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COUNTY OF SAN LUIS OBISPO  
INDUSTRIAL HEMP ORDINANCE  
PUBLIC REVIEW DRAFT

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November 19, 2019

## Introduction

On May 21, 2019 the Board of Supervisors directed staff to draft an Industrial Hemp Urgency Ordinance to address local concerns regarding industrial hemp cultivation in San Luis Obispo County. The Board heard, adopted the urgency ordinance on June 18, 2019 and extended the ordinance on July 16, 2019 for one year. The adopted urgency ordinance applied a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County while the County develops a permanent Industrial Hemp Ordinance.

On June 18, 2019 the Board directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the County but limit where it can occur based on land use category, parcel size and setback requirements. The Board directed staff to work with the Agricultural Liaison Advisory Board (ALAB) as the technical advisory committee for the permanent ordinance. At the August 5, 2019 ALAB meeting, a subcommittee was formed to provide input and technical advice during the ordinance drafting phase. Input from these subcommittee meetings was incorporated into the Administrative Draft.

## Ordinance Key Points

- Ministerial Permitting Process. Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories.
- Residential Rural cultivation will be limited to non-flowering transplants only.
- In the field sales of industrial hemp products are prohibited.

- Flowering plants must be setback three-hundred (300) feet of any active crop production of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools and existing offsite residences.
- Industrial Hemp Processing. Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review.
- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly.
- Indoor industrial hemp cultivation is limited to fully enclosed buildings or greenhouses and setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership, and require ventilation controls to eliminate nuisance odors.
- Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
- Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger

***Please submit comments on the Public Review Draft to Kip Morais, Project Manager, or Brian Pedrotti, Supervising Planner, by Thursday, December 19, 2019. Comments may be submitted by e-mail ([pl\\_LongRangeShared@co.slo.ca.us](mailto:pl_LongRangeShared@co.slo.ca.us)) or mail (County Planning and Building, Attn: Kip Morais, Brian Pedrotti)***

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**PUBLIC REVIEW DRAFT**

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE – TITLE 22 OF THE COUNTY CODE, RELATING TO HEMP ACTIVITIES**

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

**SECTION 1. Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements**, of the San Luis Obispo County Code is amended to read as follows:

Land Use <sup>(1) (2) (10)</sup>	Permit Requirements by L.U.C. <sup>(3)</sup>						Specific Use Standards
	AG <sup>(8)</sup>	RL	RR	RS	RSF	RMF	
<b>Agriculture, Resource, and Open Space Uses</b>							
Ag Processing	A2	A2	CUP				22.30.070
Agricultural Accessory Structures	P	P	P	P			22.30.030,060

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Land Use <sup>(1)</sup> (2) (10)	Permit Requirements by L.U.C. <sup>(3)</sup>						Specific Use Standards
	AG <sup>(8)</sup>	RL	RR	RS	RSF	RMF	
<b>Agriculture, Resource, and Open Space Uses</b>							
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP			22.30.100
Animal hospitals & veterinary medical facilities	MUP	MUP	CUP				22.30.100
Beef and dairy feedlots	CUP	CUP					22.30.100
Fowl and poultry ranches	MUP	MUP	MUP	MUP			22.30.100
Hog ranches	CUP	CUP					22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP	CUP		22.30.100
Kennels (6)	A1	A1	A1	A1	A1	A1(7)	22.30.100

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Land Use <sup>(1)</sup> <sup>(2)</sup> <sup>(10)</sup>	Permit Requirements by L.U.C. <sup>(3)</sup>						Specific Use Standards
	AG <sup>(8)</sup>	RL	RR	RS	RSF	RMF	
<b>Agriculture, Resource, and Open Space Uses</b>							
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities <sup>(4)</sup>	A2	A2	A2	A2 <sup>(11)</sup>	A2 <sup>(11)</sup>		22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Industrial Hemp Cultivation	A2	A2	A2				22.30.244
Energy-generating facilities <sup>(9)</sup>	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				

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Land Use <sup>(1)</sup> (2) (10)	Permit Requirements by L.U.C. <sup>(3)</sup>						Specific Use Standards
	AG <sup>(8)</sup>	RL	RR	RS	RSF	RMF	
<b>Agriculture, Resource, and Open Space Uses</b>							
Forestry	A1	A1	A1	A1			
Mines and quarries	A2	A2	A2				22.36
Nursery Specialties	A2	A2	A2	A2			22.30.310
Petroleum Extraction	A2	A2	A2	A2			22.34

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**Key to Permit Requirements**

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.08.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30, 22.32, 22.34, 22.36, 22.40
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

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**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

Land Use <sup>(1) (2) (10)</sup>	Permit Requirements By L.U.C. <sup>(3)</sup>							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>Agriculture, Resource, and Open Space Uses</b>								
Ag Processing			A2	A1				22.30.070
Agricultural Accessory Structures			P	P	SP(5)	P	P	22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP		CUP	CUP	22.30.100
Animal hospitals & veterinary medical facilities	A1	A1	A1	A1		MUP	A1	22.30.100
Beef and dairy feedlots				CUP				22.30.100
Fowl and poultry ranches	MUP			MUP			MUP	22.30.100
Hog ranches	MUP			MUP				22.30.100

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Land Use <sup>(1) (2) (10)</sup>	Permit Requirements By L.U.C. <sup>(3)</sup>							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>Agriculture, Resource, and Open Space Uses</b>								
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Kennels (6)	A1	A1	A1	A1		A1(7)	A1	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Zoos - Open to public						CUP	CUP	22.30.100
Animal Keeping		A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities (4)	<u>A2 (11)</u>	<u>A2 (11)</u>	A2	A2				22.40
Crop Production and Grazing	A2	A2	A2	A2	A1	A1	A1	22.30.200
<b>Industrial Hemp Cultivation</b>								<b>22.30.244</b>

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Land Use <sup>(1) (2) (10)</sup>	Permit Requirements By L.U.C. <sup>(3)</sup>							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>Agriculture, Resource, and Open Space Uses</b>								
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves					SP(5)	A1		
Forestry					SP(5)	A1		
Mines and quarries					SP(5)	A1	A2	22.36
Nursery Specialties		A2	A2	A2				22.30.310
Petroleum Extraction			A2	A2	SP(5)	A2	A2	22.34

**NOTES (The following apply only to these two facing pages)**

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Licensing of all kennels by the County Tax Collector is required by Section 9.04.120 of this Code.

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- (7) Use limited to non-commercial kennels as defined by Section 9.04.110(t) of this Code.
- (8) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.
- (9) This use may not be allowable in every land use category. Refer to the standards in Chapter 22.32.
- (10) Tree removal in an Oak Woodland may require a land use permit pursuant to Chapter 22.58.
- (11) Limited to Cannabis Transport Facilities only.

**SECTION 2. Section 22.06.040 - Exemptions From Land Use Permit Requirements**, is hereby amended to read as follows (for the uses listed below only; uses not listed are not amended by this section):

E. Agricultural uses:

2. Crop production and grazing. No land use permit is required for crop production, **provided that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244, and** where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-1. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

**SECTION 3. Section 22.80.030 – Definitions of Land Uses**, and Specialized Terms and Phrases of the San Luis Obispo County Code is hereby amended to read as follows (for the definitions listed below only; definitions not listed are not amended by this section):

**Crop Production and Grazing (land use).** Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. **In the field sales of industrial hemp are prohibited.** Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See

also, "Animal Keeping."

**Industrial Hemp.** As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

**Industrial Hemp Cultivation (land use).** Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

**Indoor Industrial Hemp Cultivation.** The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

**Indoor Industrial Hemp Processing.** The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

**Industrial Hemp Transplant.** An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of "Industrial Hemp Transplant".

**SECTION 4. Chapter 22.30 – Standards for Specific Land Uses**, of the San Luis Obispo County Code is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

#### **22.30.070 - Agricultural Processing Uses**

Agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting and olive oil production without the use of solvents, are allowable subject to the following standards.

##### **A. Permit requirements.**

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, ~~and~~ commercial composting, **and industrial hemp processing**, unless Section 22.08.030 (Project-Based

Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

**D. Standards for specific uses**

**5. Industrial Hemp Processing.** For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing etc.

- a. Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.
- b. Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.
- c. Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

### **22.30.244 - Industrial hemp cultivation**

#### **A. Limitation on use.**

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only;
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger
4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

#### **B. Cultivation Standards**

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. These standards do not apply to Industrial Hemp Transplants as defined in Section 22.80.030. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
  - a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools and existing offsite residences.
  - b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
  - c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

**C. Enforcement**

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. **Inspection**

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weights and Measures.

2. **Violations**

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 22.40 and 22.74 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 5. Chapter 22.74.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

**G. Cannabis Activity and Industrial Hemp Related Violations.** Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 22.74.150 are hereby delegated to the Cannabis Hearing Officer, established under Section 22.40.130.C, for all violations of Titles 6, 8, 19 or 22 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 22.74.105 or send a Notice of Nuisance under Section 22.74.150.C, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 22.74.150.D, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 22.40.130.B, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 22.74.150.E.2.a, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

COASTAL PUBLIC REVIEW DRAFT LRP2019-00008

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AMENDMENTS TO THE COASTAL ZONE LAND USE ORDINANCE – TITLE 23 OF THE COUNTY CODE; SECTION C (“COASTAL TABLE O – ALLOWABLE LAND USES”) AND SECTION D (“LAND USE DEFINITIONS”) OF CHAPTER 6, FRAMEWORK FOR PLANNING – PART I OF THE COASTAL ZONE LAND USE ELEMENT; AND THE AREA PLANS – PART II OF THE COASTAL ZONE LAND USE ELEMENT ALL RELATING TO INDUSTRIAL HEMP CULTIVATION

SECTION 1. Chapter 6 Section C (“Coastal Table O – Allowable Land Uses”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

**KEY TO COASTAL TABLE O**

<b>USE STATUS</b>	<b>DEFINITION</b>
A	Allowed use, unless otherwise limited by a specific planning area standard. Coastal Zone Land Use Ordinance Chapter 23.03 ("Required Level of Processing") determines the permit necessary to establish an "A" use, and Chapters 23.04 through 23.06 determine the site design, site development, and operational standards that affect the use. See also the "Planning Area Standards" sections of the Land Use Element Area Plans and the LCP Policy Document to find any standards that may apply to a project in a particular community or area.
S	Special use, allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard. The following list shows where in the Coastal Zone Land Use Ordinance to find the special standards that apply to particular uses.
P	Principally permitted use, a use to be encouraged and that has priority over non-principally permitted uses, but not over agriculture or coastal dependent uses.

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"S" NUMBER	APPLICABLE COASTAL ZONE LAND USE ORDINANCE SECTION AND/OR LAND USE ELEMENT REQUIREMENT	
1	23.08.120 b	MISCELLANEOUS USES
2	23.08.120 a	MISCELLANEOUS USES
3	23.08.040	AGRICULTURAL USES
4	23.08.060	CULTURAL, EDUCATIONAL & RECREATIONAL USES
5	23.08.080	INDUSTRIAL USES are allowable subject to the special standards found in Section 23.08.080. For new or expanded uses within the Petroleum Refining and Related Industries and Marine Terminals and Piers use groups, a specific plan is required prior to acceptance of land use permit(s) subject to the standards as set forth in Section 23.08.094
6	23.08.100	MEDICAL & SOCIAL CARE FACILITIES
7	23.08.140	OUTDOOR COMMERCIAL USES
8	23.08.160	RESIDENTIAL USES
9	23.08.170	RESOURCE EXTRACTION
10	23.08.200	RETAIL TRADE
11	23.08.220	SERVICES
12	23.08.260	TRANSIENT LODGINGS
13	23.08.280	TRANSPORTATION, UTILITIES & COMMUNICATION
14	Uses are allowable in the Open Space land use category on privately-owned land subject to Coastal Zone Land Use Ordinance Section 23.08.120a in addition to the special standards in Chapter 23.08, only when authorized by a recorded open space agreement executed between the property owner and the county. On public lands, uses designated are allowable subject to Coastal Zone Land Use Ordinance Section 23.08.120b, in addition to the special standards found in Chapter 23.08.	
15	Listed processing activities are allowable in the Rural Lands and Agriculture land use categories only when they use materials extracted on-site pursuant to Coastal Zone Land Use Ordinance Section 23.08.120a, or when applicable, the Coastal Zone Land Use Ordinance Surface Mining Standards, Section 23.08.180 et. seq.	
16	23.08.020	ACCESSORY USES
17	23.08.240	TEMPORARY USES
18	23.08.050	INTERIM AGRICULTURAL USES
19	23.08.400	WHOLESALE TRADE
20	23.08.300	ELECTRIC GENERATING PLANTS
21	23.08.420	CANNABIS USES

ALLOWABLE USES

**LOCAL  
COASTAL  
PLAN**  
**COASTAL  
TABLE 'O'**

**LAND USE CATEGORY**

Agriculture - Prime Soils	Agriculture - Non-Prime Soils	Rural Lands	Recreation	Residential Rural	Residential Suburban	Residential Single-Family	Residential Multi-Family	Office & Professional	Commercial Retail	Commercial Service	Industrial	Public Facilities	Open Space
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PAGE NUMBER  
OF USE

USE GROUP

<b>A) AGRICULTURE</b>															
Ag Accessory Structures	1	6-39	S-3-P	S-3-P	S-3-P	S-3	S-3	S-3				S-3	S-3	S-3	S-14
Ag Processing	2	6-39	S-3	S-3	S-3		S-3					S-3	A		
Animal Raising & Keeping	3	6-40	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	4	6-40		S-3	S-3		S-3					S-3-P	S-3-P		
Crop Production and Grazing	5	6-44	P	P	P	A	A	S-18	S-18	S-18	S-18	S-18	S-18	A	A
Industrial Hemp Cultivation			S-3-P	S-3-P	S-3-P		S-3-P								
Farm Equipment & Supplies	6	6-45		S-3	S-3		S-3					A	A		
Nursery Specialties – Soil Dependent	7	6-51	S-3-P	S-3-P	S-3		S-3	S-3			S-3	S-3	S-3		
Nursery Specialties – Non-Soil Dependent	8	6-52		S-3	S-3		S-3	S-3			S-3	S-3	S-3		
Specialized Animal Facilities	9	6-58	S-3	S-3-P	S-3	S-3	S-3	S-3		S-3	S-3	S-3	S-3	S-3	

SECTION 2. Chapter 6 Section D ("Land Use Definitions") of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

**Crop Production and Grazing [A5]**

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. **In the field sales of industrial hemp are prohibited.** Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, "Animal Raising and Keeping."

**SECTION 4. Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions:** is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

**Industrial Hemp.** As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

**Industrial Hemp Cultivation (land use).** Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

**Indoor Industrial Hemp Cultivation.** The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. **Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.**

**Indoor Industrial Hemp Processing.** The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

**Industrial Hemp Transplant.** An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of "Industrial Hemp Transplant".

**SECTION 4. Section 23.08.042 – Agricultural Processing Uses**, of the San Luis Obispo County is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

- a. General permit requirements.** The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.

**Application content.** Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).

**Minimum site area.** No minimum required.

**Standards for specific uses.**

**(1) Industrial Hemp Processing.** For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc.

- (i) Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

### **23.08.040 - Agricultural Uses - Specialized (S-3)**

Specialized agricultural uses other than crop production which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

- 23.08.041 Agricultural Accessory Structures
- 23.08.042 Agricultural Processing Uses
- 23.08.045 Aquaculture
- 23.08.046 Animal Raising and Keeping
- 23.08.047 **Industrial Hemp Cultivation**
- 23.08.048 Farm Equipment and Supplies
- 23.08.050 Interim Agricultural Uses (S-18)
- 23.08.052 Specialized Animal Facilities
- 23.08.054 Nursery Specialties
- 23.08.056 Roadside Stands

### **23.08.047 - Industrial hemp cultivation**

#### **A. Limitation on use.**

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only;
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger

4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

**B. Cultivation Standards**

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. These standards do not apply to Industrial Hemp Transplants as defined in Section 22.80.030. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
  - a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools and existing offsite residences.
  - b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
  - c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.
2. **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

**C. Enforcement**

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

**1. Inspection**

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing

by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

## 2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 23.08.420 and Chapter 10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 5. Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

- g. Cannabis Activity and Industrial Hemp Related Violations.** Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why

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stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 6. Chapter 1.05 – Administrative Fines of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

**1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.**

For violations which relate to or arise from a cannabis or industrial hemp activity, as ~~that~~ those terms ~~is~~ are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under

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Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The hearing Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

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