

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



ITEM: 3.56  
(ID # 17873)

**MEETING DATE:**

Tuesday, December 14, 2021

**FROM :** TLMA-PLANNING:

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Initiation of an amendment to Ordinance No. 348 to consider modification of certain provisions in Article XIXm Industrial Hemp Activities, pursuant to the settlement agreement with the Farm Bureau. All Districts. [\$15,000 Total Cost – General Fund / NCC 100%]

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

1. **ADOPT** an order initiating an amendment to Ordinance No. 348 that would potentially allow for the modification of certain provisions in Article XIXm Industrial Hemp Activities, pursuant to the settlement agreement with the Farm Bureau; and
2. **DIRECT** the Planning Department and County Counsel to prepare and process the amendment to Ordinance No. 348.

**ACTION:Policy**


  
John Hildebrand, Planning Director 11/30/2021

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Washington, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: December 14, 2021  
xc: TLMA-Planning

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy

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<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>	\$15,000	\$0	\$15,000	\$0
<b>NET COUNTY COST</b>	\$15,000	\$0	\$15,000	\$0
<b>SOURCE OF FUNDS:</b> General Fund / NCC 100%			<b>Budget Adjustment: No</b>	
			<b>For Fiscal Year: 21/22</b>	

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

**BACKGROUND:**

**Summary**

On **June 4, 2019**, the County's Board of Supervisors initiated an ordinance with direction to County staff to establish an Industrial Hemp regulatory framework. Accordingly, staff drafted Ordinance No. 348.4931 ("the Industrial Hemp Ordinance"), which added a new Article XIXm to Ordinance No. 348, the County's land use ordinance. The Industrial Hemp Ordinance established permitting requirements, zone classifications where Industrial Hemp Activities are permitted or conditionally permitted, development standards, and operating and manufacturing requirements for the cultivation and manufacturing of Industrial Hemp.

This proposed Industrial Hemp Ordinance was first heard at the **June 3, 2020**, Planning Commission public hearing; for a second time at the **June 17, 2020**, Planning Commission public hearing; and for a third time at the **August 5, 2020** Planning Commission public hearing. At the third hearing, the Planning Commission recommended approval of the Ordinance to the Board of Supervisors. The Board of Supervisors agendaized the Industrial Hemp Ordinance on four (4) separate hearings, ultimately approving the ordinance on **November 10, 2020**, which became effective on **December 10, 2020**.

On **April 7, 2021**, Riverside County Farm Bureau ("Farm Bureau") filed a Verified Petition for Writ of Mandamus; Complaint for Declaratory and Injunctive Relief against the County in a legal challenge entitled *Riverside County Farm Bureau v. County of Riverside et al.*, Riverside Superior Court Case No. CVRI2101772 ("the Litigation"), challenging the County's approval of the Industrial Hemp Ordinance.

Through a series of settlement meetings between the County Farm Bureau and the County of Riverside, an agreement was obtained, which resulted in certain provisions within the ordinance proposed to be amended. On **November 1, 2021**, the Farm Bureau's counsel notified the County's counsel that these amendments would be acceptable and if approved by the Board of Supervisors, would settle the Parties' disputes in the Litigation.

The Litigation is currently stayed pending consideration of the settlement provisions. The initiation of this potential amendment to the Industrial Hemp Ordinance merely allows for County



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staff to draft and bring to Planning Commission and Board of Supervisors consideration of a proposed amendment to the Industrial Hemp Ordinance that is consistent with the Settlement Agreement. County decision-makers are not required to ultimately approve the proposed amendment, and each individual decision-maker is free to approve, disapprove, abstain from voting on, or propose further changes to the proposed amendments. To the extent the decision-makers elect not to approve proposed language similar to that in the Settlement Agreement with the Farm Bureau, the Farm Bureau is not obligated to dismiss the Litigation, and the Litigation deadlines will recommence.

**Initiation Process**

The Board of Supervisors Policy No. A-67 requires initiation of an ordinance amendment by the Board of Supervisors with the adoption of an order by an affirmative majority vote. If initiated, the proposed amendment to Ordinance No. 348 will begin the land use review process which includes the applicable environmental analysis, public review and input, and public hearings before the Planning Commission and then the Board of Supervisors.

**Impact on Residents and Businesses**

The proposed ordinance amendment would result in an amicable agreement between the County Farm Bureau and the County of Riverside, to update certain provisions to Article XIXm Industrial Hemp Activities, but keeps the Ordinance in effect. The amendment provides clarity to certain provisions pertaining to the Hemp application process and operating requirements, as well as assurances that this Ordinance pertains to Industrial Hemp only and not other agricultural products. The intent of this regulatory framework is to enable the cultivation and manufacturing of Industrial Hemp throughout the County in a responsible and proactive manner, reducing community and environmental impacts.

**Additional Fiscal Information**

The total cost to complete this ordinance amendment is approximately \$15,000 – funded through NCC budget allocation. The planning process for this Project has commenced and will be completed this fiscal year. The above costs include funds spent on public outreach, drafting the ordinance amendment, environmental considerations, and public hearings.

  
Jason Farin, Principal Management Analyst 12/8/2021