

# 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

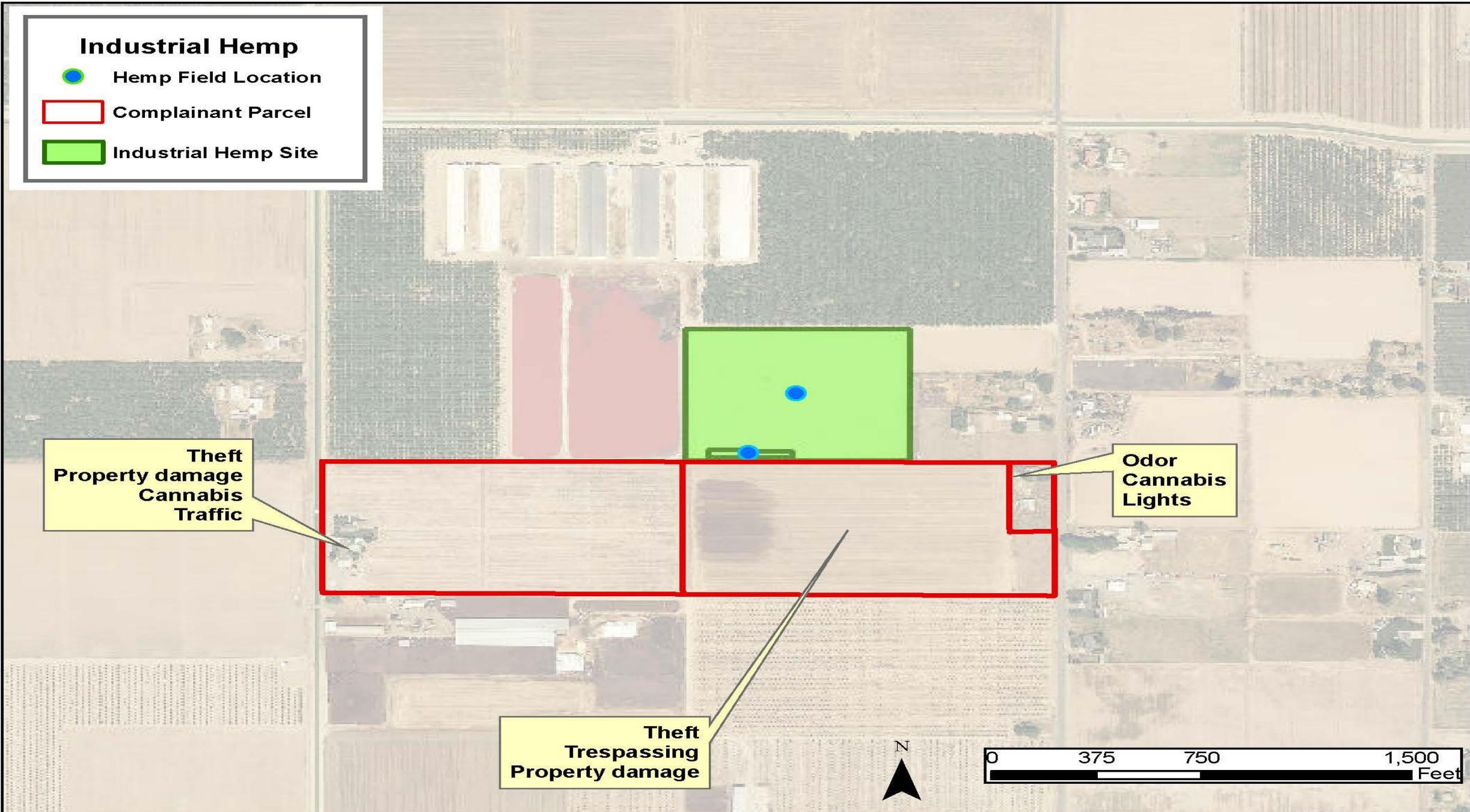
- Survey of the Agricultural Industry in Stanislaus County in December of 2020
  - 3,000 surveys sent out
  - 5 responses received
    - Two responses were described opposition to a permanent ordinance
      - Odor and way of life being disrupted
    - Two were in support of a permanent ordinance
  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

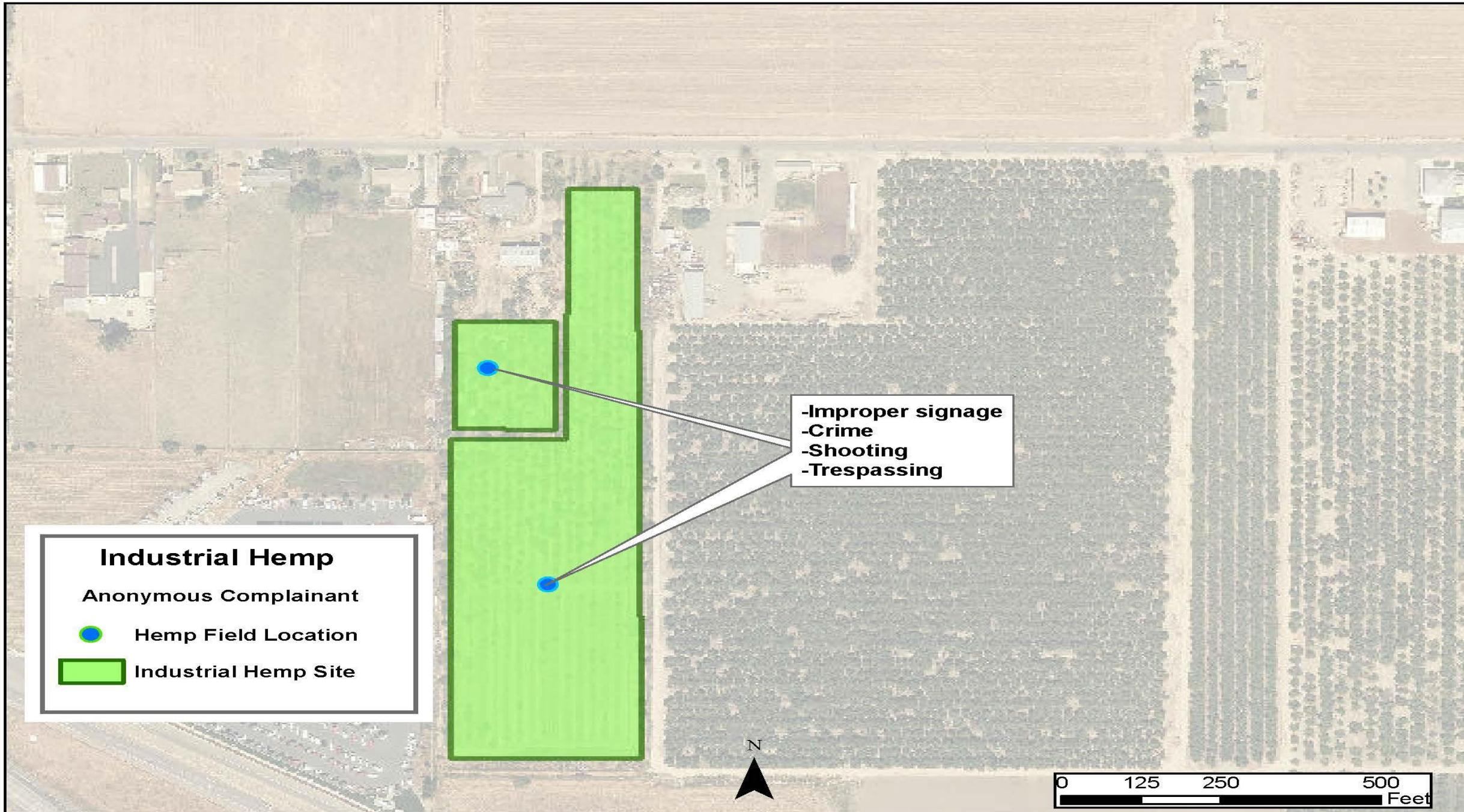
# 2020 Pilot Program Complaints Received

- 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

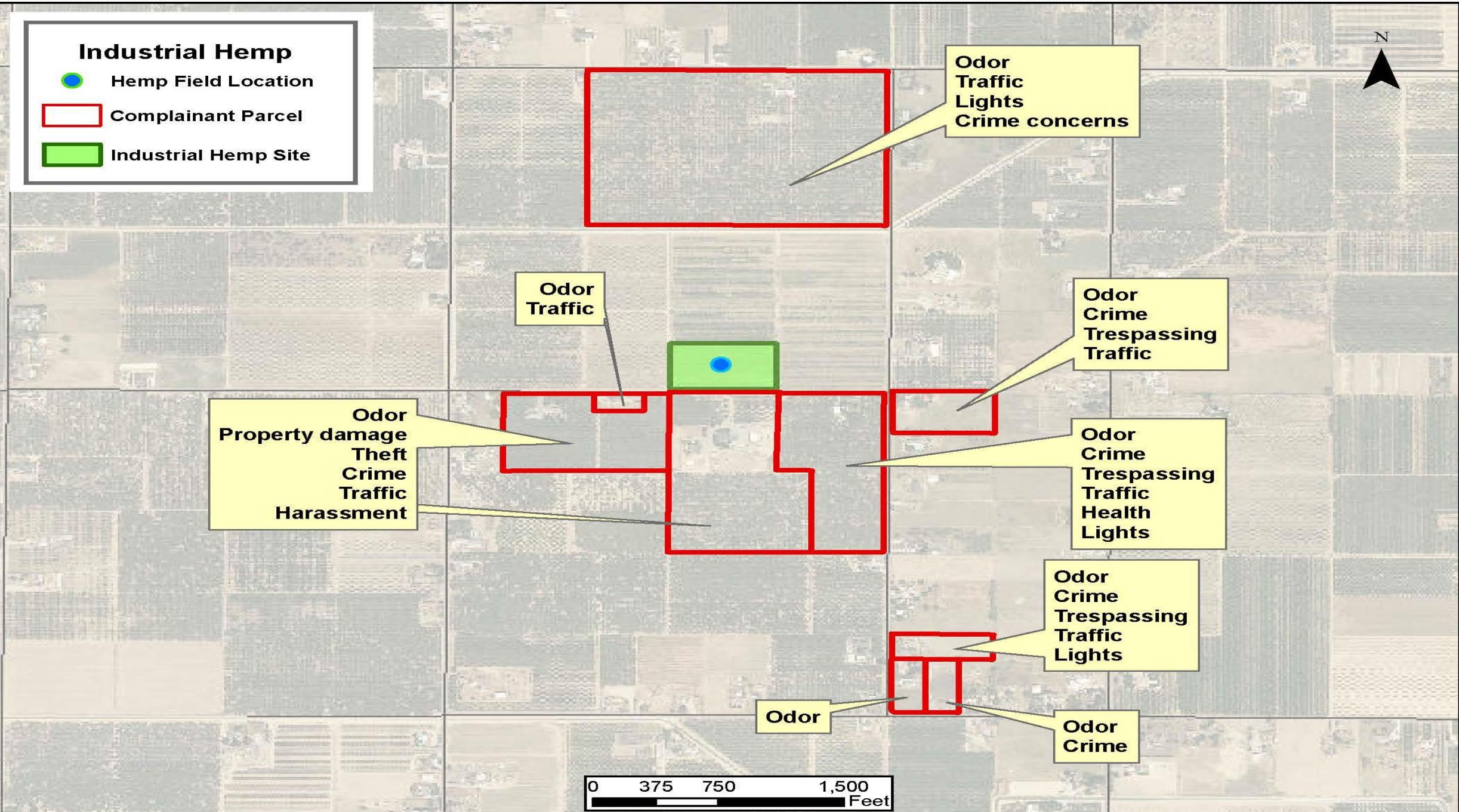
- Hemp Field Location
- Complainant Parcel
- Industrial Hemp Site





## Industrial Hemp

- Hemp Field Location
- Complainant Parcel
- Industrial Hemp Site



# 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