

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Kevin Jeffries and Supervisor Jeff Stone

SUBMITTAL DATE:
November 25, 2014

SUBJECT: Report on Status of Amendment to Ordinance No. 348 Prohibiting the Cultivation of Marijuana with Limited Exemption and Initiation of an Ordinance Establishing the Conditions and Standards for a Limited Exemption from Enforcement of the County's Prohibition on Marijuana Cultivation for Registered Medical Marijuana Patients.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file this report on the status of an amendment to Ordinance No. 348 enhancing the penalties for the cultivation of marijuana with a limited exemption from enforcement of the prohibition of cultivation for registered medical marijuana patients.
2. Adopt an order initiating a new County ordinance that would enhance the penalties on large scale marijuana cultivation and set forth the conditions and standards for a limited exemption from enforcement of the County's prohibition on medical marijuana cultivation for medical marijuana patients, the framework of which is broadly set forth in this status report.
3. Direct the Planning Department, County Public Health Officer, Code Enforcement Department and County Counsel to prepare and process the new ordinance and the amendment to Ordinance No. 348, in consultation with the Sheriff's Department.

(continued on page 2)

Kevin Jeffries,
First District Supervisor

Jeff Stone,
Third District Supervisor

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Prev. Agn. Ref.: 3-1 of 7/29/14; 3-2
of 9/23/14

District: ALL

Agenda Number:

3-1

Departmental Concurrence

☐ A-30
☐ 4/5 Vote
☐ Positions Added
☐ Change Order

FORM 11: Report on Status of Amendment to Ordinance No. 348 Prohibiting the Cultivation of Marijuana with Limited Exemption and Initiation of an Ordinance Establishing the Conditions and Standards for a Limited Exemption from Enforcement of the County's Prohibition

DATE: [DATE]

PAGE: 2 of 3

BACKGROUND:

On July 29, 2014, in Agenda Item 3-1, the Board adopted an order to initiate an amendment to Ordinance No. 348 and set for public hearing Interim Ordinance No. 449.247 enhancing the penalties for the cultivation of marijuana with varying penalty amounts based upon the number of marijuana plants. During the Board's discussion of the agenda item, the majority of the Board stressed that they were focused on commercial, large-scale marijuana grows and wanted to direct public safety resources toward enforcement against such commercial, large-scale marijuana operations. Board members commented that they did not want County resources used to prosecute registered medical marijuana patients growing small amounts of marijuana for their own medicinal use. The Board further agreed to have Supervisors Stone and Jeffries work to refine the interim ordinance, based on the comments of the Board, before it came back for a public hearing.

Instead of adopting an interim ordinance that would have only been a temporary fix, it is now recommended that the Board move forward with an amendment to Ordinance No. 348, the County's zoning ordinance. The amendment will clarify that cultivation of marijuana is expressly prohibited in all zones in the County with limited exemptions from enforcement for medical marijuana cultivation under specified conditions and standards in certain identified zones. The specified conditions and standards under which the cultivation of medical marijuana would be exempted from enforcement would be set forth in a new separate ordinance. Those cultivating marijuana outside of this exemption would be subject to increased penalties and removal of plants based on the number of illegal plants possessed by the grower.

Marijuana remains an illegal substance under the Federal Controlled Substances Act and continues to be classified as a Schedule 1 Drug, making it unlawful under federal law to cultivate, manufacture, distribute, dispense or transport marijuana. The proposed actions outlined in this agenda item are not intended as, and should not be construed as, a legalization of marijuana under any circumstances but are an attempt to prioritize the County's civil abatement, prosecutorial and public safety resources. Specifically, it is recommended that the new ordinance make clear that registered medical marijuana patients, and their caregivers, would be exempt from enforcement of County ordinances with regard to small amounts of marijuana cultivation for their own medicinal use only under the following conditions and standards:

1. Twelve (12) plant limit per patient.
2. Two (2) patient limit to aggregate plant count for a maximum total of twenty-four (24) plants per parcel.
3. At least one patient or registered caregiver must live on the parcel.
4. Marijuana must be reasonably secured to prevent access by minors or theft.
5. The grow area must have a minimum setback from the property boundary of ten (10) feet and fifty (50) feet from an adjacent residential structure.
6. The designated grow area must not be visible from any public right-of-way.
7. If renting, the tenant must have consent of the property owner for cultivation of marijuana.
8. Convicted felons, parolees or probationers must not live on the property.
9. Patients for whom the medical marijuana is being grown must have a valid Riverside County Medical Marijuana Identification Card.
10. The property address must be posted and plainly visible from the street.
11. Fencing and any other structures used to grow, conceal, or secure medical marijuana plants must comply with County building standards and codes.

The above list is only a conceptual framework. The ordinance and ordinance amendment preparation process may result in the need to create further conditions or standards and further refine and define those listed above. Any marijuana cultivation that does not fall with the conditions and standards of the enforcement

FORM 11: Report on Status of Amendment to Ordinance No. 348 Prohibiting the Cultivation of Marijuana with Limited Exemption and Initiation of an Ordinance Establishing the Conditions and Standards for a Limited Exemption from Enforcement of the County's Prohibition

DATE: [DATE]

PAGE: 3 of 3

exemption will remain strictly prohibited in the County and will be subject to increased penalties and enforcement under local, state, and federal laws.

Since the zoning ordinance is several hundred pages in length and focused on land uses, placing the conditions and standards for exemption from enforcement for medical marijuana cultivation in a new separate ordinance would make the provisions easily accessible to registered medical marijuana patients. It would also allow the Board to have greater flexibility in making amendments to the new separate ordinance to reflect any changes in state and federal law with regard to marijuana. Amendments to the County's land use ordinance typically require public hearings before the Planning Commission and the Board of Supervisors under state law, whereas, amendments to other ordinances normally do not.

As stated in earlier agenda items on this topic, a collaborative multi-department ordinance planning and preparation strategy remains recommended. Departments such as the Sheriff's Department, the Planning Department, the County Public Health Officer, the Code Enforcement Department, the District Attorney's Office, and the County Counsel's Office will likely each be required to enforce or process some provision of the ordinances once effective. For this reason, it is crucial that each of these departments be fully involved during the ordinance preparation process and that these departments make this a priority.

In accordance with Government Code section 65850 and 65853, any ordinance that regulates the use of land, such as this amendment to the County's zoning ordinance must be considered first by the Planning Commission. Therefore, once prepared, the amendment to Ordinance No. 348 will be heard at the Planning Commission at a noticed public hearing before being presented to the Board of Supervisors for possible adoption. The new separate ordinance will also be presented to the Planning Commission with the amendment to Ordinance No. 348 which will afford members of the public the opportunity to review and comment on both before being submitted to the Board for possible final adoption.

Impact on Residents and Businesses

The proliferation of large-scale marijuana groves increases the risk of criminal activity, degradation of the natural environment and often results in illegal electrical and water connections and alterations. Large-scale marijuana cultivation also creates increased nuisance impacts to neighboring properties. The purpose of these amendments are to provide for greater enforcement against such large-scale marijuana grows with the goal of improving community livability and protecting public health, safety, and welfare, while also recognizing a limited enforcement exemption for small amounts of marijuana cultivated for medicinal uses by registered medical marijuana patients.

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Kevin Jeffries

SUBMITTAL DATE: July 25, 2014

SUBJECT: Order to Initiate an Amendment to Ordinance No. 348 and Set for Public Hearing Interim Ordinance No. 449.247 Prohibiting the Cultivation of Marijuana

RECOMMENDED MOTION: That the Board of Supervisors:

1. Set for public hearing on September 9, 2014, Ordinance No. 449.247, An Interim Ordinance Prohibiting the Cultivation of Marijuana and Incorporating Ordinance No. 725, as authorized by Government Code section 65858(b); and
2. Direct the Clerk of the Board to publish notice of the public hearing pursuant to Government Code section 65090; and
3. Adopt an order initiating an amendment to Ordinance No. 348 that would clarify cultivation of marijuana is expressly prohibited; and
4. Direct the Planning Department and County Counsel to prepare and process the amendment to Ordinance No. 348 in consultation with the Sheriff's Department, as well as any possible extensions of the Interim Ordinance.

BACKGROUND: The cultivation of marijuana is currently not a permitted use in any zone classification in the County. Section 3.3 of Ordinance No. 348 provides that when a use is not specifically listed as permitted or conditionally permitted in a zone classification, the use is prohibited, unless, in circumstances where [Ordinance No. 348] empowers him to do so, the Planning Director makes a determination that the use is substantially the same in character and intensity as to those uses permitted or conditionally permitted in the zone classification. In addition, Section 3.3 expressly prohibits Medical Marijuana Dispensaries in all zone classifications.


(continued next page)


KEVIN JEFFRIES, First District Supervisor

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for September 23, 2014 at 9:30 a.m.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: July 29, 2014
xc: Supvr. Jeffries, Planning, Co.Co., Sheriff, COB

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Initiate an Amendment to Ordinance No. 348 and Set for Public Hearing Interim
Ordinance No. 449.247 Prohibiting the Cultivation of Marijuana
DATE: July 25, 2014
PAGE: Page 2 of 2

Like Medical Marijuana Dispensaries, cultivation of marijuana should be expressly prohibited in the County's zoning ordinance. Such a prohibition on the cultivation of marijuana has been upheld by the Courts in *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975. There, the Court of Appeal determined that the Compassionate Use Act and the Medical Marijuana Program Act did not preempt an ordinance prohibiting the cultivation of all marijuana.

In the First District alone, hundreds of marijuana groves have been observed. The proliferation of marijuana groves increases the risk of criminal activity, degradation of the natural environment and often results in illegal electrical and water connections and alterations. Marijuana cultivation also creates increased nuisance impacts to neighboring properties because of the strong, malodorous, and potentially noxious odors which come from the plants. Marijuana remains an illegal substance under the Federal Controlled Substances Act (21 USC Sections 801, et seq.). It continues to be classified as a Schedule 1 Drug, making it unlawful under federal law to cultivate, manufacture, distribute, dispense or transport marijuana.

The purpose of Interim Ordinance No. 449.247 and the amendment to Ordinance No. 348 would be to clarify that cultivation is expressly prohibited and to address the large-scale marijuana groves that are proliferating in the County so as to protect the public safety, health and welfare. A large-scale marijuana grove would be subject to a misdemeanor violation and a fine of up to \$1,000 and up to six months in jail, while cultivation of only a few plants would result in an infraction and fine of up to \$10. Large-scale marijuana groves could also be abated using the nuisance abatement remedies set forth in Riverside County Ordinance No. 725.

Because marijuana groves and cultivation can adversely affect the health, safety and welfare of the County and its residents, County Counsel should be directed to return with Interim Ordinance No. 449.247, as well as an amendment to the County's zoning ordinance (No. 348) clarifying that cultivation of marijuana is expressly prohibited in all zone classifications within the County for the reasons set forth above. The purpose of the Interim Ordinance No. 449.247, and any extension thereof, is to give the County an opportunity to study, formulate and adopt permanent zoning prohibitions in Ordinance No. 348 addressing marijuana cultivation.

Should the recommended motion be approved, Interim Ordinance No. 449.247 will be returned to the Board on September 9, 2014 for public hearing upon giving the required ten day published notice. The Interim Ordinance will remain in effect for 45 days from the date of its adoption. If Interim Ordinance No. 449.247 is adopted on September 9, 2014, the Interim Ordinance would need to be returned to the Board no later than October 21, 2014 if it needs to be extended. An extension requires a ten-day published notice and may not last longer than 22 months and 15 days. Both the Interim Ordinance and any extension of the Interim Ordinance require a 4/5 vote for adoption.

1 ORDINANCE NO. 449.247

2
3 AN INTERIM ORDINANCE OF THE COUNTY OF RIVERSIDE
4 PROHIBITING THE CULTIVATION OF MARIJUANA
5 AND INCORPORATING ORDINANCE NO. 725
6

7 The Board of Supervisors of the County of Riverside Ordains as Follows:

8 Section 1. Pursuant to Section 65858 of the Government Code and section 20.4 of
9 Ordinance No. 348, the cultivation of marijuana is hereby prohibited in the unincorporated areas of
10 Riverside County. This clarifies that marijuana cultivation is prohibited in all zone classifications under
11 the County's Zoning Ordinance. Section 3.3 of Ordinance No. 348 currently prohibits all uses not
12 specifically permitted. Marijuana cultivation is not a specifically permitted use under Riverside County
13 Ordinance No. 348 and is illegal under the federal Controlled Substances Act (21 USC sections 801,
14 et seq.,). Ordinances prohibiting the cultivation of marijuana have been upheld as not preempted by the
15 Compassionate Use Act or the Medical Marijuana Program Act (see *Maral v. City of Live Oak* (2013) 221
16 Cal.App.4th 975). For purposes of this ordinance, the term "marijuana cultivation" shall mean the
17 planting, growing, harvesting, drying, processing or storage of one or more marijuana plants or any part
18 thereof in any location, indoors or outdoors, including in a fully enclosed and secure building. For
19 purposes of this ordinance, the word "marijuana" shall have the same meaning as that set forth in Health
20 & Safety Code Section 11018.

21 Section 2. Any person or responsible party, as defined in Riverside County Ordinance
22 No. 725, that engages in marijuana cultivation, or allows or permits marijuana cultivation on property
23 within the unincorporated area of the County of Riverside under their possession, ownership or control, is
24 guilty of violating this ordinance. Each person or responsible party violating this ordinance shall be
25 deemed guilty of an infraction or misdemeanor as hereinafter specified.

26 Any person or responsible party so convicted of cultivating six or fewer marijuana plants
27 shall be guilty of an infraction offense and punished by a fine not exceeding ten dollars (\$10). Any
28 person or responsible party convicted of cultivating more than six but less than twelve marijuana plants

1 shall be guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200).
2 Any person or entity convicted of cultivating twelve or more marijuana plants shall be guilty of a
3 misdemeanor offense punishable by a fine not exceeding one thousand dollars (\$1,000) or six months in
4 jail, or both, and shall be deemed guilty of a separate offense for each and every day or portion thereof
5 during which any violation of this ordinance is committed, continued or permitted. Payment of any
6 penalty herein shall not relieve a person from the responsibility for correcting the violation.
7 Notwithstanding the above, the remedies, penalties and procedures for violation of this ordinance are set
8 forth in Riverside County Ordinance No. 725, which is incorporated by this reference.

9 Section 3. Pursuant to section 65858, subdivision (b), of the Government Code and
10 section 20.4 of Ordinance No. 348, this interim ordinance shall take effect immediately. In adopting this
11 ordinance, the Board finds that marijuana cultivation poses a current and immediate threat to the public
12 health, safety and welfare, and that the approval of any permits or entitlements of any kind would result in
13 that threat to public health, safety and welfare, for the following reasons: In the First District alone,
14 hundreds of marijuana groves have been observed. Marijuana groves and cultivation increase the risks of
15 criminal activity, the degradation of the natural environment and often results in illegal or hazardous
16 electrical and water connections and alterations. Marijuana cultivation also creates increased nuisance
17 impacts to neighboring properties because of the strong, malodorous, and potentially noxious odors which
18 come from the plants. Without this interim ordinance, marijuana groves and cultivation will continue to
19 proliferate within the County causing adverse impacts to the County and its residents. There is no
20 feasible alternative to satisfactorily protect against, mitigate or avoid these adverse impacts as well or
21 better, with a less burdensome or restrictive effect, than the adoption of the interim ordinance.

22 Section 4. In adopting this ordinance, the Board reports that measures to alleviate the
23 condition that led to its adoption will be taken and that such measures shall include, but not be limited to,
24 the formulation and adoption of an amendment to Riverside County Ordinance No. 348 clarifying that
25 cultivation of marijuana is prohibited in all zone classifications in the County.

26 Section 5. This ordinance shall be of no further force or effect forty-five (45) days
27 from the date of its adoption, unless it is extended pursuant to law. The Clerk shall schedule a public
28 hearing before the Board to consider any extension of this ordinance which shall normally be at its second

regular meeting before expiration of the initial forty-five (45) day period. The Clerk shall publish notice ten (10) days before the hearing.

Section 6. At or before the public hearing on any proposed extension, and at least ten (10) days prior to the expiration of this ordinance, the Transportation and Land Management Agency Director, as designee for the Board, shall make a written report to the Board describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance.

Section 7. This ordinance shall take effect immediately upon adoption if adopted by at least a four-fifths vote of the Board of Supervisors per Government Code section 65858, subdivision (b).

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____ Chairman

ATTEST:

CLERK OF THE BOARD:

By: _____ Deputy

(SEAL)

PJW:ay
7/25/2014
G:\ORDINANCE\449\Ord 449.247-MarijuanaCultivation Revised.doc



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

August 20, 2014

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: (951) 368-9018

RE: NOTICE OF PUBLIC HEARING: ORDINANCE NO. 449.247 PROHIBITING
CULTIVATION OF MARIJUANA

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) Time on Sunday,
August 24, 2014.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE
PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

3-1 of 07/29/14

Gil, Cecilia

From: PEC Legals Master <legalsmaster@pe.com>
Sent: Wednesday, August 20, 2014 8:36 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Hearing for Ord. No. 449.247

Received for publication on Aug. 24. Proof with cost to follow.

Thank You!
Legal Advertising



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Holiday Deadlines: The Press-Enterprise offices will be closed on Monday, September 1st in observance of the Labor day holiday. Holiday deadlines are as follows:

- Tuesday, August 26 at 10:30 AM for publishing on Friday, August 29
- Wednesday, August 27 at 10:30 am for publishing on Saturday, August 30 through Monday, September 1
- Thursday, August 28 at 10:30 am for publishing on Tuesday, September 2 and Wednesday, September 3
- Friday, August 29 at 10:30 am for publishing on Thursday, September 4

From: Gil, Cecilia <CCGIL@rcbos.org>
Sent: Wednesday, August 20, 2014 8:12 AM
To: PEC Legals Master
Subject: FOR PUBLICATION: Hearing for Ord. No. 449.247

Good morning,

Attached is a Notice of Public Hearing, for publication on Sunday, August 24, 2014. Please confirm.
THANK YOU!

Cecilia Gil
Board Assistant
Clerk of the Board
951-955-8464
MS# 1010



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

August 20, 2014

THE DESERT SUN
ATTN: LEGALS
PO BOX 2734
PALM SPRINGS, CA 92263

FAX: (760) 778-4731
E-MAIL: legals@thedesertsun.com

RE: NOTICE OF PUBLIC HEARING: ORDINANCE NO. 449.247 PROHIBITING
CULTIVATION OF MARIJUANA

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) Time on Sunday, August 24, 2014.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

3-1 of 07/29/14

Gil, Cecilia

To: Moeller, Charlene
Subject: RE: FOR PUBLICATION: Hearing for Ord. No. 449.247

Sent: Wednesday, August 20, 2014 10:15 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Hearing for Ord. No. 449.247

Ad received and will publish on date(s) requested.

Charlene Moeller | Media Sales Legal Notice Coordinator

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From: Gil, Cecilia [<mailto:CCGIL@rcbos.org>]
Sent: Wednesday, August 20, 2014 8:13 AM
To: tds-legals
Subject: FOR PUBLICATION: Hearing for Ord. No. 449.247

Good morning,

Attached is a Notice of Public Hearing, for publication on Sunday, August 24, 2014. Please confirm.
THANK YOU!

Cecilia Gil
Board Assistant
Clerk of the Board
951-955-8464
MS# 1010

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, September 23, 2014 at 9:30 a.m.**, or as soon as possible thereafter, to consider adoption of the following:

ORDINANCE NO. 449.247 **AN INTERIM ORDINANCE OF THE COUNTY OF RIVERSIDE** **PROHIBITING THE CULTIVATION OF MARIJUANA** **AND INCORPORATING ORDINANCE NO. 725**

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. Pursuant to Section 65858 of the Government Code and section 20.4 of Ordinance No. 348, the cultivation of marijuana is hereby prohibited in the unincorporated areas of Riverside County. This clarifies that marijuana cultivation is prohibited in all zone classifications under the County's Zoning Ordinance. Section 3.3 of Ordinance No. 348 currently prohibits all uses not specifically permitted. Marijuana cultivation is not a specifically permitted use under Riverside County Ordinance No. 348 and is illegal under the federal Controlled Substances Act (21 USC sections 801, et seq.). Ordinances prohibiting the cultivation of marijuana have been upheld as not preempted by the Compassionate Use Act or the Medical Marijuana Program Act (see *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975). For purposes of this ordinance, the term "marijuana cultivation" shall mean the planting, growing, harvesting, drying, processing or storage of one or more marijuana plants or any part thereof in any location, indoors or outdoors, including in a fully enclosed and secure building. For purposes of this ordinance, the word "marijuana" shall have the same meaning as that set forth in Health & Safety Code Section 11018.

Section 2. Any person or responsible party, as defined in Riverside County Ordinance No. 725, that engages in marijuana cultivation, or allows or permits marijuana cultivation on property within the unincorporated area of the County of Riverside under their possession, ownership or control, is guilty of violating this ordinance. Each person or responsible party violating this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified.

Any person or responsible party so convicted of cultivating six or fewer marijuana plants shall be guilty of an infraction offense and punished by a fine not exceeding ten dollars (\$10). Any person or responsible party convicted of cultivating more than six but less than twelve marijuana plants shall be guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200). Any person or entity convicted of cultivating twelve or more marijuana plants shall be guilty of a misdemeanor offense punishable by a fine not exceeding one thousand dollars (\$1,000) or six months in jail, or both, and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this ordinance is committed, continued or permitted. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation. Notwithstanding the above, the remedies, penalties and procedures for violation of this ordinance are set forth in Riverside County Ordinance No. 725, which is incorporated by this reference.

Section 3. Pursuant to section 65858, subdivision (b), of the Government Code and section 20.4 of Ordinance No. 348, this interim ordinance shall take effect immediately. In adopting this ordinance, the Board finds that marijuana cultivation poses a current and immediate threat to the public health, safety and welfare, and that the approval of any permits or entitlements of any kind would result in that threat to public health, safety and welfare, for the following reasons: In the First District alone, hundreds of marijuana groves have been observed. Marijuana groves and cultivation increase the risks of criminal activity, the degradation of the natural environment and often results in illegal or hazardous electrical and water connections and alterations. Marijuana cultivation also creates increased nuisance impacts to neighboring properties because of the strong, malodorous, and potentially noxious odors which come from the plants. Without this interim ordinance, marijuana groves and cultivation will continue to proliferate within the County causing adverse impacts to the County and its residents.

There is no feasible alternative to satisfactorily protect against, mitigate or avoid these adverse impacts as well or better, with a less burdensome or restrictive effect, than the adoption of the interim ordinance.

Section 4. In adopting this ordinance, the Board reports that measures to alleviate the condition that led to its adoption will be taken and that such measures shall include, but not be limited to, the formulation and adoption of an amendment to Riverside County Ordinance No. 348 clarifying that cultivation of marijuana is prohibited in all zone classifications in the County.

Section 5. This ordinance shall be of no further force or effect forty-five (45) days from the date of its adoption, unless it is extended pursuant to law. The Clerk shall schedule a public hearing before the Board to consider any extension of this ordinance which shall normally be at its second regular meeting before expiration of the initial forty-five (45) day period. The Clerk shall publish notice ten (10) days before the hearing.

Section 6. At or before the public hearing on any proposed extension, and at least ten (10) days prior to the expiration of this ordinance, the Transportation and Land Management Agency Director, as designee for the Board, shall make a written report to the Board describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance.

Section 7. This ordinance shall take effect immediately upon adoption if adopted by at least a four-fifths vote of the Board of Supervisors per Government Code section 65858, subdivision (b).

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: August 20, 2014

KECIA HARPER-IHEM, Clerk of the Board
By: Cecilia Gil, Board Assistant

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3-2

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the recommendation from Supervisor Jeffries regarding Adoption of Order to Initiate an Amendment to Ordinance No. 348 and Setting for Public Hearing Interim Ordinance No. 449.247 Prohibiting the Cultivation of Marijuana, is continued to Tuesday, November 25, 2014 at 9:00 a.m.

Roll Call:

Ayes: Jeffries, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on September 23, 2014 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors
Dated: September 23, 2014
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: [Signature] Deputy

AGENDA NO.
3-2

xc: Supvr. Jeffries, COB