



Cannabis Cultivation Projects in San Luis Obispo County
Department of Agriculture/Weights and Measures
Agricultural Liaison Advisory Board
November 4, 2024

Commercial Cannabis Cultivation Rules for SLO County

- Outdoor Cultivation: Allowed on lands zoned Agriculture and Rural Lands
- Indoor Cultivation: Allowed on Industrial and Residential Rural parcels in addition to Ag and Rural Lands Designations
- Setbacks required
 - Indoor Cultivation: minimum 100 feet from any existing offsite residence
 - Outdoor Cultivation: minimum 300 feet from property lines or right-of-way
 - At least 1,000 feet away from schools, libraries, parks, etc.



Commercial Cannabis Cultivation Rules for SLO County (continued)

- A discretionary Land Use Permit is required through County Planning
- Other jurisdictions (e.g. incorporated cities within SLO County) can establish their own rules for cannabis cultivation
- Screening and Fencing requirements
- Water offsets required if cultivation is proposed within a groundwater basin at Level of Severity III or greater



Cannabis Cultivation Statewide Requirements

- A cultivation license through the California Department of Cannabis Control is required
- License types based on the type of production (e.g. outdoor vs indoor, natural light vs artificial light) and the number of plants being grown or the size of the growing area
- Strict guidelines on pesticide use on cannabis,



Cannabis Cultivation Pesticide Requirements

- No pesticide product is federally registered for use on cannabis
- According to the state's cannabis rules, only pesticides that are exempt from US EPA's residue tolerance requirement AND has a label written broadly enough to include cannabis can be legally used in California
- Allowed pesticides *may* include active ingredients such as azadirachtin, *Bacillus* strains, pyrethrins, horticultural soaps and oils, etc.



Cannabis Cultivation Pesticide Requirements

- All cannabis products must be tested to ensure that they are free of contaminants and accurately labeled
- Cannabis is tested for illegal pesticide residue, as well as a host of other contaminants such as solvents, heavy metals, mycotoxins, microbial contamination, etc.
- Zero presence of Category 1 pesticides allowed
- The level of Category 2 pesticides must fall below the listed action level



Cannabis Cultivation Pesticide Requirements

Statutes, codes, and regulations / California Code Of Re... / ... / Article 5 - Laboratory... / Section 15719 - Resi...

Cal. Code Regs. tit. 4 § 15719

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Current through Register 2024 Notice Reg. No. 42, October 18, 2024

Section 15719 - Residual Pesticides Testing

(a) The licensed laboratory shall analyze at minimum 0.5 grams of the representative sample of cannabis and cannabis products to determine whether residual pesticides are present.

(b) The licensed laboratory shall report whether any Category I Residual Pesticides are detected above the limit of detection (LOD) and shall report the result of the Category II Residual Pesticides testing in unit micrograms per gram ($\mu\text{g/g}$) on the COA. The laboratory shall indicate "pass" or "fail" on the COA.

(c) The licensed laboratory shall establish a limit of quantitation (LOQ) of 0.10 $\mu\text{g/g}$ or lower for all Category I Residual Pesticides.

(d) The sample shall be deemed to have passed the residual pesticides testing if both of the following conditions are met:

(1) The presence of any residual pesticide listed in the following tables in Category I are not detected, and

(2) The presence of any residual pesticide listed in the following tables in Category II does not exceed the indicated action levels.

Category I Residual Pesticide CAS No.

| | |
|------------|-----------|
| Aldicarb | 116-06-3 |
| Carbofuran | 1562-66-2 |

Previous Section

[Section 15718 - Residual Solvents and Processing Chemicals Testing](#)

Next Section

[Section 15720 - Microbial Impurities Testing](#)



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Potential Conflicts & Incompatibilities Between Cannabis Growers and Existing Growers

- Strict pesticide testing on cannabis led to conflicts with adjacent growers in neighboring counties
- As part of the County of San Luis Obispo's Right to Farm ordinance and other ordinances and General Plan elements, county policy encourages the protection and conservation of agricultural resources and operations
- Cannabis is not considered an "agricultural commodity" or "crop production and grazing"



Potential Conflicts & Incompatibilities Between Cannabis Growers and Existing Growers

- In 2020, the Department of Agriculture and County Counsel collaborated on the establishment of a “Condition of Approval” waiver for proposed cannabis cultivation projects
- That waiver, signed by cannabis applicants during the discretionary permit process, waives their ability to take legal action against adjacent or neighboring growers due to pesticide contamination, except in the case of gross negligence, willful misconduct, or a verified violation of FAC12972 (substantial drift)
- All cannabis projects are referred to the Department of Agriculture for review and determination if the COA should be applied



Potential Conflicts & Incompatibilities Between Cannabis Growers and Existing Growers

- Application of the COA cannot be universally applied to every cannabis cultivation project
- The COA waiver is recommended in these cases:
 - Cannabis cultivation proposed near properties under Williamson Act contract
 - Within 500 to 1,250 feet from existing citrus and avocado orchards (recommended exclusion if within 500 feet of an orchard)
 - Within 300 feet of other crops, including vineyards, vegetables, nurseries, row crops, etc. COA *may* be recommended between 300 – 600 feet depending on topography and other circumstances



Potential Conflicts & Incompatibilities Between Cannabis Growers and Existing Growers

- Cannabis cultivation in San Luis Obispo County has been minimal
- There are only a few dozen legal growers and we have not had any recent conflicts between growers but issues continue in other counties
- COA waiver is being reviewed in 2024 to ensure that all aspects are still valid
- County Counsel is still supportive of including the waiver and any edits needed will not affect the overall purpose and protection of the waiver



Questions?

