

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



ITEM
3.12
(ID # 6425)

MEETING DATE:

Tuesday, February 27, 2018

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL AND AGRICULTURAL COMMISSIONER: Ordinance No. 449.248, An Urgency Interim Ordinance Of The County Of Riverside Declaring A Temporary Moratorium On The Cultivation Of Industrial Hemp By "Established Agricultural Research Institutions" Within The Unincorporated Areas Of The County Of Riverside - CEQA Exempt – All Districts [\$0] (4/5 Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find Ordinance No. 449.248 exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and
2. Adopt Ordinance No. 449.248, an Urgency Interim Ordinance of the County Of Riverside Declaring a Temporary Moratorium on the Cultivation of Industrial Hemp by "Established Agricultural Research Institutions" within the Unincorporated Areas of the County Of Riverside based on the findings set forth within the ordinance under the provisions contained in Government Code Section 65858; and
3. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk for posting.

ACTION:

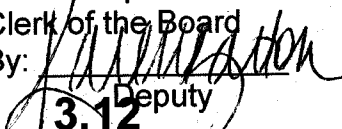


Gregory V. Priamos, Director County Counsel 2/12/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 449.248 is adopted with waiver of the reading.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: February 27, 2018
XC: Co.Co., Agric. Comm., MC, COB, Recorder
Page 1 of 5 ID# 6425

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy
3.12

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Departmental Budget			Budget Adjustment:	No
			For Fiscal Year:	17/18

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Summary

Section 5940 of Title 7 of the United States Code legalized the growing and cultivating of industrial hemp for research purposes in States where such growth and cultivation is legal under State law, without regard to existing federal law that would otherwise criminalize such conduct. However, the authorized conduct under the Federal Agricultural Act is limited to growth and cultivation by an institution of higher education or State department of agriculture for purposes of agricultural or other academic research or under the support of a State agricultural pilot program for the growth, cultivation, or marketing of industrial hemp. The Federal Agricultural Act then leaves it up to the states departments of agriculture to develop the rules to implement the state programs.

In California, while Proposition 64 and Senate Bill 94 decriminalized commercial cultivation of industrial hemp, the Proposition and Senate Bill left it up to the California Department of Food & Agriculture (CDFA) to regulate industrial hemp under the California Industrial Hemp Act (Act) Food and Agriculture Code section 81000 et seq.). Under state law, "Industrial Hemp" means a "fiber or oilseed crop, or both, that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom." (Health and Safety Code section 11018.5). "Industrial hemp" is specifically excluded from the definition of "cannabis" under Proposition 64 and Senate Bill 94. The physical appearance of cannabis and industrial hemp are virtually the same and the only way to distinguish them is to test for the THC content.

In spring 2017, the Industrial Hemp Advisory Board was formed by the CDFA. Per state law, the Industrial Hemp Advisory Board is tasked with advising the CDFA and making recommendations with regarding to cultivation of industrial hemp, including industrial hemp seed law and regulations, enforcement mechanisms, registration processes and fees, setting the assessment rate, and making recommendations on all matters pertaining to the Act. The Industrial Hemp Advisory Board expects to complete such tasks in late 2018. Currently, commercial cultivators cannot register to grow industrial hemp. Therefore, until such time, or upon further notice from the Industrial Hemp Advisory Board or the CDFA, the cultivation of

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industrial hemp for commercial purposes is prohibited throughout the State of California and Riverside County.

Although the Act prohibits the cultivation of industrial hemp for commercial purposes until the Industrial Hemp Advisory Board has developed the requisite hemp seed laws, regulatory scheme, and enforcement mechanisms, the Act exempts "established agricultural research institutions" from many of the regulatory requirements. "Established Agricultural Research Institution" is defined as

"(1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or (2) An institution of higher education (as defined in Section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research."

Under this exemption, the growth, cultivation, or manufacturing of industrial hemp by an "Established Agricultural Research Institution" is not contingent upon the Industrial Hemp Advisory Board developing the industrial hemp seed law, regulations or enforcement mechanisms.

The definition of an "Established Agricultural Research Institution" is vague and neither the Legislature nor the Industrial Hemp Advisory Board have provided guidance on how the County can determine whether a cultivator claiming to be an "Established Agricultural Research Institution" is legitimate or that their cultivation of hemp constitutes "agricultural or academic research."

As stated above, the only way to distinguish between cannabis and industrial hemp is to test for the THC content. Given the vague definition of "Established Agricultural Research Institution", as well as the exemption from the reasonable regulations imposed by the Act, there is opportunity for exploitation by cultivators, such as the premature cultivation of industrial hemp for commercial purposes or the cultivation of cannabis under the guise of industrial hemp.

Moreover, the Act allows an "Established Agricultural Research Institution" to cultivate and possess industrial hemp with a greater than .3% THC level, thereby resulting in such "research" plants potentially meeting the definition of cannabis. As such, the unregulated cultivation of industrial hemp by "Established Agricultural Research Institutions" may pose the same threats to the public health, safety or welfare as the cultivation of cannabis.

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Such urgent and immediate threats include, but are not limited to: an increased likelihood of criminal activity; the attraction of crime and associated violence; a strain on County resources, including the Sheriff Department, as the County will be forced to investigate each and every industrial hemp grow conducted by an "Established Agricultural Research Institution" to ensure that the grow is not cannabis; and a detrimental impact on agriculture within the region resulting from exotic weeds, plant diseases, mites, and other insects that are prevalent in industrial hemp.

As an urgency measure, this interim zoning ordinance prohibits the cultivation of industrial hemp by "Established Research Institutions" for forty-five (45) days and may thereafter be extended as provided by law. The purpose of this ordinance and any extensions thereafter is to give the County the opportunity to study the issue and to formulate and adopt regular zoning regulations to mitigate or avoid negative effects of such grows.

Staff has been informed that University of California, Riverside ("UCR") is interested in cultivating both cannabis and industrial hemp for research purposes. Staff met with UCR to discuss the proposed urgency interim ordinance and gain an understanding of UCR's potential research and work on cannabis and industrial hemp. Any interim zoning ordinance that the County adopts, or has in place, will not prevent UCR from moving forward with its own cannabis or hemp research program because the Regents of California, a state agency created by the California Constitution, is not subject to the County's building or zoning ordinances. See *Regents of University of California v. City of Santa Monica* (1978) 77 Cal.App.3d 130.

Ordinance No. 449.248 is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) because the urgency interim ordinance merely preserves the status quo and temporarily prohibits a specific use, the cultivation of industrial hemp by "Established Agricultural Research Institutions." Therefore, it can be seen with certainty that the interim urgency ordinance will not have significant effect on the environment.

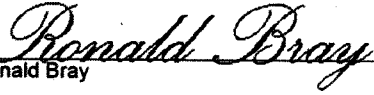
Impact on Residents and Businesses


As stated above, the unpermitted permitted cultivation of industrial hemp may pose the same threats to the public health, safety or welfare as the unpermitted cultivation of cannabis. Such urgent and immediate threats include, but are not limited to: an increased likelihood of criminal activity; the attraction of crime and associated violence; a strain on County resources, and a detrimental impact on agriculture within the region resulting from exotic weeds, plant diseases, mites, and other insects that are prevalent in industrial hemp.

ATTACHMENTS (if any, in this order):

1. Ordinance No. 449.248
2. Notice of Exemption

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STATE OF CALIFORNIA


Ronald Bray 2/14/2018


Alex Gann 2/21/2018


Gregory V. Priamos, Director County Counsel 2/21/2018

- 1 B. Division 24. Industrial Hemp [81000-81010] of the Food and Agricultural Code
2 (hereafter "FAC") addresses the growing and cultivation of industrial hemp in
3 California.
- 4 C. On January 1, 2017, Division 24, Industrial Hemp [8100-81010] of the FAC
5 became operative.
- 6 D. FAC Division 24 does not provide for the California Department of Food and
7 Agriculture to establish a pilot program or to participate in, or promote, research
8 projects recognized under Section 5940 of Title 7 of the United States Code.
- 9 E. FAC Section 81001 calls for the Industrial Hemp Advisory Board to advise the
10 California Secretary of Food and Agriculture and make recommendations to the
11 Secretary pertaining to the cultivation of industrial hemp, including but not limited
12 to, developing the requisite industrial hemp seed law and regulations, enforcement
13 mechanisms, and the setting of an assessment rate.
- 14 F. The Industrial Hemp Advisory Board is expected to the implement requisite
15 regulations allowing the cultivation of industrial hemp for commercial purposes in
16 late 2018.
- 17 G. Under FAC Division 24, all commercial growers of industrial hemp must register
18 with the county agricultural commissioner prior to cultivation. Registration is not
19 yet available. The fees and process for registration will be developed in
20 conjunction with the Industrial Hemp Advisory Board. Therefore, the cultivation
21 of industrial hemp for commercial purposes as defined under FAC Division 24 is
22 prohibited within the State of California and the County of Riverside until the
23 Industrial Hemp Advisory Board has developed and implemented the requisite
24 industrial hemp seed law, regulations, and enforcement mechanisms, including the
25 registration process and fees.
- 26 H. Despite the current prohibition on the cultivation of industrial hemp for commercial
27 purposes, FAC Division 24 exempts cultivation by an "Established Agricultural
28 Research Institution" from some of the regulatory requirements enumerated therein.

- 1 I. An "Established Agricultural Research Institution" is defined under FAC Section
2 81000 as: "(1) A public or private institution or organization that maintains land or
3 facilities for agricultural research, including colleges, universities, agricultural
4 research centers, and conservation research centers; or (2) An institution of higher
5 education (as defined in section 1001 of the Higher Education Act of 1965 (20
6 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes
7 of research conducted under an agricultural pilot program or other agricultural or
8 academic research."
- 9 J. Industrial hemp is defined under FAC Section 81000 and Health and Safety Code
10 section 11018.5 as "a fiber or oilseed crop, or both, that is limited to types of the
11 plant *Cannabis sativa* L. having no more than three-tenths of 1 percent (.3%)
12 tetrahydrocannabinol (THC) contained in the dried flowering tops, whether
13 growing or not; the seeds of the plant; the resin extracted from any part of the plant;
14 and every compound, manufacture, salt, derivative, mixture, or preparation of the
15 plant, its seeds or resin produced therefrom."
- 16 K. "Cannabis" is defined under the Medicinal and Adult-Use Cannabis Regulation and
17 Safety Act (MAUCRSA) codified at Business and Professions Code section 26001
18 as "all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis*
19 *ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or
20 purified, extracted from any part of the plant; and every compound, manufacture,
21 salt, derivative, mixture, or preparation of the plant, its seeds, or resin... 'cannabis'
22 does not mean 'industrial hemp' as defined by Section 11018.5 of the Health and
23 Safety Code."
- 24 L. Due to the fact that industrial hemp and cannabis are derivatives of the same plant,
25 *Cannabis sativa* L., the appearance of industrial hemp and cannabis are
26 indistinguishable. Absent a laboratory performed chemical analysis for
27 tetrahydrocannabinol (THC) content, the two plants cannot be distinguished.
28

- 1 M. Division 24 of the FAC, allows an “Established Agricultural Research Institution”
2 to cultivate or possess industrial hemp with a greater than .3% THC level, causing
3 such plant to no longer conform to the legal definition of industrial hemp, thereby
4 resulting in such “research” plants constituting cannabis.
- 5 N. The definition of “Established Agricultural Research Institution” as provided in
6 FAC Section 81000 is vague and neither the Legislature nor the Industrial Hemp
7 Advisory Board have provided guidelines on how the County can establish whether
8 a cultivator claiming to be an “Established Agricultural Research Institution” is
9 legitimate or that the cultivation constitutes “agricultural or academic research.”
10 Without clear guidelines, the ability and likelihood that cultivators exploit the
11 “Establish Agricultural Research Institution” exemption to grow industrial hemp
12 with more than .3% THC is great.
- 13 O. Except for personal cultivation, by an adult 21 years of age or older, of six or fewer
14 cannabis plants within a private residence or inside a detached accessory structure
15 on the grounds of a private residence that is fully enclosed and secured and
16 personal use of cannabis otherwise allowed under the Medicinal and Adult-Use
17 Cannabis Regulation and Safety Act (Senate Bill 94 (2017) (“MAUCRSA”),
18 Section 3.4 of Ordinance No. 348, the County’s zoning ordinance, prohibits
19 Cannabis Activities and Cannabis Businesses, which include cultivation,
20 possession, manufacturing, processing, storing, testing, labeling, distribution,
21 selling, giving away, or providing medical or adult-use cannabis and cannabis
22 products, whether or not for profit.
- 23 P. Due to the fact that industrial hemp and cannabis are indistinguishable, the
24 cultivation of industrial hemp by an “Established Agricultural Research Institution”
25 prior to the adoption of reasonable regulations poses similar threats to the public
26 health, safety or welfare as the cultivation of cannabis.
- 27
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- 1 Q. The cultivation of industrial hemp by an “Established Agricultural Research
2 Institution” prior to the adoption of reasonable regulations will create an increased
3 likelihood of criminal activity.
- 4 R. The cultivation of industrial hemp by an “Established Agricultural Research
5 Institution” prior to the adoption of reasonable regulations will attract crime and
6 associated violence, including without limitation, theft, robberies, illegal firearms,
7 shootings and homicides.
- 8 S. The Sheriff will have to investigate each industrial hemp grow conducted by an
9 “Established Agricultural Research Institution” prior to the adoption of reasonable
10 regulations to ensure that the grow is not cannabis. Investigations of industrial
11 hemp grows are time consuming, labor intensive, and potentially dangerous.
- 12 T. Currently the State of California has not yet identified, nor approved seed sources
13 for industrial hemp. Unregulated seed sources can be infested with exotic weed
14 seed or carry plant diseases. Once exotic weeds or plant diseases are established
15 they are difficult and costly to eradicate. Soil borne diseases, once established can
16 result in quarantines that restrict plant movement as well as crop rotations.
- 17 U. Industrial hemp can serve as a host to mites and other insects. At this time, there
18 are no pesticides registered for hemp that specifically address such mites or other
19 insects. The pesticides that have been approved for hemp are not always effective,
20 which allows for such insects to move into other nearby crops.
- 21 V. There are no requirements for pesticide use reporting or testing for industrial hemp
22 when cultivated by an “Established Agricultural Research Institution” if pesticides
23 on the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 25(b) list are
24 used. In addition, “Established Agricultural Research Institutions” may be using
25 chemicals or pesticides that are extremely toxic to people and wildlife and which
26 may pollute soil, ground water, and/or nearby water sources.
- 27
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- 1 W. If cloned hemp plants are used for experimentation they are exempt from nursery
2 standards at this time and may not be inspected for plant cleanliness standards
3 leaving them susceptible to insect and disease infection.
- 4 X. Industrial hemp and cannabis are not compatible crops. Thus, if this Board of
5 Supervisors elects to pursue a particular option with respect to the outdoor
6 cultivation of cannabis, the existence of industrial hemp grows maintained by
7 “Established Agricultural Research Institutions” may preclude the Board of
8 Supervisors from considering certain projects or development plans.
- 9 Y The cultivation of industrial hemp by an “Established Agricultural Research
10 Institutions” prior to the adoption of reasonable regulations is harmful to the
11 welfare of residents, creates a nuisance, and threatens the safety and land of nearby
12 property owners.
- 13 Z. There is an urgent need for the Agricultural Commissioner, the Sheriff, and County
14 Counsel to assess the impacts of industrial hemp grown by “Established
15 Agricultural Research Institutions” and to explore reasonable regulatory options
16 relating thereto.
- 17 AA. The allowance of cultivation of industrial hemp by “Established Agricultural
18 Research Institutions,” as defined by FAC Section 81000, prior to the adoption of
19 reasonable regulations, creates an urgent and immediate threat to the public health,
20 safety or welfare of the citizens and existing agriculture in Riverside County.
- 21 BB. Riverside County has a compelling interest in protecting the public health, safety,
22 and welfare of its residents and businesses, in preventing the establishment of
23 nuisances, while also allowing the cultivation of industrial hemp under FAC
24 Division 24 by legitimate “Established Agricultural Research Institutions” for
25 legitimate research purposes.
- 26 CC. This ordinance complies with State law and imposes reasonable regulations that the
27 Board of Supervisors concludes are necessary to protect the public safety, health
28 and welfare of residents and business within the County.

1 Section 3. CULTIVATION OF INDUSTRIAL HEMP PROHIBITED. During the
2 term of this interim ordinance, including any extensions hereto, no person or entity shall grow industrial
3 hemp for any purposes within the unincorporated areas of Riverside County. As set forth above under
4 Section 2, the cultivation of industrial hemp for commercial purposes is currently prohibited by the State
5 of California. Additionally, during this interim ordinance, including any extensions hereto, "Established
6 Agricultural Research Institutions" as defined in FAC Section 81000, will similarly be prohibited from
7 cultivating industrial hemp for agricultural or academic research purposes. Cultivation of industrial hemp
8 in violation of the prohibition in this interim ordinance constitutes a public nuisance.

9 Section 4. DECLARATION OF URGENCY. Based on the findings set forth in
10 Section 2, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon
11 adoption by the Board of Supervisors.

12 Section 5. SEVERABILITY. If any provision, clause, sentence or paragraph of this
13 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
14 shall not affect the other provisions of this ordinance which can be given effect without the invalid
15 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
16 severable.

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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 February 27, 2018, the foregoing ordinance consisting of 6 Sections was adopted by the following vote:

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

DATE: February 27, 2018

KECIA HARPER-IHEM
Clerk of the Board
BY: *Kecia Harper-Ihem*
Deputy

SEAL

Item 3.12

NOTICE OF EXEMPTION Original Negative Declaration/Notice of Determination was routed to County of Riverside for posting on.
4080 Lemon Street
Riverside, CA 92501
Date 2/27/18 Initial ld

To: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
To: X Office of the County Clerk & Recorder

Project Title: Ordinance No. 449.248, An Urgency Interim Ordinance Of The County Of Riverside Declaring A Temporary Moratorium On The Cultivation Of Industrial Hemp By "Established Agricultural Research Institutions" Within The Unincorporated Areas Of The County Of Riverside

Project Location: The unincorporated area of Riverside County.

Project Description:

Ordinance No. 449.248 is an interim zoning ordinance that prohibits the cultivation of industrial hemp by "Established Research Institutions" in the unincorporated areas of the County for forty-five (45) days and may thereafter be extended as provided by law under Government Code section 65858. The purpose of this ordinance and any extensions thereafter is to give the County the opportunity to study the issue and to formulate and adopt regular zoning regulations to mitigate or avoid negative effects of such grows.

Name of Public Agency Approving Project: County of Riverside

Project Sponsor: County of Riverside

Exempt Status: (check one)

- Ministerial
- Declared Emergency
- Emergency Project
- Categorical Exemption:
- Statutory Exemption:
- Other: (State CEQA Guidelines Sec. 15061(b)(3))

Reasons Why Project is Exempt:

Ordinance No. 449.248 is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) because the urgency interim ordinance merely preserves the status quo and temporarily prohibits a specific use, the cultivation of industrial hemp by "Established Agricultural Research Institutions." Therefore, it can be seen with certainty that the interim urgency ordinance will not have significant effect on the environment.

Tiffany North, Chief Deputy County Counsel
County Contact Person

(951) 955-6300
Phone Number

Signature: [Handwritten Signature] Title: Board Assistant Date: 2/27/18

For County Clerk's Use Only

FEB 27 2018 3.12



OFFICE OF THE
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

March 1, 2018

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

TEL: (951) 368-9229
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 449.248 Urgency Interim Ordinance

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, March 7, 2018**.

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: tbronson@scng.com on behalf of Legals <legals@pe.com>
Sent: Thursday, March 1, 2018 11:36 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Adoption of Ord. NO. 449.248

received ad

Legal Advertising Phone: **951-368-9222** / Fax: 951-368-9018 / E-mail: legals@pe.com
****Employees of The Press-Enterprise are not able to give legal advice of any kind****
Standard Deadlines are 10:30am, 3 business days prior to the day you would like to publish

The Press-Enterprise PE.com / La Prensa

On Thu, Mar 1, 2018 at 8:28 AM, Gil, Cecilia <CCGIL@rivco.org> wrote:

Another Adoption, for publication on Wednesday, March 7, 2018. Please confirm. THANK YOU!

Cecilia Gil

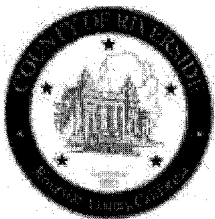
Board Assistant

Clerk of the Board of Supervisors

4080 Lemon St., 1st Floor, Room 127

Riverside, CA 92501

(951) 955-8464 Mail Stop# 1010



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OFFICE OF THE
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

March 1, 2018

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

TEL: (760) 322-2222
E-MAIL: legals@thedesertsun.com

RE: ADOPTION OF ORDINANCE NO. 449.248 Urgency Interim Ordinance

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, March 7, 2018**.

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: GRSC-West-Legals mbx <GRSC-West-Legals@gannett.com>
Sent: Thursday, March 1, 2018 12:36 PM
To: Gil, Cecilia
Subject: RE: 2768543 FOR PUBLICATION: Adoption of Ord. No. 449.248
Attachments: 2768543.pdf

Good Afternoon,

This notice is scheduled to publish in the Desert Sun on March 7. The total cost is \$1,089.00 and a proof is attached. An affidavit will be sent after publication.

Thank you!

Brittany Grady
Admin Support Specialist-Legals

Desert Sun.

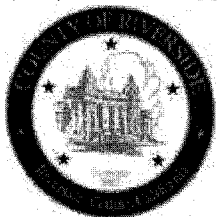
PART OF THE USA TODAY NETWORK

legals@thedesertsun.com
760-322-2222 option 3
desertsun.com

From: Gil, Cecilia [mailto:CCGIL@RIVCO.ORG]
Sent: Thursday, March 1, 2018 10:29 AM
To: Email, TDS-Legals <legals@thedesertsun.com>
Subject: 2768543 FOR PUBLICATION: Adoption of Ord. No. 449.248

One more Adoption for publication on Wednesday, March 7, 2018. Please confirm. THANK YOU!

Cecilia Gil
Board Assistant
Clerk of the Board of Supervisors
4080 Lemon St., 1st Floor, Room 127
Riverside, CA 92501
(951) 955-8464 Mail Stop# 1010



NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the

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

ORDINANCE NO. 449.248

**AN URGENCY INTERIM ORDINANCE OF THE COUNTY OF RIVERSIDE DECLARING A
TEMPORARY MORATORIUM ON THE CULTIVATION OF INDUSTRIAL HEMP BY "ESTABLISHED
AGRICULTURAL RESEARCH INSTITUTIONS" WITHIN THE UNINCORPORATED AREAS OF THE
COUNTY OF RIVERSIDE**

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

Section 1. PURPOSE AND AUTHORITY. The purpose of this urgency ordinance is to establish a temporary moratorium on the cultivation of industrial hemp by "Established Agricultural Research Institutions," as defined by California Food and Agricultural Code Section 81000(c), while County staff determines the impact of such unregulated cultivation and reasonable regulations to mitigate such impacts. This urgency ordinance is adopted pursuant to California Constitution Article 11, Section 7, Government Code sections 65800, et seq., particularly section 65858, and other applicable law.

Section 2. FINDINGS. The Board of Supervisors of the County of Riverside makes the following findings in support of the immediate adoption and application of this urgency ordinance:

- A. Section 5940 of Title 7 of the United States Code states, "Notwithstanding the Controlled Substance Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), Chapter 81 of Title 41, United States Code, or any other Federal law, an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a State department of agriculture may grow or cultivate industrial hemp if: (1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs."
- B. Division 24. Industrial Hemp [81000-81010] of the Food and Agricultural Code (hereafter "FAC") addresses the growing and cultivation of industrial hemp in California.
- C. On January 1, 2017, Division 24, Industrial Hemp [8100-81010] of the FAC became operative.
- D. FAC Division 24 does not provide for the California Department of Food and Agriculture to establish a pilot program or to participate in, or promote, research projects recognized under Section 5940 of Title 7 of the United States Code.
- E. FAC Section 81001 calls for the Industrial Hemp Advisory Board to advise the California Secretary of Food and Agriculture and make recommendations to the Secretary pertaining to the cultivation of industrial hemp, including but not limited to, developing the requisite industrial hemp seed law and regulations, enforcement mechanisms, and the setting of an assessment rate.
- F. The Industrial Hemp Advisory Board is expected to the implement requisite regulations allowing the cultivation of industrial hemp for commercial purposes in late 2018.
- G. Under FAC Division 24, all commercial growers of industrial hemp must register with the county agricultural commissioner prior to cultivation. Registration is not yet available. The fees and process for registration will be developed in conjunction with the Industrial Hemp Advisory Board. Therefore, the cultivation of industrial hemp for commercial purposes as defined under FAC Division 24 is prohibited within the State of California and the County of Riverside until the Industrial Hemp Advisory Board has developed and implemented the requisite industrial hemp seed law, regulations, and enforcement mechanisms, including the registration process and fees.

- H. Despite the current prohibition on the cultivation of industrial hemp for commercial purposes, FAC Division 24 exempts cultivation by an "Established Agricultural Research Institution" from some of the regulatory requirements enumerated therein.
- I. An "Established Agricultural Research Institution" is defined under FAC Section 81000 as: "(1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or (2) An institution of higher education (as defined in section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research."
- J. Industrial hemp is defined under FAC Section 81000 and Health and Safety Code section 11018.5 as "a fiber or oilseed crop, or both, that is limited to types of the plant *Cannabis sativa L.* having no more than three-tenths of 1 percent (.3%) tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom."
- K. "Cannabis" is defined under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) codified at Business and Professions Code section 26001 as "all parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin... 'cannabis' does not mean 'industrial hemp' as defined by Section 11018.5 of the Health and Safety Code."
- L. Due to the fact that industrial hemp and cannabis are derivatives of the same plant, *Cannabis sativa L.*, the appearance of industrial hemp and cannabis are indistinguishable. Absent a laboratory performed chemical analysis for tetrahydrocannabinol (THC) content, the two plants cannot be distinguished.
- M. Division 24 of the FAC, allows an "Established Agricultural Research Institution" to cultivate or possess industrial hemp with a greater than .3% THC level, causing such plant to no longer conform to the legal definition of industrial hemp, thereby resulting in such "research" plants constituting cannabis.
- N. The definition of "Established Agricultural Research Institution" as provided in FAC Section 81000 is vague and neither the Legislature nor the Industrial Hemp Advisory Board have provided guidelines on how the County can establish whether a cultivator claiming to be an "Established Agricultural Research Institution" is legitimate or that the cultivation constitutes "agricultural or academic research." Without clear guidelines, the ability and likelihood that cultivators exploit the "Establish Agricultural Research Institution" exemption to grow industrial hemp with more than .3% THC is great.
- O. Except for personal cultivation, by an adult 21 years of age or older, of six or fewer cannabis plants within a private residence or inside a detached accessory structure on the grounds of a private residence that is fully enclosed and secured and personal use of cannabis otherwise allowed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Senate Bill 94 (2017) ("MAUCRSA")), Section 3.4 of Ordinance No. 348, the County's zoning ordinance, prohibits Cannabis Activities and Cannabis Businesses, which include cultivation, possession, manufacturing, processing, storing, testing, labeling, distribution, selling, giving away, or providing medical or adult-use cannabis and cannabis products, whether or not for profit.
- P. Due to the fact that industrial hemp and cannabis are indistinguishable, the cultivation of industrial hemp by an "Established Agricultural Research Institution" prior to the adoption of reasonable regulations poses similar threats to the public health, safety or welfare as the cultivation of cannabis.

- Q. The cultivation of industrial hemp by an "Established Agricultural Research Institution" prior to the adoption of reasonable regulations will create an increased likelihood of criminal activity.
- R. The cultivation of industrial hemp by an "Established Agricultural Research Institution" prior to the adoption of reasonable regulations will attract crime and associated violence, including without limitation, theft, robberies, illegal firearms, shootings and homicides.
- S. The Sheriff will have to investigate each industrial hemp grow conducted by an "Established Agricultural Research Institution" prior to the adoption of reasonable regulations to ensure that the grow is not cannabis. Investigations of industrial hemp grows are time consuming, labor intensive, and potentially dangerous.
- T. Currently the State of California has not yet identified, nor approved seed sources for industrial hemp. Unregulated seed sources can be infested with exotic weed seed or carry plant diseases. Once exotic weeds or plant diseases are established they are difficult and costly to eradicate. Soil borne diseases, once established can result in quarantines that restrict plant movement as well as crop rotations.
- U. Industrial hemp can serve as a host to mites and other insects. At this time, there are no pesticides registered for hemp that specifically address such mites or other insects. The pesticides that have been approved for hemp are not always effective, which allows for such insects to move into other nearby crops.
- V. There are no requirements for pesticide use reporting or testing for industrial hemp when cultivated by an "Established Agricultural Research Institution" if pesticides on the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 25(b) list are used. In addition, "Established Agricultural Research Institutions" may be using chemicals or pesticides that are extremely toxic to people and wildlife and which may pollute soil, ground water, and/or nearby water sources.
- W. If cloned hemp plants are used for experimentation they are exempt from nursery standards at this time and may not be inspected for plant cleanliness standards leaving them susceptible to insect and disease infection.
- X. Industrial hemp and cannabis are not compatible crops. Thus, if this Board of Supervisors elects to pursue a particular option with respect to the outdoor cultivation of cannabis, the existence of industrial hemp grows maintained by "Established Agricultural Research Institutions" may preclude the Board of Supervisors from considering certain projects or development plans.
- Y. The cultivation of industrial hemp by an "Established Agricultural Research Institutions" prior to the adoption of reasonable regulations is harmful to the welfare of residents, creates a nuisance, and threatens the safety and land of nearby property owners.
- Z. There is an urgent need for the Agricultural Commissioner, the Sheriff, and County Counsel to assess the impacts of industrial hemp grown by "Established Agricultural Research Institutions" and to explore reasonable regulatory options relating thereto.
- AA. The allowance of cultivation of industrial hemp by "Established Agricultural Research Institutions," as defined by FAC Section 81000, prior to the adoption of reasonable regulations, creates an urgent and immediate threat to the public health, safety or welfare of the citizens and existing agriculture in Riverside County.
- BB. Riverside County has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances, while also allowing the cultivation of industrial hemp under FAC Division 24 by legitimate "Established Agricultural Research Institutions" for legitimate research purposes.
- CC. This ordinance complies with State law and imposes reasonable regulations that the Board of Supervisors concludes are necessary to protect the public safety, health and welfare of residents and business within the County.

Section 3. CULTIVATION OF INDUSTRIAL HEMP PROHIBITED. During the term of this interim ordinance, including any extensions hereto, no person or entity shall grow industrial hemp for any purposes within the unincorporated areas of Riverside County. As set forth above under Section 2, the

cultivation of industrial hemp for commercial purposes is currently prohibited by the State of California. Additionally, during this interim ordinance, including any extensions hereto, "Established Agricultural Research Institutions" as defined in FAC Section 81000, will similarly be prohibited from cultivating industrial hemp for agricultural or academic research purposes. Cultivation of industrial hemp in violation of the prohibition in this interim ordinance constitutes a public nuisance.

Section 4. DECLARATION OF URGENCY. Based on the findings set forth in Section 2, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board of Supervisors.

Section 5. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 6. EFFECTIVE DATE. This urgency interim ordinance shall become effective immediately after it is adopted by the Board of Supervisors and shall remain in effect for 45 days from its date of adoption. This urgency interim ordinance may be extended in accordance with Government Code Section 65858.

Chuck Washington, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **February 27, 2018**, the foregoing Ordinance consisting of six (6) sections was adopted by said Board by the following vote:

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

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



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THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PONumber	PRODUCT	SIZE	Amount
3/7/18	0011087870	ORDINANCE NO. 449.248	PE Riverside	3 x 304 Li	1,185.60

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*Co. Co 2 Agri Comm.
3.12 of 02/27/18*

Placed by: Cecilia Gil

Legal Advertising Memo Invoice

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Terry Bronson/PELgl 909-483-9351	03/07/2018	5209148	5209148	BOARD OF SUPERVISORS



THE PRESS-ENTERPRISE

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03/07/2018	5209148	5209148
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
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BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE
 'PO BOX 1147'
 RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPERS PARTNERSHIP
 Riverside Press-Enterprise
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 LOS ANGELES CA 90054-0880

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
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**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Ord. No. 348.4881 Summary / ORDINANCE NO. 449.248

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, 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:

03/07/2018

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

Date: March 07, 2018
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011087870-01

P.O. Number: ORDINANCE NO. 449.248

Ad Copy:

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

ORDINANCE NO. 449.248

AN URGENCY INTERIM ORDINANCE OF THE COUNTY OF RIVERSIDE DECLARING A TEMPORARY MORATORIUM ON THE CULTIVATION OF INDUSTRIAL HEMP BY "ESTABLISHED AGRICULTURAL RESEARCH INSTITUTIONS" WITHIN THE UNINCORPORATED AREAS OF THE COUNTY OF RIVERSIDE

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

Section 1. PURPOSE AND AUTHORITY. The purpose of this urgency ordinance is to establish a temporary moratorium on the cultivation of industrial hemp by "Established Agricultural Research Institutions," as defined by California Food and Agricultural Code Section 81000(c), while County staff determines the impact of such unregulated cultivation and reasonable regulations to mitigate such impacts. This urgency ordinance is adopted pursuant to California Constitution Article 11, Section 7, Government Code sections 65800, et seq., particularly section 65858, and other applicable law.

Section 2. FINDINGS. The Board of Supervisors of the County of Riverside makes the following findings in support of the immediate adoption and application of this urgency ordinance:

- A. Section 5940 of Title 7 of the United States Code states, "Notwithstanding the Controlled Substance Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), Chapter 81 of Title 41, United States Code, or any other Federal law, an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a State department of agriculture may grow or cultivate industrial hemp if: (1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs."
- B. Division 24, Industrial Hemp [81000-81010] of the Food and Agricultural Code (hereafter "FAC") addresses the growing and cultivation of industrial hemp in California.
- C. On January 1, 2017, Division 24, Industrial Hemp [8100-81010] of the FAC became operative.
- D. FAC Division 24 does not provide for the California Department of Food and Agriculture to establish a pilot program or to participate in, or promote, research projects recognized under Section 5940 of Title 7 of the United States Code.
- E. FAC Section 81001 calls for the Industrial Hemp Advisory Board to advise the California Secretary of Food and Agriculture and make recommendations to the Secretary pertaining to the cultivation of industrial hemp, including but not limited to, developing the requisite industrial hemp seed law and regulations, enforcement mechanisms, and the setting of an assessment rate.
- F. The Industrial Hemp Advisory Board is expected to the implement requisite regulations allowing the cultivation of industrial hemp for commercial purposes in late 2018.
- G. Under FAC Division 24, all commercial growers of industrial hemp must register with the county agricultural commissioner prior to cultivation. Registration is not yet available. The fees and process for registration will be available in conjunction with the Industrial Hemp Advisory Board. Therefore, the cultivation of industrial hemp for commercial purposes as defined under FAC Division 24 is prohibited within the State of California and the County of Riverside until the Industrial Hemp Advisory Board has developed and implemented the requisite industrial hemp seed law, regulations, and enforcement mechanisms, including the registration process and fees.
- H. Despite the current prohibition on the cultivation of industrial hemp for commercial purposes, FAC Division 24 exempts cultivation by an "Established Agricultural Research Institution" from some of the regulatory requirements enumerated therein.
- I. An "Established Agricultural Research Institution" is defined under FAC Section 81000 as: "(1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or (2) An institution of higher education (as defined in section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research."
- J. Industrial hemp is defined under FAC Section 81000 and Health and Safety Code section 11018.5 as "a fiber or oilseed crop, or both, that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent (.3%) tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom."
- K. "Cannabis" is defined under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) codified at Business and Professions Code section 26001 as "all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin... 'cannabis' does not mean 'industrial hemp' as defined by Section 11018.5 of the Health and Safety Code."
- L. Due to the fact that industrial hemp and cannabis are derivatives of the same plant, Cannabis sativa L., the appearance of industrial hemp and cannabis are indistinguishable. Absent a laboratory performed chemical analysis for tetrahydrocannabinol (THC) content, the two plants cannot be distinguished.
- M. Division 24 of the FAC, allows an "Established Agricultural Research Institution" to cultivate or possess industrial hemp with a greater than .3% THC level, causing such plant to no longer conform to the legal definition of industrial hemp, thereby resulting in such "research" plants constituting cannabis.
- N. The definition of "Established Agricultural Research Institution" as provided in FAC Section 81000 is vague and neither the Legislature nor the Industrial Hemp Advisory Board have provided guidelines on how the County can establish whether a cultivator claiming to be an "Established Agricultural Research Institution" is legitimate or that the cultivation constitutes "agricultural

- or academic research." Without clear guidelines, the ability and likelihood that cultivators exploit the "Establish Agricultural Research Institution" exemption to grow industrial hemp with more than .3% THC is great.
- O. Except for personal cultivation, by an adult 21 years of age or older, of six or fewer cannabis plants within a private residence or inside a detached accessory structure on the grounds of a private residence that is fully enclosed and secured and personal use of cannabis otherwise allowed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Senate Bill 94 (2017) ("MAUCRSA"), Section 3.4 of Ordinance No. 348, the County's zoning ordinance, prohibits Cannabis Activities and Cannabis Businesses, which include cultivation, possession, manufacturing, processing, storing, testing, labeling, distribution, selling, giving away, or providing medical or adult-use cannabis and cannabis products, whether or not for profit.
 - P. Due to the fact that industrial hemp and cannabis are indistinguishable, the cultivation of industrial hemp by an "Established Agricultural Research Institution" prior to the adoption of reasonable regulations poses similar threats to the public health, safety or welfare as the cultivation of cannabis.
 - Q. The cultivation of industrial hemp by an "Established Agricultural Research Institution" prior to the adoption of reasonable regulations will create an increased likelihood of criminal activity.
 - R. The cultivation of industrial hemp by an "Established Agricultural Research Institution" prior to the adoption of reasonable regulations will attract crime and associated violence, including without limitation, theft, robberies, illegal firearms, shootings and homicides.
 - S. The Sheriff will have to investigate each industrial hemp grow conducted by an "Established Agricultural Research Institution" prior to the adoption of reasonable regulations to ensure that the grow is not cannabis. Investigations of industrial hemp grows are time consuming, labor intensive, and potentially dangerous.
 - T. Currently the State of California has not yet identified, nor approved seed sources for industrial hemp. Unregulated seed sources can be infested with exotic weed seed or carry plant diseases. Once exotic weeds or plant diseases are established they are difficult and costly to eradicate. Soil borne diseases, once established can result in quarantines that restrict plant movement as well as crop rotations.
 - U. Industrial hemp can serve as a host to mites and other insects. At this time, there are no pesticides registered for hemp that specifically address such mites or other insects. The pesticides that have been approved for hemp are not always effective, which allows for such insects to move into other nearby crops.
 - V. There are no requirements for pesticide use reporting or testing for industrial hemp when cultivated by an "Established Agricultural Research Institution" if pesticides on the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 25(b) list are used. In addition, "Established Agricultural Research Institutions" may be using chemicals or pesticides that are extremely toxic to people and wildlife and which may pollute soil, ground water, and/or nearby water sources.
 - W. If cloned hemp plants are used for experimentation they are exempt from nursery standards at this time and may not be inspected for plant cleanliness standards leaving them susceptible to insect and disease infection.
 - X. Industrial hemp and cannabis are not compatible crops. Thus, if this Board of Supervisors elects to pursue a particular option with respect to the outdoor cultivation of cannabis, the existence of industrial hemp grows maintained by "Established Agricultural Research Institutions" may preclude the Board of Supervisors from considering certain projects or development plans.
 - Y. The cultivation of industrial hemp by an "Established Agricultural Research Institutions" prior to the adoption of reasonable regulations is harmful to the welfare of residents, creates a nuisance, and threatens the safety and land of nearby property owners.
 - Z. There is an urgent need for the Agricultural Commissioner, the Sheriff, and County Counsel to assess the impacts of industrial hemp grown by "Established Agricultural Research Institutions" and to explore reasonable regulatory options relating thereto.
 - AA. The allowance of cultivation of industrial hemp by "Established Agricultural Research Institutions," as defined by FAC Section 81000, prior to the adoption of reasonable regulations, creates an urgent and immediate threat to the public health, safety or welfare of the citizens and existing agriculture in Riverside County.
 - BB. Riverside County has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances, while also allowing the cultivation of industrial hemp under FAC Division 24 by legitimate "Established Agricultural Research Institutions" for legitimate research purposes.
 - CC. This ordinance complies with State law and imposes reasonable regulations that the Board of Supervisors concludes are necessary to protect the public safety, health and welfare of residents and business within the County.

Section 3. CULTIVATION OF INDUSTRIAL HEMP PROHIBITED. During the term of this interim ordinance, including any extensions hereto, no person or entity shall grow industrial hemp for any purposes within the unincorporated areas of Riverside County. As set forth above under Section 2, the cultivation of industrial hemp for commercial purposes is currently prohibited by the State of California. Additionally, during this interim ordinance, including any extensions hereto, "Established Agricultural Research Institutions" as defined in FAC Section 81000, will similarly be prohibited from cultivating industrial hemp for agricultural or academic research purposes. Cultivation of industrial hemp in violation of the prohibition in this interim ordinance constitutes a public nuisance.

Section 4. DECLARATION OF URGENCY. Based on the findings set forth in Section 2, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board of Supervisors.

Section 5. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 6. EFFECTIVE DATE. This urgency interim ordinance shall become effective immediately after it is adopted by the Board of Supervisors and shall remain in effect for 45 days from its date of adoption. This urgency interim ordinance may be extended in

accordance with Government Code Section 65858.

Chuck Washington, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on February 27, 2018, the foregoing Ordinance consisting of six (6) sections was adopted by said Board by the following vote:

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

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



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STATE OF CALIFORNIA SS. COUNTY OF RIVERSIDE

RIVERSIDE COUNTY-BOARD OF SUP. 4080 LEMON ST

RIVERSIDE CA 92501

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

03/07/18

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

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 7th of March 2018 in Palm Springs, California.

Handwritten signature of Alan P. Acacio

DECLARANT

Ad#:0002768543
P O : Ord 449.248
of Affidavits : 1

3.12 of 02/27/18

Public Notices

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
ORDINANCE NO. 449.248
AN URGENCY INTERIM ORDINANCE OF THE COUNTY OF RIVERSIDE DECLARING A TEMPORARY MORATORIUM ON THE CULTIVATION OF INDUSTRIAL HEMP BY "ESTABLISHED AGRICULTURAL RESEARCH INSTITUTIONS" WITHIN THE UNINCORPORATED AREAS OF THE COUNTY OF RIVERSIDE

The Board of Supervisors of the County of Riverside ordains as follows:
Section 1. PURPOSE AND AUTHORITY. The purpose of this urgency ordinance is to establish a temporary moratorium on the cultivation of industrial hemp by "Established Agricultural Research Institutions," as defined by California Food and Agricultural Code Section 81000(c), while County staff determines the impact of such unregulated cultivation and reasonable regulations to mitigate such impacts. This urgency ordinance is adopted pursuant to California Constitution Article 11, Section 7, Government Code sections 65800, et seq., particularly section 65858, and other applicable law.
Section 2. FINDINGS. The Board of Supervisors of the County of Riverside makes the following findings in support of the immediate adoption and application of this urgency ordinance:
A. Section 5940 of Title 7 of the United States Code states, "Notwithstanding the Controlled Substance Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), Chapter 81 of Title 41, United States Code, or any other Federal law, an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a State department of agriculture may grow or cultivate industrial hemp if: (1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.
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D. FAC Division 24 does not provide for the California Department of Food and Agriculture to establish a pilot program or to participate in, or promote, research projects recognized under Section 5940 of Title 7 of the United States Code.
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F. The Industrial Hemp Advisory Board is expected to implement requisite regulations allowing the cultivation of industrial hemp for commercial purposes in late 2018.
G. Under FAC Division 24, all commercial growers of industrial hemp must register with the county agricultural commissioner prior to cultivation. Registration is not yet available. The fees and process for registration will be developed in conjunction with the Industrial Hemp Advisory Board. Therefore, the cultivation of industrial hemp for commercial purposes as defined under FAC Division 24 is prohibited within the State of California and the County of Riverside until the Industrial Hemp Advisory Board has developed and implemented the requisite industrial hemp seed law, regulations, and enforcement mechanisms, including the registration process and fees.
H. Despite the current prohibition on the cultivation of industrial hemp for commercial purposes, FAC Division 24 exempts cultivation by an "Established Agricultural Research Institution" from some of the regulatory requirements enumerated therein.
I. An "Established Agricultural Research Institution" is defined under FAC Section 81000 as: "(1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or (2) An institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research."
J. Industrial hemp is defined under FAC Section 81000 and Health and Safety Code section 11018.5 as "a fiber or oilseed crop, or both, that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent (.3%) tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom."
K. "Cannabis" is defined under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) codified at Business and Professions Code section 26001 as "all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extractive, mixture, or preparation of the plant, its seeds, or resin... 'cannabis' does not mean 'industrial hemp' as defined by Section 11018.5 of the Health and Safety Code."
L. Due to the fact that industrial hemp and cannabis are derivatives of the same plant, Cannabis sativa L., the appearance of industrial hemp and cannabis are indistinguishable. Absent a laboratory performed chemical analysis for tetrahydrocannabinol (THC) content, the two plants cannot be distinguished.
M. Division 24 of the FAC allows an "Established Agricultural Research Institution" to cultivate or possess industrial hemp with a greater than .3% THC level, causing such plant to no longer conform to the legal definition of industrial hemp, thereby resulting in such "research" plants constituting cannabis.
N. The definition of "Established Agricultural Research Institution" as provided in FAC Section 81000 is vague and neither the Legislature nor the Industrial Hemp Advisory Board have provided guidelines on how the County can establish whether a cultivator claiming to be an "Established Agricultural Research Institution" is legitimate or that the cultivation constitutes "agricultural or academic research." Without clear guidelines, the ability and likelihood that cultivators exploit the "Establish Agricultural Research Institution" exemption to grow industrial hemp with more than .3% THC is great.
O. Except for personal cultivation, by an adult 21 years of age or older, of six or fewer cannabis plants within a private residence or inside a detached accessory structure on the grounds of a private residence that is fully enclosed and secured and personal use of cannabis otherwise allowed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Senate Bill 94 (2017) ("MAUCRSA"), Section 3.4 of Ordinance No. 348, the County's zoning ordinance, prohibits Cannabis Activities and Cannabis Businesses, which include cultivation, possession, manufacturing, processing, storing, testing, labeling, distribution, selling, giving away, or providing medical or adult-use cannabis and cannabis products, whether or not for profit.
P. Due to the fact that industrial hemp and cannabis are indistinguishable, the cultivation of industrial hemp by an "Established Agricultural Research Institution" prior to the adoption of reasonable regulations poses similar risks to the public health and safety as the cultivation of cannabis.