

INDUSTRIAL HEMP ORDINANCE AMENDMENT

Agricultural Advisory Board
February 1, 2021



Background

- 2018 Farm Bill federally established hemp as an Agriculture Crop
- Stanislaus County adopted interim emergency hemp ordinance in June of 2019
 - Adopted one year pilot program
 - Pilot program extended by Board of Supervisors in February of 2020
 - Pilot included only A-2 (General Agriculture) parcels
 - 12 acre maximum
 - Increased to 40 acres in year two

Permanent Program (2021)

Amendments to Chapter 6.85

- Permanent Ordinance to replace pilot and include modifications to;
 - Addition of bonding requirements for abatement by County
 - Standards for signage and noticing of hemp grown onsite
 - Prohibiting any processing activities of hemp not grown onsite unless authorized by County Zoning Ordinances
 - Additional grounds for suspension or revocation of license

2019 Pilot Program Results

- 32 entities were registered and licensed
 - 21 entities planted a crop
- 257 acres were registered
 - 159 acres (62%) were planted
 - 143 acres (56%) were harvested
- Violations in 2019
 - 16 minor
 - 7 serious
 - 16 acres ordered destroyed for THC violations

2019 Pilot Program Results

- Grower survey conducted
 - 68% planted less acres than what was registered
 - Of those that grew;
 - 50% CBD biomass/oil
 - 33% smokable bud
 - 13 % starter plants and fiber
- Neighbor survey conducted
 - Majority of all surveyed had no issues with nearby cultivation sites
 - 31% expressed being negatively affected by odor
 - 15% had concerns regarding security and safety
 - 15% expressed issues with lighting and generator noise

2020 Pilot Results

- 24 entities were registered and licensed
 - 21 entities planted a crop
- 316 acres were Licensed
 - 228 acres (72% of acres licensed) were planted
 - Reasons for not planting included: COVID-19, expense, and less demand
- 8 total Violations in 2020
 - 67% reduction from 2019
 - No crop ordered destroyed for THC violations

2020 Pilot Program Results Continued

- Grower survey (October of 2020)
 - Of those that grew;
 - 50% CBD biomass/oil
 - 40% smokable bud
 - 10 % fiber
- Neighbor survey (October 2020)
 - 77 out of 187 responded;
 - 60% had no issues with hemp being grown nearby
 - 39% had issues with the odor associated with hemp

2020 Pilot Program Results Continued

- 34% of respondents had other issues besides odor;
 - 38% had issues with traffic, unfamiliar people, or trespassing
 - 9% had concerns about personal safety
 - 5% had reported theft issues

Additional Outreach

- Survey of the Agricultural Industry in Stanislaus County in December of 2020
 - 3,000 surveys sent out
 - 5 responses received
 - Two responses were described opposition to a permanent ordinance
 - Odor and way of life being disrupted
 - Two were in support of a permanent ordinance
 - One response thought proposed ordinance was too restrictive
 - One response asking for clarification regarding bonding requirements

2020 Pilot Program Complaints Received

- 12 Complaints received about registered hemp sites
 - 27% of those that responded to the Neighbor survey filed a complaint
 - Complaints were made in relation to only 3 registered sites
 - 66% of complaints on one site
 - Most complaints included multiple issues
 - 75% included issues with odor
 - 50% included issues with crime
 - 42% included issues with trespass

Industrial Hemp

 Hemp Field Location

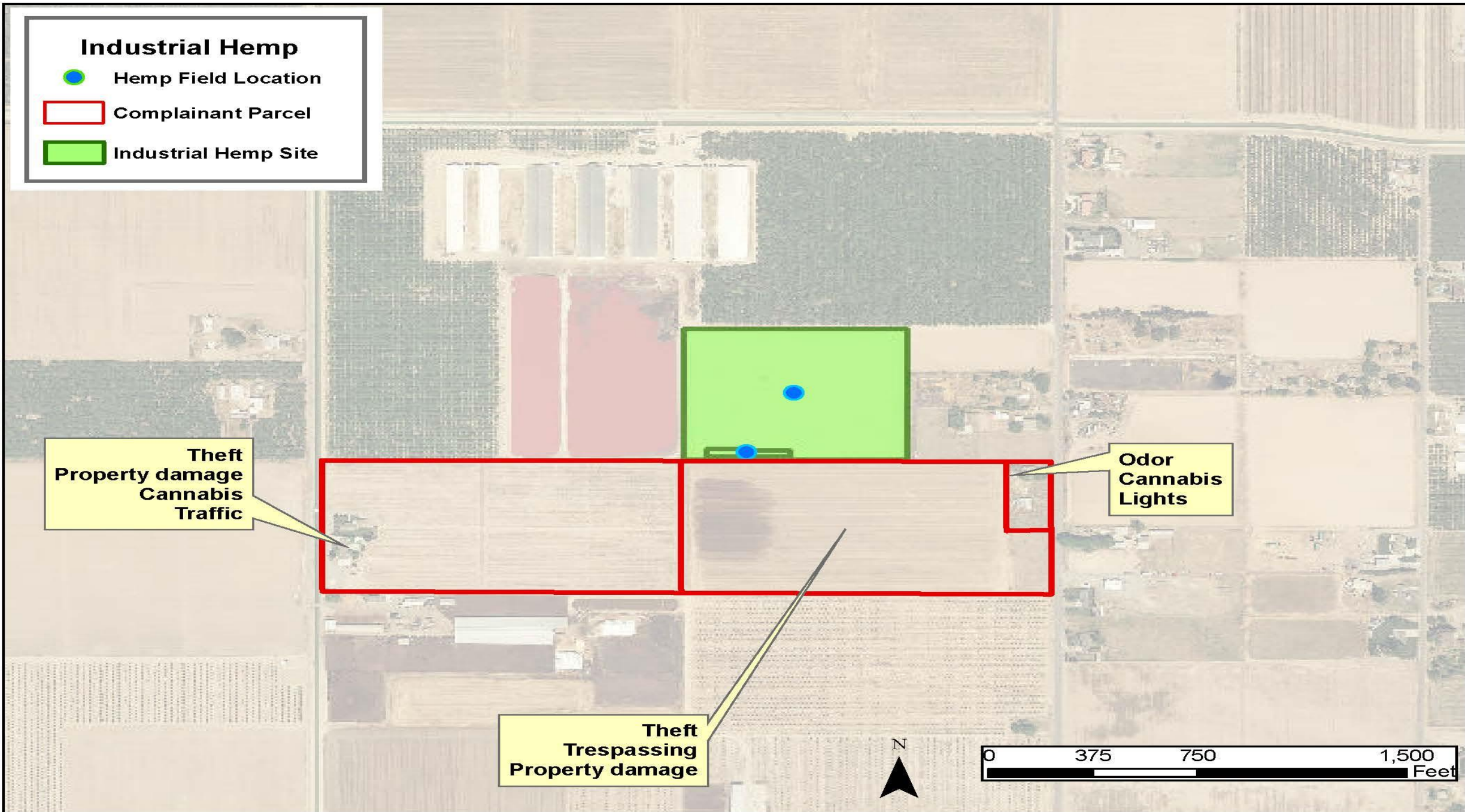
 Complainant Parcel

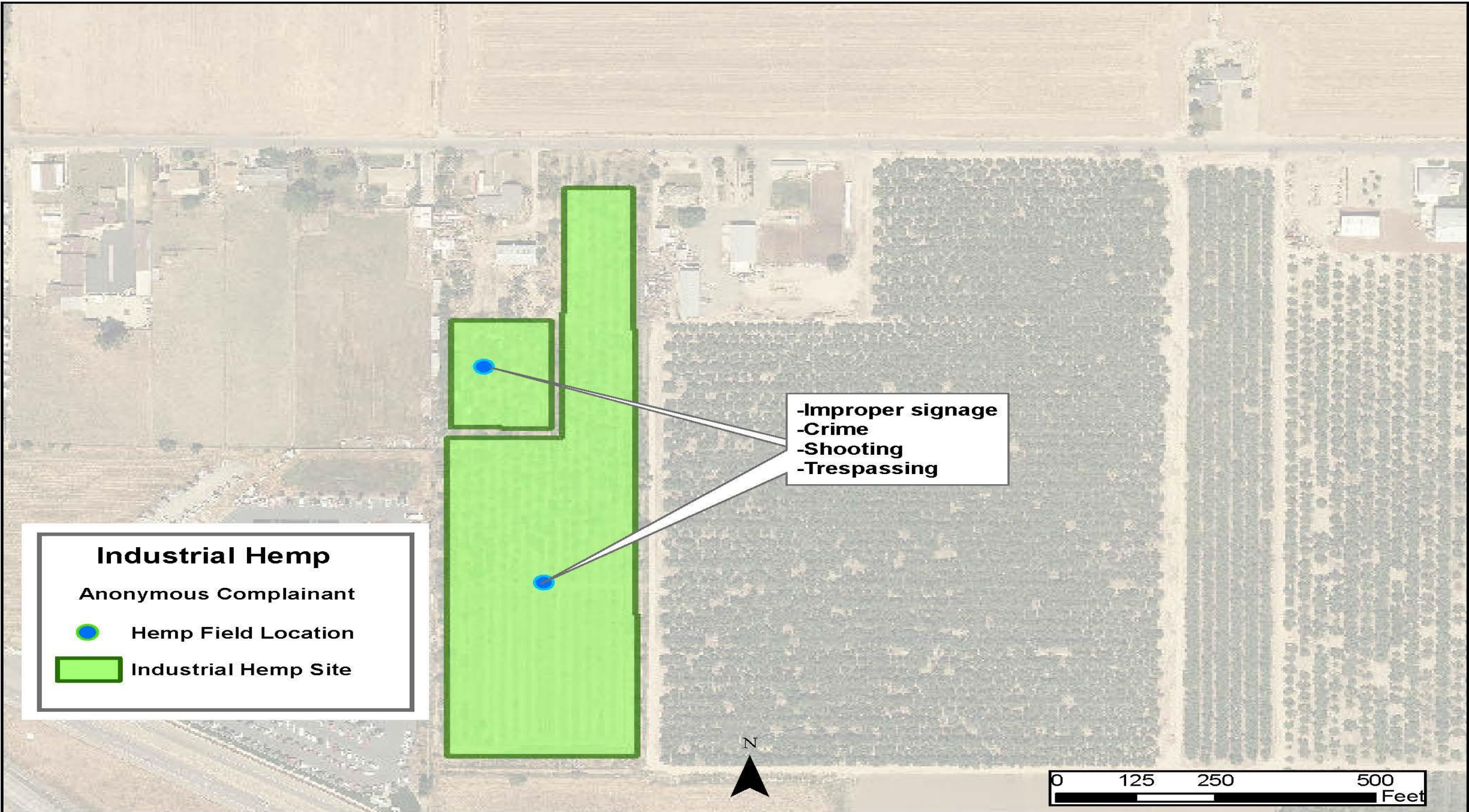
 Industrial Hemp Site

**Theft
Property damage
Cannabis
Traffic**

**Odor
Cannabis
Lights**



**Theft
Trespassing
Property damage**





**-Improper signage
-Crime
-Shooting
-Trespassing**

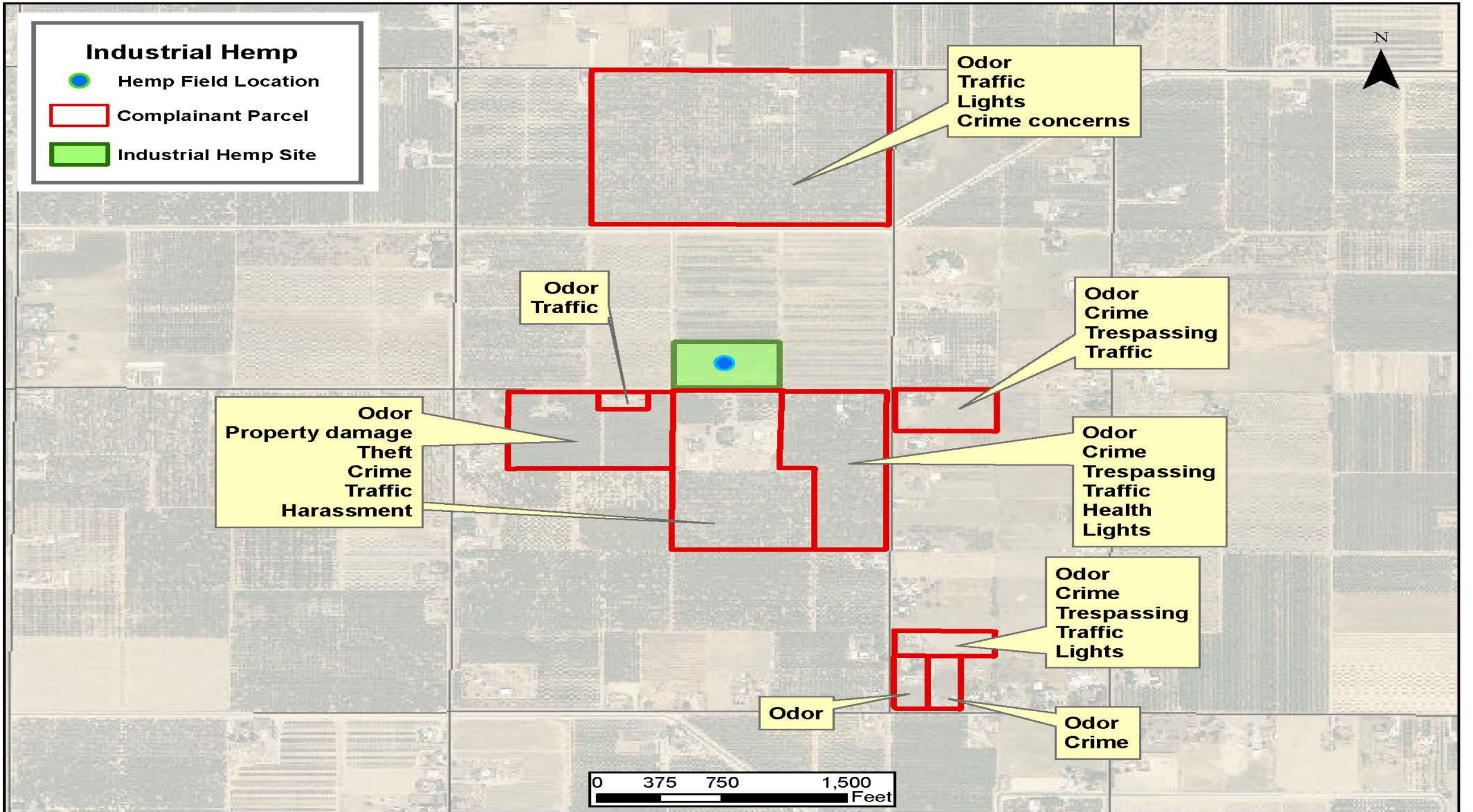
Industrial Hemp
Anonymous Complainant

-  Hemp Field Location
-  Industrial Hemp Site



Industrial Hemp

-  Hemp Field Location
-  Complainant Parcel
-  Industrial Hemp Site



**Odor
Traffic
Lights
Crime concerns**

**Odor
Traffic**

**Odor
Crime
Trespassing
Traffic**

**Odor
Property damage
Theft
Crime
Traffic
Harassment**

**Odor
Crime
Trespassing
Traffic
Health
Lights**

**Odor
Crime
Trespassing
Traffic
Lights**

Odor

**Odor
Crime**



Odor

- How should the County deal with offsite odor of hemp?
 - Majority of those responded negatively to program were related to odor
 - Include setbacks from adjacent residences or sensitive receptors
 - What distance would be effective in limiting offsite odor
 - Could potentially limit parcels ability to participate
 - Variance to setback requirements?
 - What would classify as a sensitive receptor?
 - Churches, schools, sports fields, etc.?
 - Prohibition of outdoor hemp cultivation
 - Indoor structures to be required and include odor control devices?

Survey for Hemp Setbacks

- Feedback from 17 counties on addressing odor issues
 - 15 counties have a setback requirement
 - Setbacks vary from 25 feet to 1 mile
 - San Benito County prohibits hemp cultivation, processing, or storage within one mile SOI of certain cities or zoning districts that permit ag tourism.
 - Fresno: 200 foot setback
 - Merced: 200 to 1,000 foot setback
 - San Joaquin: 30 to 1,000 foot setback
 - San Luis Obispo County requires a minimum parcel size of 400 acres and a 2,000 foot setback
 - Only 5 growers have been able to meet the criteria
 - Only one County (Butte County) permits indoor hemp cultivation

Security

- How should the County deal with the perception of crime associated with hemp?
 - Crime related responses ranked second highest
 - Based on calls for service data to the Sheriff
 - 5 different licensed sites received all 22 calls
 - Types of calls included; theft or Burglary, Suspicious Persons, and Trespassing
 - Will not enforce nuisance complaints
 - SO recommends an education campaign on the legality of hemp
- Should security measures be required for hemp cultivation?
 - Onsite Security
 - Fencing
 - Video Surveillance or alarm systems

Enforcement

- What is the expectation for revocation of a license for violation or complaints?
 - The permanent ordinance includes revocation allowance if licensee does not correct a nuisance after notice
 - What should constitute a nuisance?
 - Does County's Right to Farm Policy include hemp?
 - Would prevent hemp being constituted as nuisance on the basis of;
 - Odor, dust, noise, flies, or fumes

Discussion Items

- Options to proceed
 - Continue with adoption of proposed permanent ordinance
 - Modify proposed permanent ordinance
 - Inclusion of setbacks
 - Indoor Cultivation
 - Security measures
 - Consider prohibition of hemp cultivation in Stanislaus County

Amendment Status

- Presented to;
 - Agricultural Advisory Board on August 3, 2020
 - Planning Commission on August 8, 2020
 - Informational item
 - General Plan Update Committee on January 28, 2021
 - Will revisit the topic at next meeting
 - Discussion centered around potential need for setback or increase in minimum parcel size
 - Security measures should not be required
 - Hemp being legal, should be treated like other agricultural crops
- CEQA Early Consultation
 - West Stan Irrigation District
 - California Department of Fish and Wildlife

Next Steps

- Public Hearings
 - Planning Commission
 - Board of Supervisors

Questions