

**ORDINANCE NO. 3378**

**AN ORDINANCE AMENDING THE SAN LUIS OBISPO GENERAL PLAN, THE LOCAL COASTAL PLAN – PARTS I AND II OF THE COASTAL ZONE LAND USE ELEMENT, AND THE COASTAL ZONE LAND USE ORDINANCE – TITLE 23 OF THE COUNTY CODE, RELATING TO CANNABIS ACTIVITIES**

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

**KEY TO COASTAL TABLE O**

**USE  
STATUS**

**DEFINITION**

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

**"S" NUMBER APPLICABLE COASTAL ZONE LAND USE ORDINANCE SECTION AND/OR LAND USE ELEMENT REQUIREMENT**

1	23.08.120 b	MISCELLANEOUS USES
2	23.08.120 a	MISCELLANEOUS USES
3	23.08.040	AGRICULTURAL USES
4	23.08.060	CULTURAL, EDUCATIONAL & RECREATIONAL USES
5	23.08.080	INDUSTRIAL USES are allowable subject to the special standards found in Section 23.08.080. For new expanded uses within the Petroleum Refining and Related Industries and Marine Terminals and Piers use groups, a plan is required prior to acceptance of land use permit(s) to the standards as set forth in Section 23.08.094.
6	23.08.100	MEDICAL & SOCIAL CARE FACILITIES
7	23.08.140	OUTDOOR COMMERCIAL USES
8	23.08.160	RESIDENTIAL USES
9	23.08.170	RESOURCE EXTRACTION
10	23.08.200	RETAIL TRADE
11	23.08.220	SERVICES
12	23.08.260	TRANSIENT LODGINGS
13	23.08.280	TRANSPORTATION, UTILITIES & COMMUNICATION
14		Uses are allowable in the Open Space land use category on privately-owned land subject to Coastal Zone Land Use Ordinance Section 23.08.120a in addition to the special standards in Chapter 23.08, only when authorized by a recorded open space agreement executed between the property owner and the County. On public lands, uses designated are allowable subject to Coastal Zone Land Use Ordinance Section 23.08.120b, in addition to the special standards found in Chapter 23.08.
15		Listed processing activities are allowable in the Rural Lands and Agriculture land use categories only when they use materials extracted on-site pursuant to Coastal Zone Land Use Ordinance Section 23.08.120a, or when applicable, the Coastal Zone Land Use Ordinance Surface Mining Standards, Section 23.08.180 et. seq.
16	23.08.020	ACCESSORY USES
17	23.08.240	TEMPORARY USES
18	23.08.050	INTERIM AGRICULTURAL USES
19	23.08.400	WHOLESALE TRADE
20	23.08.300	ELECTRIC GENERATING PLANTS
21	23.08.410	CANNABIS USES

ALLOWABLE USES

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

**LAND USE CATEGORY**

Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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**PAGE NUMBER  
OF USE**

USE GROUP

<b>L) CANNABIS USES</b>	
Cannabis Cultivation	1
Cannabis Nurseries	2
Cannabis Manufacturing	3
Cannabis Testing Facilities	4
Cannabis Dispensaries	5
Cannabis Distribution Facilities	6
Cannabis Processing Facilities	7
Cannabis Transport Facilities	8

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

**Cannabis Cultivation [L1]**

Any activity involving the planting, growing, harvesting of cannabis.

**Cannabis Dispensary [L5]**

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. For this Title, cannabis dispensaries includes non-storefront retailers. Store-front retailers and mobile retailers are prohibited.

**Non-Storefront Retailer.** 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. “Non-Storefront Retailer” also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the Bureau of Cannabis Control or its successor, 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 Retailer.** The commercial transfer of cannabis or cannabis products from an outdoor location or mobile structure (e.g. a vehicle from which a retailer could perform direct sales), to a primary caregiver, qualified patient, or customer.

**Cannabis Nursery [L2]**

A site that produces clones, immature plants, seeds, or other agricultural products used specifically for the propagation and cultivation of cannabis. Does not include such activities that are ancillary to an approved land use permit for cannabis cultivation and are for on-site use only.

**Cannabis Processing Facility [L7]**

A non-residential facility that conducts cannabis processing.

**Cannabis Transport Facility [L8]**

A business that is licensed to transport cannabis or cannabis products between certain license types. Transport facilities may not own or sell cannabis or cannabis products, or store cannabis or cannabis products at the premises of the business. Does not include the transport of cannabis when ancillary to an approved cannabis cultivation land use permit, provided the ownership, sale and storage is only that of raw cannabis or processed cannabis that has been cultivated on-site.

SECTION 3. Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions: is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

**Cannabis Canopy.** “Cannabis Canopy” means the designated area(s) at a site that will contain mature plants at any point in time. Cannabis 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. Cannabis 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 Greenhouse.** A fully enclosed, legally established, permanent structure that is clad in transparent or translucent material with climate control, (such as heating or ventilation capabilities), and/or supplemental artificial lighting, and that uses a combination of natural and/or artificial lighting (mixed-light) for cannabis cultivation or cannabis nurseries. For the purposes of this Title, cannabis cultivation or cannabis nurseries within a greenhouse are considered indoor cultivation or nurseries. For the purposes of obtaining licenses, cannabis cultivation or cannabis nurseries within a greenhouse can be considered indoor or mixed-light cannabis cultivation or cannabis nurseries. Except for the drying of harvested plants, Cannabis processing (as a primary use or ancillary to cultivation) is not allowed within a cannabis greenhouse.

**Cannabis Hoop Structure.** A plastic or fabric covered hoop structure that is temporary in nature, not more than 12 feet in height and do not have vertical sides exceeding five feet six inches (5'-6") in height. They shall not have permanent anchors or foundation, so they can be readily removable. In addition, cannabis hoop structures shall not include any of the following:

- trusses
- wood construction, or
- plumbing (does not include irrigation of the cannabis crop), mechanical, or electrical systems.

Cannabis hoop in residential land use categories shall not exceed 120 cumulative square-feet of floor area. Cannabis hoop structures in all other land use categories shall not exceed 300 linear feet per structure. For the purposes of this Chapter, cannabis cultivation or cannabis nurseries within hoop structures are considered outdoor cultivation or outdoor nurseries. For the purposes of obtaining licenses, cannabis cultivation or cannabis nurseries within a hoop house can be considered indoor or mixed-light cannabis cultivation or cannabis nurseries.

**Cannabis Nursery Canopy.** “Cannabis Nursery Canopy” means the designated area(s) at site that will contain immature plants at any point in time. Cannabis Nursery Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain immature plants at any point in time, including all of the space(s) within the boundaries. Cannabis Nursery Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which includes,

but is not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots. If immature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

**Cannabis Processing.** "Process," "Processing," and "Processes" means all activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis products.

**Cannabis Shade Cloth Structure.** A structure open on all sides for the protection of cannabis that is temporary in nature, not more than 12 feet in height. The covering may be permeable cloth-like material. They shall be constructed of light frame material, be detached from any other structure, and shall not include any plumbing, mechanical, or electrical systems within the structure. Cannabis shade cloth structures in residential land use categories shall not exceed 120 cumulative square-feet. (Structures constructed of rigid walls and rigid sloped roofs using transparent panels require a construction permit when the floor area exceeds 120 square feet. May be exempt from construction permit requirements, if 120 square feet or less in area and in a residential category).

**Cannabis Topical Product.** Manufactured cannabis that is intended to be applied to the skin rather than ingested or inhaled.

**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 Section 26000, et seq.

**Flowering.** "Flowering" means that a cannabis plant has formed a mass of pistils measuring greater than one half inch wide at its widest point.

**Immature Plant.** "Immature plant" or "immature" means a cannabis plant which has a first true leaf measuring greater than one half inch long from base to tip (if started from seed) or a mass of roots measuring greater than one half inch wide at its widest point (if vegetatively propagated), but which is not flowering.

**Indoor Cultivation.** "Indoor cultivation" means the cultivation of cannabis within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Does not include cultivation within a cannabis hoop structure.

**Light Deprivation.** "Light deprivation" means the use of any technique to eliminate natural light in order to induce flowering.

**Mature Plant.** "Mature plant" or "mature" means a cannabis plant that is flowering.

**Outdoor Cultivation.** "Outdoor cultivation" means the cultivation of cannabis without the use of artificial lighting in the canopy area at any point in time. Includes cultivation within a cannabis hoop structure.

SECTION 4. Sections 23.08.420 through 23.08.432 of the San Luis Obispo County Code are amended and renumbered 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. 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

**23.08.412 – 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 23.08.414 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. Persons claiming plants do not fall under this Chapter bear the burden of

presenting evidence demonstrating the plants are industrial hemp, and not cannabis, including but not limited to providing THC testing, germplasm, cultivar, strain and/or clone information, as well as evidence the operation is in compliance with state law. Any violation of state law related to industrial hemp shall be considered a violation of this Chapter and subject to the enforcement procedures and provisions set forth under Sections 1.05.080, 23.08.432, and 23.10.150.

For the purposes of Sections 23.08.410 through 23.08.432, "site" means any lot or parcel of land or contiguous combination thereof, under the same ownership.

**23.08.414 - 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 development, pursuant to 23.11.030 and Coastal Act or applicable California Code of Regulations, requires a coastal development permit. 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 cultivation shall meet the following minimum standards in Section 23.08.418:
  - (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 23.08.416 and 23.08.418.

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 23.08.416 and 23.40.418. 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 in order to remain in compliance with this Section.

- e. All exempt activities shall meet the minimum standards in 23.08.416(o) related to visual resources.

**23.08.416 – Requirements for All Cannabis Activities:** The application for a land use permit and for amendments thereto, shall be processed in accordance with Chapter 23.02. 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 23.08.431 and 23.08.432 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) Evidence documenting that the site has legal access to a public road.
- (3) All cannabis activities shall include an operations plan including at a minimum, the following information:
  - (i) On-site security measures both physical and operational and, if applicable, security measures for the delivery of cannabis associated with the commercial cannabis business;
  - (ii) Odor management plan;
  - (iii) Size, height, colors, and design of any proposed signage at the site;
  - (iv) Parking plan consistent with Section 23.04.160 et seq.;
  - (v) Proof of ownership or lease agreement with landowner's consent;

- (vi) Employee safety and training plan;
  - (vii) A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;
  - (viii) Waste management plan; and
  - (ix) Vicinity map showing at least one thousand (1,000) feet of separation 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 Chapter.
- b. **Vertical integration.** Any land use permit proposing more than one cannabis activity on one site Development Plan approval. This requirement does not apply to the following activities when ancillary to cannabis cultivation: cannabis transport, a cannabis nursery, or cannabis processing.
- c. **Previous violations.** Any site proposing cannabis activities 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 Development Plan 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).
- 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 23.04.280.b and c.
- o. Visual resource protection.** All cannabis activities are subject to the following requirements:

  - (1) Any lighting used for cannabis activities, including security lighting and artificial lighting for mixed-light operations, shall be the minimum necessary, and shall be sited, shielded, angled, and operated so that it is not visible from public roads. Structures used for mixed-light operations shall be shielded so that no light escapes between sunset and sunrise.

- (2) All cannabis development, including fences, greenhouses, and hoop structures, shall be sited and designed to avoid significantly impacting public views, shall not be visible from Highway 1 outside the USL, and shall not block public blue water views or extend into the blue sky view as seen from public roads.
- p. Habitat setbacks.** For sites within the URL, all cannabis activities and structures shall be located at least 50 feet from the upland extent of riparian vegetation of any watercourse. For sites outside the URL, all cannabis activities and structures shall be located at least 100 feet from the upland extent of riparian vegetation of any watercourse. All cannabis activities and structures shall be located at least 100 feet from any ESHA and wetlands.
- 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 program fees shall be collected yearly by the Department of Planning and Building at the time of Business License renewal. 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.
- r. Public notice.**
- 1. Prior to application submittal.** The applicant shall submit evidence that the neighboring property owners and the applicable advisory group were notified of the request prior to the submission of the land use permit to the county. This notice shall be provided by the applicant sending a letter using the form provided by the Department of Planning and Building. The letter shall be mailed or delivered at least 10 days prior to application submittal to the applicable advisory group and to all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the subject site.
  - 2. Public hearing notice.** In addition to the requirements found in Section 23.01.060a(2), public notice shall be provided to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site and to all property owners fronting any local roads that serve the facility back to an arterial or collector. Public notice may be required to be provided to properties greater than 1,000 feet away for certain applications at the discretion of the Director of Planning and Building.
- s. Use of a Residence.** Except for those activities considered exempt pursuant to Section 23.08.414, no structure or portion thereof used for residential purposes, including vacation rentals, shall be used for Cannabis Activities.

**23.08.418 - Cannabis Cultivation (L-1):**

- a. Limitation on use.** Except as provided in Section 23.08.422, cannabis cultivation may only be permitted in the Agriculture – Prime Soils (AGps), Agriculture – Non-Prime Soils (AGnps), 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 sites.** The maximum number of cannabis cultivation sites in the unincorporated portions of the County shall be limited to 141, and as follows:

- (i) **Indoor cultivation.** Any site, as defined by Section 23.08.412, in the AGnps, IND, RL, or RR land use category may receive land use permit approval for indoor cannabis cultivation, with a maximum of 22,000 square feet of cannabis canopy.
- (ii) **Outdoor cultivation.** Any site, as defined by Section 23.08.412, in the AG or RL land use category may receive land use permit approval for outdoor cannabis cultivation, including any cannabis cultivation within a cannabis hoop structure, as follows:

Within the Agriculture (AG) land use category on sites between 10 and 25 acres in area, the maximum area of outdoor cannabis canopy is two (2) acres.

Within the Agriculture (AG) land use category on sites greater than 25 acres in area, the maximum area of outdoor cannabis canopy is three (3) acres.

Sites within the Rural Lands (RL) land use category shall be limited to a maximum area of outdoor cannabis canopy of one acre.

- (iii) **Ancillary activities.** Cannabis cultivation operations may include the following ancillary activities:
  - (a) **Cannabis nursery.** A separate cannabis nursery for on-site use may be established, provided the nursery canopy does not exceed 25% of the area approved for cannabis cultivation. The immature plants, seeds or clones shall not be sold or transported off site.
  - (b) **Cannabis processing.** Cannabis grown on site may be processed in an on-site, non-residential structure. This does not include cannabis manufacturing, which would otherwise require Development Plan approval when done in conjunction with cannabis cultivation.
  - (c) **Cannabis transport.** Cannabis grown or processed on site may be transported to certain license types, as specified by State law. This does not include transport to end users or for retail sale (cannabis dispensary) or transport of nursery products (cannabis nursery), which would otherwise require Development Plan approval when done in conjunction with cannabis cultivation. Cannabis not grown on site or

cannabis products shall not be transported under this provision. The transport operation shall be conducted from a non-residential structure.

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

- (1) Limit on land use permit applications.** Prior to April 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:

  - (i) Obtain all necessary permits for the new site, including but not limited to, a new land use permit pursuant to this Chapter.
  - (ii) 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.
  - (iii) 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.
  - (iv) 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 23.02 and Section 23.08.416.

- (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 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.
- (7) A description of any proposed ancillary activities, pursuant to Section 23.08.418(a)(2)(iii). The site plan shall identify any proposed structures associated with ancillary activities.

**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 cannabis 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. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility only, through Development Plan approval per Section 23.08.012.

**(2) Minimum site area.**

- (i) **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

- (ii) **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.**

- (i) Indoor cannabis cultivation shall be within a fully enclosed building that has been setback as set forth in Section 23.08.041 (Section 23.04.100 in the Industrial land use category).
- (ii) Outdoor cannabis cultivation shall be setback a minimum of 300 feet from the external property lines of the site or public right-of-way, whichever is closer.
- (iii) 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.
- (iv) All outdoor cannabis cultivation shall be set back from the upland extent of riparian vegetation of any watercourse as required by subsection 23.08.416(p), and located at least 100 feet from any ESHA and wetlands.
- (v) Setbacks may be modified through Minor Use Permit approval, except for setbacks required by the California Building Code or for the resource setbacks identified in subsection iv above.

**(4) Air quality.** Cannabis cultivation 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.

- (i) 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.



- (ii) Evidence of road maintenance provided by the County, State, special district, homeowners association or other organized maintenance, such as a road maintenance agreement.
- (iii) 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.**

- (i) Cannabis cultivation 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 a Level of Severity III shall be 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 establishment of the use or receipt of Business License Clearance.
- (ii) Irrigation water supplies for cannabis cultivation shall not include water transported by vehicle from off-site sources.

**(6) Screening.** 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(s) and prevents easy access to the cultivation areas (both indoor or outdoor). The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress.

The required fencing and screening are subject to the following standards instead of Section 23.04.190:

- (i) Fencing shall be constructed out of durable materials for security purposes. This requirement may be waived or modified as specified below where the proposed landscape features such as terrain and vegetation provide the functional equivalent of fencing for security.
- (ii) Fencing materials shall be solid, or screening material, including existing landscape features such as terrain and vegetation, shall achieve a permanent opacity necessary to screen cannabis plants that are easily visible from off-site views.

- (iii) Solid fencing shall be located outside of setback areas.
- (iv) Where necessary, fencing shall be designed to allow for the movement of wildlife.
- (v) Conform with the fencing and screening standards contained in Section 23.08.416(o), Planning Area Standards, specific plans, or design plans.
- (vi) **Substitution for indoor cultivation.** Where the proposed structures are designed to provide the functional equivalent of fencing for security, and opacity for screening, fencing around indoor cultivation structures may be waived or modified as specified below.

This section may be waived or modified through Minor Use Permit or Development Plan approval, provided the review authority first finds that specifically identified characteristics of the site or site vicinity would make the required fencing or screening unnecessary or ineffective.

- (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 Residence.** Except for those activities considered exempt pursuant to Section 23.08.414, no structure originally constructed for residential purposes or that served as a residence as of August 23, 2016 shall be used for cultivation of cannabis.
  - (11) **Outdoor Lighting.** Outdoor lighting shall be used for the purpose of illumination only subject to the provisions of Sections 23.04.320(b) through (f) and 23.08.416(o). Outdoor lighting shall not be located within the canopy area, used for photosynthesis, mixed-light processes, other purposes intended to manipulate cannabis plant growth, or in conjunction with cannabis hoop structures, whether attached or not to a cannabis hoop structure. Temporary lighting, whether powered by a portable generator or permitted electrical service, is prohibited. Where necessary, outdoor lighting shall be designed to minimize impacts to wildlife.
- e. **Required findings.** In addition to the mandatory findings required by Section 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this section:

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- (1) The cannabis cultivation, as proposed, will comply with all of 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;

OR

*(For location modifications only.)* Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective;

- (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.
- (8) *(For fencing and screening modifications only.)* Specific conditions of the site and/or vicinity make the make the required fencing or screening unnecessary or ineffective.

**23.08.420 - Cannabis Nurseries (L-2):**

- a. Limitation on use.** Cannabis nurseries shall be limited to the Agriculture – Prime Soils (AGps), Agriculture – Non-Prime Soils (AGnps), 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 Development Plan is required by another Section of this Title.
  - (2) Development Plan.** A Development Plan 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 23.02 and Section 23.08.416.

  - (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 that contains the cannabis nursery 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. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility only, through Development Plan approval per Section 23.08.012.

- (2) **Greenhouses.** No greenhouse shall be constructed where the natural slope exceeds 15 percent.
- (3) **Minimum Site Area.** No minimum site area is required in the Agriculture – Prime Soils, Agriculture – Non-Prime Soils, 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.
- (4) **Setbacks.**
- (i) Cannabis nurseries shall be setback as set forth in Section 23.08.041 (Section 23.04.100 in the Industrial land use category).
  - (ii) Within the Residential Rural land use category, setbacks shall be as followed: front - 80 feet; side and rear - 100 feet, unless the California Building Code would require a larger setback.
  - (iii) 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.
  - (iv) All outdoor cannabis nurseries shall be set back from the upland extent of riparian vegetation of any watercourse as required by subsection 23.08.416(p), and located at least 100 feet from any ESHA and wetlands.
  - (v) Setbacks may be modified through Minor Use Permit approval, except for setbacks required by the California Building Code or for the resource setbacks identified in subsection 4 above.
- (5) **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.
- (i) 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.
  - (ii) Evidence of road maintenance provided by the County, State, special district, homeowners association or other organized maintenance, such as a road maintenance agreement.
  - (iii) 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.

**(6) Water.**

**(i)** 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 & Building, and a detailed description of how the new water demand will be offset. All water demand within a groundwater basin a Level of Severity III shall be 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.

**(ii)** Irrigation water supplies for cannabis nurseries shall not include water transported by vehicle from off-site sources.

**(7) Screening.** 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(s) and prevents easy access to the cultivation areas (both indoor or outdoor). The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress.

The required fencing and screening are subject to the following standards instead of Section 23.08.416(o):

**(i)** Fencing shall be constructed out of durable materials for security purposes.

**(ii)** Fencing materials shall be solid, or screening material, including existing landscape features such as terrain and vegetation, shall achieve a permanent opacity necessary to screen cannabis plants that are easily visible from off-site views.

**(iii)** Solid fencing shall be located outside of setback areas.

**(iv)** Where necessary, fencing shall be designed to allow for the movement of wildlife.

**(v)** Conform with the fencing and screening standards contained in Section 23.08.416(o), Planning Area Standards, specific plans, or design plans.

**(vi) Substitution for indoor cultivation.** Where the proposed structures are designed to provide the functional equivalent of fencing for security, and opacity for screening, fencing around indoor cultivation structures may be waived or modified as specified below.

- (vii) This section may be waived or modified through Minor Use Permit or Development Plan approval, provided the review authority first finds that specifically identified characteristics of the site or site vicinity would make the required fencing or screening unnecessary or ineffective.
- (8) **Renewable energy.** All sites engaging in artificial light or mixed-light indoor cannabis nursery cultivation shall comply with State regulations regarding energy requirements.
- (9) **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.
- (10) **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.
- (11) **Outdoor Lighting.** Outdoor lighting shall be used for the purpose of illumination only and is subject to the provisions of Sections 23.04.320(b) through (f) and 23.08.416(o). Outdoor lighting shall not be located within the canopy area, used for photosynthesis, mixed-light processes, other purposes intended to manipulate cannabis plant growth, or in conjunction with cannabis hoop or shade cloth structures, whether attached or not to a cannabis hoop structure. Temporary lighting, whether powered by a portable generator or permitted electrical service, is prohibited. Where necessary, outdoor lighting shall be designed to minimize impacts to wildlife.
- e. **Required findings.** In addition to the mandatory findings required by Section 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this section:

  - (1) The cannabis nursery, as proposed, will comply with all of 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;

OR

*(For location modifications only.)* Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective;

- (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.
- (8) *(For fencing and screening modifications only.)* Specific conditions of the site and/or vicinity make the make the required fencing or screening unnecessary or ineffective.

**23.08.422 - Cannabis Processing Facilities (L-7):**

- a. **Limitation on use.** Cannabis processing facilities may be permitted in the Commercial Service (CS), Industrial (IND), Agriculture – Non-Prime Soils (AGnps), Rural Lands (RL) land use categories, subject to a land use permit as required below. Cannabis processing in the AGnps or RL land use categories may be vertically integrated with cannabis cultivation only. This section does not apply to cannabis processing that is ancillary to an approved cannabis cultivation site (the processing of cannabis grown on site only), which is otherwise subject to Section 23.08.418.
- b. **Land use permit required.** Cannabis processing facilities shall require Minor Use Permit approval unless a Development Plan 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 23.02 and Section 23.08.416.



- (1) Storage and handling protocol plan.
- (2) 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.
- (3) Employee safety and training equipment plan, plus Materials Safety Data Sheet requirements, if any.

**d. Processing facilities standards.**

**(1) Location.**

- (i) Cannabis processing 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 cannabis processing facility to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility only, through Development Plan approval per Section 23.08.012.
- (ii) Cannabis processing facilities shall not be located in a Flood Hazard Zone, Sensitive Resource Area, Environmentally Sensitive Habitat Area, or High Fire Hazard Severity Zone.
- (iii) **Limit on agricultural land.** Cannabis processing facilities shall not be located on prime agricultural soils or on land under Williamson Act contract.
- (iv) **Access in the AG or RL land use category.** Cannabis processing facilities shall be located on and take access from a publicly maintained, paved, and through (non-dead-end) road.

**(2) Rural character design criteria.** Cannabis processing facilities located outside of an Urban or Village Reserve Line (URL or VRL), shall be sited and designed (including, but not limited to, structures, pavement, fencing, signs, and exterior lighting) to be compatible with the rural character of the site and surrounding area. Factors to be considered include:

- Avoiding the removal of native oak trees or other significant landscape
- Minimizing grading
- Minimizing negative effect on the night sky
- Architectural style
- Offsite views of structures and screening.

- (3) **Setbacks.** Setbacks are required as set forth in Section 23.04.100, and structures and impervious surfaces shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.
  - (4) **Nuisance Odor.** All cannabis processing shall be sited and /or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for processing shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
  - (5) **Use of a residence.** No structure constructed as a residence or serve as a residence shall be used for cannabis processing.
- e. **Required findings.** In addition to the mandatory findings required by Section 23.02.034.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 processing facility, as proposed, will comply with all the requirements of State and County for the processing of cannabis, including dual licensure and participation in an authorized track and trace program;
  - (2) The cannabis processing facility includes adequate quality control measures to ensure cannabis processed at the site meets State regulatory standards;
  - (3) The cannabis processing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis is obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
  - (4) The cannabis processing 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;
- OR
- (For location modifications only.)* Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective;
- (5) *(For processing 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.

**23.08.424 - Cannabis Manufacturing (L-3):**

- a. Limitation on Use.** Non-volatile cannabis manufacturing facilities may be permitted in the Commercial Service (CS), Industrial (IND), and Agriculture – Non-Prime Soils (AGnps) land use categories, subject to a land use permit, as required below. Cannabis manufacturing facilities involving volatile processes or substances (requiring a 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 – Non-Prime Soils 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 Development Plan is required by another Section of this Title.
  - (2) Development Plan.** Non-volatile manufacturing facilities of 40,000 square feet or more shall require Development Plan approval.
- c. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 23.02 and Section 23.08.416.

  - (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. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility only, through Development Plan approval per Section 23.08.012.

- (2) **Setbacks.** Setbacks are required as set forth in Section 23.04.100.
- (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 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this section:

- (1) The cannabis manufacturing facility, as proposed, will comply with all of 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;

OR

*(For location modifications only.)* Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective;

- (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.

**23.08.426 - Cannabis Testing Facilities (L-4):**

- a. Limitation on use.** Cannabis testing facilities maybe 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-foot shall require Minor Use Permit approval. Cannabis testing facilities of 20,000 square-foot or greater shall require Development Plan approval.
- c. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 23.02 and Section 23.08.416, and include an operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion.
- d. 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 manufacturing facility to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility only, through Development Plan approval per Section 23.08.012.
- e. Setbacks.** Setbacks are required as set forth in Section 23.04.100.
- f. Required Findings.** In addition to the mandatory findings required by Section 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this section:
- (1)** The cannabis testing facility, as proposed, will comply with all of 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;

OR

*(For location modifications only.)* Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective;

- (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.

#### **23.08.427 - Cannabis Dispensaries (L-5):**

##### **a. Limitation on use.**

- (1) Cannabis dispensary structures shall not be open to the public for retail sales. Only dispensaries requiring a 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 retailers) are prohibited.

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- (3) Cannabis dispensaries (non-storefront retailers) may be permitted in the Agriculture – Non-Prime Soils (AGnps), 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 AGnps 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 Development Plan 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 23.02 and Section 23.08.416.
- (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.**

    - (i) 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, or drug and/or alcohol recovery or licensed sober living facility. Distance shall be measured from the structure that contains the manufacturing to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility only, through Development Plan approval per Section 23.08.012.
    - (ii) 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 23.04.100.

- (3) **Hours of operation.** Dispensaries may operate from 8:00 a.m. until 8:00 p.m. daily.
  - (4) **Non-storefront retailers.** Deliveries from a legally established and permitted cannabis dispensary, within a permanent structure are allowed under this Section.
  - (5) **Mobile retailers.** Mobile retailers are prohibited.
- e. **Required findings.** In addition to the mandatory findings required by Section 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this section:
- (1) The cannabis dispensary, as proposed, will comply with all of 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 (non-storefront retailers 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;
- OR
- (For location modifications only.)* Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective;
- (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.

**23.08.428 - Cannabis Distribution Facilities (L-6):**

- 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 Development Plan is required by another Section of this Title.
    - (2) **Development Plan.** Distribution facilities of 40,000 square feet or more shall require Development Plan approval.
  - c. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 23.02 and Section 23.08.416.
  - d. **Location.** Cannabis distribution 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 manufacturing facility to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility only, through Development Plan approval per Section 23.08.012.
  - e. **Setbacks.** Setbacks are required as set forth in Section 23.04.100.
  - f. **Required findings.** In addition to the mandatory findings required by Section 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this section:
    - (1) The cannabis distribution facility, as proposed, will comply with all of 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 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;
- 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 distribution 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;

OR

*(For location modifications only.)* Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective;

- (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.

### **23.08.429 - Cannabis Transport Facilities**

- a. Limitation on use.** Cannabis transport-only facilities may be permitted in the Agriculture – Prime Soils (AGps), Agriculture – Non-Prime Soils (AGnps), Rural Lands (RL), Residential Rural (RR), Residential Suburban (RS), Residential Single Family (RSF), Office and Professional (OP), Commercial Retail (CR), Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit. This does not include transport to end users or for retail sale (cannabis dispensary) or transport of nursery products (cannabis nursery). This section does not apply to the transport of cannabis when ancillary to an approved cannabis cultivation land use permit.
- b. Land use permit required.**
- (1) Plot Plan.** Cannabis transport facilities shall require a Plot Plan and business licenses approval pursuant to Section 23.02.030, unless a Minor Use Permit is required per subsection 2, or a Development Plan is required by another Section of this Title.
- (2) Minor Use Permit.** Minor Use Permit approval is required where site disturbance of one acre or greater is proposed, or where grading is proposed on slopes of 10 percent or greater.
- c. Application requirements.** In addition to any specific requirements in this Section, land use permit applications for cannabis transport facilities shall comply with the requirements of Chapter 23.02 and Section 23.08.416.
- (1)** Statement of understanding of and compliance with State law as applicable to the safe handling and transport of cannabis and cannabis products, including track-and-trace system requirements.
- (2)** A list of the licenses types for which transport will be provided.

- (3) **Waiver of content.** The Director may waive requirements of both Chapter 23.02 and 23.08.416 provided the circumstances or conditions described in Section 23.02.024 apply.

**d. Cannabis transport facilities standards.**

- (1) **Location.** Cannabis transport facilities shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, or youth center. 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 23.04.100.
- (3) **Parking in commercial and industrial land use categories (OP, CR, CS and IND).** Off street parking shall be provided pursuant to Section 23.04.162 for "Other Offices". Commercial vehicles shall be stored in compliance with Section 23.08.024(b).
- (4) **Requirements in AG, RL, RR, RS, and RSF land use categories.** The following standards apply in the Agriculture (AG), Rural Lands (RL), Residential Rural (RR), Residential Suburban (RS), and Residential Single Family (RSF) land use categories:
  - (i) **Principal Use.** Notwithstanding subsection 2 above, there shall be a principal residence on the site of the transport facility.
  - (ii) **Employees.** No other person other than members of the household residing on the premises may be working at the site.
  - (iii) **Parking and Traffic.** The cumulative traffic generated for the site, shall not exceed 10 trips per day, and shall only involve types of vehicles normally associated with a home in a residential neighborhood, except in compliance with Section 23.08.024(b). All parking needs shall be met off the street.
- (5) **Ownership and sale prohibited.** Transport facilities may not own or sell cannabis or cannabis products, or store cannabis or cannabis products at the premises of the business.

**e. Required findings for discretionary land use permits only.** In addition to the mandatory findings required by 23.02.034.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 transport facility, as proposed, will comply with all the requirements of State and County for the processing of cannabis, including dual licensure and participation in an authorized track and trace program;
- (2) The cannabis transport facility includes adequate quality control measures to ensure cannabis processed at the site meets State regulatory standards;

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- (3) The cannabis transport facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis is obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
- (4) The cannabis transport facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, or youth center;
- (5) *(For transport facility 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.

**23.08.430 - 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 23.08.431:

- 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).

**23.08.431 - 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 23.08.432. Service of notice shall be accordance with Section 23.10.040. 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 23.08.433 ("Enforcement").

**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 23.08.433 ("Enforcement").

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 23.08.432.

**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.

**23.08.432 - 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 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 and fines 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 Title.

**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 23.10.040 ("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.
  - (v)** An order to complete abatement of the nuisance 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 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.
- (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.

**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.

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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:
  - (i)** 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.
  - (ii)** Respondents to enforcement actions may be present at the hearing, may be represented by counsel, may present testimony, evidence, and cross-examine witnesses.
  - (iii)** 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.
  - (iv)** The hearing need not be conducted according to technical rules relating to evidence and witnesses, and may be continued from time to time.
  - (v)** 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.
  - (vi)** 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.

- (vii) 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.
- (viii) The costs of abatement and all administrative costs incurred pursuant to this Chapter shall be recoverable in accordance with the Section 23.10.050 and Section 23.10.150.

**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

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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.
- (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. The Planning Area Standards found in the Area Plans – Part II of the Coastal Zone Land Use Element are hereby amended to read as follows:

**Estero Area Plan, Los Osos Urban Area, Residential Suburban land use category**

- A. Limitation on Use.** All special uses (identified as "S" uses in Coastal Table O, Part I of the Land Use Element) are prohibited adjacent to Los Osos Creek except for: Agriculture accessory structures; animal raising and keeping; cannabis transport facilities; home occupations; residential accessory uses; temporary dwellings; accessory storage; participant sports and active recreation; coastal accessways; water wells and impoundments; pipelines and power transmission; and public utility centers.
- F. Limitation on Use West of Pecho Valley Road.** All special uses (identified as "S" uses in Coastal Table O, Part I of the Land Use Element) are prohibited except for: animal raising and keeping; cannabis transport facilities; home occupations; mobilehomes; residential accessory uses; temporary dwellings; pipelines and power transmission lines; coastal accessways; water wells and impoundments; and public utility facilities (This does not include the Morro Montana Co. property as discussed below.)

SECTION 6. The Planning Area Standards found in the Area Plans – Part II of the Coastal Zone Land Use Element are hereby amended to read as follows:

**North Coast Area Plan, Rural Lands land use category**

- 1. Limitation on Land Use - North of Ragged Point.** Uses shall be limited to single family residences; home occupations; residential accessory uses; cannabis transport facilities; coastal accessways; water wells and impoundments; and agricultural uses in accordance with Coastal Table O.

SECTION 7. The Planning Area Standards found in the Area Plans – Part II of the Coastal Zone Land Use Element are hereby amended to read as follows:

**North Coast Area Plan, Cambria Urban Area, Commercial Service land use category**

- 1. Limitation on Use.** All uses as set forth in Coastal Table 'O' - Allowable Uses are allowable except the following: Specialized Animal Facilities, Agricultural Processing, Cannabis Manufacturing, Cannabis Processing Facilities, Petroleum Extraction, Hotels, Motels, Churches, and Recycling and Scrap.

SECTION 8. The Planning Area Standards found in the Area Plans – Part II of the Coastal Zone Land Use Element are hereby amended to read as follows:

**San Luis Bay Area Plan, Agriculture land use category**

- 2. Limitation on Use.** Uses allowed by Coastal Table O, Part I of the Land Use Element are limited to: agricultural accessory structures; crop production and grazing; cannabis cultivation; cannabis dispensaries, animal raising and keeping; nursery specialties-soil-dependent; cannabis nurseries; cannabis manufacturing; cannabis transport facilities; farm support quarters; single family dwellings; mobile homes; temporary dwellings; roadside stands; temporary or seasonal retail sales; pipelines and power transmission; and water wells and impoundment.

SECTION 9. The Planning Area Standards found in the Area Plans – Part II of the Coastal Zone Land Use Element are hereby amended to read as follows:

**San Luis Bay Area Plan, Rural Lands land use category (Irish Hills)**

1. **Limitation on Use.** Uses allowed by Coastal Table O, Part I of the Land Use Element as "A" or "S" are limited to: ag accessory structures; animal raising and keeping; crop production and grazing; nursery specialties; cannabis cultivation; cannabis nurseries; cannabis dispensaries, cannabis transport facilities, specialized animal facilities; transmission facilities; residential accessory uses; single family dwellings; mobilehome dwellings; temporary dwellings; roadside stands; temporary or seasonal retail sales; accessory storage; pipelines and power transmission; coastal accessways; and water wells and impoundment.

SECTION 10. The Planning Area Standards found in the Area Plans – Part II of the Coastal Zone Land Use Element are hereby amended to read as follows:

**San Luis Bay Area Plan, Avila Beach Urban Area, Rural Lands land use category**

3. **Limitation on Use.** Uses allowed by Coastal Table O, Part I of the Land Use Element shall be limited to: agricultural accessory structures; animal raising and keeping; crop production and grazing; cannabis cultivation; cannabis dispensaries, nursery specialties; cannabis nurseries; cannabis transport facilities, specialized animal facilities; residential accessory uses; single family dwellings; temporary dwellings; accessory storage; pipelines and power transmission; rural sports and group activities; coastal accessways; and water wells and impoundment.

SECTION 11. The Planning Area Standards found in the Area Plans – Part II of the Coastal Zone Land Use Element are hereby amended to read as follows:

**South County Area Plan, Agriculture land use category (Nipomo and Santa Maria Valleys)**

1. **Limitation on Use.** Uses allowed by Coastal Table O, Part I of the Land Use Element are limited to: agricultural processing; agricultural accessory structures; crop production and grazing; cannabis cultivation; cannabis processing facilities; cannabis dispensaries, cannabis manufacturing; cannabis nurseries; cannabis transport facilities; animal raising and keeping; farm labor quarters; residential accessory uses; single family dwellings; mobilehome dwellings; temporary dwellings; roadside stands; pipelines and power transmission; water wells and impoundments; and coastal accessways.

SECTION 12. The Planning Area Standards found in the Area Plans – Part II of the Coastal Zone Land Use Element are hereby amended to read as follows:

**South County Area Plan, Callender-Garret Village, Industrial land use category**

**Sheridan Road Heavy Industrial Area.** Standard 6 applies only to the Sheridan Road heavy industrial area (see Figure 5), in addition to Standard 5 above. (LCP)

- 6. Allowable Uses and Permit Requirement.** Allowable uses are as follows, with the permit requirements shown instead of the permit requirements of the Coastal Zone Land Use Ordinance (CZLUO). Where the permit requirement column lists a Coastal Zone Land Use Ordinance Section, the required permit is determined by the Coastal Zone Land Use Ordinance Section. (LCP)

(LCP)	<b>APPLICABLE CZLUO SPECIAL USE STANDARDS</b>	<b>PERMIT REQUIREMENT</b>
<b>ALLOWABLE USES</b>		
Ag Accessory Structures	23.08.041	MUP*
Apparel & Finish Products		MUP
Business Support Services		MUP
Caretaker Residence	23.08.026	MUP
Cannabis Cultivation	23.08.418	23.08.410, et seq.
Cannabis Manufacturing	23.08.424	23.08.410, et seq.
Cannabis Processing Facilities	23.08.022	23.08.410, et seq.
Cannabis Dispensaries	23.08.427	23.08.410, et seq.
Cannabis Distribution Facilities	23.08.428	23.08.410, et seq.
Cannabis Testing Facilities	23.08.426	23.08.410, et seq.
Cannabis Transport Facilities	23.08.429	23.08.410, et seq.
Chemical Products	23.08.082	23.08.082
Collection Stations	23.08.084	
Concrete, Gypsum & Plaster Products		MUP
Contract Construction Services		MUP
Crop Production & Grazing		MUP
Electronic & Scientific Instruments		23.03.040-042
Food & Kindred Products		MUP
Fuel & Ice Dealers		MUP
Furniture & Fixtures		MUP
Glass Products		MUP
Lumber & Wood Products		MUP
Machinery Manufacturing		23.08.040-042
Metal Industries, Fabricated		MUP
Metal Industries, Primary		Dev Plan
Motor Vehicles & Trans. Eq.		23.03.040-042
Offices, Temporary	23.08.240	MUP
Paper Products		MUP
Paving Materials		MUP
Petroleum Refining & Related Industries	23.08.094	23.08.094
Pipelines & Power Transmission	23.08.284	23.08.284
Plastics & Rubber Products		23.03.040-042
Printing & Publishing		MUP
Residential Accessory Uses	23.08.032	23.08.032
Recycling & Scrap	23.08.097	23.08.097
Small Scale Manufacturing		MUP
Storage, Accessory	23.08.024	

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Storage Yards (sales lots Prohibited)	23.08.146	MUP
Stone & Cut Stone Products		MUP
Structural Clay, Pottery-Related Products		MUP
Transmission and Receiving Facilities		MUP
Textile Mills		
Vehicle & Freight Terminals		MUP
Vehicle Storage		MUP
Warehousing		MUP
Wholesaling & Distribution		MUP
Water Wells and Impoundments	23.08.178	MUP

\*Minor Use Permit

Exhibit LRP2018-00005:A

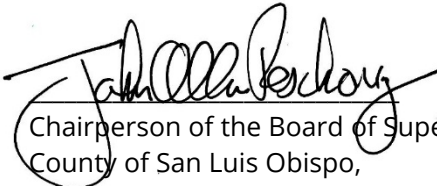
PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 11<sup>th</sup> day of December, 2018, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Peschong

NOES: None

ABSENT: Supervisor Lynn Compton

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