

**Borrego Springs Watermaster Board
Special Meeting
October 19, 2020 @ 11:30 a.m.
Borrego Water District Office:
806 Palm Canyon Drive, Borrego Springs, CA 92004**

COVID-19 UPDATE: The Special Meeting of the Borrego Springs Watermaster Board meeting at 11:30 a.m. on Monday, October 19, 2020 will be held. BSWB will be providing public access to the Meeting through electronic means only to minimize the spread of the COVID-19 virus, based upon direction from the California Department of Public Health, the California Governor's Office and the County Public Health Office. Anyone who want to listen to the meeting is encouraged to observe the GO TO MEETING stream at:

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/540389077>

You can also dial in using your phone.
United States (Toll Free): [1 877 309 2073](tel:18773092073)
United States: [+1 \(571\) 317-3129](tel:+15713173129)

Access Code: 540-389-077

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/540389077>

I. AGENDA

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Comments from the Public on Items on the Agenda
- E. Discussion of providing a letter to the Riverside County Board of Supervisors on its ordinance concerning Hemp growing and any impact it may have on Borrego water supplies
- F. Adjournment

Interim Borrego Springs Watermaster
 Board of Directors Meeting
 October 19, 2020
 AGENDA ITEM I.D

To: Board of Directors
From: Samantha Adams (WEI), Executive Director
Date: October 15, 2020
Subject: Discussion of providing a letter to the Riverside County Board of Supervisors on its ordinance concerning Hemp growing and any impact it may have on Borrego water supplies

<input checked="" type="checkbox"/> For Action	<input type="checkbox"/> Fiscal Impact	<input type="checkbox"/> Funds Budgeted
<input type="checkbox"/> Information Only	<input type="checkbox"/> Cost Estimate:	\$

Recommended Action

Discuss the information enclosed and provide direction to Watermaster staff on next steps.

Fiscal Impact: None – drafting and sending correspondence is within the scope of the Executive Director’s duties as budgeted by the Watermaster Board of Directors.

Background and Previous Actions by the Board

At its October 8, 2020 Regular Meeting, two public comments were made to bring the Board’s attention to an ordinance relating to the permitting of industrial hemp operations in the Anza Terwilliger Water Basin (ATWB). The ordinance will be considered for approval by the Riverside County Board of Supervisors at its October 20, 2020 meeting. The commenters highlighted concern over the potential impacts to groundwater that could result from permitting a large number of hemp operations in the portion of the ATWB that is within the Coyote Creek Watershed, which is tributary to the Borrego Springs Groundwater Subbasin. The Board of Directors, requested staff to collect and distribute the information available from the commenters and provide maps of the areas in question.

Following the meeting the commenters provided additional background information for the Board’s consideration. These resources are enclosed herein and include:

- Letter from Gary Worobec, Take Back Anza, to Riverside County Board of Supervisors, dated July 31, 2020, which includes with it copies of letters sent to the Board of Supervisors from: the Santa Margarita River Watershed Watermaster; California State Senator Melissa A. Melendez; California Assemblyman Randy Voepel; Anza Mutual Water Company; Santa Margarita Group of the Sierra Club; and Sage Town Hall Association
- Letter from Gary Worobec, Take Back Anza, to Borrego Water District, which includes with it maps of the ATWB and its proximity to the Borrego Springs Groundwater Subbasin.
- Letter from Borrego Water District to the Riverside County Board of Supervisors dated October 3, 2020.

On October 13, 2020 Chairperson Duncan called a Special Meeting for the Board to consider drafting a letter to the Riverside County Board of Supervisors regarding the ordinance.

Discussion

The Board of Supervisors intends to take action at its October 20, 2020 meeting on draft *Ordinance NO. 348.4931 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING* related to the permitting of industrial hemp operations in Riverside County (attached). This a land use ordinance, that identifies some provisions for consideration of water supply issues in permitting. For example:

SECTION 19.1106.E of the proposed Ordinance requires:

“E. Water Availability. All Industrial Hemp Cultivation operations shall obtain a ‘Will Serve’ letter from the applicable water purveyor, indicating agreement to supply water for the Industrial Hemp Cultivation operations. The letter shall include the activity proposed and any improvements required for service. Where water service is not available, all Industrial Hemp Cultivation operations shall comply with applicable Department of Environmental Health requirements for a permitted onsite, in-ground well...”

It has been identified that many of the potentially permitted operations are located (or proposed to be located) in the ATWB, a groundwater basin defined by the US Geological Survey. The ATWB lies within the Santa Margarita River Watershed and the Coyote Creek Watershed. The Coyote Creek Watershed is tributary to the Borrego Springs Groundwater Subbasin. The tributary watersheds to the Borrego Springs Groundwater Subbasin are shown in the enclosed figure originally developed for the Groundwater Sustainability Plan (Figure 2.1-1).

According to the USGS, groundwater is the sole source for water use to the rural community and two Native American tribes in the Cahuilla Valley and Terwilliger Valley groundwater basins and because the basin hydrogeology is not well understood, the increase in groundwater use in the area has raised concerns of potential changes in water sustainability in the ATWB.¹ There is no data available on the interaction between the ATWB and its adjacent groundwater basins to determine if there is a potential for hemp operations in the ATWB to impact the adjacent basins, including the Borrego Springs Groundwater Subbasin.

SECTION 19.1101.D of the proposed Ordinance expressly prohibits indoor and outdoor industrial hemp cultivation on lots located, entirely or partially, within the boundary of the Santa Margarita River Watershed area within the County of Riverside. Though a portion of the Coyote Creek Watershed is in Riverside County, the Borrego Springs Groundwater Subbasin is entirely within San Diego County.

Staff recommends the Board discuss the enclosed information and provide direction to staff on next steps which could include drafting a letter to the Board of Supervisors and/or follow-on research or outreach. Should the Board of Directors decide a comment letter be drafted and submitted to the Board of Supervisors, it would need to be finalized and delivered following the October 19, 2020 Special Board meeting to reach the Board of Supervisors ahead of its October 20, 2020 meeting. To

¹https://www.usgs.gov/centers/ca-water/science/evaluation-groundwater-resources-anza-terwilliger-area-anza-california?qt-science_center_objects=0#qt-science_center_objects

support the drafting of the letter, the Board should clearly articulate to Staff its (1) stated concern and (2) recommendation, if any, to the Board of Supervisors. Staff will be prepared with a letter ready for editing during the meeting. Alternatively, the Board could consider appointing a subcommittee to review and approve a letter finalized by staff based on the discussion immediately following the Board meeting.

Encl.

- Letter from Gary Worobec, Take Back Anza, to Riverside County Board of Supervisors, dated July 31, 2020
- Letter from Gary Worobec, Take Back Anza, to Borrego Water District
- Letter from Borrego Water District to the Riverside County Board of Supervisors, dated October 3, 2020.
- Figure 2.1-1 from the August 2019 Groundwater Sustainability Plan for the Borrego Springs Groundwater Subbasin
- Riverside County Board of Supervisors draft *Ordinance NO. 348.4931 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING* (draft version as of September 3, 2020 - <https://planning.rctlma.org/Advance-Planning/348UPD>)

Riverside County Planning Commission
P.O. Box 1409 14080 Lemon St. 12th Floor
Riverside, CA 92501-1409

July 31, 2020

Re: Agenda Item 3.1-Hemp Ordinance August 5th PC Meeting

Commissioners,

You have been sent letters from:

1. Michael Preszler, Federal Watermaster for the Santa Margarita River Watershed,
2. State Senator Melissa Melendez 28th Senate District
3. Assemblyman Randy Voepel 71st Assembly District
4. Phil Canaday, President, Anza Mutual Water Company
5. Pam Nelson, Chairwoman, Santa Margarita Group of the Sierra Club
6. Bill Donahue, President, Sage Town Hall Association.

All of these 6 letters plus letters from residents express concern for the future viability of the Santa Margarita River Watershed (SMRW) specifically the unquantified area of the watershed containing the towns of Anza, Aguanga and Sage. The USGS has also weighed in with a report¹ that also indicates a concern for water sustainability in this valley.

Over the last 8 months hemp cultivation permits have been handed out within the Santa Margarita River Watershed with no regard for the environmental impact within the unquantified area (see map below). To hand out these permits without due consideration for the water resources was thoughtless on the part of the Planning Department and the County Agricultural Commissioner especially since we are now in the middle of a process to develop an ordinance. Would we let a developer go ahead and build housing and then develop an ordinance?. I don't think so.

The hundreds of illegal marijuana operations within the SMRW are already taxing the water supply with many residents reporting a deterioration of both water quality and quantity. To now add hemp in both Ag and commercial zoning plus anything over 5 acres of RR and RA zoning that appears on the latest version of the ordinance is nothing less than negligent.

The proposed new ordinance also calls for a "will serve" letter as follows:

- *Water Availability. All Industrial Hemp Cultivation operations shall obtain a 'Will Serve' letter from the applicable water purveyor, indicating agreement to supply water for the All Industrial Hemp Cultivation operations. The letter shall include the activity proposed and any improvements required for service. For All Industrial Hemp Cultivation operations where water service is not available, conditions from the Department of Environmental Health for a permitted onsite, in-ground well will be required. Irrigation and domestic water supplies shall not include water transported by vehicle from off-site sources.*

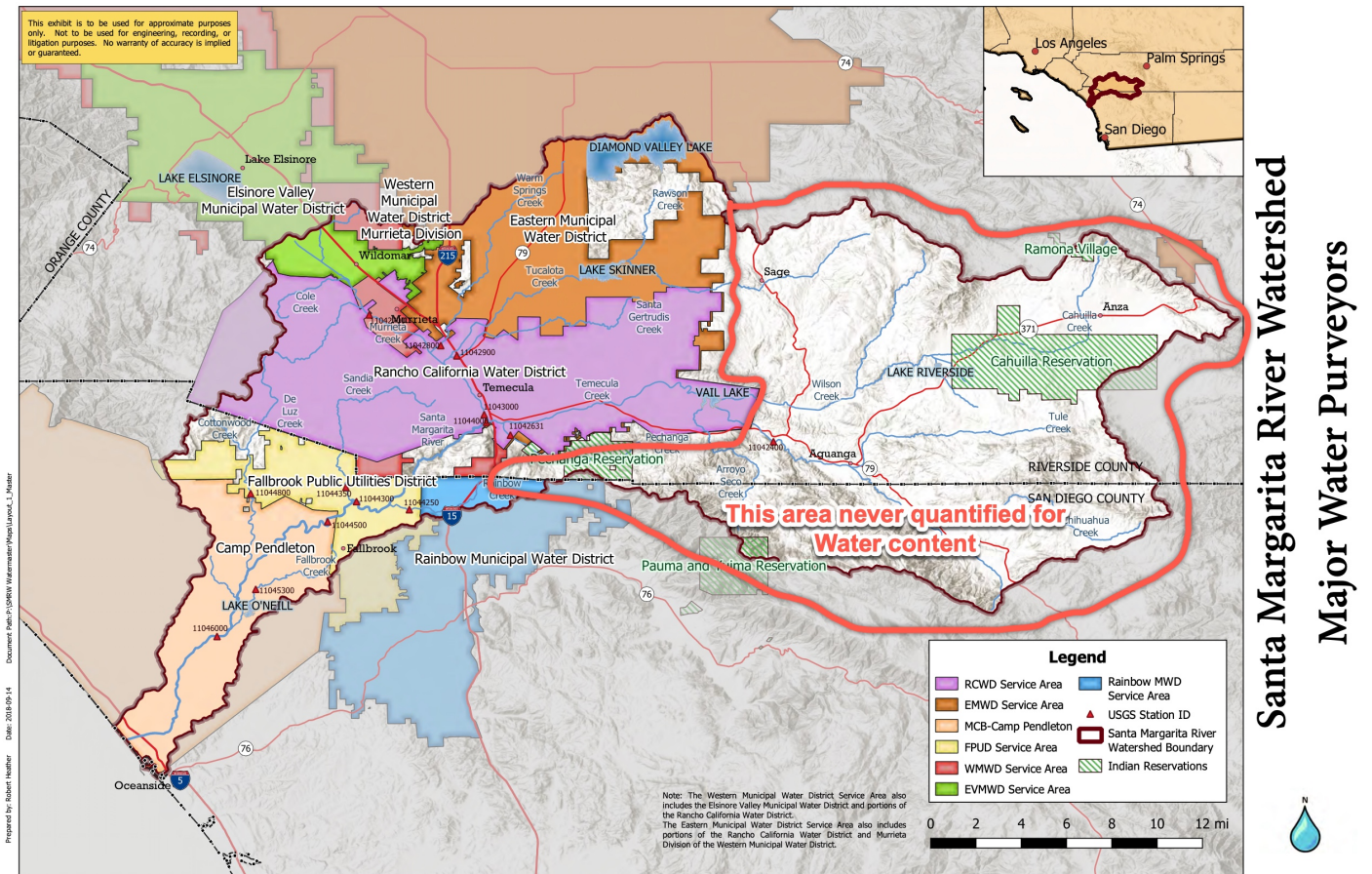
¹https://www.usgs.gov/centers/ca-water/science/evaluation-groundwater-resources-anza-terwilliger-area-anza-california?qt-science_center_objects=0#qt-science_center_objects

The SMRW Watermaster Michael Preszler who adjudicates the entire watershed DOES NOT have the authority under his charter to provide or deny a “will serve” request. This would now fall to the Riverside County Department of Environmental Health which in consideration of what has happened with the issuing of hemp permits over the last 8 months is a rather scary thought.

In closing, takebackanza.org strongly requests that a moratorium be placed on permits for hemp cultivation within the unquantified area of the Santa Margarita River Watershed and the Anza-Terwilliger Ground Water Basin as defined by the USGS study until a thorough water study has been done. In addition current hemp permits should allowed to run until expiration and not renewed until a proper water study has been done.

Respectfully submitted

Gary Worobec
 Founder- www.takebackanza.org



Santa Margarita River Watershed
WATERMASTER

July 29, 2020

Charissa Leach, P.E.
Transportation & Land Management Agency - Assistant Director/Planning & Land Use
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1629

RE: Proposed Hemp Ordinance No. 348.4931, associated with Change of Zone No. 1900015 as an amendment to the County's Land Use Ordinance No. 348.

Dear Ms. Leach:

As the Watermaster appointed by the Federal Court as part of the adjudication in *U.S.A. v. Fallbrook Public Utility District, et al.*, Civil No. 51-cv-1247-GPC-RBB ("*Fallbrook Case*"), this letter serves to provide formal comments regarding the Riverside County Proposed Hemp Ordinance No. 348.4931, associated with Change of Zone No. 1900015 as an amendment to the County's Land Use Ordinance No. 348. Review of the proposed ordinance suggests that essentially, it would expand allowable Industrial Hemp operations to include Rural-Residential and Residential-Agricultural zones on lots greater than 20 acres in size. Many of these parcels are located in the unincorporated areas of the County including the communities of Aguanga, Sage and Anza where the Federal Court has continuing jurisdiction.

Available technical information is insufficient to determine a sustainable operation in the areas of Aguanga, Sage and Anza. As such, increasing production in these areas by growing Hemp, which requires a considerable amount of water, constitutes a potential threat to the sustainability of the groundwater basins.

One of the responsibilities of the Watermaster is to file with the Court an annual Report pursuant to the U.S. District Court Order dated March 13, 1989. The Report lists concerns (Section 9.3) about groundwater overdraft conditions in the Anza Valley groundwater area. The Report covering water year 2019 is being drafted now and includes stronger recognition pertaining to the threat of overdraft in the unincorporated areas of Riverside County due to increasing water production due to continued water demand growth. The 2019 Report is expected to be submitted to the Court in the near future.

Additionally, a process is currently underway to quantify water entitlements in the Anza area, including entitlements for the Cahuilla Band of Indians. Cahuilla Band of

Indians' Second Amended Complaint in Intervention (Docket No. 5182) requests the Court to enjoin defendants (property owners) from diverting surface water and withdrawing groundwater in the sub-basin underlying the Cahuilla Reservation that is in conflict with the senior Federal Reserved Water Rights of the Cahuilla Tribe and its members as declared in Interlocutory Judgment No. 41 (*Fallbrook Case*). The Ramona Band of Cahuilla filed a similar Second Amended Complaint in Intervention (Docket No. 5181) for the Ramona Reservation. It is noted, the proceedings for these complaints are presently subject to a Stay of Litigation to permit continued settlement efforts.

In summary, in my role as Watermaster, I am concerned about actions that will potentially and significantly increase groundwater production in the unincorporated areas of the Santa Margarita River Watershed located within Riverside County. My concerns include potential affects to water supply reliability to current users as well as overall basin sustainability.

Feel free to give me a call at (916) 542-7895 or email at mprezler@smrwm.org if you have any questions or would like to discuss this letter.

Very truly yours,

A handwritten signature in black ink that reads "Michael J. Preszler". The signature is written in a cursive, flowing style.

Michael Preszler, P.E.
Santa Margarita River Watermaster

cc: William J. Brunick, Esq.

California State Senate

STATE CAPITOL
SACRAMENTO, CA 95814
TEL (916) 651-4028

MURRIETA DISTRICT OFFICE
25186 HANCOCK AVE.
SUITE 320
MURRIETA, CA 92562
TEL (951) 894-3530

INDIO DISTRICT OFFICE
45-125 SMURR STREET
SUITE B
INDIO, CA 92201
TEL (760) 398-6442

SENATOR
MELISSA A. MELENDEZ
TWENTY-EIGHTH SENATE DISTRICT



Page 9 of 44

COMMITTEES

HEALTH
VICE CHAIR

HUMAN SERVICES
TRANSPORTATION

SUBCOMMITTEE

BUDGET
SUBCOMMITTEE #3
ON HEALTH & HUMAN
SERVICES

July 30, 2020

Charissa Leach, P.E.
Assistant Director of TLMA - Community Development
Riverside County Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1629

Dear Ms. Leach,

My office has received several inquiries regarding the issuance of new permits for industrial hemp cultivation in Riverside County within the Santa Margarita River Watershed, which includes Anza, Aguanga and parts of Sage.

In consideration of the fact that hundreds of illegal marijuana operations are present in this area, and continue to use unmonitored quantities of water, it would seem that the issuance of additional permits for industrial hemp cultivation would greatly add to the overall depletion of the aquifer. Though hemp is a valuable product, it is a high water use plant and requires as much as 1.3 billion gallons of water per growing season.

Similarly, a Grand Jury in Santa Barbara County admonished County Supervisors for similar actions regarding the marijuana/hemp industry as putting profits ahead of the public's health and well-being as a "cautionary tale for other counties in the State of California on what *not* to do." I am also aware of the ongoing Federal water rights litigation involving this area of the Watershed and the absence of a formal study to evaluate the aquifer and the amount of water contained therein.

I would respectfully request the County cease issuing new permits for hemp cultivation within the watershed until a study can show whether the aquifer can be a reliable source of water for the thousands of residents in this area and any future industrial hemp cultivation.

Please do not hesitate to contact my office should you have any additional concerns.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Melendez".

MELISSA A. MELENDEZ
California State Senate – District 28

STATE CAPITOL, ROOM 4009
P.O. BOX 942849
SACRAMENTO, CA 94249-0071
(916) 319-2071
FAX (916) 319-2171

DISTRICT OFFICE
8760 CUYAMACA STREET, SUITE 201
SANTEE, CA 92071
(619) 258-7737
FAX (619) 258-7739

E-MAIL
Assemblymember.Voepel@assembly.ca.gov

Assembly California Legislature



RANDY VOEPEL
ASSEMBLYMEMBER, SEVENTY-FIRST DISTRICT

COMMITTEES
VICE CHAIR: AGING AND LONG-TERM CARE
VICE CHAIR: PUBLIC EMPLOYMENT AND RETIREMENT
VICE CHAIR: VETERANS AFFAIRS
EDUCATION
INSURANCE
LOCAL GOVERNMENT
JOINT LEGISLATIVE AUDIT

July 31, 2020

Charissa Leach, P.E.
Assistant Director of TLMA – Community Development
Riverside County Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1629

Dear Ms. Leach,

My office has also received several inquiries, much like Senator Melendez's office, regarding hemp cultivation in Riverside County within the Santa Margarita River Watershed, which includes Anza, Aguanga and parts of Sage. These areas are within my district's boundaries and have already had to deal with an outrageous number of illegal marijuana grows on a consistent basis. Those grows are a constant drain on the watershed and there is no monitoring on just how much water they are using.

With this watershed already under the Federal Courts jurisdiction, and until sustainability studies have been completed, and quantification has been determined, it would seem to be potentially dangerous to add more demands on the aquifer by allowing hemp cultivation.

I would also respectfully request that the County of Riverside cease issuing new permits for hemp cultivation within the watershed for the reasons stated above.

Please feel free to contact my office if you have any concerns or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Voepel", written over a horizontal line.

RANDY VOEPEL
Assemblyman, 71st District

P.O. Box 390117
Anza, CA 92539
951-809-7604
phil@sat2u.com

**Anza Mutual Water
Company**
Philip Canaday - President

July 30, 2020

Charissa Leach, P.E.
Assistant Director of TLMA – Community Development
Riverside County Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1629

Re: Proposed Hemp Ordinance No. 348.4931, associated with Change of Zone No. 1900015 as an amendment to the County's Land Use Ordinance No. 348.

Dear Ms. Leach:

As President of Anza Mutual Water Company for 25 years, and representing the interests of those dependent upon us for their water, let it be known that I strongly oppose the proposed hemp ordinance No. 348.4931 and any other consideration that would bring additional stress upon the Santa Margarita River Watershed at this time.

This watershed is currently under the Federal Courts jurisdiction, and until sustainability studies have been completed, and quantification has been determined, I recommend any land use that would add additional stresses to the watershed be avoided.

This proposed change would place the Anza Valley and other areas within the Santa Margarita River Watershed in jeopardy of being placed into an overdraft condition by depleting the groundwater basin beyond its ability to recover.

It would be reasonable to anticipate significant impact to thousands of people, as wells would begin to fail if ground water levels drop.

In my opinion it would be irresponsible, and potentially dangerous to the communities water supply to approve new activities that substantially increase groundwater pumping, and thereby leave the watershed in danger of having draw down in excess of its ability to recharge itself.

Please do not move forward with this ill advised proposal.

Sincerely,



Philip Canaday – President
Anza Mutual Water Company



Santa Margarita Group

July 8, 2020

Charissa Leach, P.E.

Transportation & Land Management Agency
Assistant Director/Planning & Land Use

Dear, Charissa Leach,

I'd like to comment on behalf of the Santa Margarita Group of the Sierra Club. Our Group watches events in our name-sake watershed in regards to its health as an ecosystem. We have concerns about the proposed Hemp Ordinance No. 348.4931, associated with Change of Zone No. 1900015 as an amendment to the County's Land Use Ordinance, Ordinance No. 348. It would add a new Industrial Hemp Activities article. While the purpose of this amendment is to protect the public health, safety, and welfare and enact effective regulatory and enforcement controls in compliance with State law, it neglects the issue of water availability in a specific region of the unincorporated areas of Riverside County, namely, Anza.

The Anza aquifer presents a particularly fragile situation. I've studied this area since early 2000, then as a Director on the EMA Resource Conservation District (now called TEAMRCD) working with Supervisor Jeff Stone. At this time, a proposed USGS study enlightened the community to the complexity of this 5-basin system and the extreme sensitivity of their water supply and quality. Although the County never funded this study which would've prevented the Cahuilla lawsuit, much was learned. Since the lawsuit and the study, Anza has been under a sort of moratorium placed by the Federal judge that limits the number of commercial wells that can be drilled. This is due to the lack of understanding of the aquifer system and the lawsuit's request for quantification of the supply. The County has had similar language about individual wells, as well.

It appears that the Riverside County Agricultural Commissioner has not been apprised of these policies specific to Anza. He has been handing out permits to grow commercial hemp and other agricultural endeavors putting the community in danger of overdraw of its aquifers. I am afraid this new ordinance will encourage more permits to be allowed.

This basin is in need of a thorough water study. I'm hoping the lawsuit will determine this and a study as proposed by the USGS will be undertaken so that the Anza community can finally move to a balanced and healthy economy and quality of life.

Please review this Ordinance and the process of agricultural permit procedures before Anza's aquifers are irreversibly damaged.

Thank you for your consideration of our comments and recommendations.

Sincerely,

Pam Nelson

Chair, Santa Margarita Group/Sierra Club



Sage Town Hall Association

31805 Temecula Pkwy #218 Temecula, CA 92592-9804

Commissioner Thornhill,

Thank you for taking our call this morning. As I explained we have a real water issue in the Sage, Aguanga and Anza area of Riverside County. That issue is that the entire Santa Margarita Watershed is subject to a lawsuit called US vs Fallbrook. that case has gone on since the 1950s with no end in sight. The judge can't make a final ruling without water quantification. That means that nobody, (including the Planning Commission), knows how much groundwater is in this area, or what level of agriculture it will support.

We are all aware of what happened in the Paso Robles area when the indiscriminate increases were allowed in wineries, without verifying that enough groundwater existed to support that expansion. Let's not duplicate that error here.

I have attached some studies showing the water demands of Industrial Hemp. They are staggering and may only be exceeded by crops such as rice. We don't grow rice in Riverside County because it takes 33" of rain to grow rice (one of the most water demanding crops). Yet the Planning Commission is considering approving Industrial Hemp (at almost the same water demand) for growing in Riverside County without doing any water qualification of the available ground water

The Hemp Lobby says Hemp requires 12-15" of water during the growing season. Riverside County rarely gets more than 1" of rain during that growing season. 12-15" is often our annual total. The balance of that water will need to be pumped out of the ground.

<https://www.votehemp.com/wp-content/uploads/.../09/hempinfo.pdf>

But other studies indicate that the Hemp Lobby is grossly misrepresenting the actual water demands of Industrial Hemp, when grown for biomass.

Purdue University's Hemp Project reports that most varieties of Hemp need about 25-30 inches of rain a year, especially in the early weeks of life.

<https://hempindustrydaily.com/myth-busting-hemp-needs-more.../>

Another study by Robert Nelson concluded that Hemp required 20-30" of rainfall during the growing season.

<https://www.hempbasics.com/hhusb/hh2cul.htm>

Mature grape vines consume a similar amount of water per plant as Hemp but there are far fewer grape vines per acre than Industrial Hemp, grown for biomass. If you follow the recommended spacing for grape vines you can fit 1,089 vines per acre. However, Industrial Hemp can fit 400,000 plants per acre. **That is 367 times the water requirements of a vineyard.**

Sage Town Hall Association

31805 Temecula Pkwy #218 Temecula, CA 92592-9804

The way to prevent Riverside County from repeating the same mistake made in San Luis Obispo County, would be to require that any commercial agricultural production either have a will-serve-letter from a public water utility or a well which is drawing water from a quantified water basin, that has been shown to have enough water to support that agriculture. We are not saying that farmers do not have a right to grow. We both know that they do but we are saying that growing must be done in compliance with the Sustainable Groundwater Act.

On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package, composed of AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley), collectively known as the Sustainable Groundwater Management Act (SGMA). For the first time in its history, California has a framework for sustainable, groundwater management - "management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results." It is the Planning Commission's responsibility to consider the proper management of our groundwater in any Ordinance they propose.

The following link will show you how much of Riverside County is covered by adjudicated water basins. The Santa Margarita River Water Shed is adjudicated but not quantified. <https://sgma.water.ca.gov/webgis/index.jsp?appid=adjbasin>. Without quantification, it would be irresponsible to place the level of demand on this watershed, Industrial Hemp creates.

Gary Worobec raised several other issues. The illegal Cannabis issue has had a negative effect on home values and the quality of life in this area. To introduce a virtual twin crop without first eradicating the illegal Cannabis production would seem to exacerbate those negative consequences. Industrial Hemp is physically indistinguishable from, Cannabis upon visual inspection. Until the illegal Cannabis problem is solved, allowing its twin to be grown seems to create insurmountable problems for both Law Enforcement and Code Enforcement. How could they determine whether a grow is legal or illegal, without massive testing of the plants within that grow? Would the County be required to pay for that testing?

Many area residents complain of allergic reactions to the overpowering smell of the massive illegal Cannabis production. One Hemp Farmer cleared and planted 120 acres of Hemp along Highway 371 in Anza. Had he not planted before the final snow storm of the season the people in Anza would have those 48,000,000 hemp plants to add to the smell. That was just from a single Hemp Registration.

Respectfully,
Bill Donahue, President



Sage Town Hall Association

California Water Science Center

Evaluation of groundwater resources of the Anza-Terwilliger area, Anza, California

[Overview](#)[Publications](#)[Data and Tools](#)[Maps](#)[Multimedia](#)[Partners](#)

[Groundwater](#) is the sole source for water use to the rural community and two Native American tribes in the Cahuilla Valley and Terwilliger Valley groundwater basins, which are located approximately 35 miles southwest of Palm Springs, California. The characteristics and sustainable yield of the basins are not well understood and are threatened by increasing water use and potential changes in water sustainability related to climate change. The study area encompasses the rural community in and around the town of Anza, the Cahuilla Band of Indians Reservation, and the Ramona Band of Cahuilla Reservation; it is located in the headwaters of the Santa Margarita River [Watershed](#) in Riverside County. The hydrologic system of this area comprises a fractured [bedrock aquifer](#) and an alluvial aquifer. Interactions between these [aquifers](#) are not fully understood and the increase in groundwater use has raised concerns of potential changes in water sustainability.

Status - Active



Geoff Poole
General Manager
Borrego Water District
806 Palm Canyon Dr,
Borrego Springs, CA 92004

Geoff,

Thank you for your concern regarding the water issues involving industrial hemp cultivation within the Anza-Terwilliger Water Basin and for the opportunity to address your board on this topic. While the physical area we are speaking of is 15 miles away, as you know water maintains no boundaries. A rainstorm or snowfall here in Anza is a part of the recharge of your aquifer days or weeks later. We here in the Anza Valley applaud the Riverside County Planning Department for their consideration in excluding the Santa Margarita River Watershed from both indoor and outdoor industrial hemp cultivation. Hemp has proven to be a very water thirsty plant and is not conducive to areas with unknown water/irrigation resources.

Our concern now is the area that is outside the Santa Margarita River Watershed to the east but inside the Anza-Terwilliger Water Basin as defined by the USGS. Please note the following excerpt from the attached USGS report.

https://www.usgs.gov/centers/ca-water/science/evaluation-groundwater-resources-anza-terwilliger-area-anza-california?qt-science_center_objects=0#qt-science_center_objects

*“Groundwater is the sole source for water use to the rural community and two Native American tribes in the Cahuilla Valley and Terwilliger Valley groundwater basins, which are located approximately 35 miles southwest of Palm Springs, California. The characteristics and sustainable yield of the basins are not well understood and are threatened by increasing water use and potential changes in water sustainability related to climate change. The study area encompasses the rural community in and around the town of Anza, the Cahuilla Band of Indians Reservation, and the Ramona Band of Cahuilla Reservation; it is located in the headwaters of the Santa Margarita River Watershed in Riverside County. The hydrologic system of this area comprises a fractured bedrock aquifer and an alluvial aquifer. Interactions between these aquifers are not fully understood and the increase in groundwater use **has raised concerns of potential changes in water sustainability.**”*

The study also indicates:

“The study area covers approximately 83,000 acres of land in rural Riverside County and San Diego County. It contains parts of Anza-Borrego Desert State Park, Beauty Mountain Wilderness, and Mount San Jacinto State Park”

Other studies have also indicated the Coyote Canyon/Coyote Creek water flow has a considerable impact on the Borrego Water Basin.

https://ca.water.usgs.gov/projects/borrego/documents/Netto_Masters_2001.pdf

<https://www.sandiegocounty.gov/content/dam/sdc/pds/SGMA/Chapter-2-Plan-Area-and-Basin-Setting-clean.pdf>

In consideration that the industrial hemp cultivation area in question is at the headwaters of Coyote Creek we are concerned not only for our own water sustainability but that of our neighbors to the southeast namely Borrego Springs.

It is important that we get ahead of this unlike situations regarding the aquifer in Paso Robles or even the situation with citrus grows in Borrego Springs. We do not want good intentioned farmers after spending money on infrastructure only to have to shut down because of water constrictions.

<https://www.sanluisobispo.com/news/local/environment/article236864238.html>

In consideration of the lawsuit filed Aug 4, 2020 by the Borrego Water District “for a determination by the Court of all groundwater rights” and the imminent appointment of the “Watermaster Board of Directors” we would respectfully request that the Borrego Water District Board of Directors address a letter to the Riverside County Board of Supervisors asking for a moratorium on hemp cultivation permits in the Anza Terwilliger Water Basin until such time as a proper water study can be completed to determine if industrial hemp cultivation is a sustainable entity in the Anza-Terwilliger Water Basin as defined by the USGS.

Looking forward to addressing your Board of Directors on September 8th at 9:00 am.

Thank you

Gary Worobec
www.takebackanza.org
951-763-0518

Attachments:

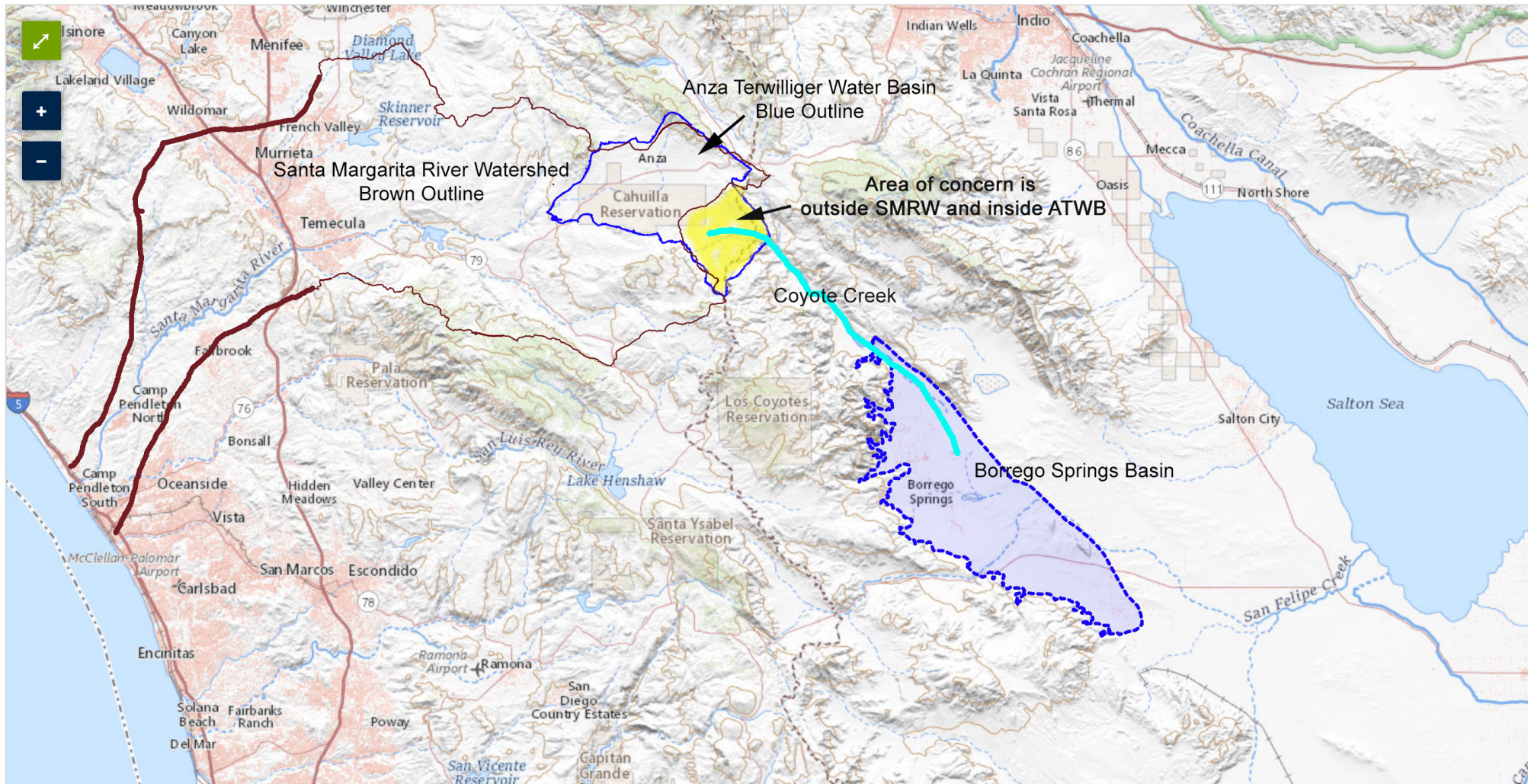
MAP, Borrego Valley Ground Water Conditions

MAP, Santa Margarita River Watershed with Anza Terwilliger Water Basin Overlay

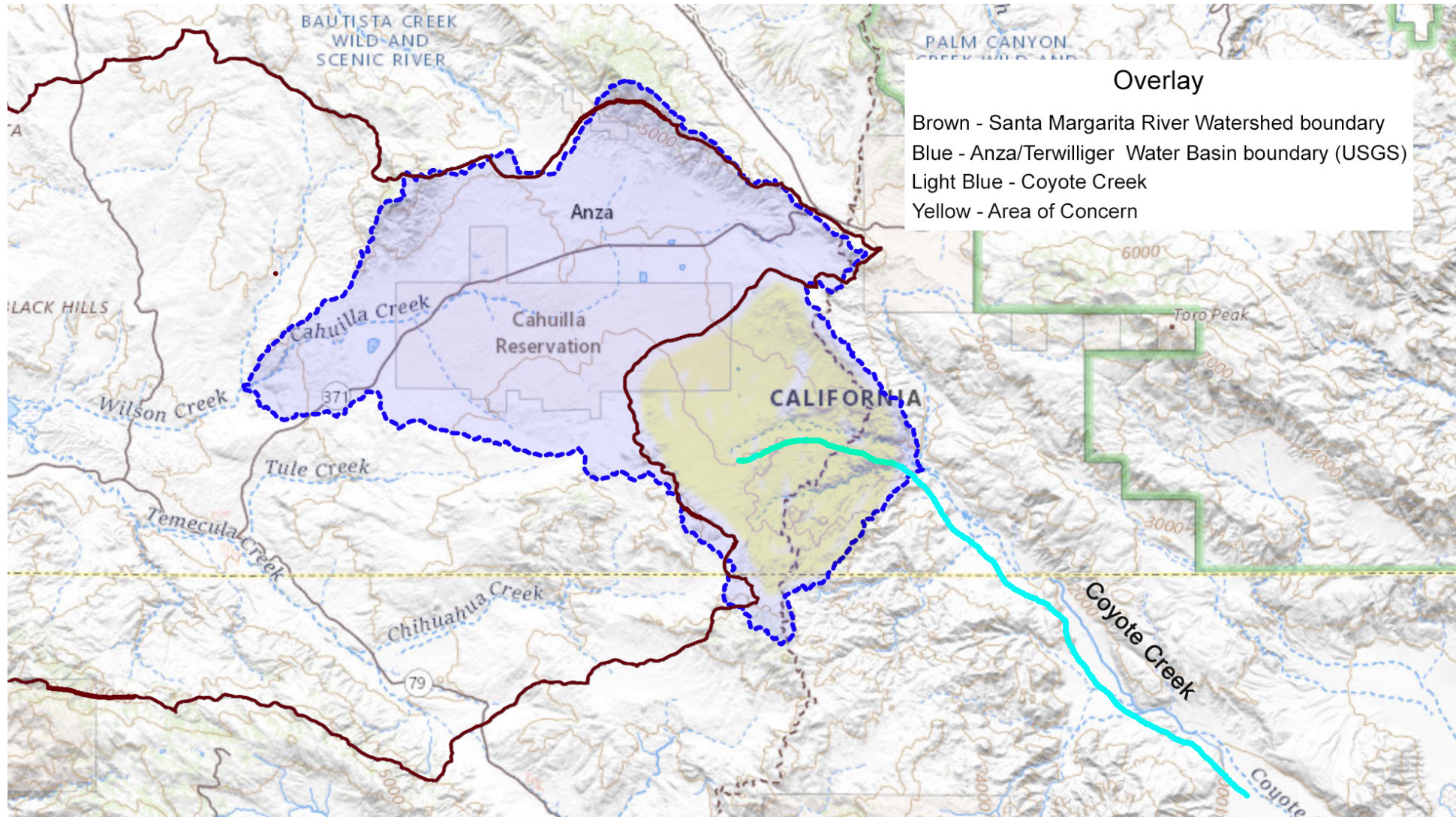
Hemp Timeline

Industrial Hemp photos

Borrego Valley Groundwater Conditions



Groundwater is effectively the sole source of water supply for Borrego Valley, California. By the mid-2000s, agriculture, recreation (predominantly golf courses), municipal uses, and the Anza-Borrego Desert State Park require four times more water than is available through natural recharge. As a result, the U.S. Geological Survey began a cooperative study of the Borrego Valley with the Borrego Water District (BWD) in 2009. The purpose of the study is to develop a greater understanding of the hydrogeology of the Borrego Valley Groundwater Basin and provide tools to help evaluate the potential hydrologic effects of future development.



Timeline

2018

The Agriculture Improvement Act of 2018 (2018 Farm Bill) authorized the production of hemp and removed hemp and hemp seeds from the Drug Enforcement Administration's (DEA) schedule of Controlled Substances. It also directed the U.S. Department of Agriculture (USDA) to issue regulations and guidance to implement a program to create a consistent regulatory framework around production of hemp throughout the United States.

2019

As of April 30, 2019, the California Department of Food and Agriculture posted applications for registration for commercial hemp cultivation and hemp seed breeders.

2019

April 30, 2019

The Riverside County Agricultural Commissioner's Office accepting applications for Industrial Hemp Cultivation Registration.

2019

June 4, 2019

Riverside County Planning Dept asked to start work on a hemp ordinance

2020

June 3, 2020¹

First Reading hemp ordinance by Planning Commission

2020

June 2020

154 Hemp permits issued in Riverside County with 34 to Anza Valley (no ordinance in place as yet)

2020

Aug 5, 2020 Second reading hemp ordinance by Planning Commission. Letters in opposition submitted including exclusion of Santa Margarita River Watershed. Commissioners vote to exclude hemp cultivation within SMRW and forward ordinance to BOS

2020

Sept 1, 2020

Revised ordinance going to RivCo Board of Supervisors Sept 15, 2020 with both indoor and outdoor hemp cultivation excluded in SMRW.

The issue of concern (YELLOW) (see map above) is the area outside the Santa Margarita River Watershed but within the bounds of the Anza-Terwilliger Water Basin as defined by the USGS. As per the Santa Margarita River Watershed this area as has not been quantified to the amount of water available for high water use industrial hemp operations. This area also is a source of aquifer recharge for not only the Terwilliger Valley on the eastern edge of the SMRW but as an important source for recharge for the Borrego Water Basin through Coyote Canyon on the southeastern edge of the Anza-Terwilliger Water Basin according to USGS studies. (SEE MAP).

The attached images show some of the industrial hemp operations within the area of concern.





October 3, 2020

David Washington, Supervisor District 3
Riverside County
4080 Lemon St., 5th Floor
Riverside, CA. 92501

Dear Mr Washington and fellow Supervisors

The Borrego Water District (BWD) has recently been made aware of potential actions in Riverside County pertaining to the future of increased industrial hemp farming in the Anza/Terwilliger area. A portion of this area is within the Coyote Creek tributary/watershed, which provides an estimated 80% of inflows into our aquifer -- which is the sole source of water for the community of Borrego Springs and the surrounding Anza-Borrego Desert State Park. We have been designated as a Critically Overdrafted Basin (overdraft currently estimated at 74.6%), by the Sustainable Groundwater Management Act (SGMA).

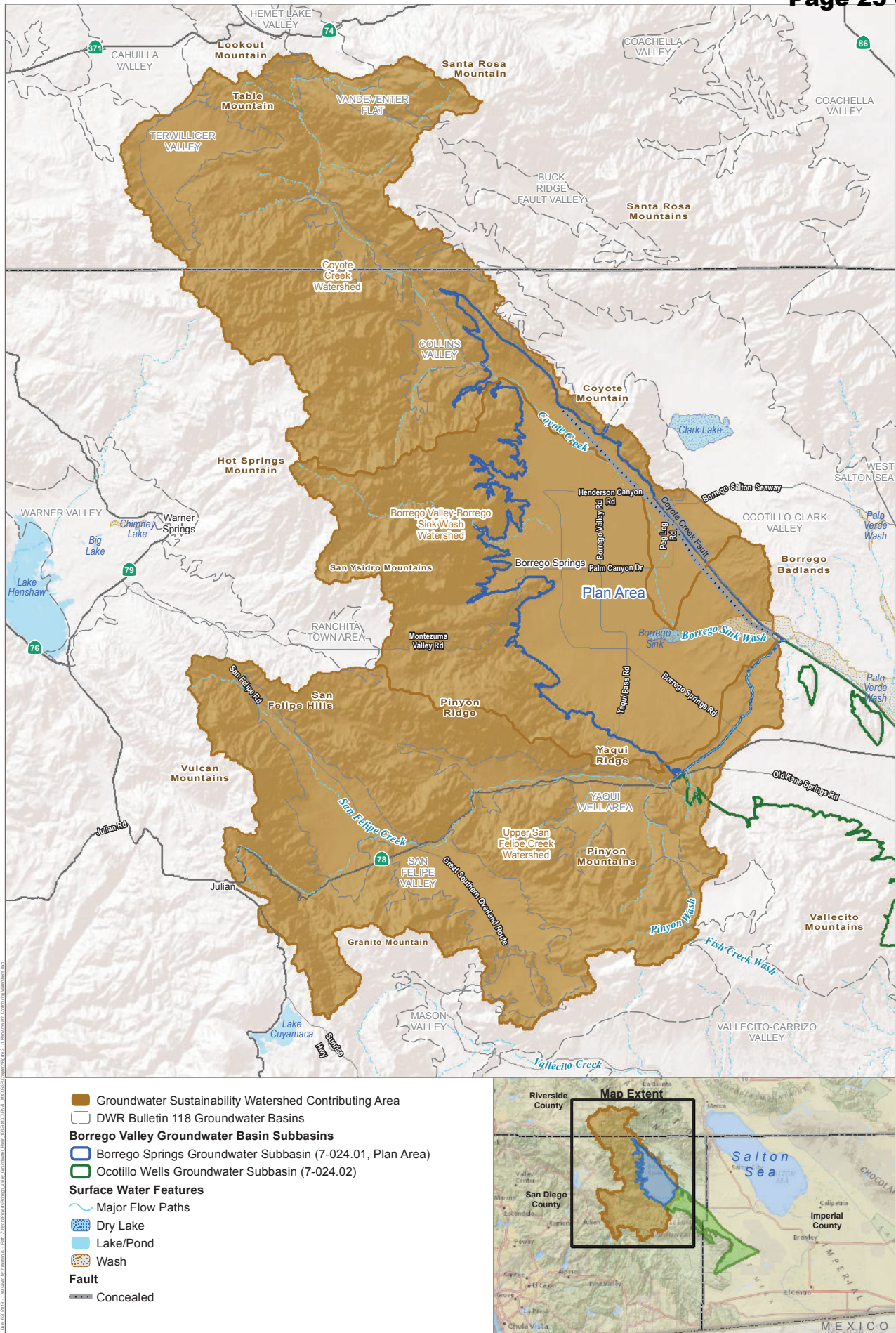
We understand that the Anza/Terwilliger area is outside the Santa Margarita River Watershed (SMRW) but does fall within the Anza Terwilliger Water Basin (ATWB) an area defined by the US Geological Survey. Both of these areas are unquantified for water content. Along with your consideration of proscribing industrial hemp cultivation within the SMRW, we would respectfully ask you to give the same consideration to the Coyote Creek area within the ATWB as you move forward with your ordinance.

BWD also supports any proactive efforts to study/quantify the potential impacts to groundwater resources created by planned increased pumping for relatively high water demand crops. To wait until the impacts have already been felt is too risky and could have extremely detrimental and possibly irreversible effects because any loss of water from the Coyote Canyon/Coyote Creek interface could exacerbate the existing problem of limited and infrequent aquifer recharge in the Borrego Valley Basin.

As a footnote, the complicated issue of dealing with the critical overdraft in the BS Basin has been the subject of over a decade of work by BWD and other Basin pumpers. In early 2020, over 92% of basin pumpers (by volume) signed legally binding Agreements to implement a SGMA-mandated Groundwater Management Plan that includes Project and Management actions, with the goal of reducing pumping by 74.6% over the next 20 years. One component of the Agreement includes the creation of a Watermaster (WM) for Borrego Springs (BS). The BSWM began to meet in March 2020 and, once it receives interim legal authority in the coming months, will be given the responsibility of managing withdrawals from the Basin, with Court oversight. BWD is a member of the BS Watermaster Board and our Representative is planning to bring up this issue in the near future.

Sincerely

Geoffrey Poole, General Manager on behalf of
BWD Board of Directors



August 2019

DATUM: NAD 1983. DATA SOURCE: DWR 2015; SanGIS 2014; USGS NHD 2017

DUDEK 0 1.5 3 Miles

Figure 2.1-1

Plan Area and Contributing Watersheds

Groundwater Sustainability Plan for the Borrego Springs Groundwater Subbasin

ORDINANCE NO. 348.4931

AN ORDINANCE OF THE COUNTY OF RIVERSIDE

AMENDING ORDINANCE NO. 348

RELATING TO ZONING

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. A new subsection G. is added to Section 5.1 of Ordinance No. 348 to read as follows:

“G. Industrial Hemp Activities are permitted or conditionally permitted in subsections A., C., or D. in Section 5.1 pursuant to the provisions set forth in Article XIXm of this ordinance including, but not limited to, permit processing, location, standards and approval requirements.”

Section 2. A new subsection F. is added to Section 6.50 of Ordinance No. 348 to read as follows:

“F. Industrial Hemp Activities are permitted or conditionally permitted in subsections A., B., or C. in Section 6.50 pursuant to the provisions set forth in Article XIXm of this ordinance including, but not limited to, permit processing, location, standards and approval requirements.”

Section 3. A new subsection G. is added to Section 9.1 of Ordinance No. 348 to read as follows:

“G. Industrial Hemp Activities are permitted or conditionally permitted in subsections A., B., or D. in Section 9.1 pursuant to the provisions set forth in Article XIXm of this ordinance including, but not limited to, permit processing, location, standards and approval requirements.”

Section 4. A new subsection F. is added to Section 9.50 of Ordinance No. 348 to read as follows:

“F. Industrial Hemp Activities are permitted or conditionally permitted in subsections A. or B. in Section 9.50 pursuant to the provisions set forth in

1 Article XIXm of this ordinance including, but not limited to, permit
2 processing, location, standards and approval requirements.”

3 Section 5. A new subsection F. is added to Section 10.1 of Ordinance No. 348 to read
4 as follows:

5 “F. Industrial Hemp Activities are permitted or conditionally permitted in
6 subsections A., B., or C. in Section 10.1 pursuant to the provisions set forth
7 in Article XIXm of this ordinance including, but not limited to, permit
8 processing, location, standards and approval requirements.”

9 Section 6. A new subsection H. is added to Section 11.2 of Ordinance No. 348 to read
10 as follows:

11 “H. Industrial Hemp Activities are permitted or conditionally permitted in
12 subsections A., B., or C. in Section 11.2 pursuant to the provisions set forth
13 in Article XIXm of this ordinance including, but not limited to, permit
14 processing, location, standards and approval requirements.”

15 Section 7. A new subsection H. is added to Section 11.26 of Ordinance No. 348 to read
16 as follows:

17 “H. Industrial Hemp Activities are permitted or conditionally permitted in
18 subsections A., B., or C. in Section 11.26 pursuant to the provisions set forth
19 in Article XIXm of this ordinance including, but not limited to, permit
20 processing, location, standards and approval requirements.”

21 Section 8. A new subsection I. is added to Section 12.2 of Ordinance No. 348 to read as
22 follows:

23 “I. Industrial Hemp Activities are permitted or conditionally permitted in
24 subsections A., B., or C. in Section 12.2 pursuant to the provisions set forth
25 in Article XIXm of this ordinance including, but not limited to, permit
26 processing, location, standards and approval requirements.”

27 Section 9. A new subsection F. is added to Section 13.1 of Ordinance No. 348 to read
28 as follows:

1 “F. Industrial Hemp Activities are permitted or conditionally permitted in
2 subsections A., B., or C. in Section 13.1 pursuant to the provisions set forth
3 in Article XIXm of this ordinance including, but not limited to, permit
4 processing, location, standards and approval requirements.”

5 Section 10. A new subsection K. is added to Section 13.51 of Ordinance No. 348 to read

6 as follows:

7 “K. Industrial Hemp Activities are permitted or conditionally permitted in
8 subsections B., G., or H. in Section 13.51 pursuant to the provisions set forth
9 in Article XIXm of this ordinance including, but not limited to, permit
10 processing, location, standards and approval requirements.”

11 Section 11. A new subsection G. is added to Section 14.1 of Ordinance No. 348 to read

12 as follows:

13 “G. Industrial Hemp Activities are permitted or conditionally permitted in
14 subsections A., B., or C. in Section 14.1 pursuant to the provisions set forth
15 in Article XIXm of this ordinance including, but not limited to, permit
16 processing, location, standards and approval requirements.”

17 Section 12. A new subsection F. is added to Section 14.52 of Ordinance No. 348 to read

18 as follows:

19 “F. Industrial Hemp Activities are permitted or conditionally permitted in
20 subsections A., B., or C. in Section 14.52 pursuant to the provisions set forth
21 in Article XIXm of this ordinance including, but not limited to, permit
22 processing, location, standards and approval requirements.”

23 Section 13. A new subsection I. is added to Section 15.1 of Ordinance No. 348 to read as

24 follows:

25 “I. Industrial Hemp Activities are permitted or conditionally permitted in
26 subsections A., B., C., or D. in Section 15.1 pursuant to the provisions set
27 forth in Article XIXm of this ordinance including, but not limited to, permit
28 processing, location, standards and approval requirements.”

Section 14. A new Article XIXm is added to Ordinance No. 348 to read as follows:

“ARTICLE XIXm

INDUSTRIAL HEMP ACTIVITIES

SECTION 19.1100. PURPOSE AND INTENT.

The purpose of this Article is to protect the public health, safety, and welfare, enact effective regulatory and enforcement controls in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas of Riverside County by establishing land use regulations for industrial hemp activities. Industrial hemp activities include industrial hemp cultivation, industrial hemp manufacturing and processing. Industrial hemp activities require land use regulations due to the potential environmental and social impacts associated with industrial hemp activities.

SECTION 19.1101. PROHIBITED ACTIVITIES.

- A. Any Industrial Hemp Activity that is not expressly exempted from this Article or provided for in an approved conditional use permit or plot plan and a registration with the County Agricultural Commissioner is prohibited in all zones and is hereby declared a public nuisance that may be abated by the County and is subject to all available legal remedies, including but not limited to civil injunctions.
- B. All Industrial Hemp Activities are prohibited within any dwelling unit, accessory dwelling unit, guest quarters, or any other residential accessory building permitted for residential occupancy.
- C. Outdoor Industrial Hemp Cultivation is prohibited in the R-R, R-A and W-2 Zones on lots less than 5 gross acres.
- D. Indoor and Outdoor Industrial Hemp Cultivation is prohibited on lots located, entirely or partially, within the boundary of the Santa Margarita River Watershed area within the County of Riverside as established by United States v. Fallbrook Pub. Util. Dist., No. 1247-SD-C (S.D. Cal filed Jan. 25, 1951) and managed by the Santa Margarita River Watershed Watermaster.

SECTION 19.1102. APPLICABILITY.

- A. Industrial Hemp Activities shall not be allowed in the unincorporated areas of Riverside County without first obtaining all required land use permits, licenses, registrations or other entitlements required by local or State laws and regulations.
- B. For the purposes of this Article, Industrial Hemp does not include Cannabis as defined in this ordinance.
- C. This Article does not apply to legally existing Outdoor Industrial Hemp Cultivation in the A-1, A-P, A-2, A-D and W-2 zone classifications that is operated by an Established Agricultural Research Institution as defined in Section 81000 of the California Food and Agricultural Code.
- D. Outdoor Industrial Hemp Cultivation legally operating in the A-1, A-P, A-2, A-D, R-R, R-R-O, R-1, R-1A, R-A, R-2, R2-A, R-3, R-3A, R-T, R-T-R, R-4, R-5, R-6, R-7, C/V, C-C/V, WC-R, WC-W, WC-WE, WC-E, R-D, N-A, W-2, W-2-M, W-1, W-E, M-R, M-R-A and MU zone classifications with a valid registration issued by the County Agricultural Commissioner prior to the effective date of Ordinance No. 348.4931 may continue operating for the period of time provided in the valid registration. Upon expiration of the valid registration, the Outdoor Industrial Hemp Cultivation shall comply with the requirements of this Article and all other applicable laws and regulations.

SECTION 19.1103. LOCATIONS.

- A. Industrial Hemp Activities are prohibited in the following zones: R-R-O, R-1, R-1A, R-2, R2-A, R-3, R-3A, R-T, R-T-R, R-4, R-5, R-6, R-7, C/V, C-C/V, WC-R, WC-W, WC-WE, WC-E, R-D, N-A, W-2-M, W-1, W-E, M-R, M-R-A, and MU.
- B. Industrial Hemp Activities operating in accordance with this Article within approved Specific Plans shall be an interim use not to exceed a maximum of 10 years.

SECTION 19.1104. OUTDOOR INDUSTRIAL HEMP CULTIVATION.

A. Registration. In addition to the requirements set forth in this Article, a registration shall be obtained from the County Agricultural Commissioner for the approved Outdoor Industrial Hemp Cultivation.

B. Zoning. Notwithstanding any other provision of this ordinance, Outdoor Industrial Hemp Cultivation is allowed as follows:

1. In the A-1, A-P, A-2 and A-D zones, Outdoor Industrial Hemp Cultivation is allowed in accordance with the following:

a. On lots less than 10 gross acres with an approved conditional use permit in accordance with Section 18.28 of this ordinance.

b. On lots 10 gross acres or greater but less than 20 gross acres and adjoining lots zoned 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-5, R-6, R-7, W-2-M, WC-W, WC-WE, WC-E, WC-R with an approved plot plan in accordance with Section 18.30 of this ordinance.

c. On lots 10 gross acres or greater but less than 20 gross acres and not adjoining lots zoned 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-5, R-6, R-7, W-2-M, WC-W, WC-WE, WC-E, WC-R as a use by right.

d. On lots 20 gross acres or greater but less than 160 acres as a use by right.

e. On lots 160 gross acres or greater with an approved conditional use permit in accordance with Section 18.28 of this ordinance.

2. In W-2 Zone, Outdoor Industrial Hemp Cultivation is allowed in accordance with the following:

a. On lots less than five gross acres, Outdoor Industrial Hemp Cultivation is prohibited.

- b. On lots five gross acres or greater but less than 40 gross acres with an approved conditional use permit in accordance with Section 18.28 of this ordinance.
- c. On lots 40 gross acres or greater but less than 160 gross as a use by right.
- d. On lots 160 gross acres or greater with an approved conditional use permit in accordance with Section 18.28 of this ordinance.

3. In R-R and R-A Zones, Outdoor Industrial Hemp Cultivation is allowed in accordance with the following:

- a. On lots less than five gross acres Outdoor Industrial Hemp Cultivation is prohibited.
- b. Except as provided in subsection c. below, on lots five gross acres or greater with an approved conditional use permit in accordance with Section 18.28 of this ordinance.
- c. On lots five gross acres or greater that are not adjoining any lot zoned 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-5, R-6, R-7, W-2-M, WC-W, WC-WE, WC-E, WC- with an approved plot plan in accordance with Section 18.30 of this ordinance.

SECTION 19.1105. INDOOR INDUSTRIAL HEMP CULTIVATION.

- A. Registration. In addition to the requirements set forth in this Article, a registration shall be obtained from the County Agricultural Commissioner for the approved Indoor Industrial Hemp Cultivation.
- B. Zoning. Notwithstanding any other provision of this ordinance, Indoor Industrial Hemp Cultivation is allowed in the following zone classifications with an approved plot plan in accordance with section 18.30 of this ordinance: C-1/C-P, C-P-S, I-P, M-SC, M-M, M-H, A-1, A-P, A-2 and A-D.

SECTION 19.1106. INDUSTRIAL HEMP CULTIVATION STANDARDS.

In addition to the applicable permit and approval requirements provided in this Article and the development standards in the applicable zoning classification, Industrial Hemp Cultivation operations shall comply with the standards provided below. If there is an inconsistency between the development standards of the zone classification and these standards, the more restrictive standard applies.

A. Location Requirements.

1. Indoor and Outdoor Industrial Hemp Cultivation shall not be located within 1,000 feet of any Child Day Care Center, K-12 school, public park, or Youth Center. The distance shall be measured from the nearest points of the respective lot lines using a direct straight-line measurement. This location requirement may be modified with the approval of a variance pursuant to Section 18.27 of this ordinance.
2. Industrial Hemp shall not be cultivated on a premises legally allowed to cultivate or process Cannabis.

B. Setbacks.

1. Indoor Industrial Hemp Cultivation: Indoor Industrial Hemp Cultivation shall be within a fully enclosed building or buildings and setback from the lot lines and public right-of way in accordance with the development standards for the zone classification in which it is located. When an Indoor Industrial Hemp Cultivation facility is located adjacent to a residentially zoned lot the minimum setback shall be 25 feet from all lot lines.
2. Outdoor Industrial Hemp Cultivation:
 - a. For lots adjoining lots zoned 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-5, R-6, R-7, W-2-M, WC-W, WC-WE, WC-E, WC-R the Industrial Hemp Cultivation Area shall be setback a minimum of 100 feet from the adjoining lot line,

1 otherwise the Industrial Hemp Cultivation Area shall be setback a
2 minimum of 25 feet from all lot lines and public right-of-ways.

3 b. The Industrial Hemp Cultivation Area shall be located a minimum of
4 50 feet from the drip line of any riparian vegetation of any
5 watercourse.

6 C. Energy Conservation Measures. All Indoor Industrial Hemp Cultivation operations
7 shall include adequate measures to address the projected energy demand for
8 Industrial Hemp Cultivation at the lot. On-site renewable energy generation shall be
9 required for all Indoor Industrial Hemp Cultivation operations. Renewable energy
10 systems for Indoor Hemp Cultivation operating entirely within an enclosed building
11 shall be designed to have a generation potential equal to or greater than 20-percent
12 of the anticipated energy demand. This subsection does not apply to greenhouses or
13 similar types of structures.

14 D. Water Conservation Measures. All Industrial Hemp Cultivation operations shall
15 include adequate measures that minimize use of water for cultivation on the lot.
16 Water conservation measures, water capture systems, or grey water systems shall be
17 incorporated into the operations in order to minimize use of water where feasible.

18 E. Water Availability. All Industrial Hemp Cultivation operations shall obtain a ‘Will
19 Serve’ letter from the applicable water purveyor, indicating agreement to supply
20 water for the Industrial Hemp Cultivation operations. The letter shall include the
21 activity proposed and any improvements required for service. Where water service
22 is not available, all Industrial Hemp Cultivation operations shall comply with
23 applicable Department of Environmental Health requirements for a permitted onsite,
24 in-ground well. Commercial and domestic potable water supplies shall not include
25 water transported by vehicle from off-site sources.

26 F. Operations.

27 1. All Industrial Hemp Cultivation lighting shall be fully shielded, downward
28 casting and not spill over onto structures, other properties or the night sky.

1 Light shall not escape at a level that is visible from neighboring properties
2 between sunset and sunrise.

3 2. All Industrial Hemp Cultivation operations shall accumulate or store garbage
4 and refuse in a nonabsorbent, water-tight, vector resistant, durable, easily
5 cleanable, galvanized metal or heavy plastic containers with tight fitting lids.
6 No refuse container shall be filled beyond the capacity to completely close
7 the lid. All garbage and refuse on the site shall not be accumulated or stored
8 for more than seven calendar days, and shall be properly disposed of before
9 the end of the seventh day. All waste, including but not limited to refuse,
10 garbage, green waste and recyclables, must be disposed of in accordance with
11 County and State laws and regulations. All waste generated from Industrial
12 Hemp Cultivation operations must be properly stored and secured to prevent
13 access from the public.

14 3. Onsite generators are prohibited, except as a source of energy in an
15 emergencies. Onsite generators for emergency use shall be included in the
16 applicable plot plan or conditional use permit.

17 4. Supplemental lighting for Outdoor Hemp Cultivation shall not exceed 25
18 watts per square foot to be used up to one hour before sunrise or after sunset,
19 unless the building or structure is equipped with light-blocking measures to
20 ensure no light escapes from it.

21 5. Industrial Hemp Cultivation shall not include the retail sales of Industrial
22 Hemp or Industrial Hemp Products.

23 G. Signage – Outdoor Industrial Hemp Cultivation. In accordance with Section 81006
24 of the Food and Agricultural Code, Outdoor Industrial Hemp Cultivation shall have
25 a sign placed at the primary entrance of the lot indicating it is Industrial Hemp
26 Cultivation. The sign shall be a minimum of 3 foot by 3 foot.

27 SECTION 19.1107. INDUSTRIAL HEMP MANUFACTURING FACILITIES ZONES.

28 A. Notwithstanding any other provision of this ordinance, Industrial Hemp

1 Manufacturing Facilities are allowed as follows:

- 2 1. Non-Volatile Industrial Hemp Manufacturing Facility. Non-volatile
3 Industrial Hemp Manufacturing Facilities are allowed in the following zones
4 with an approved plot plan in accordance with Section 18.30 of this
5 ordinance: A-1, A-P, A-2, A-D, I-P, M-SC, M-M and the M-H zones.
- 6 2. Volatile Industrial Hemp Manufacturing Facility. Volatile Industrial Hemp
7 Manufacturing Facilities are allowed in the following zones with an approved
8 conditional use permit in accordance with Section 18.28 of this ordinance:
9 A-1, A-P, A-2, A-D, I-P, M-SC, M-M and M-H.

10 SECTION 19.1108. INDUSTRIAL HEMP MANUFACTURING FACILITIES
11 STANDARDS

12 In addition to the applicable permit and approval requirements provided in this Article and
13 the development standards for the applicable zoning classification, Industrial Hemp
14 Manufacturing Facilities shall comply with the standards provided below. If there is an
15 inconsistency between the development standards of the zone classification and these
16 standards, the more restrictive standard applies.

17 A. General Location. Industrial Hemp Manufacturing Facilities shall not be located
18 within 1000 feet from any Child Day Care Center, K-12 school, public park, or Youth
19 Center. Distance shall be measured from the nearest point of the respective lot lines
20 using a direct straight-line measurement. A new adjacent use will not affect the
21 continuation of an existing legal use that has been established under this Article and
22 continuously operating in compliance with the conditional use permit, and local and
23 State laws and regulations.

24 B. Setbacks.

- 25 1. Non-Volatile and Volatile Industrial Hemp Manufacturing Facilities shall be
26 setback from all lot lines a minimum of 25 feet.
- 27 2. Setbacks may be modified with an approved setback adjustment in
28 accordance with Section 18.33 of this ordinance. In no case shall a setback

1 be less than setbacks required by the State law, the California Building Code
2 or Ordinance No. 457.

3 C. Lot Size. Except for Industrial Hemp Manufacturing Facilities located in the I-P, M-
4 SC, M-M or M-H zones, the minimum lot size for Industrial Hemp Manufacturing
5 Facilities is 20 gross acres. Industrial Hemp Manufacturing Facilities located in the
6 I-P, M-SC, M-M or M-H zones shall comply with the lot size standards for the zone
7 classification in which they are located.

8 D. Operations.

9 1. Any compressed gases used in the manufacturing process shall not be stored
10 on any lot within in containers that exceeds the amount which is approved by
11 the Riverside County Fire Department and authorized by the conditional use
12 permit.

13 2. Closed loop systems for compressed gas extraction systems must be
14 commercially manufactured, bear a permanently affixed and visible serial
15 number and certified by an engineer licensed by the State of California that
16 the system was commercially manufactured, is safe for its intended use, and
17 was built to codes of recognized and generally accepted good engineering
18 practices.

19 3. Industrial Hemp Manufacturing Facilities shall have a training program for
20 persons using solvents or gases in a closed looped system to create hemp
21 extracts on how to use the system, to access applicable material safety data
22 sheets and to handle and store the solvents and gases safely.

23 SECTION 19.1109. PERMIT REQUIREMENTS FOR INDUSTRIAL HEMP
24 ACTIVITIES

25 Industrial Hemp Activities shall comply with the following requirements:

26 A. Application Requirements. At the time of filing the application for an Industrial
27 Hemp Activity on a form provided by the Planning Department, the applicant shall
28 also provide the applicable fee for processing the land use permit application.

- 1 B. Suspension, Revocation, or Termination of State License. Suspension of any
2 required license issued by the State of California, or by any State licensing authority,
3 or registration issued by the County Agricultural Commissioner shall immediately
4 suspend the ability of an Indoor or Outdoor Industrial Hemp Cultivation to operate
5 within the County until the State or County reinstates or reissues the State license or
6 County registration, as applicable. Revocation or termination of State license or
7 County registration will also be grounds to revoke or terminate any conditional use
8 permit or plot plan granted to an Indoor or Outdoor Industrial Hemp Cultivation land
9 use pursuant to this Article.
- 10 C. Health and Safety. Industrial Hemp Activities shall at all times be operated in such
11 a way as to ensure the health, safety, and welfare of the public. Industrial Hemp
12 Activities shall not create a public nuisance or adversely affect the health or safety
13 of the nearby residents, businesses or employees working at the Industrial Hemp
14 Activity by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic,
15 vibration, unsafe conditions or other impacts, or be hazardous due to the use or
16 storage of materials, processes, products, and runoff of water, pesticides or wastes.
- 17 D. Nuisance Odors Indoor Industrial Hemp. Indoor Industrial Hemp Activities shall be
18 sited and operated in a manner that prevents Industrial Hemp nuisance odors from
19 being detected offsite. All Indoor Industrial Hemp Activities shall provide a
20 sufficient odor absorbing ventilation and exhaust system so that odor generated
21 inside the Indoor Industrial Hemp Activity that is distinctive to its operation is not
22 detected outside of the operation's facility, anywhere on adjacent lots or public
23 rights-of-way, on or about the exterior or interior common area walkways, hallways,
24 breezeways, foyers, lobby areas, or any other areas available for use by common
25 tenants or the visiting public, or within any other unit located inside the same building
26 as the Indoor Industrial Hemp Activity. In order to control nuisances such as odors,
27 humidity and mold, Indoor Industrial Hemp Activities shall install and maintain at
28 the minimum, the following equipment, or any other equipment that can be proven

1 to be an equally or more effective method or technology to control these nuisances:

- 2 1. An exhaust air filtration system with odor control that prevents internal odors
3 from being emitted externally;
- 4 2. An air system that creates negative air pressure between the Indoor Industrial
5 Hemp Activities' interior and exterior, so that the odors generated by the
6 Indoor Industrial Hemp Activity are not detectable on the outside of the
7 Indoor Industrial Hemp Activity.

8 This subsection does not apply to greenhouses or similar structures.

9 E. Relocation Of A Permitted Industrial Hemp Activity. In the event the permittee or
10 successor in interest vacates and relocates the Industrial Hemp Activity to a new
11 location, a new conditional use permit or plot plan will need to be granted by the
12 County in accordance with this ordinance prior to commencing operations at the new
13 location.

14 F. Permit and License Posting. The permittee shall post or cause to be posted at the
15 Industrial Hemp Activity all required County and State permit and licenses to
16 operate.

17 G. Inspections. Industrial Hemp Activities shall be subject to inspections by appropriate
18 local and State agencies, including, but not limited to, the Riverside County
19 Departments of Code Enforcement, Planning, Fire, Public Health, Environmental
20 Health, the Agricultural Commissioner's Office and the Sheriff's Department.

21 H. Signage. Signage for an Industrial Hemp Activity shall comply with the following:
22 1. Business identification signage for an Industrial Hemp Activity shall comply
23 with Section 19.4 of this ordinance.
24 2. No Industrial Hemp Activity shall advertise by having a person or device
25 holding a sign or an air dancer sign advertising the activity to passersby,
26 whether such person, device or air dancer is on the lot of the Industrial Hemp
27 Activity or elsewhere including, but not limited to, the public right-of-way.
28

3. No signs placed on the lot of an Industrial Hemp Activity shall obstruct any entrance or exit to the building or any window.
4. Signage shall not be directly illuminated, internally or externally.
5. No banners, flags, billboards, or other prohibited signs may be used at any time.

I. Parking. Parking shall be provided in accordance with Section 18.12 of this ordinance.

J. Hazardous Materials. All Industrial Hemp Activities that utilize hazardous materials shall comply with applicable hazardous waste generator, Riverside County Ordinance No. 615, and hazardous materials handling, Riverside County Ordinance No. 651, requirements and maintain any applicable permits for these programs from the Riverside County Fire Department, the Riverside County Department of Environmental Health, the Riverside County Department of Waste Resources and the Agricultural Commissioner.

K. Compliance with Local and State Laws and Regulations.

1. All Industrial Hemp Activities shall comply with all applicable local and State laws, ordinances and regulations related to, but not limited to, the following: the California Environmental Quality Act, California Building Code, California Fire Code, Riverside County Ordinance No. 787, Riverside County Ordinance No. 457, Riverside County Ordinance No. 657, Riverside County Ordinance No. 745, Airport Land Use Compatibility Plans, weights and measures regulations, pesticide use, water quality, storm water discharge and the grading of land.

2. All buildings and structures, including greenhouse, hoop structures, or other similar structures shall comply with all applicable Building, Fire, and Safety laws and regulations. All buildings and structures shall be reviewed by the Riverside County Building and Safety Department in accordance with the California Building Code and Riverside County Ordinance No. 457 and by

1 the Riverside County Fire Department in accordance with Riverside County
2 Ordinance No. 787 and the California Fire Code.

3 L. Multiple Industrial Hemp Activities. Multiple Industrial Hemp Activities may be
4 allowed on the same lot provided the proposed activities are allowed in the zone
5 classification and meet all requirements in this Article and State Law.

6 M. Retail Sales. Industrial Hemp Activities shall not include the retail sales of Industrial
7 Hemp or Industrial Hemp Products.

8 SECTION 19.1110. APPROVAL REQUIREMENTS FOR INDUSTRIAL HEMP
9 ACTIVITIES

10 A. No conditional use permit or plot plan for an Industrial Hemp Activity shall be
11 approved unless the following findings are made:

- 12 1. The permit is consistent with the General Plan and any applicable specific
13 plan.
- 14 2. The permit complies with the permit requirements of this Article and Section
15 18.28 or Section 18.30 of this ordinance, as applicable.
- 16 3. The permit complies with the development standards for the zoning
17 classification in which the Industrial Hemp Activity is located.
- 18 4. The permit will not be detrimental to the public health, safety or general
19 welfare.

20 B. In addition to the findings required in subsection A. of Section 19.1110 above, no
21 conditional use permit or plot plan for Indoor or Outdoor Industrial Hemp Cultivation
22 shall be approved unless the following findings are made:

- 23 1. The Industrial Hemp Cultivation complies with all the requirements of the
24 State and County for Industrial Hemp Cultivation.
- 25 2. The Industrial Hemp Cultivation is not located within 1,000 feet from any
26 Child Day Care Center, K-12 school, public park, or Youth Center or a
27 variance has been approved allowing a shorter distance but not less than
28 allowed by State law.

- 1 3. The Industrial Hemp Cultivation includes adequate measures that minimize
- 2 use of water for cultivation on the lot.
- 3 4. The Industrial Hemp Cultivation includes adequate quality control measures
- 4 to ensure cultivation meets State and County regulatory standards.
- 5 5. The Industrial Hemp Cultivation includes adequate measures that address
- 6 enforcement priorities for cultivation including restricting access to minors,
- 7 and ensuring that Industrial Hemp is not supplied to unlicensed or
- 8 unpermitted persons.
- 9 6. The Indoor Industrial Hemp Cultivation will operate in a manner that
- 10 prevents Industrial Hemp nuisance odors from being detected offsite.

11 C. In addition to the findings required in subsection A. of Section 19.1110 above, no

12 conditional use permit or plot plan for an Industrial Hemp Manufacturing Facility

13 shall be approved unless the following findings are made:

- 14 1. The facility complies with all the requirements of the State and County for
- 15 the manufacturing of Industrial Hemp.
- 16 2. The Industrial Hemp Manufacturing Facility does not pose a significant threat
- 17 to the public or to neighboring uses from explosion or from release of harmful
- 18 gases, liquids, or substances.
- 19 3. The Industrial Hemp Manufacturing Facility includes adequate quality
- 20 control measures to ensure Hemp manufactured at the facility meets industry
- 21 standards and includes a documented employee safety training program, a
- 22 Safety Data Sheet, and meets all requirements in Health and Safety Code
- 23 Section 11362.775, as it may be amended from time to time.
- 24 4. The Industrial Hemp Manufacturing Facility includes adequate measures that
- 25 address enforcement priorities for Industrial Hemp activities including
- 26 restricting access to minors, and ensuring that Industrial Hemp and Industrial
- 27 Hemp Products are obtained from and supplied only to other permitted
- 28 licensed sources within the State and not distributed out of State.

1 5. The Industrial Hemp Manufacturing Facility is not located within 600 feet
2 from any Child Day Care Center, K-12 school, public park, or Youth Center.

3 D. Conditional use permits and plot plan shall be subject to all conditions necessary or
4 convenient to assure that the Industrial Hemp Activity will satisfy the requirements
5 of this Article.

6 SECTION 19.1111. PUBLIC HEARING REQUIREMENTS FOR INDUSTRIAL HEMP
7 ACTIVITIES.

8 A public hearing shall be held on the application for a conditional use permit or plot plan in
9 accordance with the Section 18.28 or Section 18.30 of this ordinance, as applicable, and all
10 of the procedural requirements and rights of appeal set forth therein shall govern the public
11 hearing.

12 SECTION 19.1112. REVOCATION OF PERMIT FOR INDUSTRIAL HEMP
13 ACTIVITIES.

14 Any conditional use permit or plot plan granted under this Article may be revoked upon the
15 findings and procedures contained in Section 18.31 of this ordinance except that the Planning
16 Commission shall be the hearing body to make a determination that grounds for revocation
17 exist and provide notice of the revocation. All other procedural requirements and rights of
18 appeal set forth in Section 18.31 of this ordinance shall govern the hearing.”

19 Section 15. Section 21.39b of Ordinance No. 348 is amended to read as follows:

20 “Section 21.39b. INDUSTRIAL HEMP.

21 An agricultural product, whether growing or not, that is limited to types of the plant
22 Cannabis sativa L. and any part of the plant, including the seed of the plant and all
23 derivatives, extracts, the resin extracted from any part of the plant, cannabinoids,
24 isomers, acids, salts and salts of isomers, with a delta-9 tetrahydrocannabinol
25 concentration of no more than 0.3 percent on a dry weight basis. For purposes of
26 this ordinance, Industrial Hemp is not considered a field crop.”

27 Section 16. A new section 21.39c. is added to Ordinance No. 348 to read as follows:

28 “Section 21.39c. INDUSTRIAL HEMP ACTIVITY.

1 The cultivation, growing, seed breeding, possession, manufacture, distribution,
2 processing, storing, laboratory testing, packaging, labeling, transportation, delivery
3 or sale of Industrial Hemp and Industrial Hemp Products.”

4 Section 17. A new section 21.39d. is added to Ordinance No. 348 to read as follows:

5 “Section 21.39d. INDUSTRIAL HEMP CULTIVATION.

6 Any activity involving the planting, growing, harvesting, drying, curing, grading or
7 trimming of industrial hemp for commercial purposes and industrial hemp seed
8 breeders.”

9 Section 18. A new section 21.39e. is added to Ordinance No. 348 to read as follows:

10 “Section 21.39e. INDUSTRIAL HEMP CULTIVATION AREA.

11 The area on a lot or in a building where Industrial Hemp is planted, grown, harvested,
12 dried, cured, graded, or trimmed or that does all or any combination of these
13 activities.”

14 Section 19. A new section 21.39f. is added to Ordinance No. 348 to read as follows:

15 “Section 21.39f. INDUSTRIAL HEMP MANUFACTURING.

16 The compounding, blending, extracting, infusing, or otherwise making or preparing
17 a hemp product.”

18 Section 20. A new section 21.39g. is added to Ordinance No. 348 to read as follows:

19 “Section 21.39g. INDUSTRIAL HEMP MANUFACTURING FACILITY (NON-
20 VOLATILE).

21 A facility that processes, produces, prepares, propagates, holds, stores, packages,
22 labels or compounds hemp or hemp products either directly or indirectly or by
23 extraction and/or infusion methods, or independently by means of chemical synthesis
24 or by a combination of extraction and/or infusion and chemical synthesis, using non-
25 volatile organic compounds, at a fixed location, that packages or repackages hemp
26 or hemp products, or labels or relabels its containers. Hemp manufacturing also
27 includes any processing, preparing, holding, or storing of components and
28 ingredients.”

1 Section 21. A new section 21.39h. is added to Ordinance No. 348 to read as follows:

2 “Section 21.39h. INDUSTRIAL HEMP MANUFACTURING FACILITY
3 (VOLATILE).

4 A facility that processes, produces, prepares, propagates, holds, stores, packages,
5 labels, or compounds hemp or hemp products either directly or indirectly or by
6 extraction and/or infusion methods, or independently by means of chemical synthesis
7 or by a combination of extraction and/or infusion and chemical synthesis, using
8 volatile organic compounds, at a fixed location, that packages or repackages hemp
9 or hemp products, or labels or relabels its containers. Hemp manufacturing also
10 includes any processing, preparing, holding, or storing of components and
11 ingredients.”

12 Section 22. A new section 21.39i. is added to Ordinance No. 348 to read as follows:

13 “Section 21.39i. INDUSTRIAL HEMP PRODUCTS.

14 Hemp that has undergone a process whereby the plant material has been transformed
15 into a concentrate, including, but not limited to, concentrated hemp, or an edible or
16 topical product containing hemp or concentrated hemp and other ingredient.”

17 Section 23. A new section 21.39j. is added to Ordinance No. 348 to read as follows:

18 “Section 21.39j. INDOOR INDUSTRIAL HEMP CULTIVATION.

19 The cultivation of Industrial Hemp within a permanent structure using exclusively
20 artificial light or within any type of structure using artificial light at a rate of twenty-
21 five (25) watts per square foot.”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 24. This ordinance shall take effect thirty (30) days after its adoption.

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

By: _____
Chairman

ATTEST:
CLERK OF THE BOARD
Kecia Harper

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM
August ____, 2020

By: _____
MICHELLE P. CLACK
Chief Deputy County Counsel