

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

937



FROM: TLMA and County Counsel

SUBMITTAL DATE:
May 7, 2015

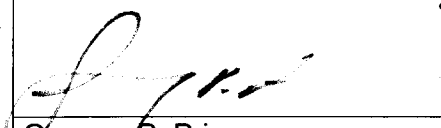
SUBJECT: Ordinance No. 348.4802 and Ordinance No. 925 Prohibiting Marijuana Cultivation and Declaring Marijuana Cultivation to be a Public Nuisance [All Districts - \$0] –CEQA EXEMPT

RECOMMENDED MOTION: That the Board of Supervisors open the public hearing and at the close of the public hearing:


1. Find Ordinance Nos. 348.4802 and 925 are not a project under CEQA per CEQA Guidelines sections 15060(c)(3) and 15378 and are otherwise exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) and 15308 based on the findings and conclusions contained in the attached Planning Department staff report and Notice of Exemption; and
2. Adopt Ordinance No. 348.4802, an ordinance of the County of Riverside amending Ordinance No. 348 related to zoning, based upon the findings and conclusions incorporated in the attached Planning Department staff report; and
3. Introduce and adopt on successive weeks Ordinance No. 925, an ordinance of the County of Riverside prohibiting marijuana cultivation and declaring marijuana cultivation to be a public nuisance.

(continued on page 2)

Departmental Concurrence



Gregory P. Priamos
County Counsel



Juan C. Perez
TLMA Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS:				Budget Adjustment: N/A	
				For Fiscal Year: N/A	

C.E.O. RECOMMENDATION:

APPROVE


BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried, IT WAS ORDERED that the above matter is approved as recommended; Ordinance 348.4802 is adopted; and Ordinance 925 is approved as introduced.

Ayes: Jeffries, Washington, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: May 19, 2015
xc: TLMA, Co.Co., MC, COB

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 3-1 of 11/25/14 | District: ALL | Agenda Number:

16-2

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

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

FORM 11: Ordinance No. 348.4802 and Ordinance No. 925 Prohibiting Marijuana Cultivation and Declaring Marijuana Cultivation to be a Public Nuisance [All Districts - \$0] –CEQA EXEMPT

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BACKGROUND:

Summary

On November 25, 2014, the Board of Supervisors approved agenda item 3-1 directing staff to prepare an amendment to Ordinance No. 348 clarifying 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. Per the Board's direction, 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. County Counsel, Planning, and Code Enforcement have consulted with the Sheriff's Department, Executive Office and the Public Health Officer in preparation of the following ordinances consistent with the Board's November 2014 order.

ORDINANCE NO. 348.4802 - Ordinance No. 348.4802 adds new provisions to Ordinance No. 348 (Section 3.4) clarifying that cultivation of marijuana is prohibited in all zone classifications throughout the unincorporated area of the County and that no permit of any type shall be issued for marijuana cultivation. Ordinance No. 348.4802 further provides that there shall be a limited exemption from enforcement for violations of the ordinance for marijuana cultivation in the following zone classifications in conjunction with a one-family dwelling if such marijuana cultivation complies with the conditions and standards set forth in a separate nuisance ordinance, Ordinance No. 925: Light Agriculture (A-1), Heavy Agriculture (A-2), Light Agriculture with Poultry (A-P), Citrus Vineyard (C/V), Natural Assets (N-A), One-Family Dwellings (R-1), One-Family Dwellings Mountain Resort (R-1A), Multiple-Family Dwellings (R-2), Limited Multiple-Family Dwellings (R-2A), General Residential (R-3), Village Tourist Residential (R-3A), Planned Residential (R-4), Residential Incentive (R-6), Residential Agricultural (R-A), Regulated Development (R-D), Rural Residential (R-R), Mobile Home Subdivisions and Mobile Home Parks (R-T), Mobile Home Subdivision Rural (R-T-R), Controlled Development Areas (W-2), Controlled Development Area with Mobile Homes (W-2-M), Wine Country – Winery (WC-W), Wine Country – Winery Existing (WC-WE), Wine Country – Equestrian (WC-E), Wine Country – Residential (WC-R), and Specific Plan (SP) when the underlying zone classification for that particular SP is one of the other zone classifications identified above. Ordinance No. 348.4802 also amends Section 3.3 of Ordinance No. 348 to state that any use that is illegal under State or Federal law is not allowed under Ordinance No. 348. Additionally, Ordinance No. 348.4802 adds the previously adopted Wine Country zoning classifications to the list of zones set forth in Section 3.1 of Ordinance No. 348.

Ordinance No. 348.4802 was reviewed and recommended for approval by the Planning Commission on April 15, 2015.

ORDINANCE NO. 925 – Ordinance No. 925 declares marijuana cultivation, either indoors or outdoors, upon any premises within all unincorporated areas to be prohibited and a public nuisance subject to abatement and administrative and civil penalties. As directed by the Board, Ordinance No. 925 states that the County is committed to making efficient and rational use of its limited investigative and prosecutorial resources and that there shall be a limited exemption from enforcement for violations of the ordinance by primary caregivers and qualified patients for small amounts of marijuana cultivation for their own medical use in zone classifications identified in Section 3.4 of Ordinance No. 348 when all of the following conditions and standards are complied with:

1. The premises shall contain a legally permitted one-family dwelling.
2. Cultivation of no more than twelve (12) marijuana plants per qualified patient. In the event a qualified patient has a primary caregiver cultivating marijuana plants for the qualified patient, only one primary caregiver may cultivate no more than twelve (12) marijuana plants for that qualified patient at any one time. In no circumstances shall a qualified patient have multiple primary caregivers cultivating marijuana plants for the qualified patient at the same time.

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3. Two (2) qualified patient limit to aggregate marijuana plant count for a maximum total of twenty-four (24) marijuana plants per premises.
4. At least one qualified patient or one primary caregiver must live on the premises.
5. All marijuana plants must be reasonably secured to prevent access by minors or theft, to a standard satisfactory to the enforcement officer.
6. All marijuana cultivation outside of any building must be fully enclosed by an opaque fence at least six feet in height. The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps, or cloth material shall not constitute an adequate fence under this subsection. Premises larger than five (5) acres are exempt from this fencing provision so long as all other standards and conditions are complied with and any barriers used are otherwise consistent with Ordinance No. 457 and Ordinance No. 348.
7. Each building or outdoor area in which the marijuana plants are cultivated shall be set back at least ten (10) feet from all boundaries of the premises. Such setback distance shall be measured in a straight line from the building in which the marijuana plants are cultivated, or, if the marijuana plants are cultivated in an outdoor area, from the fence required by subsection 6. to the boundary line of the premises.
8. The designated marijuana cultivation area must not be visible from any public right-of-way.
9. If the person cultivating marijuana plants on any premises is not the owner of the premises, such person shall submit a letter from the owner(s) consenting to the marijuana cultivation on the parcel. This letter shall be examined by the enforcement officer, and shall then be returned to the submitter. The County shall prescribe forms for such letters.
10. Parolees or probationers shall not live on the premises unless the parolee or probationer has received confirmation from the court that he or she is allowed to use medical marijuana while on parole or probation pursuant to Health & Safety Code section 11362.795 which shall be subject to verification by the enforcement officer.
11. Qualified patients for whom the marijuana plants are being cultivated shall have valid Medical Marijuana Identification Cards issued by the Riverside County Department of Public Health. Any primary caregiver cultivating marijuana plants for a qualified patient shall have a copy of the qualified patient's valid Medical Marijuana Identification Card issued by the Riverside County Department of Public Health which shall be kept on the premises.
12. The address for the premises must be posted and plainly visible from the public right-of-way.
13. The marijuana cultivation shall not be within a multi-dwelling building.
14. The marijuana cultivation shall not be upon any premises located within one thousand (1,000) feet of any school, community center, or park.
15. The marijuana cultivation shall not be upon any premises containing a child care center, church, or youth-oriented facility.

Under Ordinance No. 925, any marijuana cultivation that does not comply with all of the above standards and conditions shall be subject to nuisance abatement enforcement and penalties. Ordinance No. 925 also contains sections regarding abatement of unlawful marijuana cultivation and appeals hearings, summary abatements, recovery of abatement costs and attorneys' fees, authorization for the placement of special assessments and liens, treble damages, misdemeanor penalties, and enforcement by civil actions. Ordinance No. 925 allows for administrative civil penalties of up to \$1000 per day for violations of the ordinance and contains sections regarding appeal and judicial review of administrative civil penalties, as well as collection of such penalties.

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Ordinance No. 348.4802 and 925 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 with regard to marijuana cultivation. Under no circumstances will the County issue any types of land use permits or entitlements authorizing marijuana cultivation.

Ordinance Nos. 348.4802 and 925 are not a project under the California Environmental Quality Act (CEQA) per CEQA Guidelines sections 15060(c)(3) and 15378 and are otherwise exempt from the provisions of CEQA pursuant to CEQA Guidelines sections 15061(b)(3) and 15308 as set forth in the attached Notice of Exemption.

Impact on Citizens and Businesses

The proliferation of large-scale marijuana cultivation 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 ordinances are to provide for greater enforcement against large-scale marijuana cultivation 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 medical uses by registered medical marijuana patients. While the enforcement of these ordinances may result in increased unknown departmental costs, recovery of abatements costs are authorized under the ordinances including the placement of special assessments and liens for recovery of such costs.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Attachments:

1. Ordinance No. 348.4802
2. Ordinance No. 925
3. Planning Commission Minute Order from April 15, 2015
4. Planning Department Staff Report
5. CEQA Notice of Exemption

ORDINANCE NO. 348.4802
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 348
RELATING TO ZONING

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Section 3.1 of Ordinance No. 348 is amended to add the following zone classifications:

- “WC-W Wine Country – Winery
- WC-WE Wine Country – Winery Existing
- WC-E Wine Country – Equestrian
- WC-R Wine Country – Residential”

Section 2. Section 3.3 of Ordinance No. 348 is amended to read as follows:

“SECTION 3.3. USES ALLOWED IN ZONE CLASSIFICATIONS. The terminology used in Section 3.1 of this ordinance is general only and is not intended to be descriptive of all uses allowed in the zone classifications. The zone classifications are specifically set forth in subsequent articles of this ordinance to which reference should be made to determine all the uses permitted therein. When a use is not specifically listed as permitted or conditionally permitted in a zone classification, the use is prohibited unless, in circumstances where this ordinance empowers him to do so, the Planning Director makes a determination that the use is substantially the same in character and intensity as those uses permitted or conditionally permitted in the zone classification. Nothing in this ordinance shall be construed to allow a use that is otherwise illegal under State or Federal law.”

Section 3. A new Section 3.4 of Ordinance No. 348 is added to read as follows:

“SECTION 3.4. MARIJUANA DISPENSARIES AND MARIJUANA CULTIVATION PROHIBITED. In no event shall a medical marijuana dispensary or marijuana cultivation, as the terms are defined in this ordinance, be considered permitted or conditionally permitted uses in any zone classification. A medical marijuana dispensary is prohibited in all zone classifications and no permit of any type shall be issued therefor. Marijuana

1 cultivation is prohibited in all zone classifications and no permit of any type shall be issued
2 therefor. There shall be a limited exemption from enforcement for violations of this
3 section for marijuana cultivation in the following zone classifications in conjunction with a
4 one-family dwelling if such marijuana cultivation complies with the conditions and
5 standards set forth in Ordinance No. 925: Light Agriculture (A-1), Heavy Agriculture (A-
6 2), Light Agriculture with Poultry (A-P), Citrus Vineyard (C/V), Natural Assets (N-A),
7 One-Family Dwellings (R-1), One-Family Dwellings Mountain Resort (R-1A), Multiple-
8 Family Dwellings (R-2), Limited Multiple-Family Dwellings (R-2A), General Residential
9 (R-3), Village Tourist Residential (R-3A), Planned Residential (R-4), Residential Incentive
10 (R-6), Residential Agricultural (R-A), Regulated Development (R-D), Rural Residential
11 (R-R), Mobile Home Subdivisions and Mobile Home Parks (R-T), Mobile Home
12 Subdivision Rural (R-T-R), Controlled Development Areas (W-2), Controlled
13 Development Area with Mobile Homes (W-2-M), Wine Country – Winery (WC-W), Wine
14 Country – Winery Existing (WC-WE), Wine Country – Equestrian (WC-E), Wine Country
15 – Residential (WC-R), and Specific Plan (SP) when the underlying zone classification for
16 that particular SP is one of the other zone classifications identified in this Section.”

17 Section 4. A new Section 21.51j. is added to Ordinance No. 348 to read as follows:

18 “SECTION 21.51j. MARIJUANA CULTIVATION. The planting, growing, harvesting,
19 drying, processing, or storage of one or more marijuana plants or any part thereof in any
20 location, indoor or outdoor, including from within a fully enclosed and secure building.
21 Marijuana plant, as used herein, includes any mature or immature marijuana plant, or any
22 marijuana seedling.”

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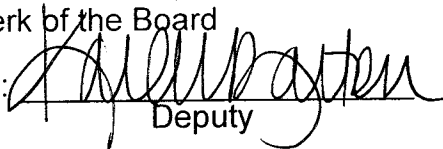
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on May 19, 2015, the foregoing ordinance consisting of 5 Sections was adopted by the following vote:

AYES: Jeffries, Washington, Benoit and Ashley
NAYS: None
ABSENT: Tavaglione

DATE: May 19, 2015

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL

1 “[a]dopt local ordinances that regulate the location, operation, or
2 establishment of a medical marijuana cooperative or collective” and to
3 civilly and criminally enforce such ordinances.

4 d. In *City of Riverside v. Inland Empire Patients Health and Wellness Center,*
5 *Inc.* (2013) 56 Cal. 4th 729, the California Supreme Court held that
6 “[n]othing in the CUA or the MMP expressly or impliedly limits the
7 inherent authority of a local jurisdiction, by its own ordinances, to regulate
8 the use of its land...” Additionally, in *Maral v. City of Live Oak* (2013) 221
9 Cal.App.4th 975, the Court of Appeal held that “there is no right – and
10 certainly no constitutional right – to cultivate medical marijuana...” The
11 Court in *Maral* affirmed the ability of a local governmental entity to
12 prohibit the cultivation of marijuana under its land use authority.

13 e. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies
14 marijuana as a Schedule I Drug, which is defined as a drug or other
15 substance that has a high potential for abuse, that has no currently accepted
16 medical use in treatment in the United States, and that has not been
17 accepted as safe for use under medical supervision. The Federal Controlled
18 Substances Act makes it unlawful, under federal law, for any person to
19 cultivate, manufacture, distribute or dispense, or possess with intent to
20 manufacture, distribute or dispense, marijuana. The Federal Controlled
21 Substances Act contains no exemption for the cultivation, manufacture,
22 distribution, dispensation, or possession of marijuana for medical purposes.

23 f. Marijuana cultivation in the unincorporated area of Riverside County can
24 adversely affect the health, safety, and well-being of County residents.
25 Countywide prohibition of marijuana cultivation is proper and necessary to
26 avoid the risks of criminal activity, degradation of the natural environment,
27 malodorous smells, and indoor electrical fire hazards that may result from
28 unregulated marijuana cultivation, and that are especially significant if the

1 amount of marijuana cultivated on a single premises is not regulated and
2 substantial amounts of marijuana are thereby allowed to be concentrated in
3 one place.

4 g. Marijuana cultivation at locations or premises within one thousand feet of
5 schools, parks, and community centers creates unique risks that the
6 marijuana plants may be observed by minors, and therefore be especially
7 vulnerable to theft or recreational consumption by minors. Further, the
8 potential for criminal activities associated with marijuana cultivation in
9 such locations poses heightened risks that minors will be involved or
10 endangered. Therefore, any amount of marijuana cultivation in such
11 locations or premises is especially hazardous to public safety and welfare,
12 and to the protection of children and the person(s) cultivating the marijuana
13 plants.

14 h. As recognized by the Attorney General's August 2008 Guidelines for the
15 Security and Non-Diversion of Marijuana Grown for Medical Use,
16 marijuana cultivation or other concentration of marijuana in any location or
17 premises without adequate security increases the risk that surrounding
18 homes or businesses may be negatively impacted by nuisance activity such
19 as loitering or crime.

20 i. The limited immunity from specified state marijuana laws provided by the
21 Compassionate Use Act and Medical Marijuana Program does not confer a
22 land use right or the right to create or maintain a public nuisance.

23 j. The County is committed to making efficient and rational use of its limited
24 investigative and prosecutorial resources. There shall be a limited
25 exemption from enforcement for violations of this ordinance by primary
26 caregivers and qualified patients for small amounts of marijuana cultivation
27 for their own medical use in zone classifications identified section 3.4 of
28 Ordinance No. 348 when all of the conditions and standards in section 12 of

1 this ordinance are met.

2 Section 2. AUTHORITY. This ordinance is adopted pursuant to the authority granted
3 by Article XI, section 7 of the California Constitution, Health and Safety Code section 11362.83, and
4 Government Code sections 25845 and 53069.4.

5 Section 3. DEFINITIONS. As used in this ordinance, the following terms shall have
6 the following meanings:

- 7 a. Abatement Costs. Any costs or expenses, including County staff time
8 reasonably related to the abatement of conditions which violate this
9 ordinance, and shall include, but not be limited to, enforcement,
10 investigation, summaries, reports, notices, telephonic contact,
11 correspondence, mailing expense, title search costs, administrative costs
12 including scheduling and participation at hearings and meetings, Hearing
13 Officer costs, expenses incurred by the County, court costs, civil or
14 administrative penalties, collection, reasonable attorneys' fees, and other
15 costs associated with the removal, abatement or correction of a violation.
- 16 b. Child Care Center. Any licensed child care center, daycare center, child
17 care home, or any preschool.
- 18 c. Church. A structure or leased portion of a structure, which is used primarily
19 for religious worship and related religious activities.
- 20 d. Community Center. Any facility open to the public at which classes,
21 social activities, recreational activities, educational activities, support and
22 public information are offered for all residents of the community.
- 23 e. Enforcement Officer. The Sheriff, the Transportation and Land
24 Management Agency Director, Building Official, Code Enforcement
25 Official, County Counsel, Environmental Health Department Director,
26 Public Health Officer, Agricultural Commissioner, Fire Chief, Clerk of the
27 Board of Supervisors, and their designees.
- 28 f. Family. One or more non-transient, related or unrelated persons living

1 together as a single, nonprofit housekeeping unit.

2 g. Marijuana Cultivation. The planting, growing, harvesting, drying,
3 processing, or storage of one or more marijuana plants or any part thereof in
4 any location, indoor or outdoor, including from within a fully enclosed and
5 secure building.

6 h. Marijuana plant. Any mature or immature marijuana plant, or any
7 marijuana seedling.

8 i. Minor. A person under eighteen (18) years of age.

9 j. Multiple-Family Dwelling. A building or portion thereof used to house two
10 or more families, including domestic employees of each such family, living
11 independently of each other, and each having their own kitchen.

12 k. One-Family Dwelling. A building or detached structure, including a
13 mobilehome or manufactured home, containing one kitchen and used to
14 house not more than one family, including domestic employees.

15 l. Park. A public playground, public recreation center or area, and other
16 public areas, created, established, designated, maintained, provided or set
17 aside by the County, any city, or any other public entity or agency, for the
18 purposes of public rest, play, recreation, enjoyment or assembly, and all
19 buildings and structures located thereon or therein.

20 m. Premises. A single parcel of property. Where contiguous parcels are under
21 common ownership or control, such contiguous parcels shall be counted as
22 a single "premises" for purposes of this ordinance.

23 n. Primary Caregiver. Shall have the meaning set forth in Health and Safety
24 Code sections 11362.5 and 11362.7 et seq.

25 o. Qualified Patient. Shall have the meaning set forth in Health and Safety
26 Code sections 11362.5 and 11362.7 et seq.

27 p. Responsible Party. (1) Each person committing the violation or causing a
28 condition on a premises located within the jurisdiction of the County of

1 Riverside which violates this ordinance; (2) each person who has an
2 ownership interest in that premises; or (3) each person who, although not an
3 owner, nevertheless occupies or has a legal right or a legal obligation to
4 exercise possession or control over that premises. In the event the person
5 who commits the violation or causes the violating condition is a minor, then
6 the minor's parents or legal guardian shall be deemed the responsible party.
7 In the event the violation or violating condition is most reasonably
8 attributable to a business, then that business, to the extent it is a legal entity
9 such that it can sue and be sued in its own name, and each person who is an
10 owner of that business shall be deemed responsible parties.

11 q. School. An institution of learning for minors, whether public or private,
12 offering a regular course of instruction required by the California Education
13 Code. This definition includes a nursery school, kindergarten, elementary
14 school, middle or junior high school, senior high school, or any special
15 institution of education, but it does not include a home school, vocational or
16 professional institution of higher education, including a community or
17 junior college, college, or university.

18 r. Youth-oriented Facility. Any facility that caters to or provides services
19 primarily intended for minors, or the individuals who regularly patronize,
20 congregate or assemble at the establishment are predominantly minors.

21 Section 4. PROHIBITIONS ON MARIJUANA CULTIVATION. NUISANCE
22 DECLARED. Marijuana cultivation, either indoors or outdoors, fixed or mobile, upon any premises
23 within all unincorporated areas of Riverside County is prohibited and hereby declared to be unlawful and
24 a public nuisance that may be abated in accordance with this ordinance. The foregoing prohibition shall
25 be imposed regardless of the number of qualified patients or primary caregivers residing at the premises
26 or participating directly or indirectly in the cultivation. Further, this prohibition shall be imposed
27 notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for
28 qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

1 Section 5. NOTICE TO ABATE UNLAWFUL MARIJUANA CULTIVATION.

2 Whenever the enforcement officer determines that a public nuisance as described in this ordinance exists
3 on any premises within the unincorporated area of Riverside County, he or she is authorized to notify the
4 owner of the premises and any other responsible party, through issuance of a "Notice to Abate Unlawful
5 Marijuana Cultivation."

6 Section 6. CONTENTS OF NOTICE. The Notice to Abate Unlawful Marijuana

7 Cultivation set forth in section 5 of this ordinance shall be in writing and shall:

- 8 a. Identify the owner(s) of the premises upon which the nuisance exists, as
9 named in the last County Equalized Assessment Roll, and identify any
10 other responsible party, if other than the owner(s), and if known or
11 reasonably identifiable.
- 12 b. Describe the location of such premises by its commonly used street address,
13 giving the name or number of the street, road or highway and the number, if
14 any.
- 15 c. Identify such premises by reference to the assessor's parcel number.
- 16 d. Contain a statement that unlawful marijuana cultivation exists on the
17 premises and that it has been determined by the enforcement officer to be a
18 public nuisance described in this ordinance.
- 19 e. Describe the unlawful marijuana cultivation that exists and the actions
20 required to abate it.
- 21 f. Contain a statement that the owner or responsible party is required to
22 abate the unlawful marijuana cultivation within ten (10) calendar days
23 after the date that said notice was served.
- 24 g. Contain a statement that the owner or responsible party may, within ten
25 (10) calendar days after the date that said Notice to Abate Unlawful
26 Marijuana Cultivation was served, make a request in writing to the
27 County Department that issued the notice for a hearing to appeal the
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1 determination of the enforcement officer that the conditions existing
2 constitute a public nuisance, or to show other cause why those conditions
3 should not be abated in accordance with the provisions of this ordinance.

4 h. Contain a statement that, unless the owner or responsible party abates the
5 unlawful marijuana cultivation within the time prescribed in the Notice to
6 Abate Unlawful Marijuana Cultivation, the enforcement officer shall abate
7 the nuisance. It shall also state that the abatement costs may result in the
8 imposition of a lien and special tax assessment against the premises for
9 abatement costs related to enforcement of the this ordinance and abatement
10 of the violative conditions.

11 i. The failure of the Notice to Abate Unlawful Marijuana Cultivation to set
12 forth all required contents shall not affect the validity of the proceedings.

13 Section 7. SERVICE OF NOTICE. Unless otherwise specifically provided for in any
14 other section of this ordinance, notices shall be issued in the following manner:

15 a. Notices required pursuant to this ordinance may be served in any of the
16 following methods:

- 17 1. Personal service; or
- 18 2. By posting a copy of the notice in a visible place on the premises
19 and mailing a copy to the premises owner as such person's name and
20 address appears on the last County Equalized Assessment Roll. If notice
21 is mailed to a responsible party other than the premises owner then the
22 notice may be mailed to the last known address. If the address of any
23 such person is unknown, that fact shall be stated in the copy so mailed
24 and it shall be addressed to the person at the county seat. Service shall
25 be deemed complete five (5) calendar days after the date of deposit in
26 the mail or five (5) calendar days after the date of posting, whichever is
27 later.

1 b. The failure of any premises owner or any other responsible party to
2 receive such notice shall not affect the validity of the abatement
3 proceedings.

4 Section 8. APPEAL HEARING BY COUNTY HEARING OFFICER.

5 a. Any person upon whom a Notice to Abate Unlawful Marijuana
6 Cultivation has been served may appeal the determination of the
7 enforcement officer that the conditions set forth in the notice constitute a
8 public nuisance, or may show cause why those conditions should not be
9 abated in accordance with the provisions of this ordinance.

10 b. Any such appeal shall be commenced by filing a written request for a
11 hearing with the County Department that issued the Notice to Abate
12 Unlawful Marijuana Cultivation within ten (10) calendar days after the
13 date that said Notice was served. The written request shall include a
14 statement of all facts supporting the appeal. The time requirement for
15 filing such a written request shall be deemed jurisdictional and may not
16 be waived. In the absence of a timely filed written request that complies
17 fully with the requirements of this section, the findings of the
18 enforcement officer contained in the Notice to Abate Unlawful Marijuana
19 Cultivation shall become final and conclusive on the eleventh day
20 following service of the notice.

21 c. Upon timely receipt of a written request for hearing which complies with
22 the requirements of this section, a hearing shall be set for a date not less
23 than ten (10) calendar days, nor more than thirty (30) calendar days, from
24 the date the request was filed. Written notice of the hearing shall sent to
25 the requesting party, to any other parties upon whom the Notice to Abate
26 Unlawful Marijuana Cultivation was served, and to the enforcement
27 officer.

- 1 d. The Board of Supervisors delegates its authority to conduct the hearing to
2 the County Hearing Officer appointed by the Board of Supervisors
3 pursuant to Ordinance No. 643 and Government Code section 27720.
- 4 e. The County Hearing Officer shall have full authority and duty to preside
5 over the hearing in the manner set forth in Ordinance No. 643.
- 6 f. At the time fixed in the notice of hearing, the County Hearing Officer shall
7 receive evidence from the enforcement officer and the owner of the
8 premises, any other responsible party, or their representatives and any other
9 concerned persons who may desire to present oral or documentary evidence
10 regarding the conditions of the premises or other relevant matter, if such
11 persons are present at the hearing. In conducting the hearing, the County
12 Hearing Officer shall not be limited by the technical rules of evidence.
13 Failure of the owner or responsible party to appear shall not affect the
14 validity of the proceedings or order issued thereon.
- 15 g. Upon conclusion of the hearing, the County Hearing Officer shall make his
16 decision and in the event it so concludes, may declare the conditions on the
17 premises to be in violation of this ordinance and to constitute a public
18 nuisance. The County Hearing Officer may direct the owner or responsible
19 party to abate the unlawful marijuana cultivation within ten (10) calendar
20 days after mailing and posting of the County Hearing Officer's decision.
21 The County Hearing Officer's decision shall include notice that if the
22 unlawful marijuana cultivation is not abated as directed and within ten (10)
23 calendar days, the enforcement officer may abate the unlawful marijuana
24 cultivation and the abatement costs shall be a lien and an assessment against
25 the premises. Such decision shall be mailed to, or personally served upon,
26 the party requesting the hearing, any other parties upon whom the Notice to
27 Abate Unlawful Marijuana Cultivation was served, and the enforcement
28 officer.

1 h. The County Hearing Officer may continue the administrative hearing from
2 time to time.

3 i. At the conclusion of the hearing, the County Hearing Officer shall submit
4 his decision and the record to the Clerk of the Board.

5 j. The decision of the County Hearing Officer shall be final and conclusive.

6 Section 9. ABATEMENT BY OWNER OR RESPONSIBLE PARTY. Any owner or
7 responsible party may abate the unlawful marijuana cultivation or cause it to be abated at any time prior to
8 commencement of abatement by, or at the direction of, the enforcement officer.

9 Section 10. SUMMARY ABATEMENT. Notwithstanding any other provision of this
10 ordinance, when any unlawful marijuana cultivation constitutes an immediate threat to public health or
11 safety, and when the procedures set forth in sections 5 through 8 of this ordinance will not result in
12 abatement of that nuisance within a short enough time period to avoid that threat, the enforcement officer
13 may direct any officer or employee of the County to summarily abate the nuisance by removing and
14 destroying the marijuana plants. The enforcement officer shall make reasonable efforts to notify the
15 owner of the premises and any other responsible party, but the formal notice and hearing procedures set
16 forth in this ordinance shall not apply. The County may nevertheless recover its abatement costs for
17 abating that nuisance in the manner set forth in this ordinance.

18 Section 11. ENFORCEMENT. Whenever the enforcement officer becomes aware that
19 an owner of the premises or any other responsible party has failed to abate any unlawful marijuana
20 cultivation within ten (10) calendar days of the date of service of the Notice to Abate Unlawful Marijuana
21 Cultivation, unless timely appealed, or of the date of the County Hearing Officer's decision requiring such
22 abatement, the enforcement officer may take one or more of the following actions:

23 a. Enter upon the premises and abate the nuisance by County personnel, or by
24 private contractor under the direction of the enforcement officer. The
25 enforcement officer may apply to a court of competent jurisdiction for a
26 warrant authorizing entry upon the premises for purposes of undertaking the
27 nuisance abatement work by removing and destroying the marijuana plants,
28 including any fixtures and other moveable property and equipment used for

1 marijuana cultivation, if necessary.

- 2 b. Request that the County Counsel commence a civil action to redress, enjoin,
3 and abate the public nuisance.

4 Section 12. LIMITED EXEMPTION FROM ENFORCEMENT.

- 5 a. The County is committed to making efficient and rational use of its limited
6 investigative and prosecutorial resources. There shall be a limited
7 exemption from enforcement for violations of this ordinance by primary
8 caregivers and qualified patients for small amounts of marijuana cultivation
9 for their own medical use in zone classifications identified section 3.4 of
10 Ordinance No. 348 when all of the following conditions and standards are
11 complied with:

- 12 1. The premises shall contain a legally permitted one-family dwelling.
- 13 2. Cultivation of no more than twelve (12) marijuana plants per
14 qualified patient. In the event a qualified patient has a primary
15 caregiver cultivating marijuana plants for the qualified patient, only
16 one primary caregiver may cultivate no more than twelve (12)
17 marijuana plants for that qualified patient at any one time. In no
18 circumstances shall a qualified patient have multiple primary
19 caregivers cultivating marijuana plants for the qualified patient at
20 the same time.
- 21 3. Two (2) qualified patient limit to aggregate marijuana plant count
22 for a maximum total of twenty-four (24) marijuana plants per
23 premises.
- 24 4. At least one qualified patient or one primary caregiver must live on
25 the premises.
- 26 5. All marijuana plants must be reasonably secured to prevent access
27 by minors or theft, to a standard satisfactory to the enforcement
28 officer.

6. All marijuana cultivation outside of any building must be fully enclosed by an opaque fence at least six feet in height. The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps, or cloth material shall not constitute an adequate fence under this subsection. Premises larger than five (5) acres are exempt from this fencing provision so long as all other standards and conditions of subsection a. of this section are complied with and any barriers used are otherwise consistent with Ordinance No. 457 and Ordinance No. 348.
7. Each building or outdoor area in which the marijuana plants are cultivated shall be set back at least ten (10) feet from all boundaries of the premises. Such setback distance shall be measured in a straight line from the building in which the marijuana plants are cultivated, or, if the marijuana plants are cultivated in an outdoor area, from the fence required by subsection 6. to the boundary line of the premises.
8. The designated marijuana cultivation area must not be visible from any public right-of-way.
9. If the person cultivating marijuana plants on any premises is not the owner of the premises, such person shall submit a letter from the owner(s) consenting to the marijuana cultivation on the parcel. This letter shall be examined by the enforcement officer, and shall then be returned to the submitter. The County shall prescribe forms for such letters.
10. Parolees or probationers shall not live on the premises unless the parolees or probationers have received confirmation from the court that he is allowed to use medical marijuana while on parole or probation pursuant to Health & Safety Code section 11362.795

1 which shall be subject to verification by the enforcement officer.

2 11. Qualified patients for whom the marijuana plants are being
3 cultivated shall have valid Medical Marijuana Identification Cards
4 issued by the Riverside County Department of Public Health. Any
5 primary caregiver cultivating marijuana plants for a qualified patient
6 shall have a copy of the qualified patient's valid Medical Marijuana
7 Identification Card issued by the Riverside County Department of
8 Public Health which shall be kept on the premises.

9 12. The address for the premises must be posted and plainly visible from
10 the public right-of-way.

11 13. The marijuana cultivation shall not be within a multi-dwelling
12 building.

13 14. The marijuana cultivation shall not be upon any premises located
14 within one thousand (1,000) feet of any school, community center,
15 or park.

16 15. The marijuana cultivation shall not be upon any premises containing
17 a child care center, church, or youth-oriented facility.

18 b. Any marijuana cultivation that does not comply with all of the standards
19 and conditions in subsection a. of this section is subject to nuisance
20 abatement enforcement and administrative civil penalties as set forth in this
21 ordinance.

22 Section 13. RECOVERY OF ABATEMENT COSTS AND ATTORNEYS' FEES.

23 a. In any enforcement action brought pursuant to this ordinance, whether by
24 administrative proceedings, judicial proceedings, or summary abatement,
25 each person who causes, permits, suffers, or maintains the unlawful
26 marijuana cultivation to exist shall be liable for all abatement costs incurred
27 by the County, and any and all costs incurred to undertake, or to cause or
28 compel any responsible party to undertake, any abatement action in

1 compliance with the requirements of this ordinance, whether those costs are
2 incurred prior to, during, or following enactment of this ordinance.

- 3 b. In any action by the enforcement officer to abate unlawful marijuana
4 cultivation under this ordinance, whether by administrative proceedings,
5 judicial proceedings, or summary abatement, the prevailing party shall be
6 entitled to a recovery of the reasonable attorneys' fees incurred. Recovery
7 of attorneys' fees under this subdivision shall be limited to those actions or
8 proceedings in which the County elects, at the initiation of that action or
9 proceeding, to seek recovery of its own attorneys' fees. In no action,
10 administrative proceeding, or special proceeding shall an award of
11 attorneys' fees to a prevailing party exceed the amount of reasonable
12 attorneys' fees incurred by the County in the action or proceeding.

13 Section 14. NOTICE OF ABATEMENT COSTS. At the conclusion of the abatement, the
14 enforcement officer shall issue a bill setting forth the abatement costs to the owner of the premises and
15 any other responsible party. The bill shall demand payment to the County of the total abatement costs
16 within fifteen (15) calendar days of its mailing.

17 Section 15. SPECIAL ASSESSMENT AND LIEN.

- 18 a. If the owner fails to pay the abatement costs upon demand by the County,
19 the Board of Supervisors may order the abatement costs to be specially
20 assessed against the premises under Government Code section 25845. The
21 assessment may be collected at the same time and in the same manner as
22 ordinary county taxes are collected, and shall be subject to the same
23 penalties and the same procedure and sale in case of delinquency as are
24 provided for ordinary county taxes. All laws applicable to the levy,
25 collection, and enforcement of county taxes are applicable to the special
26 assessment.
- 27 b. If the Board of Supervisors specially assesses the abatement costs against
28 the premises, the Board of Supervisors also may cause a Notice of

1 Abatement Lien to be recorded. The Notice of Abatement Lien shall, at a
2 minimum, identify the record owner or possessor of the premises, set forth
3 the last known address of the record owner or possessor of the premises, set
4 forth the date upon which abatement of the nuisance was ordered by the
5 County Hearing Officer, the date the abatement was complete, include a
6 description of the premises subject to the lien, and the amount of the
7 abatement cost.

8 Section 16. ADMINISTRATIVE CIVIL PENALTIES.

- 9 a. In addition to any other remedy prescribed in this ordinance, any
10 nuisance as described in this ordinance may be subject to an
11 administrative civil penalty of up to one thousand dollars (\$1000) per
12 day. The administrative civil penalty may be imposed via the
13 administrative process set forth in this section, as provided in
14 Government Code section 53069.4, or may be imposed by the court if the
15 violation requires court enforcement without an administrative process.
- 16 b. Acts, omissions, or conditions in violation of this ordinance that continue,
17 exist, or occur on more than one day constitute separate violations on
18 each day. Violations continuing, existing, or occurring on the service
19 date, the effective date, and each day between the service date and the
20 effective date are separate violations.
- 21 c. In the case of a continuing violation, if the violation does not create an
22 immediate danger to health or safety, the enforcement officer or the court
23 shall provide for a reasonable period of time, not to exceed ten (10) calendar
24 days, for the person responsible for the violation to correct or otherwise
25 remedy the violation prior to the imposition of the administrative civil
26 penalty.
- 27 d. In determining the amount of the administrative civil penalty, the
28 enforcement officer, or the court if the violation requires court enforcement

1 without an administrative process, shall take into consideration the nature,
2 circumstances, extent, and gravity of the violation or violations, any prior
3 history of violations, the degree of culpability, economic savings, if any
4 resulting from the violation, and any other matters justice may require.

- 5 e. The enforcement officer may commence the administrative civil penalty
6 process by issuance of a notice of violation and proposed administrative
7 civil penalty, which shall state the amount of the proposed administrative
8 civil penalty and the reasons therefore. The notice of violation and
9 proposed administrative civil penalty shall inform the recipient of his right
10 to request an appeal hearing in accordance with this section. The notice
11 shall state that if such a hearing is not requested within ten (10) days of
12 issuance of the notice of violation and issuance of the proposed
13 administrative civil penalty, the proposed penalty shall become final and the
14 recipient of thereof shall immediately make payment of the administrative
15 civil penalty to the County. The notice of violation and proposed
16 administrative civil penalty shall also state that if the administrative civil
17 penalty is not timely paid or appealed then additional costs shall be assessed
18 by the enforcement officer to recover administrative costs, including but not
19 limited to costs of obtaining a title report, recording fees, noticing,
20 scheduling and participating in further hearings, collection activities or
21 other costs incurred to recover the administrative civil penalties. The notice
22 of violation and proposed administrative civil penalty may be combined
23 with a Notice to Abate Unlawful Marijuana Cultivation issued pursuant to
24 Section 5. The notice of violation and proposed administrative civil penalty
25 shall be served by mail addressed to all of the following: (i) the owner of
26 the premises on which the violation exists, as named on the last County
27 Equalized Assessment Roll, or as otherwise known to the enforcement
28 officer; (ii) anyone other responsible party, if other than the owner(s), and if

1 known or reasonably identifiable; and (iii) any other person known to the
2 enforcement officer who has caused, permitted, maintained, conducted, or
3 otherwise suffered or allowed the violation to exist. The failure to serve
4 any person described in this subsection shall not affect the validity of
5 service or the validity of any penalties imposed upon any other person.

6 Section 17. APPEAL OF ADMINISTRATIVE CIVIL PENALTIES.

7 a. Notice of Appeal. The recipient of an administrative civil penalty may
8 appeal its validity by filing a written Notice of Appeal with the County
9 Department that issued the administrative civil penalty. The written Notice
10 of Appeal must be filed within ten (10) calendar days of service of the
11 administrative civil penalty. The Notice of Appeal shall be accompanied by
12 either an advance deposit of the administrative civil penalty imposed or a
13 Request for Advance Deposit Hardship Waiver as set forth below. Failure
14 to properly file a written Notice of Appeal within this time period shall
15 constitute a waiver of the right to appeal the administrative civil penalty.
16 The Notice of Appeal shall be submitted on a form provided by the County
17 Department that issued the administrative civil penalty and shall contain the
18 following information:

- 19 1. A brief statement setting forth the appellant's interest in the
20 proceedings;
- 21 2. A brief statement of the material facts which the appellant claims
22 support a contention that no violation exists and that no
23 administrative civil penalty should be imposed or that an
24 administrative civil penalty of a different amount is warranted;
- 25 3. An address at which the appellant agrees that notice of any
26 additional proceeding or an order relating to the imposition of the
27 administrative civil penalty may be received by mail; and
- 28 4. The Notice of Appeal must be signed by the appellant under penalty

1 of perjury.

2 b. Advance Deposit Hardship Waiver.

3 1. Any person filing a Notice of Appeal to contest an administrative
4 civil penalty and who is financially unable to make the advance
5 deposit of the penalty as required, may submit a Request For
6 Advance Deposit Hardship Waiver with the Notice of Appeal.

7 2. The Request For Advance Deposit Hardship Waiver shall be filed
8 with the County Department that issued the administrative civil
9 penalty on a form provided by the same County Department. The
10 request shall be documented by a sworn affidavit, together with any
11 supporting documents or materials, demonstrating to the satisfaction
12 of the enforcement officer that the person's actual financial inability
13 to deposit the full amount of the administrative civil penalty in
14 advance of the hearing.

15 3. The requirement of depositing the full amount of the administrative
16 civil penalty shall be stayed for ten (10) calendar days pending a
17 determination by the enforcement officer of the approval or denial of
18 the Request For Advance Deposit Hardship Waiver.

19 4. The enforcement officer shall issue a written determination stating
20 the approval or listing the reasons for the denial of the Request For
21 Advance Deposit Hardship Waiver. The written determination shall
22 be mailed to the appellant at the address provided in the Request.

23 5. If the enforcement officer denies a Request For Advance Deposit
24 Hardship Waiver, the appellant shall remit the deposit to the County
25 within fifteen (15) calendar days of the date of mailing notice of the
26 denial.

27 6. The written determination of the enforcement officer shall be final.

28 c. Hearing on Appeal of Administrative Civil Penalty. Upon receipt of a

1 timely filed Notice of Appeal of an Administrative Civil Penalty, an appeal
2 hearing to consider the issuance of the administrative civil penalty shall be
3 held before the County Hearing Officer, appointed by the Board of
4 Supervisors pursuant to Ordinance No. 643 and Government Code section
5 27720. The appeal hearing shall be conducted pursuant to the provisions set
6 forth in section 8 of this ordinance.

7 d. County Hearing Officer's Decision. The County Hearing Officer shall issue
8 a written decision following the appeal hearing, which shall be issued to the
9 appellant at the appellant's address set forth in the Notice of Appeal. If the
10 administrative civil penalty is determined to have been valid at the time of
11 its issuance, the County Hearing Officer shall set the penalty amount
12 pursuant to section 16 of this ordinance, and order said penalties to be paid
13 within fifteen (15) calendar days of issuance of the County Hearing
14 Officer's decision. The County Hearing Officer is authorized to order the
15 penalties to be placed as a recorded lien against the premises subject to the
16 administrative civil penalty and authorize the penalties to be placed as a
17 Special Assessment on the County Tax Assessment Roll to be paid with
18 County taxes, unless paid sooner. The County Hearing Officer's decision
19 shall contain instructions for obtaining judicial review of the decision as set
20 forth below.

21 e. Judicial Review of Administrative Hearing Officer's Decision On
22 Administrative Civil Penalty.

23 1. Notice of Appeal of the Administrative Hearing Officer's Decision.
24 Within twenty (20) calendar days of the date of issuance of the final
25 decision, the appellant may contest an Administrative Hearing
26 Officer's decision by filing an appeal in the Riverside County
27 Superior Court. The fee for filing the appeal is specified in
28 Government Code section 70615 (currently \$25.00) and shall be

1 paid to the Clerk of the Court. The failure to file the written appeal
2 and to pay the filing fee within this period shall constitute a waiver
3 of the right to an appeal and the decision shall be deemed final and
4 confirmed. A copy of the Notice of Appeal of the Administrative
5 Hearing Officer's Decision filed in the Riverside County Superior
6 Court shall be served in person or by first class mail upon the
7 County Department that issued the administrative civil penalty by
8 the appellant.

9 2. Conduct of Hearing. The conduct of the appeal hearing is a
10 subordinate judicial duty and may be performed by traffic trial
11 commissioners and other subordinate judicial officials at the
12 direction of the Presiding Judge of the Riverside County Superior
13 Court. The appeal shall be heard de novo, and the contents of the file
14 of the County Department that issued the administrative civil
15 penalty shall be received into evidence. A copy of the Notice of
16 Violation, administrative civil penalty and Hearing Officer's
17 Decision shall be admitted into evidence as prima facie evidence of
18 the facts stated therein. The Court shall request that the County
19 Department's file be forwarded to the Court, to be received within
20 fifteen (15) calendar days of the request.

21 3. Judgment. The Court shall retain the fee for filing the appeal
22 regardless of the outcome of the appeal. If the Court finds in favor
23 of the appellant, the amount of the fee shall be reimbursed to the
24 appellant by the County in accordance with the judgment of the
25 Court. If the penalty has not been deposited and the decision of the
26 Court is against the appellant, the County Department that issued the
27 administrative civil penalty may proceed to collect the penalty
28 pursuant to the abatement cost recovery procedures set forth in this

1 ordinance.

2 Section 18. COLLECTION OF ADMINISTRATIVE CIVIL PENALTIES WHEN NO
3 APPEAL HEARING IS REQUESTED.

4 a. If the administrative civil penalty are not timely paid and no Notice of
5 Appeal is filed by the date set forth on the administrative civil penalty then
6 additional costs shall be assessed by the enforcement officer to recover
7 administrative costs. These administrative costs include, but are not limited
8 to costs of obtaining a title report, recording fees, noticing, scheduling and
9 participating in further hearings, reasonable attorneys' fees, collection
10 activities or other costs incurred to recover the administrative civil
11 penalties.

12 b. A "Notice Of Delinquent Administrative Civil Penalties and Special Tax
13 Assessment" shall be issued to the owner of the premises and other
14 responsible party who received the administrative civil penalty in the same
15 manner as set forth in section 16 of this ordinance. Said notice shall
16 provide an opportunity to request a hearing regarding only the amount of
17 penalties to be assessed as a special tax assessment. The request for hearing
18 shall be submitted to the County Department issuing the administrative civil
19 penalty within twenty (20) calendar days of issuance of the Notice of
20 Delinquent Administrative Civil Penalties and Special Tax Assessment and
21 shall include the proper form to be used to request a hearing. Any hearing
22 set pursuant to this subsection shall be conducted by the County Hearing
23 Officer. If a request for hearing is not timely or properly submitted, the
24 right to a hearing concerning the amount of penalties assessed shall be
25 considered waived.

26 Section 19. ENFORCEMENT BY CIVIL ACTION. As an alternative to the procedures set
27 forth in sections 5 through 8, the County may abate a violation of this ordinance by the prosecution of a
28 civil action through the Office of County Counsel, including an action for injunctive relief. The remedy of

1 injunctive relief may take the form of a court order, enforceable through civil contempt proceedings or
2 receivership, prohibiting the maintenance of the violation of this ordinance or requiring compliance with
3 other terms.

4 Section 20. OTHER NUISANCE. Nothing in this ordinance shall be construed as a
5 limitation on the County's authority to abate any nuisance which may otherwise exist from the planting,
6 growing, harvesting, drying, processing or storage of marijuana plants or any part thereof from any
7 location, indoor or outdoor, including from within a fully enclosed and secure building.

8 Section 21. TREBLE DAMAGES. Upon a second or subsequent civil or criminal judgment
9 for violation of this ordinance within a two-year period, a violator shall be liable to the County for treble
10 the abatement costs, in accordance with Government Code section 25845.5.

11 Section 22. MISDEMEANOR PENALTY. Any person violating any provision of this
12 ordinance shall be guilty of a misdemeanor.

13 Section 23. NON-EXCLUSIVE REMEDIES AND PENALTIES. All remedies and
14 penalties for the abatement of public nuisances provided for in this ordinance shall be cumulative and not
15 exclusive. Enforcement by use of any administrative, criminal or civil action, citation or administrative
16 proceeding or abatement remedy does not preclude the use of additional citations or other remedies as
17 authorized by other ordinance or law. Enforcement remedies may be employed concurrently or
18 consecutively. Conviction and punishment of or enforcement against any person hereunder shall not
19 relieve such person from the responsibility of correcting, removing or abating a violation, nor prevent the
20 enforced correction, removal or abatement thereof. Each and every day, or any portion thereof, during
21 which any violation of this ordinance is committed, continued, or permitted by such person, shall be
22 deemed a separate and distinct offense.

23 Section 24. SEVERABILITY. If any provision, clause, sentence or paragraph of this
24 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
25 shall not affect the other provisions of this ordinance which can be given effect without the invalid
26 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
27 severable.

28 ///

1 Section 25. EFFECTIVE DATE. This ordinance shall take effect thirty (30) calendar
2 days after its adoption.

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

6 By: _____
7 Chairman

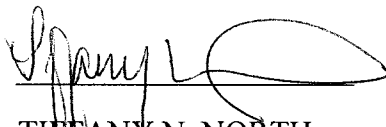
8 ATTEST:
9 CLERK OF THE BOARD

10
11 By: _____
12 Deputy

13
14 (SEAL)

15
16 APPROVED AS TO FORM

17
18 May 6, 2015

19
20 By: 
21 TIFFANY N. NORTH
22 Deputy County Counsel

23 G:\Property\TNorth\RCO No 348\... Marijuana\RCO No 925 re marijuana cultivation Final.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

May 5, 2015

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P.O. BOX 792
RIVERSIDE, CA 92501

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

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

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

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Sincerely,

Cecilia Gil

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

Gil, Cecilia

From: PEC Legals Master <legalsmaster@pe.com>
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To: Gil, Cecilia
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Cecilia Gil
Board Assistant
Clerk of the Board
951-955-8464
MS# 1010



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CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
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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

May 5, 2015

THE DESERT SUN
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RIVERSIDE, CA 92501

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FAX: (760) 778-4731

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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

Gil, Cecilia

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Sent: Tuesday, May 05, 2015 8:45 AM
To: Email, TDS-Legals
Subject: FOR PUBLICATION: Ord. No. 925

Good morning! Attached is a Notice of Public Hearing, for publication on Friday, May 8, 2015. Please confirm. THANK YOU!

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

NOTICE OF PUBLIC HEARING BEFORE THE RIVERSIDE COUNTY BOARD OF SUPERVISORS

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 in the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, California, 92501, on **Tuesday, May 19, 2015 at 10:30 a.m.**, or as soon as possible thereafter, to consider the ordinance shown below:

SUMMARY OF ORDINANCE NO. 925 **AN ORDINANCE OF THE COUNTY OF RIVERSIDE** **PROHIBITING MARIJUANA CULTIVATION AND** **DECLARING MARIJUANA CULTIVATION TO BE A NUISANCE**

This summary is presented pursuant to California Government Code section 25124(b). A certified copy of the full text of Ordinance No. 925 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California, 92501.

Pursuant to the Board of Supervisors' direction of November 25, 2014 (Board of Supervisors Agenda Item 3-1), Ordinance No. 925 declares marijuana cultivation, either indoors or outdoors, upon any premises within all unincorporated areas to be prohibited and a public nuisance subject to abatement and administrative civil penalties. Ordinance No. 925 contains a limited exemption from enforcement for violations of the ordinance by primary caregivers and qualified patients for small amounts of marijuana cultivation for their own medical use in zone classifications identified in Section 3.4 of Ordinance No. 348 when the standards and conditions set forth in Section 12 of Ordinance No. 925 are met. Ordinance No. 925 also contains sections regarding abatement of unlawful marijuana cultivation and appeals hearings, summary abatements, recovery of abatement costs and attorneys' fees, authorization for the placement of special assessments and liens, treble damages, misdemeanor penalties, and enforcement by civil actions. Ordinance No. 925 allows for administrative civil penalties of up to \$1000 per day for violations of the ordinance and contains sections regarding appeals and judicial review of administrative civil penalties, as well as collection of such penalties. Ordinance No. 925 would become effective thirty days after its adoption.

Any person wishing to testify in support of or in opposition to Ordinances No. 925 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 Ordinance No. 925.

If you challenge the above ordinances 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 delivered to the Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the proposed ordinances.

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

Dated: May 5, 2015

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant



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

May 5, 2015

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 FOR ORDINANCE NOs. 348.4802 AND 925
PROHIBITING MARIJUANA CULTIVATION

To Whom It May Concern:

Attached is a copy for publication in your newspaper **ONE TIME: Friday, May 8, 2015.**

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

Gil, Cecilia

From: PEC Legals Master <legalsmaster@pe.com>
Sent: Tuesday, May 05, 2015 8:39 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Hearing for Ord. No. 348.4802 and 925

Received for publication on May 8. Proof with cost to follow.

Thank You!

Legal Advertising Phone: 1-800-880-0345 / Fax: 951-368-9018 / E-mail: legals@pe.com

Please Note: Deadline is 10:30 AM, three (3) business days prior to the date you would like to publish. **Additional days required for larger ad sizes**

The Press-Enterprise PE.COM / UNIDOS

A Freedom News Group Company

From: Gil, Cecilia <CCGIL@rcbos.org>
Sent: Tuesday, May 5, 2015 8:33 AM
To: PEC Legals Master
Subject: FOR PUBLICATION: Hearing for Ord. No. 348.4802 and 925

Good morning! Attached is a Notice of Public Hearing, for publication on Friday, May 8, 2015. 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

May 5, 2015

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

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

RE: NOTICE OF PUBLIC HEARING FOR ORDINANCE NOs. 348.4802 AND 925
PROHIBITING MARIJUANA CULTIVATION

To Whom It May Concern:

Attached is a copy for publication in your newspaper **ONE TIME: Friday, May 8, 2015.**

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

Gil, Cecilia

From: Moeller, Charlene <CMOELLER@palmspri.gannett.com>
Sent: Tuesday, May 05, 2015 8:45 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Hearing for Ord. No. 348.4802 and 925

Good Morning ☺

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

Charlene Moeller | Customer Care Representative / Legals

The Desert Sun Media Group
750 N. Gene Autry Trail, Palm Springs, CA 92262
t 760.778.4578 | f 760.778.4528
legals@thedesertsun.com / dpwlegals@thedesertsun.com

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This email and any files transmitted with it are confidential and intended for the individual to whom they are addressed. If you have received this email in error, please notify the sender and delete the message from your system

From: Gil, Cecilia [<mailto:CCGIL@rcbos.org>]
Sent: Tuesday, May 05, 2015 8:39 AM
To: Email, TDS-Legals
Subject: FOR PUBLICATION: Hearing for Ord. No. 348.4802 and 925

Good morning! Attached is a Notice of Public Hearing, for publication on Friday, May 8, 2015. Please confirm. THANK YOU

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

**NOTICE OF PUBLIC HEARING BEFORE THE RIVERSIDE COUNTY BOARD OF SUPERVISORS
ON ORDINANCE NOS. 348.4802 AND 925 PROHIBITING MARIJUANA CULTIVATION AND
INTENT TO FILE A NOTICE OF EXEMPTION**

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 in the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, California, 92501, on **Tuesday, May 19, 2015 at 10:30 a.m.**, or as soon as possible thereafter, to consider the ordinances shown below regarding marijuana cultivation:

ORDINANCE NO. 348.4802 - Pursuant to the Board of Supervisors' direction of November 25, 2014 (Board of Supervisors Agenda Item 3-1), Ordinance No. 348.4802 adds new provisions to Ordinance No. 348 (Section 3.4) clarifying that cultivation of marijuana is prohibited in all zone classifications throughout the unincorporated area of the County and that no permit of any type shall be issued for marijuana cultivation. Ordinance No. 348.4802 further provides that there shall be a limited exemption from enforcement for violations of the ordinance for marijuana cultivation in the following zone classifications in conjunction with a one-family dwelling if such marijuana cultivation complies with the conditions and standards set forth in a separate nuisance ordinance, Ordinance No. 925: Light Agriculture (A-1), Heavy Agriculture (A-2), Light Agriculture with Poultry (A-P), Citrus Vineyard (C/V), Natural Assets (N-A), One-Family Dwellings (R-1), One-Family Dwellings Mountain Resort (R-1A), Multiple-Family Dwellings (R-2), Limited Multiple-Family Dwellings (R-2A), General Residential (R-3), Village Tourist Residential (R-3A), Planned Residential (R-4), Residential Incentive (R-6), Residential Agricultural (R-A), Regulated Development (R-D), Rural Residential (R-R), Mobile Home Subdivisions and Mobile Home Parks (R-T), Mobile Home Subdivision Rural (R-T-R), Controlled Development Areas (W-2), Controlled Development Area with Mobile Homes (W-2-M), Wine Country – Winery (WC-W), Wine Country – Winery Existing (WC-WE), Wine Country – Equestrian (WC-E), Wine Country – Residential (WC-R), and Specific Plan (SP) when the underlying zone classification for that particular SP is one of the other zone classifications identified above. Ordinance No. 348.4802 also amends Section 3.3 of Ordinance No. 348 to state that any use that is illegal under State or Federal law is not allowed under Ordinance No. 348. Additionally, Ordinance No. 348.4802 adds the previously adopted Wine Country zoning classifications to the list of zones set forth in Section 3.1 of Ordinance No. 348.

ORDINANCE NO. 925 – Pursuant to the Board of Supervisors' direction of November 25, 2014 (Board of Supervisors Agenda Item 3-1), Ordinance No. 925 declares marijuana cultivation, either indoors or outdoors, upon any premises within all unincorporated areas to be prohibited and a public nuisance subject to abatement and administrative civil penalties. Ordinance No. 925 contains a limited exemption from enforcement for violations of the ordinance by primary caregivers and qualified patients for small amounts of marijuana cultivation for their own medical use in zone classifications identified in Section 3.4 of Ordinance No. 348 when the standards and conditions set forth in Section 12 of Ordinance No. 925 are met. Ordinance No. 925 also contains sections regarding abatement of unlawful marijuana cultivation and appeals hearings, summary abatements, recovery of abatement costs and attorneys' fees, authorization for the placement of special assessments and liens, treble damages, misdemeanor penalties, and enforcement by civil actions. Ordinance No. 925 allows for administrative civil penalties of up to \$1000 per day for violations of the ordinance and contains sections regarding appeal and judicial review of administrative civil penalties, as well as collection of such penalties.

The Planning Commission recommended approval of Ordinance No. 348.4802. County staff has determined that the above-described Ordinance Nos. 348.4802 and 925 are exempt from the provisions of the California Environmental Quality Act (CEQA) CEQA Exempt per CEQA Guidelines Section 15061(b)(3) and Section 15308. The Board of Supervisors will consider the ordinances and CEQA exemption at the public hearing.

For further information regarding this project, please contact Steven Weiss, AICP, Planning Director at 951-955-6097 or e-mail sweiss@rctlma.org.

The case file for Ordinance Nos. 348.4802 and 925 may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Clerk of the Board of Supervisors at 4080 Lemon Street 1th Floor, Riverside, CA 92501, and at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, CA 92501.

Any person wishing to testify in support of or in opposition to Ordinances Nos. 348.4802 and 925 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 Ordinance Nos. 348.4802 and 925.

If you challenge the above ordinances 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 delivered to the Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the proposed ordinances.

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

Dated: May 5, 2015

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

Gil, Cecilia

From: North, Tiffany <TNorth@co.riverside.ca.us>
Sent: Monday, May 04, 2015 11:46 AM
To: Gil, Cecilia
Cc: Perez, Juan; Greene, Jeffrey; Ketcham, Thomas
Subject: Two Notices for Publication for the Board's May 19th meeting - Marijuana Cultivation
Attachments: SUMMARY OF ORD 925 FOR PUBLICATION.docx; Marijuana Cultivation BOS Hearing Notice.doc

Hi Cecilia-

As we discussed a few weeks ago, attached are two notices that need to be published for the May 19th Board meeting. The attached Notice of Public Hearing needs to be published at least 10 days prior to May 19th in both the Desert Sun and Press Enterprise. The attached Summary of Ordinance No. 925 only needs to be published at least 5 days prior to May 19th in both the Desert Sun and the Press Enterprise. If it is easiest for you, you can have the Summary published at the same time as the Notice of Public Hearing using the 10 day timeframe. The Form 11 and all attachments will be submitted to the Executive Office this Thursday in accordance with the EO's agenda deadlines.

Thank you for your assistance in getting the attached notices published. Please let me know if you have any questions.

TIFFANY N. NORTH
Deputy County Counsel IV-S
Office of County Counsel
Phone: (951) 955-0213
Fax: (951) 955-6363
Email: tnorth@co.riverside.ca.us



NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain attorney/client information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone and immediately delete this communication and all its attachments.

**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.

Departmental Concurrence

(continued on page 2)

Kevin Jeffries
Kevin Jeffries,
First District Supervisor

Jeff Stone
Jeff Stone,
Third District Supervisor

FINANCIAL DATA	Current Fiscal Year	Next Fiscal Year	Total Cost	Ongoing Cost	Policy/Consent
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

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: *[Signature]*
Deputy

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

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

District: ALL

Agenda Number:

3-1

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.

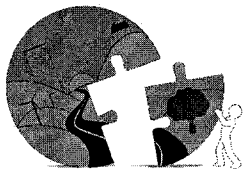
Since the zoning ordinance is several hundred pages in length and focused on land uses, placing the conditions and standards for exemption from enforcement for medical marijuana cultivation in a new separate ordinance would make the provisions easily accessible to registered medical marijuana patients. 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.



RIVERSIDE COUNTY
PLANNING DEPARTMENT

**PLANNING COMMISSION
MINUTE ORDER
APRIL 15, 2015**

**I. AGENDA ITEM 4.6
RIVERSIDE COUNTY ORDINANCE NO. 925 AND RIVERSIDE COUNTY ORDINANCE NO.
348.4802**

II. PROJECT DESCRIPTION:
Marijuana Cultivation Ordinance.

III. MEETING SUMMARY:
The following staff presented the subject proposal:
Presented by: Tiffany North, Deputy County Counsel

- Barry Sheinbaum, Nuevo, did not speak, but is in favor of the ordinance,
- Douglas Lanphere, Interested party, spoke in a neutral position,
- Alex Franco, Interested Party, spoke in opposition.

IV. CONTROVERSIAL ISSUES:
None.

V. PLANNING COMMISSION ACTION:
Public Comments: Closed
Motion by Commissioner Leach, 2nd by Commissioner Hake
A vote of 5-0

RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:


FIND THE ORDINANCE EXEMP FROM CEQA; and,

ADOPT ORDINANCE NO. 348-4802.

CD The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

Agenda Item No.: 4.6
Area Plan: Countywide
Zoning: All Zoning Areas and Zones
Supervisorial District: All Districts
Planning Commission:
April 15, 2015

Ordinance No. 348.4802
CEQA Exempt
Applicant: County of Riverside


Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Ordinance No. 348.4802

Pursuant to the Board of Supervisors' direction, Ordinance No. 348.4802 adds new provisions to Ordinance No. 348 (Section 3.4) clarifying that cultivation of marijuana is prohibited in all zone classifications throughout the unincorporated area of the County and that no permit of any type shall be issued for marijuana cultivation. Ordinance No. 348.4802 further provides that there shall be a limited exemption from enforcement for violations of the ordinance for marijuana cultivation in the following zone classifications in conjunction with a one-family dwelling if such marijuana cultivation complies with the conditions and standards set forth in a separate nuisance ordinance, Ordinance No. 925: Light Agriculture (A-1), Heavy Agriculture (A-2), Light Agriculture with Poultry (A-P), Citrus Vineyard (CV), Natural Assets (N-A), One-Family Dwellings (R-1), One-Family Dwellings Mountain Resort (R-1A), Multiple-Family Dwellings (R-2), Limited Multiple-Family Dwellings (R-2A), General Residential (R-3), Village Tourist Residential (R-3A), Planned Residential (R-4), Residential Incentive (R-6), Residential Agricultural (R-A), Regulated Development (R-D), Rural Residential (R-R), Mobile Home Subdivisions and Mobile Home Parks (R-T), Mobile Home Subdivision Rural (R-T-R), Controlled Development Areas (W-2), Controlled Development Area with Mobile Homes (W-2-M), Wine Country - Winery (WC-W), Wine Country - Winery Existing (WC-WE), Wine Country - Equestrian (WC-E), Wine Country - Residential (WC-R), and Specific Plan (SP) when the underlying zone classification for that particular SP is one of the other zone classifications identified above.

Ordinance No. 348.4802 also amends Section 3.3 of Ordinance No. 348 to state that any use that is illegal under State or Federal law is not allowed under Ordinance No. 348. Additionally, Ordinance No. 348.4802 adds the previously adopted Wine Country zoning classifications to the list of zones set forth in Section 3.1 of Ordinance No. 348.

BACKGROUND:

On October 17, 2006 (agenda item 3.54), the Board of Supervisors adopted Ordinance No. 348.4423 making it clear that marijuana dispensaries are prohibited throughout the unincorporated area of the County. That language was previously in Section 3.3 of Ordinance No. 348 but is being moved to Section 3.4 under Ordinance No. 348.4802. Since 2006, the California Supreme Court has held that California's medical marijuana laws set forth in the Compassionate Use Act (CUA) and the Medical Marijuana Program Act (MMPA) do *not* preempt "the authority of California cities and counties, under their traditional land use and police powers, to allow restrict, limit, or entirely exclude facilities that distribute medical marijuana, and to enforce such policies by nuisance actions." *City of Riverside v. Inland Empire Patients Health & Wellness Center*, 56 Cal.4th 729, 762-63 (May 2013).

The courts have applied similar reasoning in upholding various local government regulations or prohibitions of marijuana cultivation. For example, the Fifth District appellate court found that the CUA and MMPA do not require Tulare County to define growing marijuana as an acceptable agricultural use of land. *County of Tulare v. Nunes*, 215 Cal.App.4th 1188 (2013). Also, the Third District appellate court found the MMPA and the "Drug Den" abatement law, *Health & Safety Code §11570* did not preempt Tehama County's ordinance declaring that any cultivation of marijuana not in accordance with its provisions was a nuisance that could be abated. *Browne v. County of Tehama*, 213 Cal.App.4th 704 (Feb. 2013). Most recently, in *Maral v. City of Live Oak*, 221 Cal.App.4th 975 (Nov. 2013)(review denied March 26, 2014), an opinion issued after the *Inland Empire* decision, the Third District appellate court expanded its earlier opinion addressing cultivation and held:

The reasoning of *Inland Empire* applies to the cultivation of medical marijuana as well as its distribution, as both are addressed in the CUA and MMP. Accordingly, **we conclude the CUA and MMP do not preempt a city's police power to prohibit the cultivation of all marijuana within that city.** *Maral*, *id* at 976. [Emphasis added.]

Though the *Inland Empire* and *Maral* decisions both dealt with city ordinances, the decisions are also applicable to counties.

On November 25, 2014, the Board of Supervisors approved agenda item 3-1 directing staff to prepare an amendment to Ordinance No. 348 clarifying 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. Per the Board's direction, 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 (Ordinance No. 925). A copy of the Board's November 25, 2014 agenda item is attached to this staff report for reference.

A draft of proposed Ordinance No. 925, an Ordinance of the County of Riverside Prohibiting Marijuana Cultivation and Declaring Marijuana Cultivation to be a Nuisance, is attached to this staff report for informational purposes only. Proposed Ordinance No. 925, declares marijuana cultivation, either indoors or outdoors, upon any premises within all unincorporated areas to be prohibited and a public nuisance subject to abatement and administrative civil penalties. As directed by the Board, proposed Ordinance No. 925 states that the County is committed to making efficient and rational use of its limited investigative and prosecutorial resources and that there shall be a limited exemption from enforcement for violations of Ordinance No. 925 by primary caregivers and qualified patients for small amounts of marijuana cultivation for their own medical use in zone classifications identified Section 3.4 of Ordinance No. 348 when all of the following conditions and standards are complied with:

1. The premises shall contain a legally permitted one-family dwelling.
2. Cultivation of no more than twelve (12) marijuana plants per qualified patient.
3. Two (2) qualified patient limit to aggregate marijuana plant count for a maximum total of twenty-four (24) marijuana plants per premises.
4. At least one qualified patient or one primary caregiver must live on the premises.
5. All marijuana plants must be reasonably secured to prevent access by minors or theft, to a standard satisfactory to the enforcement officer.
6. All marijuana cultivation outside of any building must be fully enclosed by an opaque fence at least six feet in height. The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, or cloth material (tarps) shall not constitute an adequate fence.

7. Each building or outdoor area in which the marijuana plants are cultivated shall be set back at least ten (10) feet from all boundaries of the premises. Such setback distance shall be measured in a straight line from the building in which the marijuana plants are cultivated, or, if the marijuana plants are cultivated in an outdoor area, from the fence required by number 6 above to the boundary line of the premises.
8. The designated marijuana cultivation area must not be visible from any public right-of-way.
9. If the person cultivating marijuana plants on any premises is not the owner of the premises, such person shall submit a notarized letter from the owner(s) consenting to the marijuana cultivation on the parcel. This letter shall be examined by the enforcement officer, and shall then be returned to the submitter. The County shall prescribe forms for such letters.
10. Convicted felons, parolees or probationers shall not live on the premises.
11. Qualified patients for whom the marijuana plants are being cultivated shall have valid Medical Marijuana Identification Cards issued by the Riverside County Department of Public Health.
12. The address for the premises must be posted and plainly visible from the public right-of-way.
13. The marijuana cultivation shall not be within a multi-dwelling building.
14. The marijuana cultivation shall not be upon any premises located within one thousand (1,000) feet of any school, school bus stop, school evacuation site, church, park, child care center, or youth-oriented facility.

Under proposed Ordinance No. 925, any marijuana cultivation that does not comply with all of the above standards and conditions shall be subject to nuisance abatement enforcement and administrative civil penalties.

Per the Board's direction, proposed ordinances 348.4802 and 925 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 with regard to marijuana cultivation. Under no circumstances will the County issue any types of land use permits or entitlements authorizing marijuana cultivation.

As stated above, the draft of proposed Ordinance No. 925 is being provided to the Planning Commission for informational purposes only. Consistent with Government Code sections 65850 and 65853 through 65855, the Planning Commission can only make a recommendation to the Board of Supervisors on Ordinance No. 348.4802. The Planning Commission will not be taking action on Ordinance No. 925 which will be brought to the Board of Supervisors for the Board's consideration and action at a publicly noticed meeting at a later date.

RECOMMENDATIONS:

THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

FIND that the proposed amendment is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) and 15308.

ADOPT ORDINANCE NO. 348.4802 based upon the findings and conclusions incorporated in the staff report.

FINDINGS:

1. The proposed amendment applies to all unincorporated areas of Riverside County.
2. The proposed amendment does not alter or change any of the permitted land uses in the County. No new land uses are being authorized or permitted by the proposed amendment.
3. The proposed amendment does not authorize the County to issue any types of land use permits or entitlements for marijuana cultivation.
4. Marijuana cultivation in the unincorporated area of Riverside County can adversely affect the health, safety, and well-being of County residents. Countywide prohibition of marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation. As recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.
5. The proposed ordinance amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Ordinance No. 348 is a prohibitive zoning ordinance. If a use is not listed in the ordinance, it is prohibited. Marijuana cultivation has never been listed as a use in Ordinance No. 348. The proposed amendment further clarifies that marijuana cultivation is not a permitted use under Ordinance No. 348. The proposed amendment also clarifies that any use that is illegal under State or Federal law is not allowed under Ordinance No. 348. No new land disturbance or development projects are associated with this ordinance amendment and it does not commit the County to approve any new land disturbance or development. In addition, the proposed amendment is also exempt from CEQA under CEQA Guidelines section 15308 – Actions taken by Regulatory Agencies for Protection of the Environment. The proposed amendment is being done to make clear that marijuana cultivation is prohibited and that all uses illegal under State and Federal law are also not allowed under Ordinance No. 348. Proposed Ordinance No. 925 sets forth the enforcement structure for violations of the ordinance with regard to marijuana cultivation.

CONCLUSIONS:

1. The proposed ordinance amendment in conformance with the Land Use Designations of the unincorporated area of Riverside County, and with all other elements of the Riverside County General Plan. As stated above, Ordinance No. 348.4802 does not alter or change any of the permitted land uses in the County. No new land uses are being authorized or permitted by the proposed amendment.
2. The proposed ordinance amendment is consistent with the zone classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through this ordinance amendment.

4. The proposed project will not have a significant effect on the environment.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The amendment covers all properties and parcels within the unincorporated areas of Riverside County.

FOR BILLING INQUIRIES:
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
5/8/2015	10046499	Hearing for Ord. No. 348.4802 and 925	Press-Enterprise	2 x 126 Li	252	1	1.45	365.40	365.40

Ordered By: Cecilia Gil

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 2015 MAY 14 PM 1:55

*Co. Co.
16-2 of 05/19/15*

Legal Advertising Invoice

Balance
\$365.40

Sales Contact Information		Advertiser Information		
Maria Tinajero 951-368-9225	Billing Period 05/08/2015 - 05/08/2015	Billed Account Number 1100141323	Advertiser/Client Number 1100141323	Advertiser/Client Name BOARD OF SUPERVISORS

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Advertiser/Client Name BOARD OF SUPERVISORS		
Billing Period 05/08/2015 - 05/08/2015	Billed Account Number 1100141323	Advertiser/Client Number 1100141323
Balance \$365.40	Invoice Number 10046499	Terms Of Payment 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

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.: Hearing for Ord. No. 348.4802 and 925 /

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:

05/08/2015

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

Date: May 08, 2015
At: Riverside, California

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

Ad Number: 0010046499-01

P.O. Number:

Ad Copy:

NOTICE OF PUBLIC HEARING BEFORE THE RIVERSIDE COUNTY BOARD OF SUPERVISORS ON ORDINANCE NOS. 348.4802 AND 925 PROHIBITING MARIJUANA CULTIVATION AND INTENT TO FILE A NOTICE OF EXEMPTION

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 in the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, California, 92501, on **Tuesday, May 19, 2015 at 10:30 a.m.**, or as soon as possible thereafter, to consider the ordinances shown below regarding marijuana cultivation:

ORDINANCE NO. 348.4802 - Pursuant to the Board of Supervisors' direction of November 25, 2014 (Board of Supervisors Agenda Item 3-1), Ordinance No. 348.4802 adds new provisions to Ordinance No. 348 (Section 3.4) clarifying that cultivation of marijuana is prohibited in all zone classifications throughout the unincorporated area of the County and that no permit of any type shall be issued for marijuana cultivation. Ordinance No. 348.4802 further provides that there shall be a limited exemption from enforcement for violations of the ordinance for marijuana cultivation in the following zone classifications in conjunction with a one-family dwelling if such marijuana cultivation complies with the conditions and standards set forth in a separate nuisance ordinance, Ordinance No. 925: Light Agriculture (A-1), Heavy Agriculture (A-2), Light Agriculture with Poultry (A-P), Citrus Vineyard (C/V), Natural Assets (N-A), One-Family Dwellings (R-1), One-Family Dwellings Mountain Resort (R-1A), Multiple-Family Dwellings (R-2), Limited Multiple-Family Dwellings (R-2A), General Residential (R-3), Village Tourist Residential (R-3A), Planned Residential (R-4), Residential Incentive (R-6), Residential Agricultural (R-A), Regulated Development (R-D), Rural Residential (R-R), Mobile Home Subdivisions and Mobile Home Parks (R-T), Mobile Home Subdivision Rural (R-T-R), Controlled Development Areas (W-2), Controlled Development Area with Mobile Homes (W-2-M), Wine Country - Winery (WC-W), Wine Country - Winery Existing (WC-WE), Wine Country - Equestrian (WC-E), Wine Country - Residential (WC-R), and Specific Plan (SP) when the underlying zone classification for that particular SP is one of the other zone classifications identified above. Ordinance No. 348.4802 also amends Section 3.3 of Ordinance No. 348 to state that any use that is illegal under State or Federal law is not allowed under Ordinance No. 348. Additionally, Ordinance No. 348.4802 adds the previously adopted Wine Country zoning classifications to the list of zones set forth in Section 3.1 of Ordinance No. 348.

ORDINANCE NO. 925 - Pursuant to the Board of Supervisors' direction of November 25, 2014 (Board of Supervisors Agenda Item 3-1), Ordinance No. 925 declares marijuana cultivation, either indoors or outdoors, upon any premises within all unincorporated areas to be prohibited and a public nuisance subject to abatement and administrative civil penalties. Ordinance No. 925 contains a limited exemption from enforcement for violations of the ordinance by primary caregivers and qualified patients for small amounts of marijuana cultivation for their own medical use in zone classifications identified in Section 3.4 of Ordinance No. 348 when the standards and conditions set forth in Section 12 of Ordinance No. 925 are met. Ordinance No. 925 also contains sections regarding abatement of unlawful marijuana cultivation and appeals hearings, summary abatements, recovery of abatement costs and attorneys' fees, authorization for the placement of special assessments and liens, treble damages, misdemeanor penalties, and enforcement by civil actions. Ordinance No. 925 allows for administrative civil penalties of up to \$1000 per day for violations of the ordinance and contains sections regarding appeal and judicial review of administrative civil penalties, as well as collection of such penalties.

The Planning Commission recommended approval of Ordinance No. 348.4802. County staff has determined that the above-described Ordinance Nos. 348.4802 and 925 are exempt from the provisions of the California Environmental Quality Act (CEQA) CEQA Exempt per CEQA Guidelines Section 15061(b)(3) and Section 15308. The Board of Supervisors will consider the ordinances and CEQA exemption at the public hearing.

For further information regarding this project, please contact Steven Weiss, AICP, Planning Director at 951-955-6097 or e-mail sw Weiss@rcdma.org.

The case file for Ordinance Nos. 348.4802 and 925 may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Clerk of the Board of Supervisors at 4080 Lemon Street 11th Floor, Riverside, CA 92501, and at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, CA 92501.

Any person wishing to testify in support of or in opposition to Ordinances Nos. 348.4802 and 925 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 Ordinance Nos. 348.4802 and 925.

If you challenge the above ordinances 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 delivered to the Board of Supervisors at or prior to, the public hearing. Be advised that as a result of public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the proposed ordinances.

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

Dated: May 5, 2015
Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

FOR BILLING INQUIRIES:
CALL: (951) 388-9710
EMAIL: BillingInquiry@pe.com

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5/8/2015	10046516	PH: ORDINANCE NO. 925	Press-Enterprise	2 x 78 Li	156	1	1.45	226.20	226.20	
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Legal Advertising Invoice								Balance		
								\$226.20		

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05/08/2015 - 05/08/2015	1100141323	1100141323
Balance	Invoice Number	Terms Of Payment
\$226.20	10046516	Due Upon Receipt

Billing Account Name And Address

Remittance Address

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Publication(s): The Press-Enterprise

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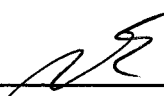
Ad Desc.: PH: ORDINANCE NO. 925 /

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:

05/08/2015

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

Date: May 08, 2015
At: Riverside, California



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

Ad Number: 0010046516-01

P.O. Number:

Ad Copy:

NOTICE OF PUBLIC HEARING BEFORE THE RIVERSIDE COUNTY BOARD OF SUPERVISORS

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 in the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, California, 92501, on **Tuesday, May 19, 2015 at 10:30 a.m.**, or as soon as possible thereafter, to consider the ordinance shown below:

SUMMARY OF ORDINANCE NO. 925 AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROHIBITING MARIJUANA CULTIVATION AND DECLARING MARIJUANA CULTIVATION TO BE A NUISANCE

This summary is presented pursuant to California Government Code section 25124(b). A certified copy of the full text of Ordinance No. 925 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California, 92501.

Pursuant to the Board of Supervisors' direction of November 25, 2014 (Board of Supervisors Agenda Item 3-1), Ordinance No. 925 declares marijuana cultivation, either indoors or outdoors, upon any premises within all unincorporated areas to be prohibited and a public nuisance subject to abatement and administrative civil penalties. Ordinance No. 925 contains a limited exemption from enforcement for violations of the ordinance by primary caregivers and qualified patients for small amounts of marijuana cultivation for their own medical use in zone classifications identified in Section 3.4 of Ordinance No. 348 when the standards and conditions set forth in Section 12 of Ordinance No. 925 are met. Ordinance No. 925 also contains sections regarding abatement of unlawful marijuana cultivation and appeals hearings, summary abatements, recovery of abatement costs and attorneys' fees, authorization for the placement of special assessments and liens, treble damages, misdemeanor penalties, and enforcement by civil actions. Ordinance No. 925 allows for administrative civil penalties of up to \$1000 per day for violations of the ordinance and contains sections regarding appeals and judicial review of administrative civil penalties, as well as collection of such penalties. Ordinance No. 925 would become effective thirty days after its adoption.

Any person wishing to testify in support of or in opposition to Ordinances No. 925 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 Ordinance No. 925.

If you challenge the above ordinances 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 delivered to the Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the proposed ordinances.

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

Dated: May 5, 2015

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

5/8



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

May 27, 2015

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

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

RE: ADOPTION OF ORDINANCE NO. 348.4802

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Saturday, May 30, 2015**.

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

Gil, Cecilia

From: PEC Legals Master <legalsmaster@pe.com>
Sent: Wednesday, May 27, 2015 9:14 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Adoption of Ord. NO. 348.4802

Received for publication on May 30. Proof with cost to follow.
Thank you.

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From: Gil, Cecilia <CCGIL@rcbos.org>
Sent: Wednesday, May 27, 2015 8:39 AM
To: PEC Legals Master
Subject: FOR PUBLICATION: Adoption of Ord. NO. 348.4802

Adoption of Ordinance for publication on Saturday, May 30, 2015. 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

May 27, 2015

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

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

RE: ADOPTION OF ORDINANCE NO. 348.4802

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Saturday, May 30, 2015**.

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

Gil, Cecilia

From: Moeller, Charlene <CMOELLER@palmspri.gannett.com>
Sent: Wednesday, May 27, 2015 9:04 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Adoption of Ord. NO. 348.4802



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Charlene Moeller | Customer Care Representative / Legals

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From: Gil, Cecilia [<mailto:CCGIL@rcbos.org>]
Sent: Wednesday, May 27, 2015 8:40 AM
To: Email, TDS-Legals
Subject: FOR PUBLICATION: Adoption of Ord. NO. 348.4802

Adoption of Ordinance for publication on Saturday, May 30, 2015. Please confirm. THANK YOU!

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

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

ORDINANCE NO. 348.4802

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 348 RELATING TO ZONING

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

Section 1. Section 3.1 of Ordinance No. 348 is amended to add the following zone classifications:

“WC-W	Wine Country – Winery
WC-WE	Wine Country – Winery Existing
WC-E	Wine Country – Equestrian
WC-R	Wine Country – Residential”

Section 2. Section 3.3 of Ordinance No. 348 is amended to read as follows:

“SECTION 3.3 USES ALLOWED IN ZONE CLASSIFICATIONS. The terminology used in Section 3.1 of this ordinance is general only and is not intended to be descriptive of all uses allowed in the zone classifications. The zone classifications are specifically set forth in subsequent articles of this ordinance to which reference should be made to determine all the uses permitted therein. When a use is not specifically listed as permitted or conditionally permitted in a zone classification, the use is prohibited unless, in circumstances where this ordinance empowers him to do so, the Planning Director makes a determination that the use is substantially the same in character and intensity as those uses permitted or conditionally permitted in the zone classification. Nothing in this ordinance shall be construed to allow a use that is otherwise illegal under State or Federal law.”

Section 3. A new Section 3.4 of Ordinance No. 348 is added to read as follows:

“SECTION 3.4 MARIJUANA DISPENSARIES AND MARIJUANA CULTIVATION PROHIBITED. In no event shall a medical marijuana dispensary or marijuana cultivation, as the terms are defined in this ordinance, be considered permitted or conditionally permitted uses in any zone classification. A medical marijuana dispensary is prohibited in all zone classifications and no permit of any type shall be issued therefor. Marijuana cultivation is prohibited in all zone classifications and no permit of any type shall be issued therefor. There shall be a limited exemption from enforcement for violations of this section for marijuana cultivation in the following zone classifications in conjunction with a one-family dwelling if such marijuana cultivation complies with the conditions and standards set forth in Ordinance No. 925: Light

Agriculture (A-1), Heavy Agriculture (A-2), Light Agriculture with Poultry (A-P), Citrus Vineyard (C/V), Natural Assets (N-A), One-Family Dwellings (R-1), One-Family Dwellings Mountain Resort (R-1A), Multiple-Family Dwellings (R-2), Limited Multiple-Family Dwellings (R-2A), General Residential (R-3), Village Tourist Residential (R-3A), Planned Residential (R-4), Residential Incentive (R-6), Residential Agricultural (R-A), Regulated Development (R-D), Rural Residential (R-R-), Mobile Home Subdivisions and Mobile Home Parks (R-T), Mobile Home Subdivision Rural (R-T-R), Controlled Development Areas (W-2), Controlled Development Area with Mobile Homes (W-2-M), Wine Country-Winery (WC-W), Wine Country-Winery Existing (WC-WE), Wine Country-Equestrian (WC-E), Wine Country-Residential (WC-R), and Specific Plan (SP) when the underlying zone classification for that particular SP is one of the other zone classifications identified in this Section.”

Section 4. A new Section 21.51j. is added to Ordinance No. 348 to read as follows:

“SECTION 21.51j. MARIJUANA CULTIVATION. The planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building. Marijuana plant, as used herein, includes any mature or immature marijuana plant, or any marijuana seedling.”

Section 5. This ordinance shall take effect thirty (30) days after its adoption.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **May 19, 2015** the foregoing Ordinance consisting of five (5) sections was adopted by said Board by the following vote:

AYES: Jeffries, Washington, Benoit and Ashley
NAYS: None
ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

Re: ordinance

May 5, 2015

Nos. 348.4802 AND 925

I support PROHIBITING the
CULTIVATION OF MARIJUANA
IN RIVERSIDE COUNTY.

ONCE AGAIN Pot Farms are
popping up everywhere
I NO LONGER allow my kids
to play outside due to odd
vehicles hanging around
watching these farms.

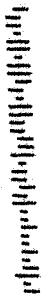
Send the Pot Farms out
to the middle of the Deserts!

Sleeping again with ONE eye
open, I'm SCARED!

10-2

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5-5-15

BOARD RULES

Requests to Address Board on "Agenda" Items:

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

SPEAKER'S NAME: Sylvia hanker

Address: _____
(only if follow-up mail response requested)

City: Homeland **Zip:** 92548

Phone #: 951 926 6177
951-926-6177

Date: 5-19-15 **Agenda #** 16-2

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: Jeff Logan

BOARD RULES

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**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: Cindy Alzsi

Address: ~~123~~ CORRY
(only if follow-up mail response requested)

City: Perris **Zip:** 92570

Phone #: 951 287.8217

Date: 5.19.15 **Agenda #** 16-2
Marijuana Ord

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: _____

BOARD RULES

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Riverside County Board of Supervisors
Request to Speak

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SPEAKER'S NAME: Douglas Lanphere

Address: 28265 Red Glen Dr.
(only if follow-up mail response requested)

City: Lake Elsinore **Zip:** 92532

Phone #: 951-837-6299

Date: _____ **Agenda #** 16.2

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 Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
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//

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

I give my 3 minutes to: _____

BOARD RULES

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

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SPEAKER'S NAME: RAY LITTELL

Address: 21670 BANNER ST.
(only if follow-up mail response requested)

City: NEWNO **Zip:** 92567

Phone #: 951-928-2325

Date: 5.19.15 **Agenda #** 16.2

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: Doug Langhorne

BOARD RULES

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SPEAKER'S NAME: BERNICE GUNN

Address: _____
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92505

Phone #: _____

Date: 5/19 **Agenda #** 16.2

PLEASE STATE YOUR POSITION BELOW:

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

Support **Oppose** **Neutral**

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I give my 3 minutes to: _____

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Request to Speak**

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SPEAKER'S NAME: John Love

Address: 37815 Meadow Blossom rd
(only if follow-up mail response requested)

City: Lakeview **Zip:** 92567

Phone #: 951 8331027

Date: 5-19-15 **Agenda #** 16-2

PLEASE STATE YOUR POSITION BELOW:

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

Support **Oppose** **Neutral**

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Request to Speak**

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SPEAKER'S NAME: TERRY WILSON

Address: 10241 RALPH RD
(only if follow-up mail response requested)

City: CHERRY VALLEY **Zip:** 92223

Phone #: _____

Date: 5/19/15 **Agenda #** 16.2

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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SPEAKER'S NAME: RON TOWNLEY

Address: 20406 Magnolia
(only if follow-up mail response requested)

City: NAEVO **Zip:** 92567

Phone #: 951-928-1121

Date: 5-19-2015 **Agenda #** 16-2

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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: LARRY THIENES

Address: 6596 GARCES AVE
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92509

Phone #: 951 7P1 862P

Date: 5/19/15 **Agenda #** 16-2


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

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SPEAKER'S NAME: CHRIS YAN

Address: 39742 CEDARLEAF DR
(only if follow-up mail response requested)

City: Miramar **Zip:** 92563

Phone #: 619-769-3444

Date: 5/19/15 **Agenda #** 16-2

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I give my 3 minutes to: _____

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SPEAKER'S NAME: ARSEN MUR

Address: _____
(only if follow-up mail response requested)

City: ANAHA **Zip:** _____

Phone #: _____

Date: 5/9/15 **Agenda #** 16-2

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

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I give my 3 minutes to: _____

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SPEAKER'S NAME: Lanny Swerdlow

Address: PO Box 918
(only if follow-up mail response requested)

City: Cabazon **Zip:** 92230

Phone #: 951-849-2040

Date: 5/19/15 **Agenda #:** 16-2

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SPEAKER'S NAME: PETE SULLIVAN

Address: 10350
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: 909) 341-4163

Date: 5/19/15 **Agenda #** _____

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I give my 3 minutes to: LANNY SWERDLOW

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