

**ORDINANCE NO. 3358**

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

**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
	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
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
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 (4)	A2	A2	A2				22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				
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

**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

Exhibit LRP2016-00012:A

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
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)			A2	A2				22.40
Crop Production and Grazing	A2	A2	A2	A2	A1	A1	A1	22.30.200
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.
- (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.

Exhibit LRP2016-00012:A

Land Use <sup>(1) (2)</sup>	Permit Requirements By L.U.C. <sup>(3)</sup>						Specific Use Standards
	AG <sup>(7)</sup>	RL	RR	RS	RSF	RMF	
<b>Retail Trade Uses</b>							
Ag Retail Sales	SP	SP	SP(6)	SP(6)			22.30.075
Auto, Mobile Home & Vehicle Dealers - Indoor							22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor							22.30.330
Automobile Service Stations/Gas Stations							22.30.130
Building Materials and Hardware							22.30.140
with retail "Ready-mix" concrete sales							
Convenience & Liquor Stores							22.30.570
Farm Equipment & Supplies Sales	A2	A2	A2				22.30.210
Fuel Dealers							22.30.220
Furniture, Home Furnishings & Equipment							
General Retail							
Medical Marijuana Dispensaries							22.30.225
Grocery Stores			CUP	CUP	CUP	CUP	22.30.570
Mail Order & Vending							
Outdoor Retail Sales	A2	A2	A2				22.30.330
Restaurants	CUP		CUP	CUP		CUP	22.30.570
Sales Lots							22.30.530
Swap Meets							22.30.530

**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, 22.30, 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

Exhibit LRP2016-00012:A

Land Use <sup>(1) (2)</sup>	Permit Requirements By L.U.C. <sup>(3)</sup>							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>Retail Trade Uses</b>								
Ag Retail Sales						SP(6)		22.30.075
Auto, Mobile Home & Vehicle Dealers - Indoor		A1	A1	A1				22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor		MUP(5)	MUP	MUP				22.30.330
Automobile Service Stations/Gas Stations		MUP	SP	SP		MUP		22.30.130
Building Materials and Hardware		A1	A1	A1				22.30.140
with retail "Ready-mix" concrete sales			CUP	A1				
Convenience & Liquor Stores	MUP	A1	A1	SP		CUP		22.30.570
Farm Equipment & Supplies Sales			A1	A1				22.30.210
Fuel Dealers			A1	A1				22.30.220
Furniture, Home Furnishings & Equipment		A1	A1					
General Retail		A1	A1					
Medical Marijuana Dispensaries		MUP	MUP					22.30.225
Grocery Stores	MUP	A1	A1	SP		CUP		22.30.570
Mail Order & Vending		A1	A1	A1				
Outdoor Retail Sales	A2	A2	A2	A2		A2	A2	22.30.330
Restaurants	MUP	A1	A1	MUP		CUP		22.30.570
Sales Lots			A2	A2				22.30.530
Swap Meets			MUP	MUP				22.30.530

**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 not allowed within a central business district.
- (6) Minor Use Permit approval required if a public hearing is requested in compliance with Section 22.30.075.C..
- (7) 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.

**SECTION 2.** Section 22.30.225 of the San Luis Obispo County Code is deleted.

**SECTION 3.** Chapter 22.80 – Definitions/Glossary of the San Luis Obispo County Code is amended to include the following:

Section 22.80.020.C. The definitions contained within the State of California "Medicinal and Adult-Use Cannabis Regulation and Safety Act", as it may be amended.

Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases is amended to include the following:

**Cannabis.** "Cannabis" or "cannabis product" means any and all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof, the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufactured product, salt, derivative, mixture, tincture, tea, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis plants. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code for medical or non-medical purposes. For the purposes of this Title, "cannabis" does not include "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code (See "Industrial Hemp").

**Cannabis Activity (land use).** The cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis or a cannabis product. "Cannabis activity" includes the following land uses: cannabis cultivation, cannabis nurseries, cannabis manufacturing, cannabis testing facilities, cannabis dispensaries, and cannabis distribution.

**Cannabis Canopy.** "Canopy" means the designated area(s) at site that will contain mature plants at any point in time. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries. Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

**Cannabis Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. Also includes the storing, packaging, and labeling of nonmanufactured cannabis products.

**Cannabis Cultivation Operation.** Authorized cannabis cultivation for which there is an approved and effective (not expired) land use permit and the operator possesses any required state license. Each cultivation operation shall be limited in size per state law (one

acre at the time of ordinance adoption).

**Cannabis Dispensary.** A facility where cannabis, cannabis products, or devices specifically for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale. Cannabis dispensaries may include mobile delivery but shall not include mobile dispensaries.

**Mobile Delivery.** The commercial transfer of cannabis or cannabis products from a dispensary, up to an amount allowed by the Bureau of Cannabis Control or its successor, to a primary caregiver, qualified patient, or customer and requires a Type 9 State license. "Mobile Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables a primary caregiver or qualified patient to arrange for or facilitate the commercial transfer by a licensed dispensary of cannabis or cannabis products.

**Mobile Dispensary.** The commercial transfer of cannabis or cannabis products from an outdoor location or mobile structure (e.g. food truck or food cart), up to an amount allowed by the Bureau of Cannabis Control or its successor, to a primary caregiver, qualified patient, or customer.

**Cannabis Distribution.** The procurement, sale, and transport of cannabis and cannabis products between State licensees.

**Cannabis Distribution Facilities.** Establishments engaged in the storage of cannabis or cannabis products, for later distribution to permitted and licensed cannabis manufacturing facilities, cannabis testing facilities, or cannabis dispensaries.

**Cannabis Edible Product.** Manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

**Cannabis Enforcement Officer.** The San Luis Obispo County Sheriff, County Counsel, the Director, the Chief Building Official, the employees of the Department designated by the Director as Code Enforcement Officers, or any of their authorized deputies or designees, each of whom is independently authorized to initiate and pursue permit revocation, permit suspension and nuisance abatement pursuant to Chapter 22.40.

**Cannabis Greenhouse.** A fully enclosed, legally established, permanent structure that is clad in transparent or translucent material with climate control, such as heating and/or ventilation capabilities, and/or supplemental artificial lighting, and that uses a combination of natural and/or artificial lighting (mixed-light) for cultivation. For the purposes of this Chapter, cannabis cultivation within a greenhouse is considered indoor cultivation. For the purposes

of obtaining licenses, cannabis cultivation within a greenhouse can be considered indoor or mixed-light cultivation.

**Cannabis Hearing Officer.** A hearing officer appointed or approved by the Board of Supervisors pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code to conduct hearings for the purposes of permit revocation, permit suspension, and nuisance abatement pursuant to Chapter 22.40.

**Cannabis Hoop Structure.** A plastic or fabric covered hoop structure, which are not more than 12 feet in height and do not have vertical sides exceeding 6 feet in height. The ends of the hoops structure must be open and no framing other than the hoops is allowed. Cannabis hoop in residential land use categories shall not exceed 120 cumulative square-feet of floor area. For the purposes of this Chapter, and for the purposes of obtaining licenses, cannabis cultivation within hoop structures is considered outdoor cultivation.

**Cannabis Manufacturing (Volatile).** The processing, production, preparation, propagation, holding, storing, packaging, labeling, or compounding of cannabis or cannabis products either directly or indirectly or by extraction and/or infusion methods, or independently by means of chemical synthesis or by a combination of extraction and/or infusion and chemical synthesis, using volatile organic compounds, at a fixed location, that packages or repackages cannabis or cannabis products, or labels or relabels its containers, and requires a Type 7 state manufacturing license. Cannabis manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

**Cannabis Manufacturing (Non-volatile).** The processing, production, preparation, propagation, holding, storing, packaging, labeling, or compounding of cannabis or cannabis products either directly or indirectly or by extraction and/or infusion methods, or independently by means of chemical synthesis or by a combination of extraction and/or infusion and chemical synthesis, using non-volatile organic or inorganic compounds (see "Cannabis Manufacturing (Volatile)"), at a fixed location, that packages or repackages cannabis or cannabis products, or labels or relabels its containers, and requires a Type 6, Type N, Type P, or Type S state manufacturing license. Cannabis manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

**Cannabis Nursery.** A site that produces only clones, immature plants, seeds, or other agricultural products used specifically for the planting, propagation, and cultivation of cannabis. Cultivation as a cannabis nursery may be considered indoor or mixed-light cultivation (see "cannabis greenhouse") or outdoor cultivation (see "cannabis hoop structure").

**Cannabis Product.** See "Cannabis" and "Cannabis Edible Product" and "Cannabis Topical Product".

**Cannabis Primary Caregiver.** The same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.



**Cannabis Testing Facility.** A facility, entity, or site in the State of California that offers or performs tests of cannabis or cannabis products and that is both accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the State, and registered with the California State Department of Public Health.

**Cannabis Topical Product.** Manufactured cannabis that is intended to be used, in whole or in part, for topical application, excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code.

**Cannabis Transport.** Transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to the California Business & Professions Code Sections 19300, et seq. and 26000, et seq.

**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. 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.

**Marijuana.** See "Cannabis".

**Medical Cannabis.** See "Cannabis".

**Medical Marijuana.** See "Cannabis".

**SECTION 4.** Chapter 22.40 is added to the San Luis Obispo County Code to read as follows:

**CHAPTER 22.40 - CANNABIS ACTIVITIES**

---

**Sections:**

- 22.40.010 – Purpose
- 22.40.020 – Applicability
- 22.40.030 – Exemptions from Land Use Permit Requirements
- 22.40.040 – Requirements for All Cannabis Activities
- 22.40.050 – Cannabis Cultivation
- 22.40.060 – Cannabis Nurseries
- 22.40.070 – Cannabis Manufacturing
- 22.40.080 – Cannabis Testing Facilities
- 22.40.090 – Cannabis Dispensaries
- 22.40.100 – Cannabis Distribution Facilities
- 22.40.110 – Grounds for Revocation
- 22.40.120 – Procedure for Revocation
- 22.40.130 – Enforcement

**22.40.010 – Purpose of Chapter**

The purpose of this Chapter is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law and federal enforcement guidelines, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas of San Luis Obispo County by establishing minimum land use requirements for cannabis activities. Cannabis activity, as defined in Chapter 22.80 of Title 22, includes the cultivation, possession, manufacturing, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis or a cannabis product. Therefore, this Chapter recognizes that cannabis activities require land use controls due to the unique federal and State legal constraints on cannabis activity, and the potential environmental and social impacts associated with cannabis activity.

**22.40.020 – Applicability**

California Business and Professions Code Section 26067 specifies: “For the purposes of this division [Division 10], cannabis is an agricultural product.” However, the identification of cannabis as an agricultural product does not extend to other areas of the law. For example, cannabis is not an agricultural commodity with respect to local “right to farm” ordinances. Additionally, cannabis cultivation has never been considered “crop production and grazing” (a land use type) as that term is defined in the San Luis Obispo County General Plan or Titles 22 and 23, and is therefore not exempt from land use permitting requirements.

Except as provided in Section 22.40.030 of this Chapter, cannabis activities shall not be allowed in the unincorporated areas of San Luis Obispo County without first securing all permits, licenses, or other entitlements required by County ordinance and State law and regulation.

For the purposes of this Chapter, cannabis does not include “industrial hemp” as that term is 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.

For the purposes of this Chapter, “site” means any lot or parcel of land or contiguous combination thereof, under the same ownership.

### **22.40.030 - Exemptions from Land Use Permit Requirements**

The provisions of this Section are applicable in all land use categories. In all cases, activities that are exempt under this Section shall be accessory to a legally established and permitted residential use. Any development utilized for activities that are exempt under this Section shall be legally established and permitted, and shall meet all other requirements of the County Code and all State regulations and provisions as they may be amended for personal and commercial cannabis activities. Any exempt cannabis activity carried on under this Section shall comply with all other applicable provisions of this Title and the following standards:

- A.** All exempt activities shall be conducted indoors in a legally established structure.
- B.** All exempt grows shall comply with the following minimum standards in Section 22.40.050:
  - 1. Odor control requirements pursuant to Subsection D.8
  - 2. Pesticide management requirements pursuant to Subsection D.9
- C. Cannabis cultivation for personal use.** Possession or storage of cannabis, or cultivation of cannabis for personal use, where indoor cultivation does not exceed one hundred (100) square feet of total canopy area of cannabis and does not exceed six (6) plants, including both mature (flowering) and immature plants per dwelling unit, is exempt from the land use permit requirements contained in this Chapter. Cultivation of cannabis by an individual shall be located indoors in a legally established dwelling or accessory structure that is full enclosed and secured. Outdoor cultivation is not permitted under this exemption, and is thereby subject to the permit requirements of Sections 22.40.040 and 22.40.050.

Under this exemption, the individual that, possesses, stores, or cultivates cannabis shall do so exclusively for his or her personal use, and shall not provide, donate, sell, or distribute cannabis to any other person, except as otherwise allowed by State law. Use of this exemption is limited to one per dwelling unit.

- D. Cannabis cultivation by a primary caregiver.** Possession or storage of medical cannabis, or cultivation of up to one hundred (100) square feet of total canopy area of medical cannabis by a primary caregiver within the meaning of Section 11362.7 of the California

Health and Safety Code, on behalf of qualified patients, with not more than six (6) plants total, including both mature (flowering) and immature plants, per site, is exempt from the land use permit requirements contained in this Chapter, provided the primary caregiver does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the California Health and Safety Code. Cultivation of medical cannabis by a primary caregiver shall be located indoors in a legally established dwelling or accessory structure that is fully enclosed and secured; outdoor cultivation is not permitted under this exemption, and is thereby subject to the permit requirements of Sections 22.40.040 and 22.40.050. Primary caregivers shall provide appropriate documentation to enforcement personnel demonstrating that they are the primary caregiver for a qualified patient.

Primary caregivers, while exempt from the requirements contained in this Chapter, are required to obtain Business License authorization pursuant to Title 6 of the County Code to remain in compliance with this Section.

#### **22.40.040 - Requirements for All Cannabis Activities**

The application for a land use permit and for amendments thereto, shall be processed in accordance with Chapter 22.60. Notwithstanding the foregoing, and in addition to all other remedies available under this Title, the procedures for revocation of a land use permit granted under this Chapter shall be as set forth in Sections 22.40.110 and 22.40.120 of this Chapter. The following requirements apply to all cannabis activities not otherwise exempted by this Chapter.

##### **A. Application requirements.**

1. Site plan, floor plans, and a general description of the nature, square-footage, and type of cannabis activity(ies) being requested shall be submitted with the land use permit application.
2. All cannabis activities shall include an operations plan including at a minimum, the following information:
  - a. On-site security measures both physical and operational and, if applicable, security measures for the delivery of cannabis associated with the commercial cannabis business;
  - b. Odor management plan;
  - c. Size, height, colors, and design of any proposed signage at the site;
  - d. Parking plan consistent with Chapter 22.18;
  - e. Proof of ownership or lease agreement with landowner's consent;

- f. Employee safety and training plan;
- g. A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;
- h. Waste management plan; and
- i. Vicinity map showing at least one-thousand (1,000) feet of surrounding area and the distances to the following uses: any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the site that contains the cultivation to the nearest point of the property line of the enumerated use using a direct straight line measurement.

**B. Vertical integration.** Any land use permit proposing more than one cannabis activity on one site, or more than one of the same cannabis activity on one site, shall be subject to Conditional Use Permit approval.

**C. Previous violations.** Any cultivation site where there have been verified violations of a County ordinance or other laws relating to cannabis within the last twenty-four (24) months shall require a Conditional Use Permit approval.

**D. Security.** Security measures sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. Security measures shall include, but are not limited to, the following:

1. Prevent individuals from loitering on the premises if they are not engaging in activity expressly related to the operations of the facility;
2. Store all cannabis in a secured and locked structure or behind a secured and locked fence, and all cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss.

**E. Site posting.** The owner shall post on site all required land use permit approvals and all required County and State permits and licenses required to operate. Such posting shall be in a central location, visible to the patrons, at the operating site, and in all vehicles that deliver or transport cannabis.

**F. Records.** The owner and all permittees of all cannabis activities requiring land use permit approval shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.

- G. Compliance.** The owner and all permittees of all cannabis activities requiring land use permit approval shall conduct cannabis activities in compliance with all required County permits, State licenses, County ordinance, and State law and regulation. The owner shall be responsible for the payment of all required fees and taxes.
- H. Inspection.** All land use permits and permitted cannabis activity sites are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Chapter.
- I. Operation.** No person shall operate a commercial cannabis business under a commercial cannabis land use permit issued pursuant to this Chapter at any place or location, or in any manner other than that identified on the permit.
- J. State license required.** One or more of the State cannabis license types set forth in California Business and Professions Code shall be maintained in good status by the Permittee in order for a land use permit issued under this Section to remain valid.

A valid license from the State issued pursuant to California Business and Professions Code Sections 19300.7 or 26050(a) shall be required in order for a land use permit issued pursuant to this Chapter to be considered valid. In the event that the State is not yet issuing licenses and/or a State license has not yet been issued, but only during calendar year 2018, proof of application for a State licenses may be deemed sufficient for the County to issue a local land use permit. Within six (6) months of application at the State, a license must be presented to the County, or all commercial cannabis permits and licenses will be revoked for the applicant. If a State license is denied, the County shall revoke the land use permit and/or Business License.

- K. Pesticides.** Approved cannabis cultivation operations employing the use of pesticides shall also obtain the appropriate pesticide use permitting from the Department of Agriculture / Weights and Measures.
- L. Water quality.** Cannabis cultivation shall operate pursuant to a permit from the Central Coast Regional Water Quality Control Board (CCRWQCB). Until the permitting process is in place, all cannabis cultivators shall adhere to the environmental measures outlined by CCRWQCB.
- M. Location.** All cannabis activities are prohibited on sites that are surrounded by federal land or on property where the only access to a site is through federal land.
- N. Solid waste and recycling.** Cannabis activities (regardless of the site's location) shall provide solid waste and recycling collection consistent with Sections 22.10.050.B and C.

**22.40.050 - Cannabis Cultivation**

**A. Limitation on use.** Except as provided in Section 22.40.030, cannabis cultivation may only be permitted in the Agriculture (AG), Rural Lands (RL), Residential Rural (RR), and Industrial (IND) land use categories with a land use permit in each case and as may further be restricted by this Title.

**1. Limit on cultivation type allowed.** Outdoor cannabis cultivation shall be prohibited in the Industrial (IND) and Residential Rural (RR) land use categories.

**2. Limit on the number of cannabis cultivation operations.** The maximum number of cannabis cultivation operations in the unincorporated portions of the County shall be limited to 141, and as follows:

**a. Indoor cultivation.** Any site, as defined by this Chapter, may receive land use permit approval for multiple indoor cannabis cultivation operations, subject to the limits specified in this section (above), provided each cannabis cultivation operation does not exceed the canopy size threshold established by State law, and the cumulative canopy area, of indoor cultivation, on the site does not exceed 22,000 square feet.

**b. Outdoor cultivation.** Any site, as defined by this Chapter, in the AG or RL land use category may receive land use permit approval for outdoor cannabis cultivation operations as follows:

Within the Agriculture (AG) land use category on sites between 10 and 25 acres in area, the maximum number of outdoor cultivation operations shall be two (2).

Within the Agriculture (AG) land use category on sites greater than 25 acres in area, the maximum number of outdoor cultivation operations shall be three (3).

Sites within the Rural Lands (RL) land use category shall be limited to one outdoor cultivation operation.

In every case, each cannabis cultivation operation shall not exceed the canopy size threshold established by State law.

**B. Land use permit required.** A Minor Use Permit is required for all cannabis cultivation, unless a Conditional Use Permit is required by another Section of this Title.

**1. Limit on land use permit applications.** Prior to January 1, 2019, applications for land use permits for cannabis cultivation operations shall be limited to operators previously registered with the County under Ordinance No. 3334, as a cooperative or collective. This limitation does not preclude an applicant from applying for a land use

permit on a site other than the site identified on a previous registry, provided a consent of landowner form is submitted with the application.

2. **Land use permit expiration.** All land use permits issued for cannabis cultivation shall expire in five years from the approval date. Within a twelve (12) month period prior to expiration, the applicant may request the land use permit be renewed for an additional five-year period. Any request for renewal shall be in writing to the Department prior to the expiration date of the land use permit, and shall be submitted in conjunction with the appropriate land use permit application. The request for renewal shall be processed with the same level of permit for the original entitlement. If a request for renewal is not granted the land use permit shall be deemed expired.
  3. **Relocation of a permitted cannabis cultivation operation.** When a site owner and cultivation permittee elect to vacate a cannabis cultivation operation that is operating pursuant to an approved land use permit and relocate the operation to a new site, a new application, discretionary land use permit, and CEQA compliance action shall be required, but such applicants shall not be subject to otherwise-required permit allocation procedures and limitations, as specified in subsection B.1. All such applicants shall comply with the following:
    - a. Obtain all necessary permits for the new site, including but not limited to, a new land use permit pursuant to this Chapter.
    - b. The applicant shall submit, with their land use permit application for the new site, written notification from the landowner of the current site that the landowner agrees to vacate the approved cannabis cultivation operation.
    - c. On or before the effective date for the land use permit on the new site (15 days after its approval, or upon final action, if the approval is appealed), the cannabis operation on the previous site shall be vacated.
    - d. The applicant is responsible for complying with the requirements of the State and the County Tax Collector as applicable to any State license or County-issued Business License for the new site.
- C. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.
1. A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements.
  2. Information regarding stormwater control and wastewater discharge.



3. A list of all pesticides, fertilizers, and any other hazardous materials that are expected to be used in the cultivation process.
4. A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the cultivator's site.
5. For indoor and mixed-light cultivation, all power sources proposed to be used.
6. Prior to January 1, 2019, the applicant shall submit proof that the applicant has previously registered with the County under Ordinance No. 3334, as a cooperative or collective.

**D. Cultivation standards.**

1. **Location.** Cannabis cultivation shall not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the site that contains the cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Section. This location standard may be modified through Minor Use Permit approval to reduce the distance to six hundred (600) feet.

2. **Minimum site area.**

a. **Outdoor cultivation.** Outdoor cannabis cultivation is limited to sites that meet the minimum site area by land use category listed below:

Agriculture (AG)	10 acres
Industrial (IND)	Not allowed
Residential Rural (RR)	Not allowed
Rural Lands (RL)	50 acres

b. **Indoor cultivation.** Indoor cannabis cultivation is limited to sites that meet the minimum site area by land use category listed below:

Agriculture (AG)	10 acres
Industrial (IND)	No minimum
Residential Rural (RR)	20 acres
Rural Lands (RL)	50 acres

3. **Setbacks.**

a. Indoor cannabis cultivation shall be within a fully enclosed building that has been setback as set forth in Section 22.30.310.

- b. Outdoor cannabis cultivation shall be setback a minimum of 300 feet from the property lines of the site or public right-of-way.
- c. Indoor cannabis cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
- d. All outdoor cannabis cultivation shall be located at least 50 feet from the upland extent of riparian vegetation of any watercourse.
- e. Setbacks may be modified through Minor Use Permit approval, except for setbacks required by the California Building Code.

**4. Air quality.** Cannabis cultivation sites located on an unpaved road shall provide, at a minimum, the following, in order to mitigate the air pollution (i.e. dust) effects created by the use.

- a. A mitigation plan for continuing dust control from the property frontage to the nearest County-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust reducing technology. The plan and all modifications to the plan are subject to review and approval by the Review Authority.
- b. Evidence of road maintenance provided by the County, State, special district, homeowners association or other organized maintenance, such as a road maintenance agreement.
- c. An agreement, to support and not protest: the formation of an assessment district or; the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality rate or other term or condition of the assessment or funding mechanism.

**5. Water.**

- a. Cannabis cultivation sites that require a land use permit and are in a groundwater basin at Level of Severity III pursuant to the last Biennial Resource Management System report shall provide an estimate of water demand prepared by a licensed professional engineer or other expert on water demand, as approved by the Director of Planning and Building, and a detailed description of how the new water demand will be offset. All water demand within a groundwater basin at Level of Severity III shall offset at a minimum 1:1 ratio, unless a greater offset is required through land use permit approval. All water demand within an identified Area of Severe Decline shall offset at a minimum 2:1 ratio, unless a greater offset is required through land use permit approval. Offset clearance shall be obtained

through a County-approved water conservation program for the respective groundwater basin, prior to the establishment of the use or receipt of Business License Clearance pursuant to Section 22.62.020.

- b. Irrigation water supplies for cannabis cultivation shall not include water transported by vehicle from off-site sources.
6. **Screening and Fencing.** Cannabis plants shall not be easily visible from offsite. All cannabis cultivation activities shall occur within a secure fence at least six (6) feet in height that fully encloses the cultivation area and prevents easy access to the site. The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress. Said fence shall not violate any other ordinance, code Section, or provision of law regarding the height, location, materials, or other fencing restrictions, and shall be both solid and durable. All screening and fencing shall conform to the requirements of applicable area, community, specific and design plans.
7. **Renewable energy.** All sites engaging in artificial light or mixed-light indoor cannabis cultivation shall comply with State regulations regarding energy requirements.
8. **Nuisance Odors.** All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
9. **Pesticides.** Pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
10. **Use of a residence.** Except for those activities considered exempt pursuant to Section 22.40.030, no structure originally constructed for residential purposes or that served as a residence as of August 23, 2016, shall be used for the cultivation of cannabis.
11. **Monitoring program.** All land use permits for cannabis cultivation shall require that applicant's participation in a County-run monitoring program. The monitoring program shall be funded by applicants, and will be used to conduct site visits and inspections of all commercial cannabis cultivation sites and verify water use and State track-and-trace requirements. In addition to those requirements set forth in this Section and elsewhere in this Chapter, the Board of Supervisors shall by resolution or ordinance adopt such forms, fees, and procedures as are necessary to implement this Chapter with respect to the monitoring program. The annual program fees shall be collected yearly at time of Business License renewal by the Department of Planning and Building. Sites with inspection reports that indicate failure to comply with the standards of this Chapter are subject to permit revocation

pursuant to Section 22.40.120 and/or Business License non-renewal.

**E. Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:

1. The cannabis cultivation, as proposed, will comply with all the requirements of State and County for the cultivation of cannabis, including dual licensure and participation in an authorized track-and-trace program;
2. The cannabis cultivation will not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

*(For location modifications only.)* Specific conditions of the site and/or vicinity make the required one thousand (1,000) foot location standard unnecessary or ineffective. The cannabis cultivation will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

3. The cannabis cultivation includes adequate measures that minimize use of water for cannabis cultivation at the site;
4. The cannabis cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets State regulatory standards;
5. The cannabis cultivation includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are not supplied to unlicensed or unpermitted persons within the State and not distributed out of state.
6. *(For cultivation sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.
7. *(For setback modifications only.)* Specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective. Modification of the setback will not allow nuisance odor emissions from being detected offsite.

**22.40.060 - Cannabis Nurseries**

- A. Limitation on use.** Cannabis nurseries shall be limited to the Agriculture (AG), Rural Lands (RL), Residential Rural (RR), and Industrial (IND) land use categories. Cannabis nurseries in the Industrial and Residential Rural land use categories shall be limited to indoor propagation only.
- B. Land use permit required.**
- 1. Minor Use Permit.** A Minor Use Permit is required for all cannabis nurseries, unless a Conditional Use Permit is required by another Section of this Title.
  - 2. Conditional Use Permit.** A Conditional Use Permit is required for cannabis nurseries 75,000 square-feet or greater in the Residential Rural land use category.
- C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.
- 1.** A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements.
  - 2.** Information regarding stormwater control and wastewater discharge.
  - 3.** A list of all pesticides, fertilizers, and any other hazardous materials used in the nursery process.
  - 4.** A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the nursery's site.
  - 5.** For indoor and mixed-light nurseries, all power sources proposed to be used.
- D. Nursery standards.**
- 1. Location.** Cannabis nurseries shall not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the site that contains the cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Section. This location standard may be modified through Minor Use Permit approval to reduce the distance to six hundred (600) feet.

2. **Minimum site area.** No minimum site area is required in the Agriculture, Rural Lands, and Industrial land use categories. Cannabis nurseries in the Residential Rural land use category shall be located on sites that are a minimum of 5 acres in area.
3. **Setbacks.**
  - a. Cannabis nurseries shall be setback as set forth in Section 22.30.310.
  - b. All cannabis nurseries shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
  - c. All outdoor cannabis nurseries shall be located at least 50 feet from the upland extent of riparian vegetation of any watercourse.
  - d. Setbacks may be modified through Minor Use Permit approval, except for setbacks required by the California Building Code.
4. **Air quality.** Nurseries located on an unpaved road shall provide, at a minimum, the following, in order to mitigate the air pollution (i.e. dust) effects created by the use.
  - a. A mitigation plan for continuing dust control from the property frontage to the nearest County-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust reducing technology. The plan and all modifications to the plan are subject to review and approval by the Review Authority.
  - b. Evidence of road maintenance provided by the County, State, special district, homeowners association or other organized maintenance, such as a road maintenance agreement.
  - c. An agreement, to support and not protest: the formation of an assessment district or; the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality rate or other term or condition of the assessment or funding mechanism.
5. **Water.**
  - a. Cannabis nursery sites that require a land use permit and are located in a groundwater basin at Level of Severity III pursuant to the last Biennial Resource Management System report shall provide an estimate of water demand prepared by a licensed professional engineer or other expert on water demand, as approved by the Director of Planning and Building, and a detailed description of how the new water demand will be offset. All water demand within a groundwater basin at Level of Severity III shall offset at a

minimum 1:1 ratio, unless a greater offset is required through land use permit approval. All water demand within an identified Area of Severe Decline shall offset at a minimum 2:1 ratio, unless a greater offset is required through land use permit approval. Offset clearance shall be obtained through a County-approved water conservation program for the respective groundwater basin, prior to the establishment of the use or receipt of Business License Clearance pursuant to Section 22.62.020.

- b. Irrigation water supplies for cannabis nurseries shall not include water transported by vehicle from off-site sources.

6. **Screening and Fencing.** Cannabis plants shall not be easily visible from offsite. All cannabis nursery activities shall occur within a secure fence at least six (6) feet in height that fully encloses the nursery area and prevents easy access to the site. The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress. Said fence shall not violate any other ordinance, code Section, or provision of law regarding the height, location, materials, or other fencing restrictions, and shall be both solid and durable. All screening and fencing shall conform to the requirements of applicable area, community, specific and design plans.
  7. **Renewable energy.** All sites engaging in artificial light or mixed-light indoor cannabis nursery cultivation shall comply with State regulations regarding energy requirements.
  8. **Nuisance Odors.** All cannabis nurseries shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis nursery cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
  9. **Pesticides.** Pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
  10. **Use of a residence.** Except for those activities considered exempt pursuant to Section 22.40.030, no structure originally constructed for residential purposes or that served as a residence as of August 23, 2016 shall be used for the nursery cultivation of cannabis.
- E. **Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
1. The cannabis nursery, as proposed, will comply with all the requirements of State and County for the propagation of cannabis, including dual licensure and participation in an authorized track and trace program;

2. The cannabis nursery will not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

*(For location modifications only.)* Specific conditions of the site and/or vicinity make the required one thousand (1,000) foot location standard unnecessary or ineffective. The cannabis nursery will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

3. The cannabis nursery includes adequate measures that minimize use of water for cannabis propagation at the site;
4. The cannabis nursery includes adequate quality control measures to ensure cannabis cultivated at the site meets State regulatory standards;
5. The cannabis nursery includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are not supplied to unlicensed or unpermitted persons within the State and not distributed out of state.
6. *(For nursery sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.
7. *(For setback modifications only.)* Specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective. Modification of the setback will not allow nuisance odor emissions from being detected offsite.

#### **22.40.070 - Cannabis Manufacturing**

- A. Limitation on use.** Non-volatile cannabis manufacturing facilities may be permitted in the Commercial Service (CS), Industrial (IND), and Agriculture (AG) land use categories subject to a land use permit, as required below. Cannabis manufacturing facilities involving volatile processes or substances (requiring a Type 7 volatile manufacturing State license) are prohibited. Cannabis manufacturing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL) only. Cannabis manufacturing facilities in the Agriculture land use category are limited to the processing of the raw cannabis materials grown onsite.



**B. Land use permit required.**

1. **Minor Use Permit.** Non-volatile manufacturing facilities of less than 40,000 square feet shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.
2. **Conditional Use Permit.** Non-volatile manufacturing facilities of 40,000 square feet or more shall require Conditional Use Permit approval.

**C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.

1. A complete description of all products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes.
2. Storage protocol and hazard response plan.
3. A security plan that includes lighting, security video cameras, alarm systems and secure area for cannabis storage. The security plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis. The video system for the security cameras must be located in a locked, tamper-proof compartment.
4. Employee safety and training equipment plan, plus Materials Safety Data Sheet requirements, if any.

**D. Manufacturing standards.**

1. **Location.** Cannabis manufacturing shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the manufacturing facility to the property line of the enumerated use using a direct straight-line measurement.
2. **Setbacks.** Setbacks are required as set forth in Section 22.10.140.
3. **Nuisance odors.** All cannabis manufacturing shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis manufacturing shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

4. **Limitation on the manufacturing of cannabis edible products.** The manufacturing of cannabis edible products, as defined by this Title, that are in the shape of animals, people, insects, or fruit is prohibited.

**E. Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:

1. The cannabis manufacturing facility, as proposed, will comply with all the requirements of State and County for the manufacturing of cannabis, including dual licensure and participation in an authorized track and trace program;
2. The cannabis manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from release of harmful gases, liquids, or substances;
3. The cannabis manufacturing facility includes adequate quality control measures to ensure cannabis manufactured at the site meets industry standards and includes a documented employee safety training program, a Materials Data Safety Sheet (MSDS), and meets all requirements in the Health and Safety Code Section 11362.775, and as it may be amended;
4. The cannabis manufacturing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
5. The cannabis manufacturing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;
6. *(For manufacturing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

#### **22.40.080 - Cannabis Testing Facilities**

- A. **Limitation on use.** Cannabis testing facilities may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit. Cannabis testing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL) only.

- B. Land use permit required.** Cannabis testing facilities of less than 20,000 square-feet shall require Minor Use Permit approval. Cannabis testing facilities of 20,000 square-feet or greater shall require Conditional Use Permit approval.
- C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60, Section 22.40.040, and include an operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion.
- D. Cannabis testing facilities standards.**
- 1. Location.** Cannabis testing facilities shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight-line measurement.
  - 2. Setbacks.** Setbacks are required as set forth in Section 22.10.140.
- E. Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- 1.** The cannabis testing facility, as proposed, will comply with all the requirements of State and County for the testing of cannabis, including dual licensure and participation in an authorized track and trace program;
  - 2.** The owners, permittees, operators, and employees of the cannabis testing facility will not be associated with any other form of commercial cannabis activity;
  - 3.** The cannabis testing facility is accredited by an appropriate accrediting agency as approved by the State and further described in Health and Safety Code Section 5238 and as it may be amended;
  - 4.** The cannabis testing facility operating plan demonstrates proper protocols and procedures for statistically valid sampling methods and accurate certification of cannabis and cannabis products for potency, purity, pesticide residual levels, mold, and other contaminants according to adopted industry standards.
  - 5.** The cannabis testing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
  - 6.** The cannabis testing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park,

playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

7. *(For testing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

#### **22.40.090 - Cannabis Dispensaries**

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

1. Cannabis dispensary structures shall not be open to the public for retail sales. Only dispensaries requiring a Type 9 Non-Storefront Retailer State license are allowed. Dispensaries requiring a Type 10 Retailer State license are prohibited.
2. Cannabis dispensaries not operating within a permanent structure (mobile dispensaries) are prohibited.
3. Cannabis dispensaries within a permanent structure that are not open to the public for retail sales (mobile deliveries only) may be permitted in the Agriculture (AG), Commercial Service (CS) within an Urban Reserve Line (URL) only, Industrial (IND), Residential Rural (RR), and Rural Lands (RL) land use categories subject to a land use permit.
4. Cannabis dispensaries in the RR and RL land use categories are limited to the dispensing of cannabis that is grown on site.
5. Cannabis dispensaries in the AG land use category are limited to the dispensing of cannabis that is grown on site, or cannabis products manufactured with cannabis grown on site.

**B. Land use permit required.** All cannabis dispensaries shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.

**C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.

1. A security plan that includes lighting, security video cameras, alarm systems and secure area for cannabis storage. The security plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis, and the surveillance video shall have real-time access for the Sheriff's Office. The video system for the security cameras must be located in a locked, tamper-proof compartment.

**D. Dispensary standards.**

**1. Location.**

- a. Cannabis dispensaries with storefronts not open to the public (mobile deliveries) shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight-line measurement.
- b. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Section.

**2. Setbacks.** Setbacks are required as set forth in Section 22.10.140.

**3. Hours of operation.** Dispensaries may operate from 8:00 a.m. until 8:00 p.m. daily.

**4. Mobile deliveries.** Deliveries from a legally established and permitted cannabis dispensary, within a permanent structure are allowed under this Section.

**5. Mobile dispensaries.** Mobile dispensaries are prohibited.

**E. Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:

1. The cannabis dispensary, as proposed, will comply with all the requirements of State and County for the dispensing of cannabis, including dual licensure and participation in an authorized track and trace program;
2. The cannabis dispensary will not be open to the public (mobile deliveries only) and will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;
3. The cannabis dispensary includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
4. *(For dispensary sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations

pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

#### **22.40.100 - Cannabis Distribution Facilities**

- A. Limitation on use.** Cannabis distribution facilities may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit. Cannabis distribution facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL) only.
- B. Land use permit required.**
1. **Minor Use Permit.** Distribution facilities of less than 40,000 square feet shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.
  2. **Conditional Use Permit.** Distribution facilities of 40,000 square feet or more shall require Conditional Use Permit approval.
- C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.
1. An operations plan detailing how, and from where, cannabis and cannabis products will be received, how any storage and distribution operations will be secured to prevent theft and trespass, and to whom the product will be distributed.
  2. Loading areas.
  3. Storage and handling plans.
- D. Cannabis distribution facilities standards**
1. **Location.** Cannabis testing facilities shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight-line measurement.
  2. **Setbacks.** Setbacks are required as set forth in Section 22.10.140.

**E. Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:

1. The cannabis distribution facility, as proposed, will comply with all the requirements of State and County for the distribution of cannabis, including dual licensure and participation in an authorized track and trace program;
2. The cannabis distribution facility operating plan demonstrates proper protocols and procedures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
3. The cannabis distribution will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;
4. *(For distribution sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

#### **22.40.110 - Grounds for Revocation**

Any of the following shall be grounds for revocation of the land use permit, based on substantial evidence and following notice and public hearing pursuant to Section 22.40.120:

- A.** Failure to comply with one or more of the conditions of the land use permit;
- B.** The land use permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant;
- C.** Any act or omission by an owner or permittee in contravention of the provisions of this Chapter;
- D.** Any act or omission by an owner or permittee that results in the denial or revocation of the owner's or permittee's State license;
- E.** Any act or omission that results in the revocation of that owner's or permittee's commercial cannabis Business License Clearance under Title 6 of the San Luis Obispo County Code;
- F.** Any act or omission by an owner or permittee in contravention of State law or the San Luis Obispo County Code on the site that received land use permit approval;

- G.** An owner's or permittee's failure to take appropriate action to evict or otherwise remove persons conducting commercial cannabis activities who do not maintain the necessary permits or licenses in good standing with the County or State;
- H.** Conviction for possession or delivery of any form of illegal drugs; or
- I.** Conduct of the commercial cannabis activities in a manner that constitutes a nuisance, where the owner or permittee has failed to comply with reasonable conditions to abate the nuisance (e.g. odor).

#### **22.40.120 - Procedure for Revocation**

A Cannabis Enforcement Officer may initiate proceedings to revoke the approval of any land use permit issued in compliance with this Chapter in any case where a use of land has been established or is conducted in a manner which violates or fails to observe the provisions of this Chapter or a condition of approval, as provided by this Chapter.

- A. Notice of pending revocation.** The Cannabis Enforcement Officer shall notify the permit holder of the intended revocation of the approval of a land use permit at least 10 calendar days before a revocation hearing, which will be held in accordance with Section 22.40.130. Service of notice shall be accordance with Section 22.74.020. If the Notice is served by mail the time period set forth above shall be extended by two (2) additional days. The notice shall contain the following.
  - 1. A heading reading, "Notice of Revocation Hearing".
  - 2. The provisions and/or conditions violated and the means to correct the violation(s), if any.
  - 3. The date and place of the revocation hearing.
- B. Revocation hearing.** Before any action is taken to revoke an approved land use permit, a hearing shall be conducted in compliance with Section 22.40.130.
- C. Action to revoke.** If after the revocation hearing the Cannabis Hearing Officer finds that grounds for revocation have been established, the Cannabis Hearing Officer may:
  - 1. Allow the permit holder additional time to correct the violation or non-compliance; or;
  - 2. Modify conditions of approval on the basis of evidence presented at the hearing; or;
  - 3. Revoke the approved land use permit and order the discontinuance or removal of the approved use within a time specified by the Cannabis Hearing Officer following an enforcement hearing held pursuant to section 22.40.130.



The Cannabis Hearing Officer shall issue a written decision within five (5) calendar days after the close of the hearing. The decision of the Cannabis Hearing Officer shall be final and revocation shall become effective 7 days after the action of the Cannabis Hearing Officer. Upon the effective date of revocation, the Cannabis Enforcement Officer shall initiate nuisance abatement proceedings by preparing and serving a Notice of Nuisance in compliance with Section 22.40.130.

- D. Use after revocation.** When an approved land use permit has been revoked, no further development or use of the property authorized by the revoked entitlement shall be continued, except in compliance with approval of a new land use permit and any other authorizations or permits required by this Code.

#### **22.40.130 - Enforcement**

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

- A.** Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapter 22.74 of this Code, and any other action authorized by law:
1. Additionally, it shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.
  2. Any person violating any of the provisions of this Chapter shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
  3. Each and every cannabis plant, including both immature and mature (flowering) plants, cultivated in violation of this Chapter shall constitute a separate violation subject to the penalties of this Chapter and Chapter 22.74.
  4. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Chapter.

**B. Notice of nuisance abatement.**

1. Upon the determination by the Cannabis Enforcement Officer that a nuisance exists, the Cannabis Enforcement Officer shall prepare a Notice of Nuisance Abatement, which may be combined with a notice of violation and a notice of the approximate amount of administrative fines, in accordance with this Section. The notices shall be served in accordance with Section 22.74.070.A. If the Notice is served by mail the time period set forth below shall be extended by two (2) additional days. The Notice of Nuisance Abatement shall contain:
  - a. A heading, "Notice of Nuisance Abatement".
  - b. A legal description and street address, assessor's parcel number, or other description sufficient to identify the premises affected.
  - c. A statement that unlawful cannabis activity exists on the site and that the Cannabis Enforcement Officer has determined it to be a public nuisance under this Chapter.
  - d. A description of unlawful cannabis activity and the actions required to abate it.
  - e. An order to complete abatement of the nuisance within 5 calendar days.
  - f. A statement that if the nuisance is not corrected as specified, a hearing will be held before the Cannabis Hearing Officer to consider whether to order abatement of the nuisance and levy a special assessment, which may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes in compliance with Section 25845 of the Government Code. Special assessments are subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency as is provided for ordinary county taxes.
  - g. A statement that the County intends to charge the property owner for all administrative costs associated with abatement of conditions defined as a nuisance by Section 22.74.150.A, in compliance with Section 22.74.080. It shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the county assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.
  - h. 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.

**C. Enforcement hearings.** Hearings conducted for the purposes of permit revocation and nuisance abatement pursuant to this Chapter, shall be conducted as follows:

1. The Board of Supervisors hereby establishes the Office of County Cannabis Hearing Officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code, to which Office the Board of Supervisors by resolution shall appoint one or more Cannabis Hearing Officers. Each Cannabis Hearing Officer shall be a duly licensed attorney at law that has been admitted to practice before the courts of this state for at least five years. A Cannabis Hearing Officer shall be appointed for a term of at least one year. If the Board appoints more than one Cannabis Hearing Officer, a Cannabis Hearing Officer shall be assigned by the Director of the Department of Planning and Building, or a designee, based on an alphabetical rotation and/or availability of the officer(s).

The Board of Supervisors shall approve by resolution policies and procedures relating to the contracting with and compensation of Cannabis Hearing Officers. The compensation and/or future appointment of a Cannabis Hearing Officer shall not be directly or indirectly conditioned upon the substance of his/her rulings, including but not limited to the amount of administrative fines levied. In the event of a vacancy, conflict of interest or other unavailability of an appointed Cannabis Hearing Officer, an administrative law judge provided by the State of California Office of Administrative Hearings to function as the County Hearing Officer pursuant to Chapter 14 of Part 3 of Division 2 of Title 3 of the California Government Code or an independent contractor assigned by an organization or entity which provides hearing officers may act as a Cannabis Hearing Officer for the purposes of this Chapter without further approval required by the Board of Supervisors.

Cannabis Hearing Officers shall have all those powers set forth in sections 27721 and 27722 of the Government Code, including, but not limited to, the power to conduct the hearing, to issue subpoenas, to receive evidence, to administer oaths, to rule on questions of law and the admissibility of evidence, to make findings of fact and conclusions of law, and to prepare a record of the proceedings, as well as the powers to in his or her discretion continue a hearing one time for no more than five (5) days, upon a showing of good cause by a party of interest in advance of the date originally set for the hearing, and the power to uphold fines and abatement orders and order that the cost of the abatement be specially assessed against the parcel.

2. Pursuant to Government Code sections 25845, subdivision (i) and 27721, subdivision (a), the Cannabis Hearing Officer shall hold an administrative hearing to determine whether the conditions existing on the property subject to the notice constitute a nuisance under this Chapter, or whether there is any other good cause why those conditions should not be abated. This hearing shall be held no less than five (5) calendar days after service of the notice of violation.

3. The Cannabis Hearing Officer shall conduct the hearing as follows:
  - a. The Cannabis Hearing Officer will hear sworn testimony and consider other evidence concerning the conditions constituting cause to revoke approved permit(s) and/or abate a nuisance.
  - b. Respondents to enforcement actions may be present at the hearing, may be represented by counsel, may present testimony, evidence, and cross-examine witnesses.
  - c. If the respondent does not appear and present evidence at the hearing, the Cannabis Hearing Officer may base their decision solely upon the evidence submitted by the Cannabis Enforcing Officer. Failure of the respondent to appear and present evidence at the hearing shall constitute a failure to exhaust administrative remedies.
  - d. The hearing need not be conducted according to technical rules relating to evidence and witnesses, and may be continued from time to time.
  - e. The hearing shall be conducted in the English language. The proponent of any testimony by a witness who does not proficiently speak the English language shall provide an interpreter who has been certified as an interpreter by either the State of California or the County of San Luis Obispo.
  - f. The Cannabis Hearing Officer will deliberate upon the evidence presented, and shall, within two (2) calendar days after the close of the hearing, issue a written decision and order that either affirms, reverses, or modifies the determination contained in the Notice of Nuisance Abatement issued by the Cannabis Enforcement Officer, and may include findings relating to the existence or non-existence of the alleged nuisance, as well as findings concerning the propriety and means of abatement of the conditions set forth in the Notice of Nuisance Abatement and/or appropriateness of fines levied. The decision of the Cannabis Hearing Officer shall be mailed to, or personally served upon, the respondent and any other party upon whom the notice of violation was served, and the Cannabis Enforcement Officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided.
  - g. Whenever the Cannabis Hearing Officer becomes aware that a respondent has failed to abate any unlawful cannabis activity within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer under this Section requiring such abatement, the Cannabis Hearing Officer may direct a Cannabis Enforcement Officer to enter upon the property and abate the nuisance. The Cannabis Enforcement Officer may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property

for purposes of undertaking the work, if necessary.

- h. The costs of abatement and all administrative costs incurred pursuant to this Chapter shall be recoverable in accordance with the Section 22.74.080 and Section 22.74.150.F.

**D. Pesticide use enforcement.** Pursuant to the California Code of Regulations, Title 3. Food and Agriculture, Section 6140(a), the director or commissioner may, during business hours, or if necessary to ensure immediate compliance, at any other reasonable time enter and inspect, and/or sample any of the following or related items in order to determine compliance with the provisions of this Chapter and Divisions 6 and 7 of the Food and Agricultural Code, which pertain to pesticides and pest control operations:

1. Fields, areas, structures, and greenhouses where pesticides are handled, stored or applied;
2. Growing crops and harvested commodities;
3. Equipment (including protective clothing and equipment) used to store, transport or handle pesticides;
4. Change areas and other facilities used by employees; and
5. Pesticides and tank mixtures thereof.

In addition, California Code of Regulations, Title 3. Food and Agriculture, Section 6140(b) gives the commissioner the authority to inspect the pesticide related records of growers, pest control businesses, and other during business hours.

**E. Weights and measures.** Notwithstanding this ordinance, the County Agricultural Commissioner/Sealer shall have the duty of enforcing Division 5 of the California Business and Professions Code and carrying out its provisions and requirements as set forth in the California Code of Regulations, Title 4, Division 9. This shall include the inspection, testing, and registration of weighing devices, the inspection of prepackaged product, and the inspection of product labeling relative to the commercial sale of cannabis.

1. Additionally, it shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental State is required to establish a violation.
2. Any person violating any of the provisions of this chapter shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted.

Exhibit LRP2016-00012:A

3. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.

**SECTION 5.** Section 22.74.080 of the San Luis Obispo County Code is hereby partially amended to read as follows:

This Section establishes procedures for the recovery of administrative costs incurred by the County in the enforcement process, for the abatement of conditions defined as a nuisance by Section 22.74.150.A, for the revocation of land use permits for cannabis activities by Section 22.40.110 and 22.40.120, for the abatement of conditions defined as a nuisance by Section 22.40.130.A, in cases where no permit is required in compliance with the provisions of this Title or Title 19 of this Code to abate the nuisance. These procedures are used where a nuisance is abated in advance of initiation of the procedures specified by 22.74.150.E.

**B. Notice of cost recovery requirements.** The enforcement officer shall include in the notice of violation required by Section 22.74.100.A or Section 22.40.120, a statement of the intent of the County to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing if he or she objects to the charges. The notice shall state that the property owner will receive at the conclusion of the enforcement case a summary of administrative costs associated with the processing of the enforcement case at the hourly rate in effect at the time the case is initiated. The notice shall state that the property owner will have the right to object to the charges by filing a request for hearing with the Director within 14 days of service of the summary of charges, in compliance with Subsection D.

**SECTION 6.** Section 22.94.074.B.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**1. Limitation on use.** All land uses listed by Section 22.06.030 as allowable, permitted, or conditional within the RL land use category may be authorized in compliance with the land use permit requirements of that Section, except residential care, manufacturing and processing activities, cannabis manufacturing, correctional institutions, ag processing, and farm equipment and supplies, which are not allowed.

**SECTION 7.** Section 22.94.074.D.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**1. Limitation on use.** All land uses listed by Section 22.06.030 as allowable, permitted, or conditional within the RR land use category may be authorized in compliance with the land use permit requirements of that Section, except animal facilities, farm equipment and supplies, nursery specialties, cannabis nurseries, grocery stores, and restaurants.

**SECTION 8.** Section 22.94.082.D of the San Luis Obispo County Code is hereby amended to read as follows:

**D. Commercial Service (CS) - Wellsona Road area.** The following standards apply within the Commercial Service category from the vicinity of the intersection of Highway 101 and Wellsona Road to the Exline Road intersection with the highway, as shown in Figure 94-40.

**1. Limitation on use - Wellsona Road area.** Allowable land uses on the Wellsona Road properties shown in Figure 94-40 are limited to:

Agriculture and accessory structures	Recreational Vehicle Parks
Bars and night clubs	Recycling and scrap
Bed and breakfast inns	Recycling collection stations
Cannabis testing facilities	Residential accessory use
Cannabis distribution facilities	
Caretaker residence	
Concrete, gypsum, and plaster products	Restaurants
Construction contractors	Small scale manufacturing
Convenience and liquor stores (limited to 2,000 square feet)	Stone and cut stone products
Crop production and grazing	Storage, accessory
Energy-generating facilities (limited to renewable energy facilities)	Storage yards
Existing motorcycle dealers	Temporary offices
Gas stations	Transmission facilities
General retail (limited to gifts, novelties, souvenirs, and antiques)	Truck stops
Grocery stores (maximum gross floor area of 5,000 square feet)	Vehicle and freight terminals
Hotels, motels if associated with truck stops as uses	Vehicle storage
Mail order and vending	Warehousing
Personal services	Wholesale and distribution
Public safety facilities	

**2. Limitation on use - Other Commercial Service properties.** Land uses shall be limited to the following for other Commercial Service properties shown in Figure 94-40. Retail sales are limited only to the incidental sale of goods produced, assembled or manufactured on the site. All other sales shall be wholesale to other businesses only.

Ag accessory structures	Recreational vehicle parks are also an allowable use on a property at Exline and Stockdale Roads, as shown in Figure 94-41.
Cannabis distribution facilities	Small scale manufacturing
Caretaker residence	
Concrete, gypsum, and plaster products	Stone and cut stone products
Construction contractors	Storage, accessory
Crop production and grazing	Storage yards
Energy-generating facilities (limited to renewable energy facilities)	Temporary offices
Existing motorcycle dealers	Transmission facilities
Public safety facilities	Vehicle and freight terminals
Recycling and scrap	Vehicle storage



Recycling collection stations  
Residential accessory use

Warehousing  
Wholesale and distribution

**SECTION 9.** Section 22.94.082.G.4.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on use - Spanish Camp area.** Land uses shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: agricultural accessory structures; cannabis cultivation; cannabis dispensaries, crop production and grazing; caretaker residence; animal keeping; energy-generating facilities (limited to renewable energy facilities); home occupations; residential accessory uses; single-family dwellings; storage-accessory; and temporary construction yards.

**SECTION 10.** Section 22.94.082.G.5 of the San Luis Obispo County Code is hereby amended to read as follows:

**5. Almira Park area.** Allowable land uses within the Almira Park area as shown in Figure 94-54 are limited to agricultural accessory structures; crop production and grazing; caretaker residences; cannabis cultivation; cannabis dispensaries, animal keeping; energy-generating facilities (limited to renewable energy facilities); home occupations; residential accessory uses; single-family dwellings; storage-accessory; temporary construction yards; and bed and breakfast inns.

**SECTION 11.** Section 22.96.050.B of the San Luis Obispo County Code is hereby amended to read as follows:

**B. Rural Lands (RL).** The following standards apply within the Rural Lands land use category.  
**1. Irish Hills - Limitation on use.** Land uses within the Irish Hills (see Figure 96-9) shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: ag accessory structures; animal facilities; cannabis cultivation; cannabis dispensaries, cannabis nurseries; crop production and grazing; nursery specialties; energy-generating facilities (limited to renewable energy facilities); communications facilities; animal keeping; residential accessory uses; single-family dwellings; mobile homes; temporary dwellings; roadside stands; outdoor retail sales; accessory storage; pipelines and transmission lines.

**SECTION 12.** Section 22.96.050.E.2.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on Use.** Uses identified in Table 2-2 as "A" allowable, "P" permitted, or a conditional use "MUP" or "CUP" are limited to: agricultural accessory structures; animal raising and keeping; bed and breakfast facilities; caretaker residence; cemeteries and columbaria; churches; communications facilities; cannabis cultivation; cannabis dispensaries, cannabis nurseries; crop production and grazing; energy-generating facilities; (solar electric facilities and wind energy conversion systems only); farm equipment and supplies; fisheries and game preserves; forestry; home occupations; mobile homes; nursery specialties; offices, temporary; public safety facilities; public utility facilities; residential accessory uses;

Exhibit LRP2016-00012:A

residential care (for 6 or fewer); roadside stands; secondary dwellings; single family dwellings; specialized animal facilities; storage accessory; temporary dwelling; and existing school, pre to secondary, and existing outdoor sports and recreation facilities.

**SECTION 13.** Section 22.96.050.E.3.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on use.** Land uses shall be limited to agricultural accessory structures, animal keeping, cannabis cultivation, cannabis dispensaries, crop production and grazing, and energy-generating facilities (limited to renewable energy facilities).

**SECTION 14.** Section 22.96.060.A.3 is amended to read as follows:

**4. Limitation on use.** Prior to annexation by the City of San Luis Obispo, land uses shall be limited to those listed as allowable, permitted, and conditional within the Agriculture land use category by Section 22.06.030, except for Cannabis Activities, which shall be allowable in the Agriculture, Rural Lands, Residential Rural, Commercial Service, and Industrial land use categories only, pursuant to Chapter 22.40, or as otherwise allowed for specific areas (such as the Airport Area) by this Section.

**SECTION 15.** Section 22.96.060.4.g is amended as follows:

**SAN LUIS OBISPO ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

Land Use <sup>(1) (2)</sup>	Permit Requirements By L.U.C. <sup>(3)</sup>						Specific Use Standards
	AG	RSF	RMF	CR	CR/VS	CS	
<b>Agriculture, Resource, and Open Space Uses</b>							
Ag Processing	A2					A2	22.30.070
Agricultural Accessory Structures	P					P	22.30.030,060
Animal Facilities - Specialized, except as follows							22.30.100
Animal hospitals & veterinary medical facilities						A1	22.30.100
Horse ranches and other equestrian facilities						MUP	22.30.100
Kennels (6)						A1	22.30.100
Zoos - Private, no display open to public						MUP	22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.30.090
Cannabis Activities (4)	A2					A2	22.40
Crop Production and Grazing	A1	A2	A2	A2	A2	A2	22.30.200
Farm Equipment & Supplies Sales						A1	
Mines and quarries							22.36
Nursery Specialties	A2					A2	22.30.310
Petroleum Extraction							22.34

**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

See NOTES on next page.

**SAN LUIS OBISPO ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

Land Use <sup>(1)(2)</sup>	Permit Requirements By L.U.C. <sup>(3)</sup>					Specific Use Standards
	CS/BP	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						22.30.100
Animal hospitals & veterinary medical facilities					A1	22.30.100
Horse ranches and other equestrian facilities					MUP	22.30.100
Kennels (6)					A1	22.30.100
Zoos - Private, no display open to public						22.30.100
Zoos - Open to public					CUP	22.30.100
Animal Keeping	A2	A2	A2	A2	A2	22.30.090
Cannabis Activities (4)	A2	A2				22.40
Crop Production and Grazing	A2	A2	A1	A1	A1	22.30.200
Farm Equipment & Supplies Sales		A1				
Mines and quarries						22.36
Nursery Specialties						22.30.310
Petroleum Extraction						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.

See KEY TO PERMIT REQUIREMENTS on previous page.

**SECTION 16.** Section 22.98.062.B.3.c of the San Luis Obispo County Code is hereby amended to read as follows:

**c. Limitation on use.** Land uses shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: agricultural accessory structures; animal keeping; cannabis cultivation; cannabis dispensaries, cannabis nurseries; crop production and grazing; animal facilities (horse ranches and other equestrian facilities only); energy-generating facilities (limited to renewable energy facilities); caretaker residences; home occupations; mobile homes; residential accessory uses; single-family dwellings; storage, accessory; and public utility facilities. Notwithstanding the provisions of this standard, it is the applicant's responsibility to ensure that any proposed land uses comply with the Tiffany Ranch covenants, conditions and restrictions (CC&Rs).

**SECTION 17.** Section 22.98.072.A.1.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on use.** Land uses are limited to the following within the Agriculture land use category in the Nipomo and Santa Maria (Oso Flaco) Valleys, subject to the land use permit requirements of Section 22.06.030:

- |   |   |
|---|---|
| Ag processing   | Mobile homes  |
| Agricultural accessory structures   | Nursery specialties (Conditional Use Permit required) |
| Animal keeping  | Outdoor retail sales                                  |
| Cannabis cultivation  | Pipelines and power transmission lines                |
| Cannabis nurseries  |   |
| Cannabis manufacturing  |   |
| Cannabis dispensaries   |   |
| Communications facilities   |   |
| Crop production and grazing   | Residential accessory uses                            |
| Energy-generating facilities (limited to accessory renewable energy facilities)   | Roadside stands                                       |
| Farm support quarters   |   |
| Home occupations  | Single-family dwellings                               |
| Mining and concrete batch plants (within the area along the Santa Maria River shown in Figure 98-23 which corresponds to the EX1 or subsequently designated EX combining designation) | Temporary dwellings                                   |

**SECTION 18.** Section 22.104.030.E.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**1. Limitation on use.** Land uses shall be limited to single-family dwellings, residential accessory uses, home occupations, animal keeping and agricultural uses, energy-generating facilities (limited to renewable energy facilities), cannabis dispensaries, and cannabis cultivation in compliance with the land use permit requirements of Section 22.06.030.

**SECTION 19.** Section 22.104.030.H.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**1. Limitation on use.** Land uses shall be limited to single-family dwellings, residential accessory uses, home occupations, animal keeping and agricultural uses, energy-generating facilities (limited to renewable energy facilities), cannabis dispensaries, and cannabis cultivation in compliance with the land use permit requirements of Section 22.06.030.

**SECTION 20.** Section 22.104.060.D of the San Luis Obispo County Code is hereby amended to read as follows:

**D. Industrial (IND) - Limitation on use.** Land uses within the Industrial land use category shall be limited to: offices; cannabis testing; accessory storage; storage yards; vehicle and freight terminals; warehousing; cannabis distribution facilities, and energy-generating facilities (limited to renewable energy facilities).

**SECTION 21.** Section 22.104.080.F.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**2. Limitation on use.** Allowable uses shall be limited to Ag Processing, Cannabis Manufacturing, Energy-Generating Facilities (limited to Renewable Energy Facilities only), Animal hospitals and veterinary medical facilities, crop production and grazing, nursery specialties, Small Scale Manufacturing (limited to artisan and craftsman-type operations), Indoor Amusement and Recreation Facilities, Outdoor Sports and Recreational Facilities, Public Assembly and Entertainment Facilities, Automobile Service Stations/Gas Stations, General Retail, Cannabis Dispensaries, Restaurants, and Lodging, and Personal Services.

**SECTION 22.** Section 22.104.090.D.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**1. Limitation on use within special setbacks.** All land uses identified by Section 22.06.030 (Allowable Land Uses and Permit Requirements) as being allowable, permitted, or conditional uses may be authorized in compliance with the land use permit requirements of that Section, except the following, which are prohibited within 200 feet of collector and arterial streets, and residential categories: concrete, gypsum and plaster products; metal industries, fabricated; recycling and scrap; fuel dealers; storage yards and sales lots that are primary uses; cannabis distribution facilities; and vehicle storage.

**SECTION 23.** Section 22.104.090.D.3.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on use.** Allowable land uses shall be limited to Building Materials and Hardware and incidental outdoor storage, Nursery Specialties, Cannabis Distribution Facilities, and Vehicle and Freight Terminals.

**SECTION 24.** Section 22.104.090.D.4.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on use.** Land uses shall be limited to agricultural processing, agricultural accessory structures, caretaker residence, crop production and grazing, energy-generating facilities (limited to renewable energy facilities), incidental offices, accessory storage, outdoor storage yards, cannabis distribution facilities, and vehicle and freight terminals.

**SECTION 25.** Section 22.108.040.D.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on use.** All land uses identified by Section 22.06.030 as allowable, permitted, or conditional in the CS land use category may be authorized in compliance with the land use permit requirements of that Section, except: ag processing; animal keeping; drive-in theaters; public assembly and entertainment; sports assembly; petroleum extraction; restaurants larger than 5,000 square feet; grocery stores larger than 5,000 square feet; general retail, cannabis dispensaries, and personal services that are larger than 2,000 square feet each and that occupy more than 25 percent of the total floor area of a site; offices and cannabis testing facilities (except allowable in community gateway projects in Subsection D.4.); lodging uses listed by Table 2-2, Section 22.06.030 in the "Services" use group; concrete, gypsum and plaster products; airfields and landing strips; gas stations; and truck stops.

The following uses are not permitted on properties that are adjacent to Residential Land Use Categories: collection stations; metal industries-fabricated; recycling and scrap; stone and cut stone products; auto and vehicle repair and service.

**SECTION 26.** These amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 26055(h) of the California Business and Professions.

**SECTION 27.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one of more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 28.** This ordinance shall take effect and be in full force and effect on December 31, 2017 or thirty (30) days after its passage, whichever occurs later, and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of

Exhibit LRP2016-00012:A

the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

**SECTION 29.** Interim/Urgency Ordinance No. 3334, and its extending ordinances, Nos. 3336 and 3354, as they apply to the Inland portions of the County, shall be repealed and replaced upon this Ordinance becoming effective.

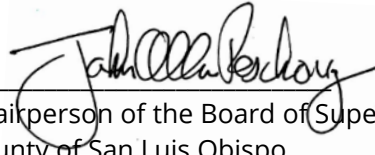
**PASSED AND ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 27<sup>th</sup> day of November, 2017, by the following roll call vote, to wit:

**AYES:** Supervisors Chairperson Peschong, Arnold, and Compton

**NOES:** Supervisors Gibson and Hill

**ABSENT:** None

**ABSTAINING:** None



Chairperson 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