

SECTION 1. Section 23.08.410 of the San Luis Obispo County Code is amended to read as follows:

23.08.410 – Cannabis Activities (L).

The purpose of these Sections 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 pursuant to Chapter 6 Section D - Land Use Definitions of the Framework for Planning - Coastal Zone of the San Luis Obispo County General; Plan, includes the cultivation, possession, manufacturing, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis or a cannabis product. Unpermitted cannabis activities are a public nuisance which constitute an immediate threat to public health and safety, and may, at the discretion of the enforcing officer, be summarily abated in accordance with the procedures authorized by County Code or other law and any or all costs of such summary abatement may be recovered from the owner of the real property where the nuisance is found in addition to any other responsible party. Therefore, these Sections recognize 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. These standards cannot be waived or modified through Development Plan approval as described in Section 23.08.012, except as noted, and are organized as follows:

23.08.412 - Applicability

23.08.414 - Exemptions from Land Use Permit Requirements

23.08.416 - Requirements for All Cannabis Activities

23.08.418 - Cannabis Cultivation (L-1)

23.08.420 - Cannabis Nurseries (L-2)

23.08.422 - Cannabis Processing Facilities (L-7)

23.08.424 - Cannabis Manufacturing (L-3)

23.08.426 - Cannabis Testing Facilities (L-4)

23.08.427 - Cannabis Dispensaries (L-5)

23.08.428 - Cannabis Distribution Facilities (L-6)

23.08.429 - Cannabis Transport Facilities (L-8)

23.08.430 - Grounds for Revocation

23.08.431 - Procedure for Revocation

23.08.432 - Enforcement

SECTION 2. Section 23.08.416.q of the San Luis obispo County Code is amended to read as follows:

q. Monitoring program. All land use permits for cannabis activities shall require the 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 sites to verify compliance with this chapter and conditions of approval for the land use permits. The applicable annual program fees shall be collected by the ~~County Department of Planning and Building~~ at the time of Business License issuance and on a ~~monthly or quarterly~~ monthly, quarterly, or annual basis thereafter as assessed by the ~~County 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 23.08.430 and/or Business License non-renewal.

SECTION 3. Section 23.08.418.b.(1) of the San Luis Obispo County Code is amended to read as follows:

(1) Land use permit expiration. All land use permits issued for cannabis cultivation shall expire in five years from the ~~approval date~~ receipt of the approval to operate letter for the initial term, and five years from the date of approval for any renewal term. 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 prior to the land use permit expiration, the land use permit shall be deemed expired effective five years from the date of the previous approval and all non-permit exempt cannabis cultivation shall cease on the site until land use permit approval is obtained.

SECTION 4. Section 23.08.427.d.(3) of the San Luis Obispo County Code is amended to read as follows:

(3) Hours of operation. Dispensaries may operate in accordance with §15403, Hours of Operation, as updated by the California Department of Cannabis Control from 8:00a.m. until 8:00p.m. daily.

SECTION 5. Section 23.08.432.a of the San Luis Obispo County Code is amended to read as follows:

- a. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance constituting an immediate threat to public health and safety which may, at the discretion of the County, be summarily abated and all costs of abatement recovered from the owner of the real property where the violation is found in addition to any other responsible party, and which shall additionally, at the discretion of the County, create a cause of action for penalty pursuant to Chapter 23.10 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, Chapter 1.05 and Chapter 23.10.
 - (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 or from liability for the County's cost of abatement of such violation.

SECTION 6. Section 23.08.432.b of the San Luis Obispo County Code is amended to read as follows:

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 d 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 23.1 0.040 ("Notices — Service and Release"). 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:

(i) A heading, "Notice of Nuisance Abatement."

(ii) A legal description and street address, assessor's parcel number, or other description sufficient to identify the premises affected.

(iii) 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.

(iv) A description of unlawful cannabis activity and the actions required to abate it if the County has not already abated such activity as an immediate threat to public health or safety.

(v) An order to complete abatement of the nuisance within 5 calendar days of ~~the~~any nuisance which has not already been abated by the County as an immediate threat to public health or safety within 5 calendar days.

~~(vi)~~ 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 ,if the County has not already abated such activity as an immediate threat to public health and safety, and/or levy a special assessment for abatement costs, including administrative costs, 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.

~~(vii)~~ 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 23.10.150, in compliance with Section 23.10.050. 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.

~~(viii)~~ 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 if the County has not already abated such activity as an immediate threat to public health or safety.

SECTION 7. Section 23.10.150.g of the San Luis Obispo County Code is amended to read as follows:

g. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis

Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County if not already abated by the County as an immediate threat to public health or safety. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.