile buffer or documentation of Female Hemp plant designation.
- 8). A signed Letter of Authorization from the owner of the property, consenting to the Hemp Establishment.
- 9). Signed lease agreement/purchase agreement, with Hemp Establishment named in the lease agreement/proposed property owner in the purchase agreement.
- 10). Signed Operating Agreement for Limited Liability Corporation.