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
• 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
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
2020 Pilot Program Complaints Received
• 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