

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



ITEM  
3.21  
(ID # 9995)

**MEETING DATE:**

Tuesday, June 4, 2019

**FROM :** TRANSPORTATION AND LAND MANAGEMENT AGENCY (TLMA):

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY: Provide Policy Direction on the Land Use Regulation of Industrial Hemp, and Adoption of Urgency Interim Ordinance No. 449.250 Declaring a Temporary Moratorium on the Commercial Cultivation of Industrial Hemp in Specified Zones within the Unincorporated Areas of the County of Riverside, All Districts. [\$30,000] (CEQA Exempt) (4/5 vote required on Urgency Interim Ordinance)

**RECOMMENDED MOTION:** That the Board of Supervisors:

Continued on page 2

**ACTION:** Policy, 4/5 Vote Required

Juan C. Rivera, Director of Transportation & Land Management

5/28/2019

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**MINUTES OF THE BOARD OF SUPERVISORS**

The motion introduced by Supervisor Jeffries and seconded by Supervisor Spiegel to adopt Ordinance 449.250 and find the Ordinance exempt from CEQA failed by a 3/2 vote.

Ayes: Jeffries, Spiegel and Washington

Nays: Perez and Hewitt

and

The motion introduced by Supervisor Perez, seconded by Supervisor Hewitt and duly carried by unanimous vote to provide policy direction and adopt an order to initiate an amendment to Ordinance No. 348 was approved as recommended with the inclusion of W2, RR and RA Zones.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt

Nays: None

Absent: None

Date: June 4, 2019

xc: TLMA-Planning, Co.Co., Agricultural Comm.

Kecia Harper  
Clerk of the Board

By   
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
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**RECOMMENDED MOTION:** That the Board of Supervisors:

**MOTION 1;**

- a. Find Ordinance No. 449.250 exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15308 and 15061(b)(3) as set forth in the background section of this agenda item;
- b. Adopt Ordinance No. 449.250, an Urgency Interim Ordinance of the County of Riverside Declaring a Temporary Moratorium on the Commercial Cultivation of Industrial Hemp in Specified Zones 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 (4/5 vote required);
- c. Direct the Clerk of the Board to file the Notice of Exemption for Ordinance No. 449.250 with the County Clerk for posting;

**AND MOTION 2;**

- a. Provide policy direction to the Planning Department for regulation of the cultivation of hemp as a land use, including policy direction on the proposed Tiered Regulatory Structure set forth in this agenda item;
- b. Adopt an Order to Initiate an Amendment to Ordinance No. 348 to regulate the commercial cultivation of hemp, including identifying the appropriate zones, development standards, and requirements for hemp cultivation;
- c. Direct the Planning Department to work with the Agricultural Commissioner and County Counsel to prepare and process the amendment to Ordinance No. 348.

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$10,000	\$20,000	\$30,000	\$0
<b>NET COUNTY COST</b>	\$0	\$0	\$0	\$0
<b>SOURCE OF FUNDS: Planning Department Budget</b>			<b>Budget Adjustment: No</b>	
			<b>For Fiscal Year: 18/19-19/20</b>	

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

**BACKGROUND:**

**Summary**

At the May 21, 2019 Board meeting Transportation and Land Management Agency (TLMA) staff presented (Agenda Item 3.28) a proposal for the Board to enact a moratorium (Urgency Interim Ordinance) that would apply to the cultivation of industrial hemp for commercial purpose, and to direct staff to prepare regulations that would govern locations and development standards for commercial hemp uses. The Board tabled this item, and directed staff to return with a more narrowly focused temporary moratorium for the commercial cultivation of industrial hemp for the Board's consideration at the June 4, 2019 Board meeting.

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**The issue before the Board is whether the County should allow hemp to be cultivated as a matter of right without a land use permit in any of the agricultural zoning classifications that allow field crops in the unincorporated area of the County, subject only to compliance with state law and registration requirements, or should the County establish a regulatory structure with approval requirements, development standards, and public review for certain sized cultivation sites.** It should be noted that the County's zoning ordinance, Ordinance No. 348, allows agricultural field crops in numerous zones, as described below in this Form 11. Many of these zones (all R- zones, W-2, etc.), are primarily residential in nature. The only zones that are truly defined as "Agricultural Zones" per Section 21.3b. of Ordinance No. 348 are the A-1, A-2, A-D, A-P, C/V, WC-E, WC-W, and WC-WE zones. It is staff's opinion that the commercial cultivation of industrial hemp may create land use compatibility issues in close proximity to residential uses due to the odor that has been identified as being similar to cannabis for certain strains of hemp, and other potential compatibility issues.

On May 24, 2019, the California Department of Food and Agriculture (CDFA) released proposed emergency regulations for the sampling, laboratory testing, and destruction of non-compliant industrial hemp. Such proposed regulations still have not been submitted to the Office of Administrative Law or approved at the State level. Allowing the cultivation of industrial hemp, particularly prior to the adoption of reasonable regulations at the local level, may also result in conflicts with the County's comprehensive local program to conditionally permit and regulate commercial cannabis businesses and activities. Absent a laboratory performed chemical analysis for THC content, cannabis plants and hemp plants cannot be readily distinguished. This would make it very difficult for law enforcement or County Code Enforcement to independently distinguish between a "hemp" plant and a "cannabis" plant without having proper testing done, thereby hampering civil and criminal enforcement of the County's current cannabis cultivation ban as well as its cannabis cultivation regulatory program that is in the works.

Such unregulated cultivation would restrict the County's ability to effectively regulate land use and may be harmful to the welfare of the County and its residents, create a public nuisance, and threaten existing agricultural and other land uses and nearby property owners. Industrial hemp cultivation creates a pungent seasonal odor that is similar in type and intensity to the seasonal odor created by cannabis cultivation. Failure to prohibit industrial hemp or to regulate the location and size of industrial hemp cultivation sites is likely to result in nuisance odors impacting neighbors and neighborhoods.

**Urgency Interim Ordinance**

Pursuant to the authority under Government Code section 65858, subdivision (f), an urgency interim ordinance is recommended to protect the public safety, health and welfare from the unregulated commercial cultivation of industrial hemp in specified zones. There is currently no State plan approved at the Federal level, as required by the 2018 Farm Bill, nor guidance in the County's zoning ordinance concerning industrial hemp cultivation. As such, there is a current and immediate threat to the public health, safety, and welfare in that the unregulated

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establishment of industrial hemp cultivation in specified zones in the unincorporated areas of Riverside County will result in land use conflicts.

**Staff is recommending that the Board enact a revised, more narrowly focused temporary interim moratorium prohibiting cultivation of industrial hemp outside of those zones that are primarily for agricultural uses (A-1, A-2, A-P and A-D) so as to allow time to draft regulations in an amendment to the County's zoning ordinance. Without a temporary moratorium in place, industrial hemp cultivation is allowed by right, subject only to a registration from the Agricultural Commissioner, without a land use permit throughout Riverside County in any zone that allows field crops with no opportunity for the County to impose regulations or development standards. As of the date of preparation of this agenda item, the Agricultural Commissioner is in the process of reviewing and issuing several hemp registration applications that have been received. Registrations that are issued prior to the adoption of either an interim moratorium - or in the absence of one, the normal course of crafting County land use regulations - would be valid for a one-year period. Should the County adopt land use regulations, said regulations would apply to new registrations issued by the Agricultural Commissioner after that date, including renewals of annual registrations (starting with the 2nd year) after the initial one-year period.**

The revised moratorium that is now being presented for Board consideration would prohibit the commercial cultivation of industrial hemp in these zones that currently allow field crops or other agricultural uses: R-A, N-A, WC-W, WC-WE, WC-E, WC-R, R-D, R-R, R1, R-1A, R-2, R-2A, R-3, R-3A, R-T-R, R-7, MU, W-2, W-2-M, M-SC, M-M, M-H, M-R, M-R-A, and W-1, as well as prohibit in all other zones that expressly do not allow field crops or other agricultural zones. These zones are either primarily for residential use (R-zones, Mixed Use, W-2, W-2-M)); manufacturing uses (M zones); mineral, natural, or water resources (M-R, M-R-A, W-1); or Wine Country zones (WC-zones). Staff's opinion is that, absent appropriate development standards in place, most of these zones are not compatible with commercial cultivation of industrial hemp due to inherent land use incompatibility with their primary uses. It is also staff's opinion that the Temecula Wine Country is not an appropriate place for the commercial cultivation of hemp as it would reduce the amount of agricultural land available for viticulture.

This revised moratorium will have the effect of only allowing the commercial cultivation of industrial hemp in the following zones that are primarily for agricultural use: A-1 (Light Agriculture), A-2 (Heavy Agriculture), A-P (Light Agriculture with Poultry), and A-D (Agriculture with Dairy).

It should be noted that the action to place an interim moratorium requires a 4/5th vote from the Board of Supervisors. Under Government Code section 65858, the moratorium is 45 days, unless extended by the Board of Supervisors following a public hearing. Any extension is also subject to a 4/5ths vote from the Board. TLMA will work with County Counsel to expeditiously bring forward an Amendment to the Zoning Ordinance No. 348 to set regulations for Industrial Hemp Cultivation. The Ordinance Amendment will need to comply with CEQA and undergo a

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public review process, including noticed hearings, before the Planning Commission and Board of Supervisors, which is likely a 4 to 6 month process through final adoption.

**Tiered Regulatory Structure**

TLMA staff is recommending a tiered regulatory structure for all Industrial Hemp Cultivation, both commercial and research cultivation, in the A-1, A-2, A-P, and A-D zones as follows, subject to further review and modification through the CEQA environmental review process, including public review by the Planning Commission with a recommendation provided to the Board of Supervisors:

- Allow By-Right Cultivation on parcels 20 - 100 acres with development standards
- Allow Cultivation with a Plot Plan (Noticed Planning Director public hearing) on parcels between 10 - 20 acres with development standards
- Allow Cultivation with a Conditional Use Permit (Noticed Planning Commission public hearing) on parcels < 10 acres with development standards
- Allow Cultivation with a Conditional Use Permit (Noticed Planning Commission public hearing) on parcels > 100 acres – Large-Scale Commercial Operations

**Potential Development Standards**

TLMA staff has developed initial potential development standards. These are not meant to be all-inclusive nor final, but rather serve as a starting point subject to further review and modification through the CEQA environmental review process, including public review by the Planning Commission with a recommendation provided to the Board of Supervisors:

- Appropriate setbacks to adjacent residential zoned properties and other sensitive receptors:
  - Parcels 20 - 100 acres – Example: 300 ft. setback to adjacent Residential Zoned Property
  - Parcels 10 - 20 acres – Example: 300 ft. setback to adjacent Residential Zoned Property or smaller setbacks with mixed light (hoop structures) and odor filtration
  - Parcels < 10 acres – Require mixed light with odor filtration next to Residential Zoned Property
- Not allow the extraction of CBD oil as part of any industrial hemp cultivation operation in any of these zones (Manufacturing Process)

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- Property that is designated for industrial hemp cultivation within 600 feet of sensitive uses including residential zoned property to be required to put a physical barrier that blocks the view of the operation
- All hemp cultivation under the above framework would still require issuance of, and maintaining, an annual registration from the County Ag Commissioner

Amending Ordinance No. 348 to include a proposed regulatory structure for industrial hemp cultivation would be done through a public review and hearing process before the Planning Commission before a recommendation is brought to the Board of Supervisors at a noticed public hearing. As part of this process, staff may determine that other zones may also be appropriate for industrial hemp cultivation. This process would allow all stakeholders to provide input in crafting the regulatory process.

**California Environmental Quality Act (CEQA)**

Urgency Interim Ordinance No. 449.250 is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15061(b)(3) ("common sense exemption", whereby there is no possibility the activity in question may have a significant effect on the environment). Ordinance No. 449.250 is exempt pursuant to CEQA 15308 because it is a regulatory action taken by the County pursuant to its police power and in accordance with Government Code 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation, and policies; and it consists of a temporary prohibition on industrial hemp cultivation within the County, which is currently unregulated at the local level. As an interim ordinance preserving the status quo and prohibiting a new land use that might impact the environment, the ordinance is also exempt under section 15061(b)(3). There are no unusual circumstances under CEQA Guideline 15300.2(c) that would render either of these exemptions inappropriate. Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

Any future regulation of industrial hemp cultivation, if that is the policy direction of the Board, will be done as an amendment to Ordinance No. 348 and will be required to comply with CEQA.

**Impact on Residents and Businesses**

The residents and businesses in the unincorporated areas of Riverside County will benefit from a tiered regulatory structure on cultivating industrial hemp because it will aid in mitigating negative impacts such as odor and other potential nuisance impacts.

**Additional Fiscal Information**

The department has the capacity in its current budget to perform the tasks above and is not seeking additional NCC support.

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Contract History and Price Reasonableness

N/A

ATTACHMENTS

ATTACHMENT A. - Ordinance No. 449.250

  
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Gregory V. Priamos, Director County Counsel 5/28/2019





1 for federal compliance approval and directs the United States Department of  
2 Agriculture to develop federal regulations for hemp farming, which will override state  
3 regulatory programs containing less stringent requirements. As of the date of this  
4 ordinance, California does not have a plan that has been approved by the United  
5 States Secretary of Agriculture nor is there an approved federal plan.

6 C. Division 24. Industrial Hemp [81000-81010] of the Food and Agricultural Code  
7 (hereafter "FAC"), which was enacted prior to the 2018 Farm Bill on January 1, 2017,  
8 addresses the growing and cultivation of industrial hemp in California. It remains  
9 unknown whether California will amend the FAC in the wake of federal review of its  
10 hemp program under the 2018 Farm Bill.

11 D. On September 30, 2018, FAC Division 24. Industrial Hemp [81000-81010], also prior  
12 to the federal adoption of the 2018 Farm Bill, was amended by Senate Bill 1409 to  
13 remove restrictions on hemp farming methods and to specifically authorize the  
14 tending of individual hemp plants, as opposed to requiring densely planted rows,  
15 making it far more difficult for an observer to distinguish between a hemp farm and a  
16 cannabis farm either on the ground or from the air. Neither the state nor federal  
17 government currently provides any restrictions on the amount of acreage that can be  
18 used for, or the total canopy size of, an industrial hemp cultivation site.

19 E. FAC Section 81001 creates and calls for the Industrial Hemp Advisory Board to  
20 advise the California Secretary of Food and Agriculture and make recommendations  
21 to the Secretary pertaining to the cultivation of industrial hemp, including but not  
22 limited to, developing the requisite industrial hemp seed law and regulations,  
23 enforcement, and the setting of an assessment rate. The Industrial Hemp Advisory  
24 Board and California Department of Food and Agriculture are expected to implement  
25 the requisite regulations allowing the cultivation of industrial hemp for commercial  
26 purposes in 2019. Like the adoption and amendment of FAC 81000 et seq., these  
27 regulations are being developed and adopted by the state without first vetting them  
28 through the federal government as part of its compliance review of California's

1 regulatory program or plan under the 2018 Farm Bill, and it is unclear whether the  
2 regulations, once adopted, will need to be further amended to meet federal compliance  
3 requirements.

4 F. Under FAC Division 24, all commercial growers of industrial hemp must register with  
5 the County Agricultural Commissioner prior to beginning cultivation. Registration  
6 regulations were released by the California Department of Food and Agriculture on  
7 April 25, 2019 in California Code of Regulations, Title 3, Division 4, Section 4900.

8 G. The California Department of Food and Agriculture's Industrial Hemp "Frequently  
9 Asked Questions" website, provides information regarding registration with county  
10 agricultural commissioners for commercial cultivation of industrial hemp but also  
11 recognizes that such cultivation may be subject to additional local restrictions from  
12 local jurisdictions.

13 H. FAC Section 81006, subdivision (d)(1) requires registrants that grow industrial hemp  
14 to obtain a laboratory test report indicating the tetrahydrocannabinol (THC) content  
15 levels prior to harvest. While the California Department of Food and Agriculture has  
16 released the registration regulation, it has not yet released regulations pertaining to  
17 industrial hemp testing and sampling.

18 I. "Industrial hemp" is defined under FAC Section 81000 and Health and Safety Code  
19 section 11018.5 as "a crop that is limited to types of the plant Cannabis sativa L.  
20 having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained  
21 in the dried flowering tops, whether growing or not; the seeds of the plant; the resin  
22 extracted from any part of the plant; and every compound, manufacture, salt,  
23 derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom."

24 J. FAC Section 81000 expressly exempts industrial hemp from regulation under  
25 Division 10 (commencing with Section 26000) of the Business and Professions Code  
26 (the Medicinal and Adult-Use Cannabis Regulation and Safety Act), so industrial  
27 hemp is not subject to the same regulatory provisions as cannabis.

28 K. "Cannabis" is defined under the Medicinal and Adult-Use Cannabis Regulation and

1 Safety Act (MAUCRSA) codified at Business and Professions Code section 26001 as  
2 “all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis  
3 ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or  
4 purified, extracted from any part of the plant; and every compound, manufacture, salt,  
5 derivative, mixture, or preparation of the plant, its seeds, or resin... ‘cannabis’ does  
6 not mean ‘industrial hemp’ as defined by Section 11018.5 of the Health and Safety  
7 Code.”

8 L. Industrial hemp and cannabis are differentiated by definition in state law, with a major  
9 difference being industrial hemp may not contain more than 0.3%  
10 tetrahydrocannabinol (THC). However, industrial hemp and cannabis are derivatives  
11 of the same plant, cannabis sativa L., and the appearance of industrial hemp and  
12 cannabis are virtually indistinguishable. Absent a laboratory performed chemical  
13 analysis for THC content, the two plants cannot be distinguished. This makes it  
14 nearly impossible for law enforcement or the County Code Enforcement Department  
15 to independently distinguish between “hemp” and “cannabis” without entering the  
16 property and collecting samples for testing, thereby hampering civil and criminal  
17 enforcement of the County’s current cannabis regulatory program, County ordinances  
18 related thereto, and state and federal law. A grower who fails to qualify at the state or  
19 local level for permits to cultivate cannabis might be incentivized by the similarity  
20 between the plants and the comparatively less restrictive hemp laws to cultivate illegal  
21 cannabis disguised as industrial hemp, thereby increasing the likelihood of criminal  
22 activity, nuisances and danger to health, safety, and the environment.

23 M. Industrial hemp cultivation creates a pungent seasonal odor that is similar in type and  
24 intensity to the pungent seasonal odor created by cannabis cultivation. Failure to  
25 prohibit industrial hemp or to regulate the location and size of industrial hemp  
26 cultivation sites is likely to result in nuisance odors impacting neighbors and  
27 neighborhoods.

28 N. Cross-pollination from hemp plants poses a threat to licensed cannabis cultivators

1 when pollen from male hemp plants travels and cross-pollinates with female cannabis  
2 plants, which destroys the cannabis plants. Further study is required to determine if a  
3 distance can be established between a cannabis farm and a hemp farm that would  
4 adequately buffer the respective farms against harmful cross-pollination.

5 O. On October 23, 2018, the Board of Supervisors adopted a comprehensive local  
6 program to conditionally permit and regulate commercial cannabis businesses and  
7 activities, including commercial cannabis cultivation, which is reflected in Ordinance  
8 No. 348.4898. The Board of Supervisors has a strong interest in ensuring that its  
9 comprehensive local program for commercial cannabis is successful, that the potential  
10 nuisance impacts of commercial cannabis activities are properly mitigated, and that  
11 the unpermitted commercial cannabis activities are actively enforced against.

12 P. The County Agricultural Commissioner and the County Planning Department have  
13 recently received requests to register both commercial and “research” hemp  
14 cultivation sites.

15 Q. Section 21.3b. of Ordinance No. 348 defines “Agricultural Zone” as the A-1, A-2, A-  
16 D, A-P, C/V, WC-E, WC-W, and WC-WE zones.

17 R. There is an urgent need for County staff to assess the potential local impacts of  
18 industrial hemp cultivated commercially and to explore the feasibility of developing  
19 reasonable regulatory options relating thereto. Allowing the commercial cultivation  
20 of industrial hemp in specified agricultural and non-agricultural zones prior to  
21 studying whether or not its nuisance potential can be mitigated through reasonable  
22 regulations creates an current and immediate threat to the public health, safety and/or  
23 welfare of the citizens of Riverside County. Allowing the cultivation of industrial  
24 hemp in specified zones, particularly prior to the adoption of reasonable regulations at  
25 the state level and local level, if any, may result in violations of the County’s  
26 comprehensive local program to conditionally permit and regulate commercial  
27 cannabis businesses and activities, evasion of Board of Supervisors Policy No. B-9  
28 regarding commercial cannabis activities, interference with the County’s ability to

1 effectively regulate land use, and may be harmful to the welfare of the County and its  
2 residents, create a public nuisance, and threaten existing agricultural and other land  
3 uses and nearby property owners.

4 S. Riverside County has a compelling interest in protecting the public health, safety, and  
5 welfare of its residents and businesses, and in preventing the establishment of  
6 nuisances through the cultivation of industrial hemp.

7 T. In February 2018, the Board of Supervisors adopted urgency interim Ordinance No.  
8 449.248, declaring a temporary moratorium on the cultivation of industrial hemp by  
9 “Established Agricultural Research Institutions” within the unincorporated areas of  
10 the County. The temporary moratorium in Ordinance No. 449.248 was then extended  
11 by Ordinance No. 449.249 but then expired on February 11, 2019. At the time of  
12 adoption of Ordinance Nos. 449.248 and 449.249, hemp and the  
13 tetrahydrocannabinols in hemp were listed as prohibited controlled substances and  
14 commercial cultivation of industrial hemp was prohibited under state and federal law  
15 so there was no need to prohibit under local ordinances. The 2018 Farm Bill at the  
16 federal level and Senate Bill 1409 at the state level removed restrictions on the  
17 cultivation of hemp but do not preempt local regulations at the County level.

18 U. Now, pursuant to the authority under Government Code section 65858, subdivision  
19 (f), a new interim ordinance is necessary to protect the public safety, health and  
20 welfare from the unregulated commercial cultivation of industrial hemp. There is  
21 currently no state plan approved at the federal level as required by the 2018 Farm Bill,  
22 there are currently no state adopted regulations pertaining to industrial hemp testing,  
23 sampling or destruction, and there is currently no guidance in the County’s zoning  
24 ordinance, Ordinance No. 348 concerning industrial hemp cultivation. As such, there  
25 is a current and immediate threat to the public health, safety, and welfare in that the  
26 establishment of industrial hemp cultivation in specified zones in the unincorporated  
27 areas of Riverside County will result in land uses and land developments that may  
28 conflict with the County’s ordinances and General Plan.

1 V. In order to ensure the effective implementation of the County of Riverside’s land use  
2 objectives and policies, a temporary moratorium on the establishment and/or approval  
3 of industrial hemp cultivation in specified zones is necessary.

4 W. There is no feasible alternative to enactment of this moratorium ordinance that will  
5 satisfactorily mitigate or avoid the previously identified impacts to the public health,  
6 safety and welfare with a less burdensome or restrictive effect.

7 X. This ordinance complies with State law and imposes reasonable regulations that the  
8 Board of Supervisors concludes are necessary to protect the public safety, health and  
9 welfare of residents and business within the County.

10 Section 3. CULTIVATION OF INDUSTRIAL HEMP PROHIBITED.

11 A. During the term of this interim ordinance, including any extensions hereto, no  
12 person or entity shall grow industrial hemp for any purposes and no County permit,  
13 registration or approval of any type shall be issued therefor within the following  
14 zones in the unincorporated areas of Riverside County: R-R, R-R-O, R-R, R-R-O,  
15 R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-T, R-T-R, R-4, R-5, R-6, R-7, C-1 & C-  
16 P, C-T, C-P-S, C-R, C-O, S-P, I-P, M-SC, M-M, M-H, M-R, M-R-A, MU, C/V, W-  
17 2, R-D, N-A, W-2-M, W-1, WC-W, WC-WE, WC-E, WC-R, and W-E zones.

18 B. Cultivation of industrial hemp in violation of the prohibitions articulated in this  
19 interim ordinance constitutes a public nuisance and violations may be enforced and  
20 abated in the same manner as prohibited cannabis cultivation is enforced under  
21 Ordinance Nos. 725 and 925, the provisions of which are hereby incorporated by  
22 reference as applying equally to violations of this ordinance, and by any other  
23 means available by law.

24 C. During the term of this interim ordinance, including any extensions hereto, no  
25 industrial hemp cultivation shall be deemed an “agricultural crop” or “agricultural  
26 cultivation” for purposes of Ordinance No. 348 or an “agricultural activity,  
27 operation, or facility, or appurtenances thereof” for purposes of Ordinance No. 625  
28 within the following zones in the unincorporated areas of Riverside County: R-R,

1 R-R-O, R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-T, R-T-R, R-4, R-  
2 5, R-6, R-7, C-1 & C-P, C-T, C-P-S, C-R, C-O, S-P, I-P, M-SC, M-M, M-H, M-R,  
3 M-R-A, MU, C/V, W-2, R-D, N-A, W-2-M, W-1, WC-W, WC-WE, WC-E, WC-R,  
4 and W-E zones.

5 D. This section is cumulative to all other remedies now or hereafter available to abate  
6 or otherwise regulate or prevent public nuisances or to enforce the provisions of the  
7 Ordinances of the County of Riverside.

8 E. The prohibitions in this ordinance shall only apply to land in the unincorporated  
9 area subject to the County's land use jurisdiction under Section 18.2.a. of  
10 Ordinance No. 348.

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

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

19 Section 6. CONFLICTING LAWS. For the term of this ordinance, as set forth in  
20 Section 7 below, the provisions of this ordinance shall govern. To the extent that there is any conflict  
21 between the provisions of this ordinance and the provisions of any other County ordinance, resolution or  
22 policy, all such conflicting provisions shall be suspended.

23 ///

24 ///

25 ///





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



**3.28**  
(MT 9801)

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel and duly carried, IT WAS ORDERED that the recommendation from Transportation and Land Management Agency regarding policy direction on the Land Use Regulation of Industrial Hemp, and adoption of Urgency Interim Ordinance No. 449.250 imposing a temporary moratorium on the commercial cultivation of industrial hemp within the unincorporated areas of the County of Riverside is continued to Tuesday, June 4, 2019 at 9:00 a.m. or as soon as possible thereafter so as to allow staff to amend the proposed temporary moratorium to only prohibiting industrial hemp cultivation in residential zones.

Roll Call:

Ayes: Jeffries, Spiegel and Washington  
Nays: Perez and Hewitt  
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 21, 2019 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: May 21, 2019  
Kecia Harper, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

(seal)

By: *Kecia Harper* Deputy

AGENDA NO.  
3.28

xc: TLMA, Co.Co., COB

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



**ITEM  
3.28  
(ID # 9801)**

**MEETING DATE:**

Tuesday, May 21, 2019

**FROM :** TRANSPORTATION AND LAND MANAGEMENT AGENCY (TLMA):

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY: Provide Policy Direction on the Land Use Regulation of Industrial Hemp, and Adoption of Urgency Interim Ordinance No. 449.250 Imposing A Temporary Moratorium On The Commercial Cultivation Of Industrial Hemp Within The Unincorporated Areas Of The County Of Riverside, All Districts. [\$30,000] (CEQA Exempt) (4/5 vote required)

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Find Ordinance No. 449.250 exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15308 and 15061(b)(3) as set forth in the background section of this agenda item;
2. Adopt Ordinance No. 449.250, an Urgency Interim Ordinance of the County Of Riverside Declaring a Temporary Moratorium on the Commercial Cultivation of Industrial Hemp 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;
3. Provide policy direction to the Planning Department for regulation of the cultivation of hemp as a land use, including policy direction on the proposed Tiered Regulatory Structure set forth in this agenda item;
4. Adopt an Order to Initiate an amendment to Ordinance No. 348 to regulate the cultivation of hemp, including identifying the appropriate zones, development standards, and requirements for hemp cultivation;
5. Direct the Planning Department to work with the Agricultural Commissioner and County Counsel to prepare and process the amendment to Ordinance No. 348; and
6. Direct the Clerk of the Board to file the Notice of Exemption for Ordinance No. 449.250 with the County Clerk for posting.

**ACTION:Policy**

Juan O. Rivera, Director of Transportation & Land Management

5/14/2019

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

**MINUTES OF THE BOARD OF SUPERVISORS**

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$10,000	\$20,000	\$30,000	\$0
<b>NET COUNTY COST</b>	\$0	\$0	\$0	\$0
<b>SOURCE OF FUNDS:</b> Planning Department Budget			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 18/19-19/20	

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

**BACKGROUND:**

**Summary**

Federal and state law regarding cultivation of industrial hemp has evolved over the past few years. Industrial hemp and cannabis are derivatives of the same plant, *cannabis sativa L.*, with a major difference being industrial hemp may not contain more than 0.3% tetrahydrocannabinol (THC). The appearance of industrial hemp and cannabis are virtually indistinguishable without a laboratory test for the THC content. Up until last December, hemp and THC in hemp were prohibited controlled substances contained in the Federal Controlled Substances Act. Cultivation of industrial hemp was illegal under federal law except by certain institutes of higher education, State departments of agriculture, and agricultural research institutions. On December 20, 2018, the President signed the Agricultural Improvement Act of 2018, more commonly known as the 2018 Farm Bill. The 2018 Farm Bill made several substantive changes to current federal law with regard to industrial hemp, including removing it from the Controlled Substances Act. Additionally, the 2018 Farm Bill requires states wishing to be the primary regulators of hemp cultivation to submit their proposed regulatory programs for Federal compliance approval and directs the United States Department of Agriculture to develop Federal regulations for hemp farming, which will override state regulatory programs containing less stringent requirements. As of the date of this agenda item, California does not have a plan that has been approved by the United States Secretary of Agriculture nor is there an approved Federal plan.

Last fall, the Governor signed Senate Bill No. 1409 (SB 1409) into law. Under SB 1409, effective January 1, 2019, "industrial hemp" is no longer defined in the California Uniform Controlled Substances Act as a controlled substance. SB 1409 removes State restrictions on hemp farming methods and specifically authorizes the tending of individual hemp plants, as opposed to requiring densely planted rows, making it far more difficult for an observer to distinguish between a hemp farm and a cannabis farm either on the ground or from the air. Now, under SB 1409, growers must submit a registration with all applicable fees to the County Agricultural Commissioner in order to cultivate hemp or breed seeds for hemp in California. The registration and renewal fees of \$900 are set by the state under Food & Agricultural Code section 81005 and the County Agricultural Commissioner is authorized to retain a portion of the fee necessary to reimburse direct costs incurred in the collection of the fee. SB 1409 also authorizes the Board of Supervisors to establish its own registration or renewal fee to cover

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other costs of the Agricultural Commissioner for the implementation, administration and enforcement of these provisions. Registration regulations were released by the California Department of Food and Agriculture (CDFA) on April 25, 2019. While CDFA has released the registration regulation, it has not yet released regulations pertaining to industrial hemp testing and sampling. Further, CDFA's Industrial Hemp "Frequently Asked Questions" website, provides information regarding registration with County Agricultural Commissioners for commercial cultivation of industrial hemp but also recognizes that such cultivation may be subject to additional local restrictions from local jurisdictions. Neither the State nor Federal government currently provides any restrictions on the amount of acreage that can be used for, or the total canopy size of, or location of an industrial hemp cultivation site. However, the County has the ability to set such restrictions as part of the County's zoning ordinance, if desired by the Board.

The issue before the Board is whether the County should allow hemp to be cultivated as a matter of right without a land use permit in any of the agricultural zoning classifications that allow field crops in the unincorporated area of the County, subject only to compliance with state law and registration requirements, or should the County establish a regulatory structure with approval requirements, development standards, and public review for certain sized cultivation sites. It should be noted that the County's zoning ordinance, Ordinance No. 348, allows agricultural field crops in numerous zones including A-1, A-2, A-P, R-A, N-A, WC-W, WC-WE, WC-E, WC-R, R-D, R-R, R1, R-1A, R-2, R-2A, R-3, R-3A, R-T-R, R-7, MU, W-2, W-2-M, M-SC, M-M, M-H, M-R, M-R-A, and W-1. Some of these, notably R-R, R-A, and W-2, are also zones that are primarily residential in nature and the cultivation of industrial hemp may create land use compatibility issues in close proximity to residential uses due to the odor which has been identified as being similar to cannabis for certain strains of hemp and other potential issues.

Allowing the cultivation of industrial hemp, particularly prior to the adoption of reasonable regulations at the state level and local level, may result in conflicts with the County's comprehensive local program to conditionally permit and regulate commercial cannabis businesses and activities. Such unregulated cultivation would restrict the County's ability to effectively regulate land use and may be harmful to the welfare of the County and its residents, create a public nuisance, and threaten existing agricultural and other land uses and nearby property owners. Industrial hemp cultivation creates a pungent seasonal odor that is similar in type and intensity to the seasonal odor created by cannabis cultivation. Failure to prohibit industrial hemp or to regulate the location and size of industrial hemp cultivation sites is likely to result in nuisance odors impacting neighbors and neighborhoods.

Moreover, absent a laboratory performed chemical analysis for THC content, cannabis plants and hemp plants cannot be readily distinguished. This would make it very difficult for law enforcement or County Code Enforcement to independently distinguish between a "hemp" plant and a "cannabis" plant without entering the property and collecting samples for testing, thereby hampering civil and criminal enforcement of the County's current cannabis cultivation ban as well as its cannabis cultivation regulatory program that is in the works.

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**Urgency Interim Ordinance**

In February 2018, the Board of Supervisors adopted urgency interim Ordinance No. 449.248, declaring a temporary moratorium on the cultivation of industrial hemp by "Established Agricultural Research Institutions" within the unincorporated areas of the County. The temporary moratorium in Ordinance No. 449.248 was extended by Ordinance No. 449.249 but expired on February 11, 2019. At the time of adoption of Ordinance Nos. 449.248 and 449.249, hemp and the THC in hemp were listed as prohibited controlled substances and commercial cultivation of hemp was prohibited under State and Federal law. On January 29, 2019, the Board of Supervisors received a report from the Agricultural Commissioner on the 2018 Farm Bill and SB 1409. As part of the discussion on this item, the Board provided direction to TLMA and the Agricultural Commissioner to report back on whether industrial hemp could be regulated as a land use and to explore the merits of establishing a regulatory program regarding the cultivation of industrial hemp, in order to lessen potential public impacts. While the 2018 Farm Bill and SB 1409 removed restrictions on the cultivation of hemp, neither preempt the adoption of local regulations for the cultivation of industrial hemp by the County.

Pursuant to the authority under Government Code section 65858, subdivision (f), a new interim ordinance is recommended to protect the public safety, health and welfare from the unregulated commercial cultivation of industrial hemp. There is currently no State plan approved at the federal level as required by the 2018 Farm Bill, there are currently no State adopted regulations pertaining to industrial hemp testing, sampling or destruction, and there is currently no guidance in the County's zoning ordinance concerning industrial hemp cultivation. As such, there is a current and immediate threat to the public health, safety, and welfare in that the unregulated establishment of industrial hemp cultivation in the unincorporated areas of Riverside County will result in land use conflicts.

Staff is recommending that the Board enact a temporary interim moratorium prohibiting all cultivation of industrial hemp so as to allow time to draft regulations in an amendment to the County's zoning ordinance. **Without a temporary moratorium in place, industrial hemp cultivation could be allowed by right, subject only to a registration from the Agricultural Commissioner, without a land use permit throughout Riverside County in any zone that allows field crops with no opportunity for the County to impose regulations or development standards.**

It should be noted that the action to place an interim moratorium requires a 4/5th vote from the Board of Supervisors. Under Government Code section 65858, the moratorium is 45 days, unless extended by the Board of Supervisors following a public hearing. Any extension is also subject to a 4/5ths vote from the Board. TLMA will work with County Counsel to expeditiously bring forward an Amendment to the Zoning Ordinance No. 348 to set regulations for Industrial Hemp Cultivation. It should be noted that the Ordinance Amendment will need to comply with CEQA and undergo a public review process before the Planning Commission before it is brought before the Board.

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**Tiered Regulatory Structure**

TLMA staff is recommending a tiered regulatory structure for all Industrial Hemp Cultivation, both commercial and research cultivation, in the A-2, A-P, and A-D zones as follows:

- Allow cultivation as a by-right agricultural product without a land use permit, on parcels greater than 20 acres and less than 100 acres. Craft development standards that call for setbacks, such as a minimum 300-foot setback to adjacent residential-zoned property, and 100-foot setbacks to other adjacent properties. This will allow Hemp Cultivation By-Right on larger parcels that are less likely to create impacts on adjacent residential neighbors.
- Allow cultivation with a Plot Plan, requiring Planning Director review and approval, including a noticed public hearing, on parcels between 10 and 20 acres. Require setbacks such as a minimum 300-foot setback to adjacent residential-zoned property, and 100-foot setbacks to other adjacent properties, or the provision of smaller setbacks in enclosed mixed-light commercial structures (greenhouses) with proper odor-filtering devices. This provides a public and CEQA review on these mid-size parcels that have a potential to impact adjacent residential zoned property.
- Allow cultivation with a Conditional Use Permit, requiring review and approval by the Planning Commission, including a noticed public hearing, on parcels smaller than 10 acres. Require enclosed mixed-light commercial structures (greenhouses) with proper odor-filtering devices, and other potential conditions of approval to mitigate other concerns that may arise out of the public hearing process.
- Allow cultivation with a Conditional Use Permit on parcels greater than 100 acres in size. This allows for Public and CEQA review on large scale commercial cultivation sites that have the potential to cause significant impacts to traffic, noise, and other factors.
- Not allow the extraction of CBD oil as part of any industrial hemp cultivation operation in any of these zones.
- Any property that is designated for industrial hemp cultivation within 600 – 1,000 feet of sensitive uses including residential zoned property will be required to put a physical barrier that blocks the view of the operation.
- All hemp cultivation under the above framework would still require issuance of, and maintaining, an annual registration from the County Agricultural Commissioner.

Amending Ordinance No. 348 to include a proposed regulatory structure for industrial hemp cultivation would be done through a public review and hearing process before the Planning

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Commission before a recommendation is brought to the Board of Supervisors at a noticed public hearing. As part of this process, staff may determine that other zones may also be appropriate for industrial hemp cultivation. This process would allow all stakeholders to provide input in crafting the regulatory process.

**California Environmental Quality Act (CEQA)**

Urgency Interim Ordinance No. 449.250 is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15061(b)(3) ("common sense exemption", whereby there is no possibility the activity in question may have a significant effect on the environment). Ordinance No. 449.250 is exempt pursuant to CEQA 15308 because it is a regulatory action taken by the County pursuant to its police power and in accordance with Government Code 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation, and policies; and it consists of a temporary prohibition on industrial hemp cultivation within the County, which is currently unregulated at the local level. As an interim ordinance preserving the status quo and prohibiting a new land use that might impact the environment, the ordinance is also exempt under section 15061(b)(3). There are no unusual circumstances under CEQA Guideline 15300.2(c) that would render either of these exemptions inappropriate. Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

Any future regulation of industrial hemp cultivation, if that is the policy direction of the Board, will be done as an amendment to Ordinance No. 348 and will be required to comply with CEQA.

**Impact on Residents and Businesses**

The Residents and businesses in the unincorporated areas of Riverside County will benefit from a tiered regulatory structure on cultivating industrial hemp because it will aid in mitigating negative impacts such as odor and other potential nuisance impacts.

**Additional Fiscal Information**

The Department has the capacity in its current budget to perform the tasks above and is not seeking additional NCC support.

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS**

ATTACHMENT A. - Ordinance No. 449.250



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\_\_\_\_\_  
Gregory V. Priaplos, Director County Counsel 5/14/2019



1 Agriculture to develop federal regulations for hemp farming, which will override state  
2 regulatory programs containing less stringent requirements. As of the date of this  
3 ordinance, California does not have a plan that has been approved by the United  
4 States Secretary of Agriculture nor is there an approved federal plan.

5 C. Division 24. Industrial Hemp [81000-81010] of the Food and Agricultural Code  
6 (hereafter "FAC"), which was enacted prior to the 2018 Farm Bill on January 1, 2017,  
7 addresses the growing and cultivation of industrial hemp in California. It remains  
8 unknown whether California will amend the FAC in the wake of federal review of its  
9 hemp program under the 2018 Farm Bill.

10 D. On September 30, 2018, FAC Division 24. Industrial Hemp [81000-81010], also prior  
11 to the federal adoption of the 2018 Farm Bill, was amended by Senate Bill 1409 to  
12 remove restrictions on hemp farming methods and to specifically authorize the  
13 tending of individual hemp plants, as opposed to requiring densely planted rows,  
14 making it far more difficult for an observer to distinguish between a hemp farm and a  
15 cannabis farm either on the ground or from the air. Neither the state nor federal  
16 government currently provides any restrictions on the amount of acreage that can be  
17 used for, or the total canopy size of, an industrial hemp cultivation site.

18 E. FAC Section 81001 creates and calls for the Industrial Hemp Advisory Board to  
19 advise the California Secretary of Food and Agriculture and make recommendations  
20 to the Secretary pertaining to the cultivation of industrial hemp, including but not  
21 limited to, developing the requisite industrial hemp seed law and regulations,  
22 enforcement, and the setting of an assessment rate. The Industrial Hemp Advisory  
23 Board and California Department of Food and Agriculture are expected to implement  
24 the requisite regulations allowing the cultivation of industrial hemp for commercial  
25 purposes in 2019. Like the adoption and amendment of FAC 81000 et seq., these  
26 regulations are being developed and adopted by the state without first vetting them  
27 through the federal government as part of its compliance review of California's  
28 regulatory program or plan under the 2018 Farm Bill, and it is unclear whether the

1 regulations, once adopted, will need to be further amended to meet federal compliance  
2 requirements.

3 F. Under FAC Division 24, all commercial growers of industrial hemp must register with  
4 the County Agricultural Commissioner prior to beginning cultivation. Registration  
5 regulations were released by the California Department of Food and Agriculture on  
6 April 25, 2019 in California Code of Regulations, Title 3, Division 4, Section 4900.

7 G. The California Department of Food and Agriculture's Industrial Hemp "Frequently  
8 Asked Questions" website, provides information regarding registration with county  
9 agricultural commissioners for commercial cultivation of industrial hemp but also  
10 recognizes that such cultivation may be subject to additional local restrictions from  
11 local jurisdictions.

12 H. FAC Section 81006, subdivision (d)(1) requires registrants that grow industrial hemp  
13 to obtain a laboratory test report indicating the tetrahydrocannabinol (THC) content  
14 levels prior to harvest. While the California Department of Food and Agriculture has  
15 released the registration regulation, it has not yet released regulations pertaining to  
16 industrial hemp testing and sampling.

17 I. "Industrial hemp" is defined under FAC Section 81000 and Health and Safety Code  
18 section 11018.5 as "a crop that is limited to types of the plant Cannabis sativa L.  
19 having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained  
20 in the dried flowering tops, whether growing or not; the seeds of the plant; the resin  
21 extracted from any part of the plant; and every compound, manufacture, salt,  
22 derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom."

23 J. FAC Section 81000 expressly exempts industrial hemp from regulation under  
24 Division 10 (commencing with Section 26000) of the Business and Professions Code  
25 (the Medicinal and Adult-Use Cannabis Regulation and Safety Act), so industrial  
26 hemp is not subject to the same regulatory provisions as cannabis.

27 K. "Cannabis" is defined under the Medicinal and Adult-Use Cannabis Regulation and  
28 Safety Act (MAUCRSA) codified at Business and Professions Code section 26001 as

1 “all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis  
2 ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or  
3 purified, extracted from any part of the plant; and every compound, manufacture, salt,  
4 derivative, mixture, or preparation of the plant, its seeds, or resin... ‘cannabis’ does  
5 not mean ‘industrial hemp’ as defined by Section 11018.5 of the Health and Safety  
6 Code.”

7 L. Industrial hemp and cannabis are differentiated by definition in state law, with a major  
8 difference being industrial hemp may not contain more than 0.3%  
9 tetrahydrocannabinol (THC). However, industrial hemp and cannabis are derivatives  
10 of the same plant, cannabis sativa L., and the appearance of industrial hemp and  
11 cannabis are virtually indistinguishable. Absent a laboratory performed chemical  
12 analysis for THC content, the two plants cannot be distinguished. This makes it  
13 nearly impossible for law enforcement or the County Code Enforcement Department  
14 to independently distinguish between “hemp” and “cannabis” without entering the  
15 property and collecting samples for testing, thereby hampering civil and criminal  
16 enforcement of the County’s current cannabis regulatory program, County ordinances  
17 related thereto, and state and federal law. A grower who fails to qualify at the state or  
18 local level for permits to cultivate cannabis might be incentivized by the similarity  
19 between the plants and the comparatively less restrictive hemp laws to cultivate illegal  
20 cannabis disguised as industrial hemp, thereby increasing the likelihood of criminal  
21 activity, nuisances and danger to health, safety, and the environment.

22 M. Industrial hemp cultivation creates a pungent seasonal odor that is similar in type and  
23 intensity to the pungent seasonal odor created by cannabis cultivation. Failure to  
24 prohibit industrial hemp or to regulate the location and size of industrial hemp  
25 cultivation sites is likely to result in nuisance odors impacting neighbors and  
26 neighborhoods.

27 N. Cross-pollination from hemp plants poses a threat to licensed cannabis cultivators  
28 when pollen from male hemp plants travels and cross-pollinates with female cannabis

1 plants, which destroys the cannabis plants. Further study is required to determine if a  
2 distance can be established between a cannabis farm and a hemp farm that would  
3 adequately buffer the respective farms against harmful cross-pollination.

4 O. On October 23, 2018, the Board of Supervisors adopted a comprehensive local  
5 program to conditionally permit and regulate commercial cannabis businesses and  
6 activities, including commercial cannabis cultivation, which is reflected in Ordinance  
7 No. 348.4898. The Board of Supervisors has a strong interest in ensuring that its  
8 comprehensive local program for commercial cannabis is successful, that the potential  
9 nuisance impacts of commercial cannabis activities are properly mitigated, and that  
10 the unpermitted commercial cannabis activities are actively enforced against.

11 P. The County Agricultural Commissioner and the County Planning Department have  
12 recently received requests to register both commercial and “research” hemp  
13 cultivation sites.

14 Q. There is an urgent need for County staff to assess the potential local impacts of  
15 industrial hemp cultivated commercially and to explore the feasibility of developing  
16 reasonable regulatory options relating thereto. Allowing the commercial cultivation  
17 of industrial hemp prior to studying whether or not its nuisance potential can be  
18 mitigated through reasonable regulations creates an current and immediate threat to  
19 the public health, safety and/or welfare of the citizens of Riverside County. Allowing  
20 the cultivation of industrial hemp, particularly prior to the adoption of reasonable  
21 regulations at the state level and local level, if any, may result in violations of the  
22 County’s comprehensive local program to conditionally permit and regulate  
23 commercial cannabis businesses and activities, evasion of Board of Supervisors  
24 Policy No. B-9 regarding commercial cannabis activities, interference with the  
25 County’s ability to effectively regulate land use, and may be harmful to the welfare of  
26 the County and its residents, create a public nuisance, and threaten existing  
27 agricultural and other land uses and nearby property owners.

28 R. Riverside County has a compelling interest in protecting the public health, safety, and

1 welfare of its residents and businesses, and in preventing the establishment of  
2 nuisances through the cultivation of industrial hemp.

3 S. In February 2018, the Board of Supervisors adopted urgency interim Ordinance No.  
4 449.248, declaring a temporary moratorium on the cultivation of industrial hemp by  
5 “Established Agricultural Research Institutions” within the unincorporated areas of  
6 the County. The temporary moratorium in Ordinance No. 449.248 was then extended  
7 by Ordinance No. 449.249 but then expired on February 11, 2019. At the time of  
8 adoption of Ordinance Nos. 449.248 and 449.249, hemp and the  
9 tetrahydrocannabinols in hemp were listed as prohibited controlled substances and  
10 commercial cultivation of industrial hemp was prohibited under state and federal law  
11 so there was no need to prohibit under local ordinances. The 2018 Farm Bill at the  
12 federal level and Senate Bill 1409 at the state level removed restrictions on the  
13 cultivation of hemp but do not preempt local regulations at the County level.

14 T. Now, pursuant to the authority under Government Code section 65858, subdivision  
15 (f), a new interim ordinance is necessary to protect the public safety, health and  
16 welfare from the unregulated commercial cultivation of industrial hemp. There is  
17 currently no state plan approved at the federal level as required by the 2018 Farm Bill,  
18 there are currently no state adopted regulations pertaining to industrial hemp testing,  
19 sampling or destruction, and there is currently no guidance in the County’s zoning  
20 ordinance, Ordinance No. 348 concerning industrial hemp cultivation. As such, there  
21 is a current and immediate threat to the public health, safety, and welfare in that the  
22 establishment of industrial hemp cultivation in the unincorporated areas of Riverside  
23 County will result in land uses and land developments that may conflict with the  
24 County’s ordinances and General Plan.

25 U. In order to ensure the effective implementation of the County of Riverside’s land use  
26 objectives and policies, a temporary moratorium on the establishment and/or approval  
27 of industrial hemp cultivation is necessary.

28 V. There is no feasible alternative to enactment of this moratorium ordinance that will

1 satisfactorily mitigate or avoid the previously identified impacts to the public health,  
2 safety and welfare with a less burdensome or restrictive effect.

3 W. This ordinance complies with State law and imposes reasonable regulations that the  
4 Board of Supervisors concludes are necessary to protect the public safety, health and  
5 welfare of residents and business within the County.

6 Section 3. CULTIVATION OF INDUSTRIAL HEMP PROHIBITED.

7 A. During the term of this interim ordinance, including any extensions hereto, no  
8 person or entity shall grow industrial hemp for any purposes within the  
9 unincorporated areas of Riverside County and no County permit, registration or  
10 approval of any type shall be issued therefor.

11 B. Cultivation of industrial hemp in violation of the prohibitions articulated in this  
12 interim ordinance constitutes a public nuisance and violations may be enforced and  
13 abated in the same manner as prohibited cannabis cultivation is enforced under  
14 Ordinance Nos. 725 and 925, the provisions of which are hereby incorporated by  
15 reference as applying equally to violations of this ordinance, and by any other  
16 means available by law.

17 C. No industrial hemp cultivation shall be deemed an “agricultural crop” or  
18 “agricultural cultivation” for purposes of Ordinance No. 348 or an “agricultural  
19 activity, operation, or facility, or appurtenances thereof” for purposes of Ordinance  
20 No. 625.

21 D. This section is cumulative to all other remedies now or hereafter available to abate  
22 or otherwise regulate or prevent public nuisances or to enforce the provisions of the  
23 Ordinances of the County of Riverside.

24 E. The prohibitions in this ordinance shall only apply to land in the unincorporated  
25 area subject to the County’s land use jurisdiction under Section 18.2.a. of  
26 Ordinance No. 348.

27 Section 4. DECLARATION OF URGENCY. Based on the findings set forth in

28 Section 2, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon



1 adoption by the Board of Supervisors.

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

7 Section 6. CONFLICTING LAWS. For the term of this ordinance, as set forth in  
8 Section 7 below, the provisions of this ordinance shall govern. To the extent that there is any conflict  
9 between the provisions of this ordinance and the provisions of any other County ordinance, resolution or  
10 policy, all such conflicting provisions shall be suspended.

11 Section 7. EFFECTIVE DATE AND TERM. This urgency interim ordinance shall  
12 become effective immediately after it is adopted by the Board of Supervisors and shall remain in effect  
13 for forty-five (45) days from its adoption. This urgency interim ordinance may be extended in accordance  
14 with Government Code Section 65858.

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

17 By: \_\_\_\_\_

18 Chairman

19 ATTEST:

20 CLERK OF THE BOARD:

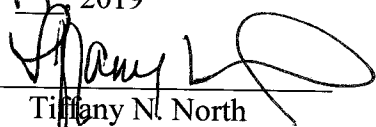
21  
22 By: \_\_\_\_\_

23 Deputy

24 (SEAL)

25 APPROVED AS TO FORM

26 May 14, 2019

27 By:   
28 Tiffany N. North  
Assistant County Counsel

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

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

**SPEAKER'S NAME:** CHARLES NELSON  
CAMARILLO CA 93010

**Address:** 724 CAVE DEL MONTE  
(only if follow-up mail response requested)

**City:** CAMARILLO **Zip:** 93010

**Phone #:** 805-312-1823

**Date:** 5/20/19 **Agenda #** 3.28

**PLEASE STATE YOUR POSITION BELOW:**

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

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

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

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

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

## **BOARD RULES**

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

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

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

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

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

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

### **Individual Speaker Limits:**

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

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

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

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

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

**SPEAKER'S NAME:** Stan McNaughton

**Address:** 57591 Santa Rosa Trail  
(only if follow-up mail response requested)

**City:** La Quinta **zip:** 92253

**Phone #:** 949-374-8830  
3.28

**Date:** 5-21-19 **Agenda #:** ~~32.8~~

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**  
       Support      ✓   Oppose           Neutral

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

       Support           Oppose           Neutral

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

## **BOARD RULES**

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

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

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



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Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Stan McNaughton

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

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

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

**Date:** \_\_\_\_\_ **Agenda #** 3.21

**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  
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the appeal below:

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

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

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✓

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

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Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Robert ~~Winkler~~  
Winkler

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

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

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

**Date:** 6-4-19 **Agenda #** 3.21

**PLEASE STATE YOUR POSITION BELOW:**

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

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

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