



Land Use Services Department
Planning Division

HEMP ORDINANCES

Regulation of the Cultivation and Manufacturing of
Industrial Hemp

Agenda Item No. 63

David Doublet, Land Use Services Director
Brady Gergovich, Assistant Agricultural
Commissioner/Sealer of Weights & Measures

August 9, 2022



1. Add Chapter 84.35 to Title 8 of the San Bernardino County Code specific to regulations
2. Amend Tables 82-4, 82-7, and 82-17 related to allowed use and permit requirements
3. Add Chapter 15 to Division 3 of Title 3 of the San Bernardino County Code specific to regulations

Senate Bill 556

The County has received the highest demand in terms of the number of registrants and registered sites for hemp cultivation in the state.

Operating in Violation

- A large number of the registered industrial hemp sites are operating in violation of State law as a facade for illegal cannabis cultivation.
- Violations discovered through investigations conducted by both the Agriculture/Weights & Measures and San Bernardino County Sheriff's Departments.

Illegal cultivation sites:

- Have overwhelmed County resources, and
- Negatively impacted the well-being of the county residents and its resources.

Add Chapter 84.35 and Title 8 of the San Bernardino County Code Specific to Regulations

- Prohibited Activities
- Zoning Restriction
- Industrial Hemp Activities
- Performance Guarantees
- Development Standards
- Enforcement with inspections

Permit Requirements: classified into three categories, Small-Scale Cultivation, Large-Scale Cultivation and Class I Manufacturing

Table 84-19		
Permit Requirements for Industrial Hemp		
Use/Permit Required	Scope of Use	Minimum Lot Size
<u>Small Scale Cultivation</u> Site Plan Permit	Outdoor cultivation grown in acreages of a total combined area less than a half-acre.	1 acre
<u>Large Scale Cultivation</u> Conditional Use Permit	Outdoor cultivation grown in acreages of a total combined area of more than a half-acre.	5 acres
<u>Class I Manufacturing</u> Minor Use Permit/Conditional Use Permit	Manufacturing industrial hemp for its products or by-products using non-volatile solvents and using methods that do not produce loud noises, strong odors, fumes, or vibrations.	5 acres

All legal non-conforming Industrial Hemp Activities

- May continue operating at the existing site without having to comply with updated land use permit and zoning regulations.
- May continue, provided they maintain and operate in compliance with a valid hemp registration issued by the County Agricultural Commissioner.

Revision to Tables 82-4, 82-7, and 82-17

Allow use and permit requirements for the cultivation and manufacturing of industrial hemp in Rural Living, Agricultural, Floodway, Resource Conservation, Industrial and Special Purpose Land Use Zoning Districts.

Add Chapter 15 to Division 3 of Title 3 of the San Bernardino County Code specific to regulation of the Cultivation of Industrial Hemp

- Greater Authority over Registrations
- Industrial Hemp Activities
- Abatement Bonds
- Enhanced Enforcement and Inspection Authority

California Environmental Quality Act (CEQA) Exempt

The Development Code Amendment is exempt from 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.

Letter Notification of the Proposed Ordinance

- Sent to 39 registered hemp growers and 8 pending applicants.
- Explained to registered hemp growers and pending applicants that they will be considered legal, non-conforming uses provided they maintain their registration.

One Supportive Comment

Received comment from the Lucerne Valley Economic Development Association and Mojave Desert Resource Conservation District.

1. Adopt findings recommended by the Planning Commission for proposed ordinance relating to allowed uses, permit requirements and specific use regulations for the cultivation and manufacturing of industrial hemp.
2. Make alterations, if necessary, to proposed ordinance.
3. Approve introduction of proposed ordinance.
 - An Ordinance of San Bernardino County, State of California, to amend Tables 82-4, 82-7, and 82-17 of Division 2, related to allowed use and permit requirements for the cultivation and manufacturing of industrial hemp; and to add Chapter 84.35 to Division 4, related to specific use regulations for the cultivation and manufacturing of industrial hemp, all of Title 8 of the San Bernardino County Code.

4. Consider Department of Agriculture/Weights & Measures' proposed ordinance relating to regulations for cultivation of industrial hemp.
5. Make alterations, if necessary, to proposed ordinance.
6. Approve introduction of proposed ordinance.
 - An Ordinance of San Bernardino County, State of California, to add Chapter 15 of Division 3 of Title 3 of the San Bernardino County Code relating to regulation of the cultivation of industrial hemp.
7. SCHEDULE BOTH ORDINANCES FOR FINAL ADOPTION ON TUESDAY, AUGUST 23, 2022 on the Consent calendar.