

## ORDINANCE NO. 3336

### AN ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, EXTENDING INTERIM ZONING/URGENCY ORDINANCE NO. 3334, WHICH ESTABLISHES A MORATORIUM ON THE CULTIVATION OF CANNABIS (MARIJUANA) IN ALL THE UNINCORPORATED PORTIONS OF SAN LUIS OBISPO COUNTY, EXCEPT FOR CERTAIN EXCEPTIONS

THE COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS ordains as follows:

#### Section 1. Findings and Declarations.

- A. On September 20, 2016, the San Luis Obispo County Board of Supervisors ("Board of Supervisors") adopted a 45-day interim zoning/urgency ordinance, Ordinance No. 3334 ("Ordinance"), pursuant to Government Code Sections 25123, 25131 and 65858. The Ordinance temporarily prohibits the cultivation of cannabis (marijuana) in the unincorporated portions of San Luis Obispo County, except for certain exceptions.
- B. Pursuant to Government Code section 65858, after notice and public hearing, the Board of Supervisors may by four-fifths vote extend the Ordinance for up to 22 months and 15 days, if the Board finds and determines that the adoption of this Ordinance as an urgency ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare pursuant to the requirements of Government Code sections 25123 and 65858, and is necessary to provide additional time to prepare the studies and reports required to consider a comprehensive and permanent ordinance.
- C. In enacting Ordinance No. 3334, the Board of Supervisors made several findings and declarations constituting the grounds upon which the Ordinance is based, concluding that numerous marijuana growing sites have been encountered in the unincorporated areas of the County and they are increasing in size and number, and that many of these growing sites are illegally using pesticides and rodenticides and are non-compliant with plumbing and electrical ordinances. The Board further found that marijuana growing sites have the potential to use large amounts of water and that they can have harmful impacts on state and federally protected species. Finally, the Board found that current laws and regulations were incapable of preventing these deleterious effects to the public health, safety and welfare and that an urgency ordinance was needed while a permanent ordinance was studied and prepared. As a result, the Board of Supervisors, as the legislative body of the County of San Luis Obispo, determined that there is a need to consider and study potential changes in the County's General Plan and/or land use ordinances to assure appropriate oversight of cannabis (marijuana) cultivation in the County.
- D. On October 25, 2016, prior to the expiration of the Ordinance and in accordance with the requirements of Government Code section 65858, the Board of Supervisors held a duly noticed public hearing on whether to extend the Ordinance for up to 22 months and 15 days, until and through September 19, 2018, or to extend the Ordinance for 10 months and 15 days. The Board of Supervisors heard and considered all evidence, both written and oral, that was duly presented during said hearing.
- E. The Board of Supervisors' findings and declarations as contained in the Ordinance remain and continue to be true under the present circumstances and are incorporated herein in their entirety by this reference.
- F. As stated in those findings and declarations contained in the Ordinance, the County is contemplating amendments to its zoning ordinance to address the problem of cannabis (marijuana) cultivation. The County continues to need more time to complete the necessary studies and reports to fully evaluate and support such contemplated amendments, while the current and immediate threat to health, safety, and welfare continues to exist.
- G. The extension of the Ordinance is necessary for continued study of a permanent cannabis (marijuana) cultivation ordinance. In light of said findings and declarations contained herein and in the Ordinance, a current and immediate threat to the public health, safety and welfare continues to exist, necessitating the

extension of the Ordinance until and through September 19, 2017, pursuant to Government Code section 65858.

H. This Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §21000, et seq.) (“CEQA”) because:

1. Per CEQA Guidelines §15061(b)(3) – The interim zoning/urgency ordinance is not subject to CEQA due to the general rule that an action is not subject to CEQA where it can be seen with certainty that there is no possibility that there will be a significant effect on the environment. The Ordinance provides for regulations to protect listed species and habitats and to prevent the further expansion of groundwater use and thus, will not have a significant adverse effect on the environment.
2. Per CEQA Guidelines §15307 (Class 7) – The interim zoning/urgency ordinance consists of regulations and restrictions that prohibit the cultivation of cannabis and promotes maintenance and enhancement of uncultivated habitat areas.
3. Per CEQA Guidelines §15308 (Class 8) – The interim zoning/urgency ordinance consists of regulations and restrictions on cannabis cultivation activities to minimize damage to existing uncultivated habitat areas; and it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of the environment

**Section 2. Extension**

Based on all of the foregoing findings and declarations, Ordinance No. 3334 shall be extended until and through September 19, 2017.

**Section 3. Effective Date.**

This ordinance extending urgency Ordinance No. 3334 is necessary for the protection of public health, safety and welfare, and shall take effect on October 25, 2016.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the twenty-fifth day of October, 2016, by the following roll call vote, to wit:

**AYES:** Supervisors Bruce S. Gibson, Frank R. Mecham, Adam Hill, Debbie Arnold, and Chairperson Lynn Compton

**NOES:** None

**ABSENT:** None

**ABSTAINING:** None

Lynn Compton  
Chairman of the Board of Supervisors,  
County of San Luis Obispo, State of California

**ATTEST:**

TOMMY GONG  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

By: Annette Ramirez  
Deputy Clerk