

**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

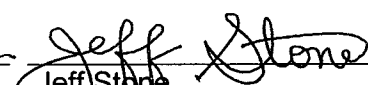
**SUBJECT:** Report on Status of Amendment to Ordinance No. 348 Prohibiting the Cultivation of Marijuana with Limited Exemption and Initiation of an Ordinance Establishing the Conditions and Standards for a Limited Exemption from Enforcement of the County's Prohibition on Marijuana Cultivation for Registered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

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	<b>For Fiscal Year:</b>

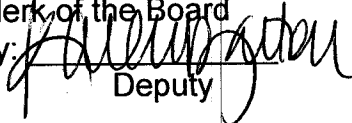
**C.E.O. RECOMMENDATION:**

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone, Benoit and Ashley  
 Nays: None  
 Absent: Tavaglione  
 Date: November 25, 2014  
 xc: Supvr. Jeffries, Supvr. Stone, Co.Co., Auditor, Planning  
 Public Health, Code Enforce., Sheriff

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

**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  
 Positions Added  
 4/5 Vote  
 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.

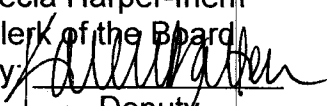
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\_\_\_\_\_  
KEVIN JEFFRIES, First District Supervisor

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.

**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**

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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 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



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

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

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

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

11 By: \_\_\_\_\_  
Chairman

12 ATTEST:

13 CLERK OF THE BOARD:

14  
15 By: \_\_\_\_\_  
Deputy

16  
17  
18  
19 (SEAL)

20  
21  
22  
23 PJW:ay  
7/25/2014  
24 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](mailto: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

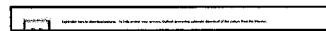
**Gil, Cecilia**

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**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

  
Phone: 1-800-880-0345 / Fax: 951-368-9018 / E-mail: [legals@pe.com](mailto:legals@pe.com)

**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

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**From:** Gil, Cecilia <[CCGIL@rcbos.org](mailto: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](mailto: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**

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**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 1<sup>st</sup> 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, 1<sup>st</sup> 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.

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.

(seal)

By: [Signature] Deputy

AGENDA NO.

3-2

xc: Supvr. Jeffries, CDB



Riverside County Supervisors,

My name is Jon Perluss and I am the CEO of Old Farts Solutions, a Medical Cannabis Collective. I have been involved in this New Wave of Cannabis Cultivation, and the legal issues that are such an important part of our entire existence.

I won't dwell on my past, but honestly after being in fear of arrests or harassments for over forty-five years, I was in heaven when the State of California Voters voted to allow us to do what we do. My Collective is a tax paying entity with all required documentation and patient members, allowing me to produce for their medical needs. This system works for all because the entire idea of grower to patient works very well for all involved.

I would like to say I applaud you for your efforts to do something about the current cultivation Gold Rush. I have been saying for a couple years that the Clinics are part of the problem by issuing the ninety-nine plant cards. This encourages people to put their cards together and they believe growing together that there is no set number of plants, and the more they grow the bigger the profit. Profit is what is motivating so many to have illegal grows.

I am torn by my wanting to do everything by the book and do the legal grow as I am doing, but knowing many others are just making money. That makes it very hard to be a united group. One thing I do want to mention is that no matter if you are legal or not, we all are adding money into a hurting economy. This is the big issue for me but I believe legal collective paying taxes and taking care of our patients are the things that the voters wanted to see and I'm proud of being a Collective that legally produces medicine for its patients.

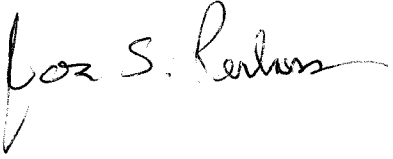
On the issue of large scale grows, I believe some type of ordinance needs to be dealt with and stopped. The ban on all cultivation is not the answer. I have invested five years and lots of money to produce a totally organic medicinal cannabis farm and in doing so have followed all rules required by law. Please allow us to do things the right way and find a way to deal with the ones who are profiting.

My final note is a suggestion to help regulate this situation in some small way. You, The County, could set up a permit to cultivate cannabis department like a very small office with low overhead. Their job would be to check all legal required paper work, maybe proof of paying taxes and number of plants to be planted. Make a permit fee scale such as 1-12-25.00, 13-25-100.00, or 25-50-1,000.00. This fee would be paid to cultivation of cannabis Dept. and in return applicant would be issued appropriate tags to be placed on plants and upon inspection if you are tagged you are good, if not then it gets cut down. I, myself would gladly pay \$2500.00 to be able to provide medicine to my patients and stay in business.

In conclusion, you have to respect the voters, patients, and those of us that have worked tirelessly to comply with all the rules and regulations. Something must be done and I believe you, the Supervisors of Riverside County, have a great opportunity to do the right thing and set a precedent for others to follow.

11-25-14 3-1 2014-11-125077

Thank You for your time,

A handwritten signature in black ink, appearing to read "Jon S. Perluss". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Mr. Jon S. Perluss

Old Farts Solutions

**Riverside County Board of Supervisors  
Request to Speak**

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to Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Douglas Lanphere

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** Lake Elsinore **Zip:** 92532

**Phone #:** 951 837-6299

**Date:** 11/25/14 **Agenda #** 3-1

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**       **Oppose**       **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

**Support**       **Oppose**       **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

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**Riverside County Board of Supervisors  
Request to Speak**

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**SPEAKER'S NAME:** B. Gunn

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_ 3-1

**Date:** 11/25/14 **Agenda #** 11115

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**     **Oppose**     **Neutral**

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\_\_\_\_\_ **Support**    \_\_\_\_\_ **Oppose**    \_\_\_\_\_ **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

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Request to Speak**

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**SPEAKER'S NAME:** William Gunn

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** Riverside **Zip:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

3-1

**Date:** 11-25-14 **Agenda #** MMJ Regulations

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**       **Oppose**       **Neutral**

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the appeal below:

\_\_\_\_\_ **Support**      \_\_\_\_\_ **Oppose**      \_\_\_\_\_ **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

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(6 Minutes)

**Riverside County Board of Supervisors  
Request to Speak**

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**SPEAKER'S NAME:** Jarilyn Holfield

**Address:** P.O. Box 1215  
(only if follow-up mail response requested)

**City:** Perris **Zip:** 92572

**Phone #:** 678-596-4989

**Date:** 11/25/2014 **Agenda #** 3-1

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**       **Oppose**       **Neutral**

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the appeal below:

**Support**       **Oppose**       **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

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**SPEAKER'S NAME:** Darelyn Patterson

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** Perris **Zip:** 92570

**Phone #:** 310-213-7554

**Date:** 11/25 **Agenda #:** 3-1

**PLEASE STATE YOUR POSITION BELOW:**

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**Support**       **Oppose**       **Neutral**

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**I give my 3 minutes to:** Charilyn Halfield

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The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
to Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Christopher Samuel

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** Perris **Zip:** 92570

**Phone #:** \_\_\_\_\_

**Date:** 11/25/14 **Agenda #** 3-1

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**       **Oppose**       **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

**Support**       **Oppose**       **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

## **BOARD RULES**

### **Requests to Address Board on "Agenda" Items:**

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

### **Requests to Address Board on items that are "NOT" on the Agenda:**

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

### **Power Point Presentations/Printed Material:**

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

### **Individual Speaker Limits:**

**Individual speakers are limited to a maximum of three (3) minutes.** Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

### **Group/Organized Presentations:**

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**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Michael Logan

**Address:** 12655 2nd St Yucca  
(only if follow-up mail response requested)

**City:** Yucca **Zip:** 92399

**Phone #:** 909-225-7762

**Date:** 11/25/14 **Agenda #** 3-1

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

       **Support**      X   **Oppose**           **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

       **Support**      X   **Oppose**           **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

## **BOARD RULES**

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 CALL: (951) 368-9710  
 EMAIL: BillingInquiry@pe.com

# THE PRESS-ENTERPRISE **PE** .com

Date	Reference Number	Description	Product/Zone	Size	Billed Units	Times Run	Rate	Gross Amount	Net Amount
8/24/2014	I09957659-08242014	PH: Ordinance No. 449.247 Prohibiti	Press-Enterprise	2 x 152 Li	82	1	1.45	440.80	440.80
Ordered By: Cecilia Gil									
								<b>Balance</b>	
								<b>\$440.80</b>	
<b>Legal Advertising Invoice</b>									
<b>Sales Contact Information</b>		<b>Advertiser Information</b>							
Maria Tinajero 951-368-9225	<b>Billing Period</b> 08/24/2014 - 08/24/2014	<b>Billed Account Number</b> 1100141323	<b>Advertiser/Client Number</b> 1100141323		<b>Advertiser/Client Name</b> BOARD OF SUPERVISORS				

COUNTY OF RIVERSIDE  
 BOARD OF SUPERVISORS  
 2014 AUG 27 PM 1:00

*18T District  
3-1 of 07/29/14*

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

THE PRESS-ENTERPRISE **PE** .com

Legal Advertising Invoice

<b>Advertiser/Client Name</b> BOARD OF SUPERVISORS		
<b>Billing Period</b> 08/24/2014 - 08/24/2014	<b>Billed Account Number</b> 1100141323	<b>Advertiser/Client Number</b> 1100141323
<b>Balance</b> \$440.80	<b>Invoice Number</b> I09957659-08242014	<b>Terms Of Payment</b> Due Upon Receipt

Billing Account Name And Address

Remittance Address

BOARD OF SUPERVISORS  
 COUNTY OF RIVERSIDE  
 P.O. BOX 1147  
 RIVERSIDE, CA 92502

The Press-Enterprise  
 POST OFFICE BOX 12009  
 RIVERSIDE, CA 92502-2209

*11/25/2014 3-1*

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
951-684-1200  
951-368-9018 FAX

**PROOF OF PUBLICATION**  
**(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: PH: Ordinance No. 449.247 Prohibiting M /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, under date of February 4, 2013, Case Number RIC 1215735, under date of July 25, 2013, Case Number RIC 1305730, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

**08/24/2014**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: August 24, 2014  
At: Riverside, California

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
P.O. BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0009957659-01

P.O. Number:

## Ad Copy:

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, 4000 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 consideration of all public comment, written and oral, the Board of Supervisors may amend in whole or in part the

# The Desert Sun

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Billing Inquiries: (866) 875-0854  
Main Office: (760) 322-8889

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71

RIVERSIDE COUNTY-BOARD OF SUP.  
PO BOX 1147  
RIVERSIDE CA 92502-1147

Customer No.	Invoice No.
RIV069	0005046574
For the Period	Thru
08/04/14	08/31/14
<b>Due Date</b>	<b>Amount Due</b>
09/15/14	11,045.58
<b>AMOUNT PAID</b>	

PLEASE RETURN THIS TOP SECTION WITH PAYMENT IN THE ENCLOSED ENVELOPE AND INCLUDE YOUR CUSTOMER NUMBER ON REMITTANCE.

Date	EDT	Class	Description	Times Run	Col	Depth	Total Size	Rate	Amount
0804			BALANCE FORWARD						9,487.40
0806	CLS	0001	CECILIA NO 1261 CORRECTE	2	2	74.00	296.00		167.32
0807	CLS	0001	CECILIA NO 1277 NOTICE T	4	2	72.00	576.00		319.92
0813	CLS	0001	CECILIA NO 1303 BOARD OF	2	2	71.00	284.00		160.78
0813	CLS	0001	CECILIA NO 1304 NOTICE T	10	2	48.00	960.00		529.20
0824	CLS	0001	CECILIA NO 1374 NOTICE O	2	2	172.00	688.00		380.96
			<u>1261</u> - ACO 9-2 of 07/29/14 \$167.32				<u>1277</u> - Flood 11-6 of 07/29/14 \$319.92		
			<u>1303</u> - Planning 3-4 of 08/05/14 \$160.78				<u>1304</u> - Trans. 3-42 of 8/5/14 \$529.20		
							<u>1374</u> - 1st Dist. 3-1 of 07/29/14 \$380.96		
Current		Over 30 Days	Over 60 Days	Over 90 Days	Over 120 Days	<b>Total Due</b>			
1,480.24		9,565.34	.00	.00	.00	<b>11,045.58</b>			
Contract Type	Contract Qty.	Expiration Date	Current Usage	Total Used	Quantity Remaining	Salesperson			
						BARTELMLEY <i>muelle</i>			

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County of Riverside**

**Advertiser:**

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4080 LEMON ST  
RIVERSIDE CA 925013**

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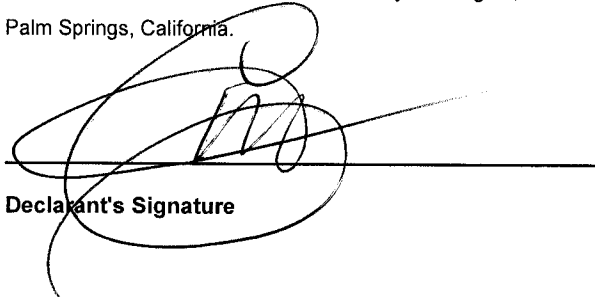
I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

**Newspaper:** .The Desert Sun

8/24/2014

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 24th day of August, 2014 in Palm Springs, California.

  
**Declarant's Signature**

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-HEM, Clerk of the Board  
By: Cecilia Gil, Board Assistant

Published: 8/24/14

Test: 8/

No 1374  
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.

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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.

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