

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY**

DEPT: Board of Supervisors

BOARD AGENDA:6.A.2
AGENDA DATE: March 17, 2020

SUBJECT:

Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1269 Amending Chapter 6.85 of the Stanislaus County Code Regarding Hemp Cultivation

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2020-0100

On motion of Supervisor Chiesa Seconded by Supervisor Withrow
and approved by the following vote,
Ayes: Supervisors: Chiesa, Withrow, Berryhill, DeMartini and Chairwoman Olsen
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

Waived the Second Reading and Adopted Ordinance C.S. 1269

ATTEST: Kelly Rodriguez
KELLY RODRIGUEZ, Assistant Clerk

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Board of Supervisors

BOARD AGENDA:6.A.2
AGENDA DATE: March 17, 2020

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1269 Amending Chapter 6.85 of the Stanislaus County Code Regarding Hemp Cultivation

STAFF RECOMMENDATION:

1. Adopt and waive the second reading of Ordinance C.S. 1269 amending Chapter 6.85 of the Stanislaus County Code regarding Hemp Cultivation.

CONTACT PERSON:

Elizabeth King, Clerk of the Board

Phone number: 209-525-4494

ATTACHMENT(S):

1. Ordinance C.S. 1269

ORDINANCE NO. C.S. 1269**AN ORDINANCE AMENDING CHAPTER 6.85 "HEMP CULTIVATION"**

THE BOARD OF SUPERVISORS FOR THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. Section 6.85.010 of the Stanislaus County Code is amended to read as follows:

"6.85.010 Purpose.

It is the purpose and intent of this chapter to regulate the cultivation of hemp in a responsible manner to protect the health, safety, and welfare of the residents of Stanislaus County and to enforce rules and regulations consistent with state law. It is the further purpose and intent of this chapter to require all persons cultivating hemp to obtain a license to operate within Stanislaus County. Nothing in this chapter is intended to authorize the cultivation of hemp for purposes that violate state or federal law. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct activity in the county. The provisions of this chapter shall expire on May 1, 2021."

SECTION 2. Section 6.85.030 of the Stanislaus County Code is amended to read as follows:

"6.85.030 Definitions.

When used in this chapter, the following words shall have the meaning ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regular provision.

- A. "Hemp cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of hemp, including activities carried out by hemp breeders. For the purposes of this chapter, hemp

cultivation shall include cultivation by an Established agricultural research institution (EARI) as defined in Section 81000 of the California Food and Agricultural Code.

- B. "Hemp" has the same meaning as in Section 81000 of the California Food and Agricultural Code.
- C. "Hemp breeder" has the same meaning as in Section 81000 of the California Food and Agricultural Code.
- D. "Established agricultural research institution" has the same meaning as in Section 81000 of the California Food and Agricultural Code.
- E. "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, activity trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- F. "Hearing Officer" means the Hearing Officer established in Section 6.78.185 of the Stanislaus County Code."

SECTION 3. Section 6.85.050 of the Stanislaus County Code is amended to read as follows:

"6.85.050 Requirements for issuance of a license.

Prior to the cultivation of hemp in the unincorporated area of the county, the following requirements shall be met:

- A. Prior to the issuance of a license, applicants shall demonstrate that they meet the standards that are established in the application requirements or further amendments to the application process as established by the Agricultural

Commissioner. A person may be issued only one hemp cultivation license.

- B. Each parcel upon which a license application is submitted must be a minimum of ten acres in size, located in the A-2 (General Agricultural) zoning district but outside of a Local Agency Formation Commission (LAFCO) Sphere of Influence (SOI) or Urban Transition (UT) General Plan designation of a city.
- C. Each hemp cultivation license shall permit the outdoor cultivation of not more than a cumulative total of forty (40) acres of land.
- D. All applications for hemp cultivation licenses shall be submitted to the Agricultural Commissioner no later than close of business on July 1, 2020.
- E. Each license issued pursuant to this chapter shall expire on May 1, 2021.
- F. No license shall be issued until the Agricultural Commissioner issues the applicant a registration under Division 24 of the California Food & Agriculture Code.
- G. By submitting an application for a hemp cultivation license, applicants consent to all inspections and testing that may be conducted at any time at the discretion of the Agricultural Commissioner.
- H. Applicants, including EARI, shall comply with all federal, state, and local laws and regulations, including, but not limited to, those promulgated by the Board of Supervisors and/or Agricultural Commissioner related to reporting, sampling, testing, and destruction.
- I. By submitting an application for a hemp cultivation license, applicants consent to providing the Agricultural Commissioner a criminal history report.”

SECTION 4. Section 6.85.120 of the Stanislaus County Code is added to read as follows:

“6.85.120 Grounds for Suspension or Revocation.

- A. Hemp cultivation licenses may be revoked by the Agricultural Commissioner for any violation of any law and/or any rule, regulation, condition of approval, and/or standard, including, but not limited to, those adopted pursuant to this Chapter.

- B. Any of the following shall be grounds for suspension or revocation of the hemp cultivation license, based on substantial evidence:
 - (1) Failure to destroy crops in the time and manner specified by the Agricultural Commissioner;

 - (2) Failure to timely submit all reports required by the Agricultural Commissioner;

 - (3) Failure to obtain a laboratory test report indicating the THC levels as required by law, rule, or regulation prior to harvest;

 - (4) Failure to comply with the maximum acreage limitations provided in this Chapter;

 - (5) Failure to comply with one or more of the conditions of the Hemp cultivation license or any County permits or land use conditions of approval, or any conditions placed on the County Registration;

 - (6) Providing false material information, written or oral, given willfully or negligently by the applicant;

 - (7) Any act or omission by a licensee that results in the violation of the

provisions of this Chapter;

- (8) Any act or omission by a licensee that results in the denial, revocation or suspension of the licensee's County Registration;
- (9) Any act or omission by a licensee which constitutes a violation of State law or the Stanislaus County Code; or
- (10) The licensee allows any hemp cultivation to operate in a manner which constitutes a nuisance, where the licensee has failed to abate the nuisance after notice."

SECTION 5. Section 6.85.130 of the Stanislaus County Code is added to read as follows:

"6.85.130 Notice of Suspension or Revocation of the Hemp Cultivation License.

- A. If the Agricultural Commissioner determines that grounds for suspension or revocation of the Hemp cultivation license exist pursuant to this Chapter, the Agricultural Commissioner shall issue a written Notice of Intention to revoke or suspend the license, as the case may be. The Notice of Intention shall be served on the licensee at the address reported on the license issued pursuant to this Chapter. The Notice of Intention shall be served by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested.

The Notice of Intention shall:

- (1) Identify the licensee;
- (2) Describe the location of property;
- (3) State the intention to revoke or suspend the license;
- (4) Provide the grounds for revocation or suspension and the action

necessary to abate the violation, if any;

(5) Notify the licensee of the right to request a hearing before a Hearing Officer to present evidence as to why the license should not be suspended or revoked; and

(6) Inform the licensee of the ten-day deadline to submit a written request for a hearing.

B. The licensee shall have ten business days from the service of the Notice of Intention to submit a written request for a hearing to the Agricultural Commissioner, or designee, who shall immediately forward the request to the Hearing Officer for a hearing. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the suspension or revocation of the license and a failure to exhaust administrative remedies. If the hearing is not timely requested, the Agricultural Commissioner may suspend or revoke the license in accordance with the Notice of Intention.

C. Any hearing before the Hearing Officer shall be held pursuant to the hearing procedures established in Section 6.78.185 of the Stanislaus County Code.”

SECTION 6. Section 6.85.140 of the Stanislaus County Code is added to read as follows:

“6.85.140 Fees. The Board of Supervisors may, by resolution, establish a schedule of fees for services provided under this chapter. Services subject to fees may include, but are not limited to, registration, licensing, sampling, testing, inspections, monitoring, and enforcement.”


SECTION 7. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor Chiesa, seconded by Supervisor Withrow, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the 17th day of February 2020, by the following-called votes:

AYES: Supervisors: **Chiesa, Withrow, Berryhill, DeMartini and Chairwoman Olsen**

NOES: Supervisors: **None**


ABSENT: Supervisors: **None**



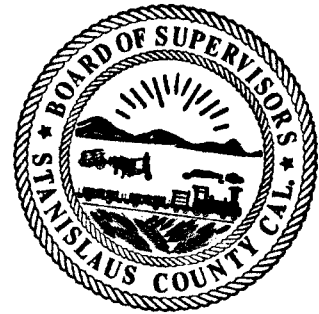
Kristin Olsen, Chairwoman of the Board of Supervisors of the County of Stanislaus, State of California

ATTEST:

ELIZABETH KING, Clerk of the Board of Supervisors of the County of Stanislaus, State of California


By 

Deputy Clerk



APPROVED AS TO FORM:

Thomas E. Boze, County Counsel

By 

Daniel Solish,
Deputy County Counsel

ORD-56-T-2