



Land Use Services Department

BOARD OF SUPERVISORS HEARING

Land Use Services Department

Amendment to County Code Title 1 and Title 8
Pertaining to Code Violations and Enforcement

Agenda Item #81

Terri Rahhal
Director

December 7, 2021



- Illegal cultivation sites have expanded throughout the unincorporated areas of the County, negatively impacting the wellbeing of the County's residents.
- When illegal cultivation sites are shut down, equipment and structures are abandoned, leaving a blight on our desert communities.
- Current authority for abatement by Code Enforcement is limited to specified circumstances, including abandoned vehicles and fire hazards.
- Current procedures in the Code require progressive steps in enforcement actions, beginning with a Notice of Violation before issuing any citations.
- Current Code classifies most violations as infractions, with recent exceptions for cannabis and short-term rental violations.

Amendment to Chapter 2 of Division 1 of Title 1 of the County Code

- Creates streamlined and expedited procedures for abatement.
- Provides clarity to the enforcement chapter by defining and expanding roles for enforcement of the County Code.
- Authorizes immediate issuance of administrative citations where there are proven violations related to illegal cultivation of cannabis.

New Section 84.34.080 (Items Used To Facilitate Illegal Cannabis Cultivation)

- Declares that items typically used to facilitate the unlawful cultivation of cannabis, when located at a property confirmed to be cultivating cannabis, are a public nuisance and subject to abatement and discarding.
 - Temporary Structures (i.e. hoop houses, greenhouses, shade structures, sheds, gazebos)
 - Fencing or shielding used to conceal or obstruct view of cannabis cultivation
 - Electrical equipment (i.e. lights fans, evaporative coolers, heating and air conditioning, irrigation pumps, well pumps and generators)
 - Irrigation systems
 - Trailers/vehicles already authorized under Title 3

Revision to Section 86.09.090

- Declares that persons violating the Development Code (Title 8) may be charged with a misdemeanor unless violation is specifically declared to be an infraction.
- Violations may still be charged as an infraction at the Enforcement Officer's discretion

The Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15061(b)(3) of the CEQA guidelines because it can be determined with certainty that the proposal will not have a significant adverse effect on the environment.

- On October 21, 2021, the Planning Commission conducted a public hearing and unanimously recommended approval of the Amendments to Title 8.
- Planning Commission asked for clarification regarding enforcement actions in cases where property owners may not be aware of violations occurring on their property.
- County staff explained standard practices for working with owners, including educating the owner about the violations and allowing time for the owner to bring the property into compliance.

That the Board of Supervisors:

1. Conduct a public hearing to consider the proposed ordinance to add Section 84.34.080, relating to abatement of items used to facilitate cannabis cultivation, and amend Section 86.09.090, relating to classification of violations as a misdemeanor offense.
2. Adopt the findings as recommended by the Planning Commission.
3. Make alterations, if necessary, to proposed ordinance.
4. Approve introduction of proposed ordinance.
5. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, DECEMBER 14, 2021, on the Consent Calendar.
6. Direct the Clerk of the Board to file a Notice of Exemption.
7. Consider proposed ordinance repealing and reenacting Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code, relating to enforcement options and procedures to address violations of the County Code, including but not limited to violations of the County Code concerning illegal commercial cannabis activities.
8. Make alterations, if necessary, to proposed ordinance.
9. Approve introduction of proposed ordinance.
10. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, DECEMBER 14, 2021, on the Consent Calendar.
11. Direct the Clerk of the Board to file a Notice of Exemption.