



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: June 9, 2022

AGENDA ITEM # 2

Project Description

Applicant: County of San Bernardino Land Use Services Department

Community: Countywide

Location: Countywide

Project No: PMISC-2020-00005

Staff: Irene Romero

Proposal: Development Code Amendment to amend Tables 82-4, 82-7, and 82-17 related to allowed use and permit requirements for the cultivation and manufacturing of industrial hemp; and to add Chapter 84.35 related to specific use regulations for the cultivation and manufacturing of industrial hemp, all of Title 8 of the San Bernardino County Code.

Newspaper Publication Date: May 28, 2022

Report Prepared By: Irene Romero

PROJECT DESCRIPTION

This proposal includes two general amendments to the San Bernardino County Development Code (Development Code), which include: (1) amendments to Tables 84-4, 82-7, and 82-17 related to the addition of allowed use and permit requirements for the cultivation and manufacturing of industrial hemp; and (2) the addition of Chapter 84.35 related to specific use regulations for the cultivation and manufacturing of industrial hemp.

BACKGROUND

Since the California Industrial Hemp Farming Act (Senate Bill 556) authorizing the commercial cultivation of industrial hemp Act was signed into law and became effective on January 1, 2017, the County has received the highest demand in terms of the number of registrants and registered sites for hemp cultivation in the state.

While the demand for industrial hemp continues to grow, if not properly sited and operating in accordance with specified development standards, industrial hemp cultivation has shown to have an adverse effect on the public health, safety and welfare of the County, including, but not limited to, impacts associated with odor, noise, water contamination, water consumption, aesthetics and public safety. Specifically, due to the countywide

prohibition of cannabis cultivation, the County has discovered, through investigations conducted by the Agriculture/Weights & Measures Department and San Bernardino County Sheriff's Department, that a large number of the registered industrial hemp sites in the unincorporated County areas are operating in violation of State law and as a masquerade for illegal cannabis cultivation. These illegal cultivation sites have overwhelmed County resources and negatively impacted the well-being of the County's citizens and its resources. Accordingly, it is for these reasons that the Department has been directed to prepare proposed planning and zoning regulations to properly regulate and mitigate these adverse impacts.

ANALYSIS OF PROPOSAL

Content of the Proposed Ordinance: The Development Code Amendment represent staff's recommendation to protect neighboring residents, businesses, and the surrounding environment from negative impacts caused by the cultivation and manufacturing of industrial hemp and are summarized as follows:

- **Allowed Use and Permit Requirements** – Amend Tables 82-4, 82-7, and 82-17 related to allowed use and permit requirements for the cultivation and manufacturing of industrial hemp in the Rural Living, Agricultural, Floodway, Resource Conservation, Industrial and Special Purpose Land Use Zoning Districts.
- **Industrial Hemp** – Add Chapter 84.35 to regulate the establishment and operation of industrial hemp activities and to enforce rules and regulations consistent with Stat law, and includes the following:
 - Prohibited Activities. Prohibited Industrial Hemp Activities will include: operating without first obtaining the required land use permit; all indoor cultivation (including the use of greenhouses, hoop structures or similar structures); and the use of hauled water, temporary water storage structures, on-site generators and the screening of Industrial Hemp Activities except as provided.
 - Zoning Restriction. Industrial Hemp Activities will be limited to Resource Conservation, Agricultural, Floodway, Rural Living, and Special Development-Residential zoning districts.
 - Compliance Period. 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 provided they maintain and operate in compliance with a valid hemp registration issued by the County Agricultural Commissioner. Should the registration lapse or be lawfully revoked, the use will no longer be considered legal non-conforming and the entity will be required to comply with the industrial hemp regulations (e.g., zoning restrictions, permit requirements, setbacks, etc.), as outlined in the requirements below.

- Permit Requirements. Industrial Hemp Activities will be classified into three categories. Each category will have varying permit requirements and required findings for approval.
 - “Small-Scale Cultivation” includes: Cultivation sites that have a total combined area of less than half of an acre. Minimum lot size for a small-scale operation will be one acre and will be subject to approval of a Site Plan Permit.
 - “Large-Scale Cultivation” includes: Cultivation sites that have a total combined area greater than half of an acre. Minimum lot size for a large-scale operation will be five acres and will be subject to approval of a Conditional Use Permit.
 - “Class I Manufacturing” includes: 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. Minimum lot size for a class I manufacturing operation will be five acres and will be subject to approval of a Minor Use Permit/Conditional Use Permit.
 - All operations: Required to obtain and renew an annual Special Use Permit.
- Performance Guarantees. A security deposit of \$5,000 for a cultivation site less than five acres will be required. An additional \$1,000 per acre deposit will be required for sites larger than five acres.
- Development Standards. In addition to permit requirements and findings for approval, industrial hemp activities shall comply with numerous development standards including:
 - Setbacks. A minimum setback of 100 feet is required for Industrial Hemp Activities adjacent to a residential zone, and a 1,000-foot setback is required for Industrial Hemp Activities adjacent to a sensitive receptor, as defined.
 - Operational Standards. Operational standards include: a storage and waste plan to help prevent the diversion and theft of industrial hemp; a transportation plan to ensure safe and secure delivery of Industrial Hemp; and water conservation measures to minimize the use of water.
- Enforcement: Registered hemp entities consent to the entry by enforcement officers to make inspections and to take such actions as may be necessary to enforce the provisions of the Development Code. Violations will be considered misdemeanors and subject to fines or imprisonment.

ENVIRONMENTAL DETERMINATION

The Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and it can be determined with certainty that the Development Code Amendment will not have a significant effect on the environment.

FINDINGS

The following findings must be made by the Planning Commission in its recommendation to the Board of Supervisors to approve the proposed Development Code Amendment:

1. The proposed ordinance amending the Development Code is consistent with the Countywide Plan and any applicable specific plan because it supports land use goals and policies designed to require compatibility with existing uses, planned uses and the natural environment. Specifically, the proposed amendment includes regulations that will require increased setbacks and operational standards so that industrial hemp activities may be compatible with surrounding uses. The proposed amendment is also consistent with policies designed to reinforce community identity and will allow the County to properly regulate the establishment and operation of industrial hemp activities as delineated in proposed Chapter 84.35 of the Development Code.
2. The proposed ordinance amending the Development Code would not be detrimental to the public interest, health, safety, convenience or welfare of the County. The proposed ordinance is designed specifically to enhance the public interest, health, safety, convenience and welfare of the County to effectively regulate and mitigate the cultivation and manufacturing of industrial hemp activity.
3. The proposed ordinance amending the Development Code is internally consistent with other applicable provisions of the Development Code. The proposed ordinance identifies the Land Use Zoning Districts for allowed use and regulates the establishment and operation for the cultivation and manufacturing of industrial hemp.
4. The proposed amendment is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and it can be determined with certainty that implementation of the proposed ordinance would not have a significant effect on the environment.

RECOMMENDATION

That the Planning Commission recommend that the Board of Supervisors take the following actions:

1. **FIND** that the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3);
2. **ADOPT** the findings as contained in the staff report;
3. **ADOPT** the proposed Ordinance to amend Tables 82-4, 82-7, and 82-17, and add Chapter 84.35, related to specific use regulation for the cultivation and manufacturing of industrial hemp; and
4. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

ATTACHMENTS

Exhibit A: Proposed Ordinance (New Chapter 84.35 and Red-lined Land Use Tables)

EXHIBIT A

Proposed Ordinance (New Chapter 84.35 and Red-lined Land Use Tables)

development standards proposed herein, industrial hemp cultivation has an adverse effect on the public health, safety and welfare of the County, including, but not limited to, impacts associated with odor, noise, water contamination, water consumption, aesthetics and public safety. Specifically, due to the countywide prohibition of cannabis cultivation, the County has discovered, through investigations conducted by the Agriculture/Weights & Measures Department and San Bernardino County Sheriff's Department, that many of the registered industrial hemp sites in the unincorporated County areas are operating in violation of State law and as a masquerade for illegal cannabis cultivation. These illegal cultivation sites have overwhelmed County resources and negatively impacted the well-being of the County's citizens and its resources. Accordingly, the County finds that planning and zoning regulations are needed in order to properly regulate and mitigate these adverse impacts.

(d) Properly noticed public hearings have been held before the San Bernardino County Planning Commission and the San Bernardino County Board of Supervisors pursuant to the Planning and Zoning Law of the State of California and the San Bernardino County Development Code.

(e) This ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, Section 15060, subdivision (c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, or is exempt from CEQA pursuant to Section 15061, subdivision (b)(3) because there is no possibility the activity in question may have a significant effect on the environment. In addition to the foregoing general exemption, the Board of Supervisors further finds that the ordinance is categorically exempt from review under CEQA pursuant to the Class 8 categorical exemption, 14 California Code of Regulations, Section 15308 because the ordinance is intended to assure the maintenance or protection of the environment associated with industrial hemp cultivation that is currently an unregulated land use. Each exemption stands as a separate and independent basis for determining that this ordinance is not

subject to CEQA.

SECTION 2. Table 82-4 of Section 82.03.040(b), Division 2, Title 8 of the San Bernardino County Code is amended to read in its entirety as follows:

Table 82-4					
Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts					
Land Use See Division 10 (Definitions) for land use definitions	Permit Required by District				Specific Use Regulations
	RC	AG	FW	OS	
Agricultural, Resource & Open Space Uses					
Agricultural support services	M/C	M/C	CUP	—	
Animal keeping	S	S	S	—	84.04
Community Gardens	A	A	A	—	
Crop production, horticulture, orchard, vineyard	A	A	A	—	
<u>Industrial Hemp Cultivation - Small Scale (minimum 1-acre lot size)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>84.35</u>
<u>Industrial Hemp Cultivation - Large Scale (minimum 5-acre lot size)</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>—</u>	<u>84.35</u>
Livestock operations	S	S	S	—	84.04
Natural resources development (mining)	CUP	CUP	CUP	—	88.03
Nature preserve (accessory uses)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
Lake, reservoir	M/C	M/C	M/C	M/C	
Pond	A	A	A	A	
Winery	M/C	M/C	—	—	
Industry, Manufacturing & Processing, Wholesaling					
Composting operations	CUP	CUP	—	—	
Hazardous waste facilities	CUP	CUP	—	—	84.11
Industrial use requiring extensive buffering	CUP	CUP	—	—	
Recycling facilities	S	S	—	—	84.19
Recreation, Education & Public Assembly					
Agritourism enterprises	S	S	—	—	84.03
Campgrounds	M/C	M/C	—	—	
Conference/convention facility	CUP	CUP	—	—	
Equestrian facility	M/C	M/C	—	—	
Fitness/health facility	M/C	—	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	—	—	
Meeting facility, public or private	CUP	CUP	—	—	
Park, playground	M/C	M/C	—	—	
Places of worship	CUP	CUP	—	—	
Recreational vehicle park	CUP ⁽²⁾				

1	Rural sports and recreation	CUP	CUP	—	—	
2	School - College or university	CUP	CUP	—	—	
3	School - Private	CUP	CUP	—	—	
4	School - Specialized education/training	CUP	CUP	—	—	
	Residential⁽⁷⁾					
5	Accessory use or structure - Residential	A ⁽³⁾	A ⁽³⁾	—	—	84.01
6	Guest housing	A ⁽³⁾	A ⁽³⁾	—	—	84.01
7	Accessory dwelling unit	A ⁽⁴⁾	A ⁽⁴⁾	—	—	84.01
8	Junior accessory dwelling unit	A ⁽⁴⁾	(A) ⁽⁴⁾	—	—	84.01
9	Single dwelling	A	A	—	—	
	Retail					
10	Produce stands (200 sq. ft. or less on lots that are 10,000 sq. ft. or greater)	A ⁽⁵⁾	A	—	—	84.03
11	Services - Business & Professional					
12	Medical services - Hospital	M/C	M/C	—	—	
13	Medical services - Rehabilitation centers	M/C	M/C	—	—	
14	Office - Accessory	P	P	—	—	
15	Office - Government	M/C	M/C	—	—	
	Services - General					
16	Cemetery including pet cemeteries	CUP	CUP	—	—	
17	Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
18	Emergency Shelter	—	CUP	—	—	84.33
19	Home Occupation	SUP	SUP	—	—	84.12
20	Licensed Residential Care Facility of 6 or fewer persons	A	A	—	—	
21	Licensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	84.23
22	Lodging - Bed and breakfast inn (B&B)	SUP	SUP	—	—	
23	Public safety facility	M/C	M/C	—	—	
24	Short-Term Residential Rentals	SUP	SUP	—	—	84.28
25	Unlicensed Residential Care Facility of 6 or fewer persons	RCP	RCP	—	—	84.32
26	Unlicensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	
	Transportation, Communications & Infrastructure					
27	Broadcasting antennae and towers	M/C	M/C	—	—	
28	Electrical power generation	CUP	CUP	—	—	
	Pipelines, transmission lines, and control stations ⁽⁶⁾	(6)	(6)	(6)	(6)	
	Renewable Energy Generation Facilities	CUP	CUP	CUP	—	
	Sewage treatment and disposal facility	CUP	CUP	—	—	
	Solid waste disposal	CUP	CUP	—	—	
	Transportation facility	CUP	CUP	—	—	
	Utility facility	CUP	CUP	CUP	—	
	Wind energy system, accessory	S	S	S	—	84.26
	Wireless telecommunications facility	S	S	S	—	84.27
	Other					

Accessory structures and uses	A	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	TSP	85.16
Temporary structures and uses	TUP	TUP	TUP	TUP	84.25

<i>Key</i>				
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)	
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)	
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)	
		TSP	Temporary Special Events Permit required (Chapter 85.16)	
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)	
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)	
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed	

Notes:
(1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).
(2) Density of the recreational vehicles in a Recreational Vehicle Park shall be limited to 4 per acre.
(3) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
(4) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.
(5) In Phelan/Pinon Hills Community Plan area, a maximum 6 sq/ ft. advertising sign shall be allowed.
(6) Pipelines, transmission lines, and control station uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050 (Alternate Review Procedures).
(7) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

SECTION 3. Table 82-7 of Section 82.04.040(b), Division 2, Title 8 of the San Bernardino County Code is amended to read in its entirety as follows:

Table 82-7				
Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts				
Land Use See Division 10 (Definitions) for land use definitions	Permit Required by District			Specific Use Regulations
	RL ⁽¹⁾	RS	RM	
Agricultural, Resource & Open Space Uses				
Accessory crop production	A ⁽²⁾	A ⁽²⁾	A ⁽²⁾	84.01

1	Agricultural accessory structure - 1,000 sf max.	A	A	A	
2	Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
3	Agricultural accessory structure - greater than 10,000 sf on 5 ac. or less	M/C	—	—	
4	Agricultural support services	CUP	—	—	
5	Animal keeping	S	S	S	84.04
6	Community Gardens	A	CUP	A	
7	Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
8	<u>Industrial Hemp Cultivation - Small Scale (minimum 1-acre lot size)</u>	<u>P</u>	<u>—</u>	<u>—</u>	<u>84.35</u>
9	<u>Industrial Hemp Cultivation - Large Scale (minimum 5-acre lot size)</u>	<u>CUP</u>	<u>—</u>	<u>—</u>	<u>84.35</u>
10	Livestock operations	CUP	—	—	84.04
11	Natural resources development (mining)	CUP	—	—	88.03
12	Nature preserve (accessory uses)	M/C	—	—	
13	Lake	M/C	CUP	—	
14	Pond	A	A	M/C	
15	Industry, Manufacturing & Processing, Wholesaling				
16	Composting operations	CUP	—	—	
17	Recycling facilities - reverse vending machine, accessory	S	—	—	84.19
18	Recreation, Education & Public Assembly Uses				
19	Agritourism enterprises	S	—	—	84.03
20	Campgrounds ⁽³⁾	CUP	—	—	
21	Commercial entertainment - Indoor ⁽³⁾	CUP	—	—	
22	Conference/convention facility ⁽³⁾	CUP	—	—	
23	Equestrian facility ⁽³⁾	M/C	S ⁽⁴⁾	—	
24	Golf course ⁽³⁾	CUP	—	—	
25	Library, museum, art gallery, outdoor exhibit ⁽³⁾	M/C	M/C	M/C	
26	Meeting facility, public or private ⁽³⁾	CUP	CUP	CUP	
27	Park, playground ⁽³⁾	P	P	P	
28	Places of worship	CUP	CUP	CUP	
29	Rural sports and recreation ⁽³⁾	M/C	—	—	
30	School - College or university	CUP	CUP	—	
31	School - Private	CUP	CUP	—	
32	School - Specialized education/training	CUP	—	—	
33	Sports or entertainment assembly ⁽³⁾	CUP	—	—	
34	Residential⁽¹⁰⁾				
35	Accessory structures and uses	A	A	A	84.01
36	Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	—
37	Guest house	A	A	A	84.01
38	Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
39	Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
40	Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
41	Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16

1	Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
2	Parolee and/or probationer home	—	—	CUP	
3	Accessory dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	A ⁽⁵⁾	84.01
4	Junior accessory dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	A ⁽⁵⁾	84.01
5	Single dwelling	A	A	A ⁽⁶⁾	
6	Retail				
7	Produce stand	A ⁽⁷⁾	A ⁽⁷⁾	A ⁽⁷⁾	
8	Services - General				
9	Cemetery, including pet cemeteries	CUP	CUP	—	84.06
10	Child care - Family day care home (up to 14 children)	A	A	A	
11	Child care - Day care center	M/C	M/C	M/C	
12	Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
13	Emergency shelter	—	—	CUP	84.33
14	Home occupation	SUP	SUP	SUP	84.12
15	Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
16	Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
17	Lodging - Bed and breakfast inn (B&B)	SUP ⁽⁸⁾	SUP ⁽⁸⁾	SUP ⁽⁸⁾	84.05
18	Public safety facility	M/C	M/C	M/C	
19	Short-Term Residential Rentals	SUP	SUP	SUP	84.28
20	Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
21	Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	
22	Transportation, Communications & Infrastructure				
23	Broadcasting antennae and towers	M/C	—	—	
24	Electrical power generation	CUP	—	—	
25	Pipelines, transmission lines, and control stations ⁽⁹⁾	(9)	(9)	(9)	
26	Renewable Energy Generation Facilities	CUP	—	—	84.29
27	Sewage treatment and disposal facility	CUP	CUP	CUP	
28	Solid waste disposal	CUP	CUP	CUP	
29	Telecommunications facility	S	S	S	84.27
30	Transportation facility	M/C	M/C	M/C	
31	Utility facility	CUP	CUP	CUP	
32	Wind energy accessory	S	S	S	84.26
33	Wireless telecommunications facility	S	S	S	84.27
34	Other				
35	Accessory structures and uses	A	A	A	84.01
36	Temporary special events	TSP	TSP	TSP	84.25
37	Temporary structures and uses	TUP	TUP	TUP	84.25
38	Key				
39	A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)	
40	P	Permitted Use; Site Plan Permit required (Chapter	SUP	Special Use Permit required (Chapter 85.14)	

	85.08)		
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

Notes:

(1) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [§ 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [§ 84.03.030(b)(5)].

(2) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.

(3) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in § 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.

(4) A boarding facility only with a Home Occupation Permit.

(5) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.

(6) Single dwellings will only be allowed within an RM Land Use Zoning District when sewer service is not available or the lot is less than 1/2 acre.

(7) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq. ft. structure for storage and sales and a maximum 6 sq. ft. advertising sign; in RS and RM, can only operate for 72 hours per month.

(8) A CUP shall be required for three or more rooms.

(9) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.

(10) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

SECTION 4. Table 82-17 of Section 82.06.040(c), Division 2, Title 8 of the San Bernardino County Code is amended to read in its entirety as follows:

<i>Table 82-17</i>							
<i>Allowed Land Uses and Permit Requirements for Industrial and Special Purpose Land Use Zoning Districts</i>							
	PERMIT REQUIRED BY DISTRICT						
LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	IC	IR	IN	SD-RES (I)	SD-COM (I)	SD-IND (I)	Specific Use Regulations
Agricultural, Resource & Open Space Uses							

1	Agriculture Support Services	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
2	Animal Keeping	—	—	—	S	—	—	84.04
3	Community Gardens	—	—	—	A	—	—	
4	Crop production, horticulture, orchard, vineyard	—	—	—	A	—	—	
5	<u>Industrial Hemp Cultivation - Small Scale (minimum 1-acre lot size)</u>	=	=	=	P	=	=	<u>84.35</u>
6	<u>Industrial Hemp Cultivation - Large Scale (minimum 5-acre lot size)</u>	=	=	=	CUP	=	=	<u>84.35</u>
7	Natural resources development (mining)	CUP	CUP	—	CUP	CUP	CUP	
8	Nature preserve (accessory uses)	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
9	Industry, Manufacturing & Processing, Wholesaling							
10	Adult Business	ABP	—	—	—	—	—	84.02
11	Construction contractor storage yard	M/C	P ⁽²⁾	—	M/C	M/C ⁽³⁾	M/C	
12	Hazardous waste operation	—	CUP	—	—	—	—	
13	<u>Industrial Hemp – Class I Manufacturing (minimum 5-acre lot size)</u>	<u>M/C</u>	<u>M/C</u>	=	<u>M/C</u>	<u>M/C</u>	<u>M/C</u>	<u>84.35</u>
14	Firewood contractor	P	P	—	—	—	M/C	84.09
15	Manufacturing Operations I	P ⁽²⁾	P ⁽²⁾	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
16	Manufacturing Operations II	— (5), (6)	M/C	—	—	—	CUP ⁽⁴⁾	
17	Motor vehicle storage/Impound facility	M/C	M/C	—	—	—	M/C	
18	Recycling facilities - Small collection facility	SUP	SUP	—	—	MUP	MUP	84.19
19	Recycling facilities - Large collection facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
20	Recycling facilities - Light processing facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
21	Recycling facilities - Heavy processing facility	CUP	CUP	—	—	—	CUP	84.19
22	Recycling facilities, reverse vending machines (accessory only)	A	A	—	A	A	A	84.19
23	Salvage operations - Within an enclosed structure	CUP	M/C	—	—	CUP	M/C	
24	Salvage operations - General	—	CUP	—	—	—	—	
25	Storage - Personal storage (mini-storage)	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
26	Storage - Recreational vehicles	M/C	M/C	—	M/C	M/C	M/C	
27	Storage - Warehouse, indoor storage	M/C	M/C	—	—	M/C	M/C	
28	Wholesaling and distribution	M/C	M/C	—	—	M/C	M/C	
	Recreation, Education & Public Assembly							

Campgrounds	—	—	—	CUP	—	—	
Commercial entertainment - Indoor	M/C	—	—	M/C	M/C	M/C	
Conference/convention facility	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Equestrian facility	—	—	—	M/C	M/C	M/C	
Fitness/health facility	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Golf course	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Library, museum, art gallery, outdoor exhibit	—	—	—	M/C	M/C	M/C	
Meeting facility, public or private	CUP	—	—	CUP	CUP	CUP	
Park, playground	—	—	P	P	P	P	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Rural sports and recreation	—	—	—	CUP	CUP	CUP	
School - College or university	M/C	M/C	M/C	M/C	M/C	M/C	
School - Private	M/C	M/C	M/C	M/C	M/C	M/C	
School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
Residential⁽¹⁴⁾							
Accessory dwelling (labor quarters, etc.)	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	P ^(7,8)	P ^(7,8)	P ^(7,8)	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	—	M/C	M/C	—	
Guest housing	—	—	—	P ⁽⁸⁾	—	—	84.01
Live/work unit	M/C	—	—	M/C	M/C	—	
Mobile home park/manufactured home land-lease community	—	—	—	CUP	CUP	—	
Multiple residential use	—	—	—	PD	PD	PD	
Parolee and/or probationer home	—	—	—	CUP	CUP	—	
Residential use with retail, service, or industrial use	—	—	—	PD	PD	PD	
Accessory dwelling unit	—	—	—	A ⁽¹⁵⁾	—	—	84.01
Single dwelling	—	—	—	A	—	—	
Retail							
Auto and vehicle sales and rental	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Bar, tavern	—	—	—	M/C	M/C	M/C	
Building and landscape materials sales - Indoor	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Building and landscape materials sales - Outdoor	M/C	M/C	—	—	CUP	CUP	
Construction and heavy equipment sales and rental	M/C	M/C	—	—	CUP	CUP	

1	Convenience store	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
2	Fuel dealer (propane for home and farm use, etc.)	CUP	CUP	—	CUP	CUP	CUP	
3	General retail - 10,000 sf or less, with or without residential unit	—	—	—	M/C	M/C	M/C	
4	General retail - More than 10,000 sf, with or without residential unit	—	—	—	PD	PD	PD	
5	Manufactured home or RV sales	M/C	M/C	—	—	M/C	M/C	
6	Night Club	—	—	—	M/C	M/C	M/C	
7	Restaurant, café, coffee shop	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
8	Second hand stores, pawnshops	P ⁽²⁾	—	—	M/C	M/C	M/C	
9	Service station	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
10	Swap meet, outdoor market, auction yard	M/C	M/C	—	—	—	M/C	
11	Warehouse retail	P ⁽²⁾	P ⁽²⁾	—	—	CUP	CUP	
12	Services - Business, Financial, Professional							
13	Medical services - Hospital ⁽⁴⁾	M/C	M/C	M/C	M/C	M/C	M/C	
14	Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
15	Office - Accessory	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	
16	Professional Services	P ⁽²⁾	—	—	M/C	M/C	M/C	
17	Services - General							
18	Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
19	Cemetery, including pet cemeteries	—	—	—	CUP	CUP	CUP	84.06
20	Correctional institution	— ⁽⁴⁾	— ⁽⁴⁾	CUP	— ⁽⁴⁾	— ⁽⁴⁾	— ⁽⁴⁾	
21	Emergency Shelter	CUP	—	—	CUP	CUP	CUP	84.33
22	Equipment rental	P ⁽²⁾	P ⁽²⁾	—	—	M/C	M/C	
23	Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
24	Kennel or cattery	M/C	—	—	—	—	M/C	84.04
25	Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	—	84.23
26	Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.23
27	Lodging - Bed and breakfast inn (B&B)	—	—	—	SUP ⁽⁹⁾	SUP ⁽⁹⁾	—	
28	Lodging - Hotel or motel - 20 or fewer guest rooms	—	—	—	M/C	M/C	—	
	Lodging - Hotel or motel - More than 20 guest rooms	—	—	—	M/C	M/C	—	
	Personal services	P ⁽²⁾	—	—	M/C	M/C	M/C	
	Public safety facility	M/C	M/C	M/C	M/C	M/C	M/C	
	Unlicensed Residential Care Facility of 6 or	RCP	—	—	RCP	RCP	—	84.32

1	fewer persons							
2	Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	
3	Vehicle services - Major repair/body work	P ⁽²⁾	P ⁽²⁾	—	—	M/C ⁽¹⁰⁾	M/C	
4	Vehicle services - Minor maintenance/repair	P ⁽²⁾	P ⁽²⁾	CUP ⁽¹¹⁾	—	M/C ⁽¹⁰⁾	M/C	
5	Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	
6	Transportation, Communications & Infrastructure							
7	Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
8	Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	
9	Parking lots, accessory	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	
10	Broadcasting studio	M/C	M/C	M/C	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
11	Communication contractor	M/C	M/C	M/C	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	
12	Electrical power generation	CUP	CUP	CUP	—	—	—	
13	Parking structures	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	M/C	M/C	M/C	
14	Pipelines, transmission lines, and control stations ⁽¹³⁾	(13)	(13)	(13)	(13)	(13)	(13)	
15	Renewable Energy Generation Facilities	CUP	CUP	CUP	—	—	—	84.29
16	Sewage treatment and disposal facility ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
17	Solid waste disposal ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
18	Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
19	Truck Stop	M/C	M/C	—	—	—	M/C	
20	Truck Terminal	M/C	M/C	—	—	—	M/C	
21	Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
22	Water treatment plants and storage tanks	—	CUP	CUP	—	CUP	CUP	
23	Wind energy system, accessory	S	S	S	S	S	S	84.26
24	Wireless telecommunications facility	S	S	S	S	S	S	84.27
25	Other							
26	Accessory structures and uses	P	P	P	P	P	P	84.01
27	Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
28	Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25
	Key							
	A	Allowed use (no planning permit required)			PD	Planned Development Permit required (Chapter 85.10)		
	ABP	Adult Business Regulatory Permit			TUP	Temporary Use Permit required (Chapter 85.15)		
	P	Permitted Use; Site Plan Permit required (Chapter 85.08)			SUP	Special Use Permit required (Chapter 85.14)		
	M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)			S	Permit requirement set by Specific Use Regulations (Division 4)		

CUP	Conditional Use Permit required (Chapter 85.06)	TSP	Temporary Special Events Permit required (Chapter 85.16)
MUP	Minor Use Permit required (Chapter 85.06)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
		—	Use not allowed

Notes:

(1) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.

(2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).

(3) This use shall be located completely within an enclosed structure.

(4) PD Permit required if total floor area or use area exceeds 10,000 sq. ft.

(5) Concrete batch plants in the Phelan planning area may be allowed subject to a CUP.

(6) Pallet manufacturing, reconditioning, and storage yards in the unincorporated area in Fontana bounded by the I-10 on the north, Almond Ave. on the east, 660 ft. south of Santa Ana Ave. on the south, and Mulberry Ave. on the west that is zoned IC may be allowed subject to a CUP.

(7) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.

(8) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.

(9) A CUP shall be required for three or rooms.

(10) This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.

(11) When associated with an institutional use.

(12) Use allowed as an accessory use only, on the same site as a retail service, or industrial use allowed by this table.

(13) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050.

(14) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

(15) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region.

SECTION 5. Chapter 84.35 is hereby added to Division 4, Title 8 of the San Bernardino County Code to read as follows:

CHAPTER 84.35: INDUSTRIAL HEMP

84.35.010 Purpose.

84.35.020 Prohibited Activities.

84.35.030 Applicability.

84.35.040 Definitions.

- 1 84.35.050 Permit Requirements.
- 2 84.35.060 Approval Requirements for Industrial Hemp Activities.
- 3 84.35.070 General Development Standards.
- 4 84.35.080 Outdoor Industrial Hemp Operational Standards.
- 5 84.35.090 Manufacturing Facilities Operational Standards.
- 6 84.35.100 Administration and Enforcement.
- 7 84.35.110 Registered Hemp Entity Responsible for Violations.
- 8 84.35.120 Limitations on County Liability.

9 **84.35.010 Purpose.**

10 The purpose of this Chapter is to regulate the establishment and operation of
11 industrial hemp activities in order to protect neighboring residents, businesses, and the
12 surrounding environment from negative impacts caused by the cultivation and
13 manufacturing of industrial hemp, and to enforce rules and regulations consistent with
14 State law.

15 **84.35.020 Prohibited Activities.**

16 (a) Industrial hemp activity not authorized in compliance with Division 2 of this
17 Title (Land Use Zoning Districts and Allowed Land Uses) and registered with the County
18 Agricultural Commissioner is prohibited in all zones and is hereby declared a public
19 nuisance subject to all available legal remedies as provided in Section 84.35.100
20 (Administration and Enforcement).

21 (b) Indoor industrial hemp cultivation is prohibited in all Land Use Zoning
22 Districts.

23 (c) The use of hauled water for outdoor industrial hemp cultivation is prohibited.

24 (d) The use of temporary water storage structures, including but not limited to
25 plastic lined ponds, for outdoor industrial hemp cultivation is prohibited.

26 (e) Industrial hemp activities shall not be located within one thousand (1,000)
27 feet of any sensitive receptor. For purposes of this Chapter, distance shall be measured
28 from the nearest point of the respective lot lines using a direct straight-line measurement.

1 A new adjacent use will not affect the continuation of an existing legal use that has been
2 established under this Chapter and continuously operating in compliance with the
3 applicable land use permit and other applicable State and local laws and regulations. This
4 location requirement may be modified with the approval of a major variance in compliance
5 with Chapter 85.17 (Variances).

6 (f) The use of greenhouses, hoop structures or similar permanent or non-
7 permanent structures for outdoor industrial hemp cultivation is prohibited.

8 (g) The use of screening, including but not limited to exterior gates or fencing
9 to completely screen industrial hemp activities is prohibited except for cultivation sites
10 adjacent to a residential zoning district or sensitive receptor.

11 (h) Industrial hemp manufacturing facilities using volatile solvents are
12 prohibited.

13 **84.35.030 Applicability.**

14 The requirements of this Chapter apply to industrial hemp activities where allowed
15 in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). A
16 registered hemp entity legally operating with a valid registration issued by the County
17 Agricultural Commissioner at the time of the effective date of this ordinance may continue
18 cultivation of industrial hemp, at the existing cultivation site identified on the registration,
19 as a legal nonconforming use in accordance with Chapter 84.17 (Nonconforming Uses
20 and Structures), provided the registered hemp entity timely renews and continues to
21 maintain a valid hemp registration with the County Agricultural Commissioner. The failure
22 to timely renew and maintain a valid hemp registration shall constitute prima facie
23 evidence that the use has been discontinued and abandoned. In the event a registered
24 hemp entity allows the registration to lapse or is lawfully revoked, a registered hemp entity
25 shall comply with the requirements of this Chapter.

26 **84.35.040 Definitions.**

27
28

1 The definitions in this Section are intended to apply to this Chapter only. Any term
2 which is not specifically defined herein shall have the definition as provided by Division
3 10 of the Development Code.

4 (a) **COUNTY.** Refers to San Bernardino County, a political subdivision of the
5 State of California, and means the unincorporated area of San Bernardino County.

6 (b) **CULTIVATION.** Any activity involving the propagation, planting, growing,
7 breeding, harvesting, drying, curing, or other development of industrial hemp plants or
8 propagative material. Cultivation shall not include the manufacture or retail sale of
9 industrial hemp or industrial hemp products.

10 (c) **CULTIVATION SITE.** Contiguous land area on which the hemp entity plans
11 to engage in industrial hemp cultivation, storage, or both.

12 (d) **CULTIVATION SUPPORT SERVICES.** Means uses that are supportive of
13 the farm community and are fully compatible with agricultural uses. Cultivation support
14 services are uses that directly support or that are accessory or incidental to an established
15 industrial hemp use within the general vicinity. These services do not adversely affect
16 surrounding properties, groundwater or infrastructure. These include but are not limited
17 to storage of machinery equipment and supplies, products packaging and processing, or
18 agricultural product warehousing and storage.

19 (e) **ENFORCEMENT OFFICER.** Shall have the same meaning as defined in
20 Section 11.0202 (Definitions) of the County Code.

21 (f) **GREENHOUSE.** A structure that is used for the indoor propagation of
22 plants, whether or not installed with permanent structural elements, such as footings or
23 foundations, and is constructed with a translucent roof or walls.

24 (g) **HOOP STRUCTURE.** A structure consisting of a lightweight metal, plastic,
25 or wooden frame, or a series of hoops, that is covered by an impermeable, removable
26 layer of plastic or polyethylene film used to protect plants grown in the soil. A hoop
27 structure has no permanent structural elements, such as footings, foundations, plumbing,
28 or electrical wiring. The term “hoop structure” includes structures commonly known as

1 “hoop houses.”

2 (h) **INDOOR CULTIVATION.** The cultivation of industrial hemp within a
3 temporary or permanent building or structure using artificial light.

4 (i) **INDUSTRIAL HEMP.** Shall have the same meaning as defined in Section
5 81000 of the California Food and Agricultural Code, and as hereafter amended.

6 (j) **INDUSTRIAL HEMP ACTIVITY OR ACTIVITIES.** Includes, but is not
7 limited to the cultivation, possession, distribution, manufacturing, storing, laboratory
8 testing, packaging, labeling, transportation, delivery, dispensing or sale of industrial hemp
9 for commercial purposes. Industrial hemp activities do not include the retail sale of
10 industrial hemp or industrial hemp products.

11 (k) **MANUFACTURE.** To produce, prepare, propagate, compound, or
12 otherwise blend, extract, or infuse hemp and/or hemp products either directly or indirectly,
13 or by extraction methods, or independently by means of chemical synthesis or by a
14 combination of extraction and chemical synthesis.

15 (l) **MANUFACTURED HEMP.** Raw hemp that has undergone a process
16 whereby the raw hemp has been transformed into a concentrate, extract, or other
17 manufactured product intended for internal consumption, through inhalation, oral
18 ingestion, or for topical application, or any other use in which the hemp is used, including
19 but not limited to building material, food, fuel, medicine, paper, plastic, substitute, rope
20 and textiles.

21 (m) **OUTDOOR CULTIVATION.** Any cultivation of industrial hemp that is not
22 indoor cultivation and is exclusively planted in the soil on the cultivation site and not in
23 containers, other than for initial propagation before planting in the soil.

24 (n) **REGISTERED HEMP ENTITY.** Any person who has properly registered an
25 industrial hemp activity with the County. This includes any individual, firm, partnership,
26 joint venture, association, corporation, limited liability company, estate, trust, business,
27 business trust, receiver, syndicate, collective, cooperative, institution, or any other group
28 or entity, or combination acting as a unit.

(o) **SCREENING.** Means the method by which a view of one lot from another adjacent lot is shielded, concealed, or hidden. Screening techniques include fences, walls, non-invasive species of hedges, shrubs, trees or natural forest, berms and other features.

(p) **SENSITIVE RECEPTOR.** A facility or land use that serves or attracts members of a population who are particularly sensitive to the effects of air pollutants or strong odors. Examples of sensitive receptors include, but are not limited to, a daycare facility, senior living facility, K-12 school, public park, sports complex, youth-oriented center or similar facility serving children, the elderly, or people with illness.

(q) **VOLATILE SOLVENT.** Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create an explosive or ignitable mixture. Examples include, but are not limited to, butane, hexane, and propane.

84.35.050 Permit Requirements

(a) *Permit Requirements.* The permit requirements provided in Table 84-19 and in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) apply to industrial hemp activities.

<i>Table 84-19</i>		
<i>Permit Requirements for Industrial Hemp</i>		
<i>Use/Permit Required</i>	<i>Scope of Use</i>	<i>Minimum Lot Size</i>
<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

1 (b) *Special Use Permit.* In addition to the requirements of Table 84-19 (Permit
2 Requirements for Industrial Hemp), an applicant shall be required to obtain a special use
3 permit. Special use permits are subject to the review and procedures provided in Chapter
4 85.14 (Special Use Permits).

5 (c) *Additional Registration.* In addition to the requirements of Table 84-19
6 (Permit Requirements for Industrial Hemp), an applicant may be required to obtain
7 additional licenses, permits or registrations from other County departments or State
8 agencies, including but not limited to a license from the County Agricultural Commissioner
9 pursuant to Chapter 15 (Industrial Hemp Agricultural Registration and Regulations),
10 Division 3, Title 3 of the County Code.

11 (d) *Background Checks.* Pursuant to Section 81013 of the California Food and
12 Agricultural Code, every applicant requesting an industrial hemp permit must submit to
13 and pass a background check as described in California Code of Regulations, Title 3,
14 Section 4902. No person or entity ineligible to participate in the State industrial hemp
15 program pursuant to Section 81013 of the California Food and Agricultural Code may
16 obtain a permit authorized by this Chapter.

17 (e) *Proof of Ownership or Lease Agreement.* Every applicant requesting an
18 industrial hemp permit must show proof of ownership or a notarized lease agreement to
19 show they have the present ability to cultivate or manufacture on the property subject to
20 the applicable permit. In addition to the notarized lease agreement, an applicant that
21 does not own the property where industrial hemp is to be grown must submit a notarized
22 form from the owner with their registration application acknowledging that industrial hemp
23 is to be grown on the property and that the owner understands that any violations of this
24 Chapter may result in future applications to cultivate industrial hemp being denied
25 pursuant to the Director's authority to establish additional rules, regulations, or standards
26 governing the issuance or denial of industrial hemp cultivation permit as authorized by
27 subdivision (a) of Section 84.35.100 (Administration and Enforcement).

28 (f) *Performance Guarantees.* In order to protect neighboring residents,

businesses, and the surrounding environment from negative impacts caused by the cultivation and manufacturing of industrial hemp, the deposit of a security shall be required consistent with the requirements of Section 86.06.050 (Performance Guarantees) of the Development Code. The minimum requirement for a cultivation site less than five acres shall be \$5,000. An additional \$1,000 per acre for sites larger than 5 acres shall be required.

(g) *Health and Safety.* Industrial hemp activities shall at all times be operated in such a manner as to ensure the health, safety, and welfare of the public. Industrial hemp activities shall not create a public nuisance or adversely affect the health or safety of the community by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe condition, or other impacts, or be hazardous due to the use or storage of materials, processes, products, and runoff of water, pesticides or wastes.

(h) *Relocation of Permitted Industrial Hemp Activity.* In the event the registered hemp entity vacates and relocates the industrial hemp activity to a new location, a new entitlement required by Table 84-19 (Permit Requirements for Industrial Hemp) shall be required in accordance with this Chapter prior to commencing operations at the new location.

(i) *Permit and Registration Posting.* The registered hemp entity shall post or cause to be posted all required County and State permits and registrations to operate at the industrial hemp site that is readily viewable by the public.

84.35.060 Approval Requirements for Industrial Hemp Activities.

(a) *Findings.* In addition to findings required by either Chapter 85.06 (Conditional Use Permit / Minor Use Permit) or Chapter 85.08 (Site Plan Permits), no permit listed in Table 84-19 (Permit Requirements for Industrial Hemp) for industrial hemp cultivation shall be approved unless the following findings are made:

(1) The outdoor cultivation proposal includes adequate quality control measures to ensure cultivation meets State and County regulatory standards.

(2) The outdoor cultivation proposal includes adequate measures that

1 minimize use of water for cultivation on the lot.

2 (3) The outdoor cultivation proposal includes adequate measures that
3 address indirect harms that may be associated with industrial hemp activities, including
4 restricting access to minors and ensuring that industrial hemp is obtained from and
5 supplied only to other permitted and/or licensed sources.

6 (4) The issuance of an industrial hemp permit will not be detrimental to
7 the health, safety or general welfare of the public.

8 (b) *Manufacturing Findings.* In addition to findings required by Chapter 85.06
9 (Conditional Use Permit / Minor Use Permit), no permit listed in Table 84-19 (Permit
10 Requirements for Industrial Hemp) for an industrial hemp manufacturing facility shall be
11 approved unless the following findings are made:

12 (1) The proposed industrial hemp manufacturing facility complies with all
13 the requirements of the State and County for the manufacturing of industrial hemp.

14 (2) The proposed industrial hemp manufacturing facility does not pose a
15 significant threat to the public or to neighboring uses from explosion or from the release
16 of harmful gasses, liquids, or substances.

17 (3) The proposed industrial hemp manufacturing facility includes
18 adequate quality control measures to ensure hemp manufactured at the facility meets
19 industry standards and a documented employee safety training program.

20 (4) The proposed industrial hemp manufacturing facility includes
21 adequate measures that address indirect harms that may be associated with industrial
22 hemp activities, including restricting access to minors and ensuring that industrial hemp
23 and industrial hemp products are obtained from and supplied only to other permitted
24 and/or licensed sources.

25 **84.35.070 General Development Standards.**

26 (a) *Development Standards.* In addition to the applicable permit and approval
27 requirements provided in this Chapter and the development standards for the applicable
28 zoning classification, industrial hemp activities shall comply with the standards provided

1 in this Section. If there is an inconsistency between the development standards of the
2 zone classification and the standards of this Chapter, the more restrictive standards shall
3 apply.

4 (b) *Setbacks.* Minimum setback requirements for an area used for industrial
5 hemp cultivation, cultivation support services or manufacturing shall be as specified for
6 the applicable land use zoning district except when adjacent to a residential zone or
7 sensitive receptor. Industrial hemp operations adjacent to a residential zoning district
8 shall have a minimum setback of one hundred (100) feet from any property line. Industrial
9 hemp operations adjacent to a sensitive receptor shall have a minimum setback of one
10 thousand (1,000) feet from any property line.

11 (c) *Storage Areas.* The total area for the storage of industrial hemp shall not
12 exceed 25 percent of the total floor area of any structure used for cultivation support
13 services.

14 (d) *Sign Requirements.* Any site used for the cultivation of industrial hemp shall
15 have on-site signage. The sign shall:

16 (1) State "Industrial Hemp";
17 (2) State "NO TRESSPASSING";
18 (3) Measure at least three feet wide by three feet high, with letters and
19 symbols not less than three inches in height that sharply contrast with their immediate
20 background;

21 (4) When adjacent to public right of way, the sign shall be posted at
22 intervals of not more than 1/3 of a mile along the border of the property line; and

23 (5) Posted at locations of points of entry, except clear sight triangles,
24 maintained and unobstructed.

25 (e) *Water Conservation Measures.* All industrial hemp activities shall include
26 adequate measures that minimize use of water for cultivation activity. Water conservation
27 measures, water capture systems, or grey water systems shall be incorporated into the
28 operations in order to minimize use of water where feasible.

1 (f) *Water Availability.* All industrial hemp activities shall obtain a “will serve”
2 letter from an applicable water purveyor, indicating agreement to supply water to the
3 cultivation site. The letter shall include the activity proposed and any improvements
4 required for service. When water service is not available, all industrial hemp activities
5 shall comply with applicable County Department of Public Health – Division of
6 Environmental Health requirements for a permitted water well.

7 (g) *Water Storage.* Building permits are require for all water storage in excess
8 of 10,000 gallons regardless of the type of storage method. The water storage must be
9 incidental and subordinate and cannot be the primary or exclusive use.

10 **84.35.080 Outdoor Industrial Hemp Operational Standards.**

11 (a) *Storage and Waste.* An applicant for an industrial hemp permit shall identify
12 how industrial hemp and associated product waste will be stored and secured in a manner
13 that prevents diversion, theft, loss, hazards and nuisance.

14 (b) *Transportation.* An applicant for an industrial hemp permit shall identify
15 procedures for safe and secure transportation and delivery of industrial hemp to and from
16 the registered hemp entity.

17 (c) *Noise.* Industrial hemp activities shall comply with residential noise
18 standards in Chapter 83.01 (General Performance Standards) of the Development Code.

19 (d) *Generators.* On-site generators are prohibited, except as a source of energy
20 in emergencies. On-site generators for emergency use shall be included in the applicable
21 site plan.

22 (e) *Grading.* Industrial hemp activities shall comply with Title 6 (Building
23 Regulations) of the County Code and shall not be used to screen industrial hemp activities
24 unless approved on the applicable site plan.

25 **84.35.090 Manufacturing Facilities Operational Standards.**

26 (a) *Industrial Hemp Manufacturing Facilities.* In addition to the applicable permit
27 and approval requirements provided in this Chapter and the development standards for
28 the applicable zoning classification, industrial hemp manufacturing facilities shall comply

1 with the standards provided in this Section. If there is an inconsistency between the
2 development standards of the zone classification and these standards, the more
3 restrictive standards shall apply.

4 (1) *Setbacks.* Non-volatile industrial hemp manufacturing facilities shall
5 be setback from all lot lines a minimum of twenty-five (25) feet.

6 (2) *Security.* Surveillance video cameras shall be installed and
7 maintained in good working order to provide coverage on a 24-hour basis of all internal
8 and exterior areas where industrial hemp is manufactured, packaged, stored, and/or
9 transferred. The security surveillance cameras shall be oriented in a manner that provides
10 clear and certain identification of all individuals within those areas. Cameras shall remain
11 active at all times and shall be capable of operating under any lighting condition. Security
12 video must use standard industry format to support criminal investigations and shall be
13 maintained for 60 days.

14 (3) *Locks.* Industrial hemp manufacturing facilities shall be secured with
15 California Building Code compliant commercial-grade, non-residential door locks and
16 window locks.

17 (b) *Operations.*

18 (1) *Compressed Gases.* Any compressed gases used in the
19 manufacturing process shall not be stored on any lot within containers that exceed the
20 amount which is approved by the San Bernardino County Fire Protection District and
21 authorized by the applicable land use permit.

22 (2) *Compressed Gas Extraction.* Closed loop systems for compressed
23 gas extraction systems must be commercially manufactured, bear a permanently affixed
24 visible serial number and certified by an engineer licensed by the State of California that
25 the system was commercially manufactured, is safe for its intended use, and was built to
26 codes of recognized and generally accepted good engineering practices.

27 (3) *Training.* Industrial hemp manufacturing facilities shall have a
28 training program for persons using solvents or gases in a closed loop system to create

1 hemp extract on how to use the system, to access applicable material safety data sheets
2 and to handle and store the solvents and gases safely.

3 (4) *Nuisance Odors Manufacturing Industrial Hemp.* All manufacturing
4 industrial hemp activities shall be sited and operated in a manner that prevents industrial
5 hemp odors from being detected offsite. A sufficient odor absorbing ventilation and
6 exhaust system shall be provided so that odor generated, distinctive to the operation, is
7 not detected outside of the manufacturing facility, anywhere on adjacent lots or public
8 rights of way, on or about the exterior or interior common area walkways, hallways,
9 breezeways, foyers, lobby areas, or any other areas available for use by common tenants
10 or the visiting public, or within any other unit located inside the same building as the
11 manufacturing facility. In order to control nuisances such as odors, humidity and mold,
12 industrial hemp manufacturing facilities shall install and maintain at a minimum, the
13 following equipment, or any other equipment that can be proven to be an equally or more
14 effective method or technology to control these nuisances:

15 (A) An exhaust air filtration system with odor control that prevents
16 odors from being emitted externally; and

17 (B) An air system that creates negative air pressure between the
18 indoor industrial hemp activities interior and exterior, so that the odors generated by the
19 indoor industrial hemp activity are not detectable from the outside of the manufacturing
20 facility.

21 **84.35.100 Administration and Enforcement.**

22 (a) *Administration.* The Director or his or her respective designees, are
23 charged with the responsibility of administering and exercising the authority conferred
24 under this Chapter and is authorized to establish additional rules, regulations, or
25 standards governing the issuance or denial of an industrial hemp cultivation permit, the
26 ongoing operation of industrial hemp cultivation, and the County's monitoring and
27 inspection activities if the rule, regulation, or standard is necessary to carry out the
28 purposes of this Chapter.

1 (b) *Consent to entry, inspection and additional testing.* Registered hemp
2 entities consent to the entry by enforcement officers to make such inspections and to take
3 such actions as may be necessary to enforce the provisions of this Chapter and the
4 Development Code may be a condition of the issuance of any industrial hemp permit.

5 (c) *Violations.* Every violation of this Chapter shall constitute a separate
6 violation and shall be subject to all remedies and enforcement measures authorized by
7 Chapter 86.09 (Enforcement) of the Development Code and Chapter 2 (Violations and
8 Enforcement) of Division 1, Title 1 of the County Code.

9 (d) *Misdemeanor.* Each violation of the provisions of this Chapter may be cited
10 as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand
11 dollars (\$1,000) or imprisonment in the County jail for a period of not more than six (6)
12 months, or by both such fine and imprisonment. Each day a violation is committed or
13 permitted to continue shall constitute a separate offense.

14 (e) *Compliance with State and Local Laws.* It shall be the responsibility of the
15 owners and employees of the registered hemp entity to ensure that it is, at all times,
16 operating in a manner compliant with all applicable State and local laws and/or regulatory,
17 licensing or certification requirements, and any specific, additional operating procedures
18 or requirements which may be imposed by the County.

19 **84.35.110 Registered Hemp Entity Responsible for Violations.**

20 The registered hemp entity shall be responsible for any and all violations of State
21 and/or local laws, as well as any regulations promulgated under this Chapter, whether
22 committed by the registered hemp entity, any employee or agent of the registered hemp
23 entity.

24 **84.35.120 Limitations on County Liability.**

25 To the fullest extent permitted by law, the County shall not assume any liability
26 whatsoever with respect to having registered any industrial hemp entity pursuant to this
27 Chapter.

28

1 SECTION 6. The Board of Supervisors declares that it would have adopted this
2 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the
3 fact that any one or more sections, subsections, clauses, phrases or portions of it be
4 declared invalid or unconstitutional. If for any reason any portion of this ordinance is
5 declared invalid or unconstitutional, then all other provisions of it shall remain valid and
6 enforceable.

7
8 SECTION 7. This ordinance shall take effect thirty (30) days from the date of
9 adoption.

10
11 _____
12 CURT HAGMAN, Chairman
13 Board of Supervisors

14 SIGNED AND CERTIFIED THAT A COPY
15 OF THIS DOCUMENT HAS BEEN DELIVERED
16 TO THE CHAIRMAN OF THE BOARD

17 LYNNA MONELL, Clerk of the
18 Board of Supervisors

19 _____
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28

1 STATE OF CALIFORNIA)
2) ss.
3 SAN BERNARDINO COUNTY)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 2022, at which meeting
7 were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
9 wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
14 of the Board of Supervisors this ____ day of _____, 2022.

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of
17 San Bernardino County,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:

22 TOM BUNTON
23 County Counsel

24 By: _____
25 JOLENA E. GRIDER
26 Deputy County Counsel

27 Date: _____
28