



COUNTY OF SAN LUIS OBISPO

Cannabis Land Use Regulations

August 10, 2017



COUNTY OF SAN LUIS OBISPO

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Proposed Order of Hearing

- Staff Presentation
- Questions
- Public Comments & Staff Response
- Commission Discussion
 - Exemptions
 - Cultivation & Nurseries
 - Manufacturing
 - Dispensaries
 - Testing, Distribution
 - Requirements for All Cannabis Activities
 - OTHER
 - definitions, planning area standards, revocation/enforcement



Background



General Plan

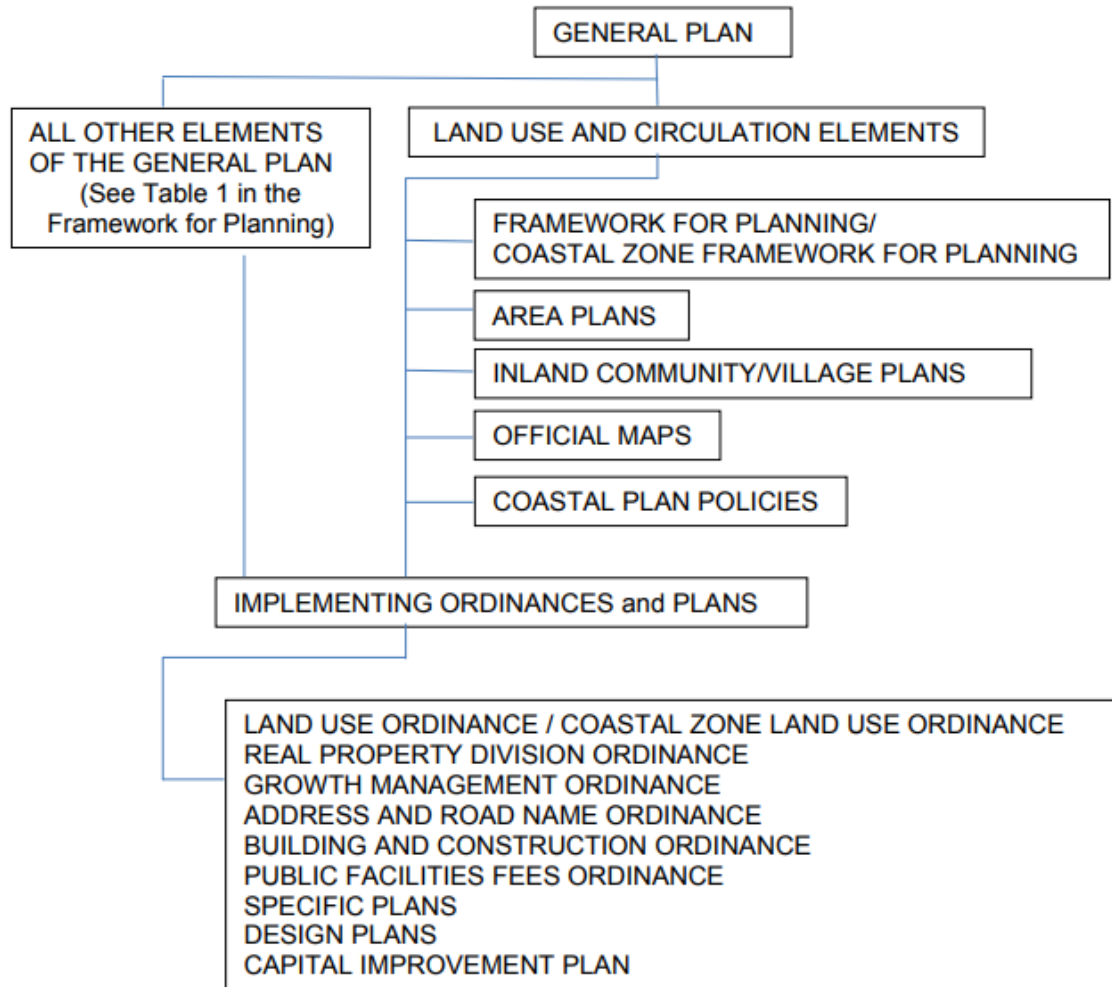
- General Plan
 - Land Use and Circulation Element (inland & coastal)
 - Framework for Planning
 - Local Coastal Plan
 - Area Plans
 - Community/Village Plans
 - Official Maps
- Local Coastal Program
- County Code
 - 26 Titles
 - Title 22 & Title 23
 - Land Use Ordinance & Coastal Zone Land Use Ordinance
 - Permissive Zoning Ordinances



Amendment Process

- Authorization by BOS
 - December 2015
- Environmental Review
- Planning Commission
 - Recommendation to BOS
- BOS Public Hearing
- California Coastal Commission
 - Approve
 - Deny or Modify
 - BOS Accept
 - BOS Not Accept





Required Elements	Date of Adoption or Last Major Revision	Comment
Land Use	2014	
Framework for Planning Area Plans and <i>sub-areas</i>	2014	Reorganized in 2014
Carrizo Area Plan	2014	
<i>Shandon-Carrizo (Central)</i>	2012	
Estero Area Plan	2009	
North Coast Area Plan	2008	
North County Area Plan	2014	
<i>Adelaida</i>	1980	
<i>El Pomar-Estrella</i>	2003	
<i>Las Pilitas</i>	1980	
<i>Los Padres (North)</i>	1980	
<i>Nacimiento</i>	1980	
<i>Salinas River</i>	1996	
<i>Shandon-Carrizo (North)</i>	2012	
San Luis Bay Coastal Area Plan	1990	
San Luis Obispo Area Plan	2014	
<i>San Luis Obispo (North)</i>	1994	
<i>San Luis Bay Inland (North)</i>	1980	
South County Area Plan	1994	
<i>Huasna-Lopez</i>	1986	
<i>Los Padres(South)</i>	1980	
<i>San Luis Obispo (South)</i>	1994	
<i>San Luis Bay Inland (South)</i>	1980	
<i>South County (sub-area)</i>	1994	
South County Coastal Area Plan	1990	
Community Plans:		
Avila Beach ¹	2000	Update in progress
Cambria	2008	As part of the North Coast update
Cayucos	2009	As part of the Estero update
Los Osos	2009	Update in progress
Nipomo	2007	Adoption of West Tefft Corridor Design Plan
Oceano ¹	2001	Adoption of the Specific Plan
San Miguel	2016	Comprehensive update completed in December 2016
Santa Margarita	2001	Adoption of the Design Plan
Shandon	2012	Adoption of the Community Plan
Templeton	1996	As part of the <i>Salinas River</i> update
Village Plans ²	Refer to note 2	

Required Elements	Date of Adoption or Last Major Revision	Comment
Local Coastal Plan - Coastal Plan Policies	2004	
Circulation	2014	
Housing	2014	
Conservation and Open Space	2010	Minor update in progress ³
Noise	1992	
Safety	2013	
Optional Elements		
Agriculture	1998	Minor update in progress ³
Master Water & Sewer Plan	1972	
Offshore Energy	2010	
Economic	2012	
Parks and Recreation	2006	



Current County Regulations

- Permissive Zoning Ordinance
 - Dispensaries
- Interim/Urgency Ordinance
 - 455 applied
 - 335 approved
 - 120 denied/withdrawn
- Permanent Land Use Regulations
 - December 2015
 - February 2016
 - May 2016
 - June 2016



Board of Supervisors' Direction

Land Use Designation	Specialty Crop	
Maximum # of licensed marijuana cultivation permits allowed	100 (excludes personal and caregiver cultivations)	✓
Licensees per site	One	
Property setback measured from	Adjacent property line	✓
Setbacks – Cultivation	1,000' from any pre-school, school, youth facility, public park or playground, or recreation area	✓
Setbacks – Outdoor personal and caregiver Cultivation	Front: 50' or behind main structure Sides: 30' Rear: 30'	✓
Grandfathering	No provision	✓
Volatile Manufacturing	Ban or limit	✓
Signage	Prohibited – Display of Marijuana products or graphics depicting Marijuana on the exterior of the property	
Security	Security plan and measures required at time of license (individualized based on the business and activities)	✓
Pesticides and Fertilizers	Stored in conformance with applicable Federal, State, and Local laws and regulations	✓



Proposed Land Use Regulations

Public Hearing Drafts - August 2017



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Inland v. Coastal Amendments



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Inland Amendments

- Allowable Use Table 2-2 in T22
 - Section 1
- Definitions in T22
 - Section 3
- New Chapter 22.40 in T22
 - Part of Article 4 – Specific Use Standards
 - Section 4
- Planning Area Standards in T22
 - Sections 6 - 34



Coastal Amendments

- Allowable Use Table “O” in Framework for Planning
 - Section 1
- Definitions in Framework for Planning
 - Section 2
- New Sections 23.08.420 – 23.08.432 in T23
 - Special Use Standards
 - Section 3
- Planning Area Standards in Framework for Planning
 - Sections 4 - 18



Amendments to Table 2-2 and Table O

- Table 2-2 (inland)
 - New use
 - “Cannabis Activities”
 - Agriculture, Resource, and Open Space
 - Footnote 4
 - A2 use (22.40)
 - Delete use
 - Medical Marijuana Dispensaries (Retail Trade)
- Table O (coastal)
 - New use group (L)
 - Cannabis Uses
 - “S” use
 - S-21 (23.08.420)



Amendments to Table 2-2 and Table O

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

Land Use ^{(1) (2) (10)}	Permit Requirements By L.U.C. ⁽³⁾						Specific Use Standards
	AG ⁽⁸⁾	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Ag Processing	A2	A2	CUP				22.30.070
Agricultural Accessory Structures	P	P	P	P			22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP			22.30.100
Animal hospitals & veterinary medical facilities	MUP	MUP	CUP				22.30.100
Beef and dairy feedlots	CUP	CUP					22.30.100
Fowl and poultry ranches	MUP	MUP	MUP	MUP			22.30.100
Hog ranches	CUP	CUP					22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP	CUP		22.30.100
Kennels (6)	A1	A1	A1	A1	A1	A1(7)	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities (4)	A2	A2	A2				22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				
Forestry	A1	A1	A1	A1			
Mines and quarries	A2	A2	A2				22.36
Nursery Specialties	A2	A2	A2	A2			22.30.310
Petroleum Extraction	A2	A2	A2	A2			22.34

Key To Permit Requirements

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.08.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30, 22.32, 22.34, 22.36, 22.40
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

Land Use ^{(1) (2) (10)}	Permit Requirements By L.U.C. ⁽³⁾							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
Agriculture, Resource, and Open Space Uses								
Ag Processing			A2	A1				22.30.070
Agricultural Accessory Structures			P	P	SP(5)	P	P	22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP		CUP	CUP	22.30.100
Animal hospitals & veterinary medical facilities	A1	A1	A1	A1		MUP	A1	22.30.100
Beef and dairy feedlots				CUP				22.30.100
Fowl and poultry ranches	MUP			MUP			MUP	22.30.100
Hog ranches	MUP			MUP				22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Kennels (6)	A1	A1	A1	A1		A1(7)	A1	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Zoos - Open to public						CUP	CUP	22.30.100
Animal Keeping		A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities (4)		A2	A2	A2				22.40
Crop Production and Grazing	A2	A2	A2	A2	A1	A1	A1	22.30.200
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves					SP(5)	A1		
Forestry					SP(5)	A1		
Mines and quarries					SP(5)	A1	A2	22.36
Nursery Specialties		A2	A2	A2				22.30.310
Petroleum Extraction			A2	A2	SP(5)	A2	A2	22.34

NOTES (The following apply only to these two facing pages)

- See Article 8 for definitions of the listed land uses.
- See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- Business License Clearance may also be required; see Section 22.62.020.
- Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- Licensing of all kennels by the County Tax Collector is required by Section 9.04.120 of this Code.
- Use limited to non-commercial kennels as defined by Section 9.04.110(t) of this Code.
- Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.
- This use may not be allowable in every land use category. Refer to the standards in Chapter 22.32.
- Tree removal in an Oak Woodland may require a land use permit pursuant to Chapter 22.58.



Amendments to Table 2-2 and Table O

LOCAL
COASTAL
PLAN
COASTAL
TABLE O'

ALLOWABLE USES

LAND USE CATEGORY

PAGE NUMBER OF USE	Agriculture - Prime Soils	Agriculture - Non-Prime Soils	Rural Lands	Recreation	Rural Residential	Residential Suburban	Residential Single-Family	Residential Multi-Family	Office & Professional	Commercial Retail	Commercial Service	Industrial	Public Facilities	Open Space
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USE GROUP

L) CANNABIS USES	
Cannabis Cultivation	1
Cannabis Nurseries	2
Cannabis Manufacturing	3
Cannabis Testing Facilities	4
Cannabis Dispensaries	5
Cannabis Distribution	6

S-21	S-21	S-21		S-21								S-21		
S-21	S-21	S-21		S-21								S-21		
	S-21	S-21									S-21	S-21		
											S-21	S-21		
										S-21	S-21	S-21		
											S-21	S-21		

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	10 23.08.200 RETAIL TRADE
2	23.08.120 a	MISCELLANEOUS USES	11 23.08.220 SERVICES
3	23.08.040	AGRICULTURAL USES	12 23.08.260 TRANSIENT LODGINGS
4	23.08.060	CULTURAL, EDUCATIONAL & RECREATIONAL USES	13 23.08.280 TRANSPORTATION, UTILITIES & COMMUNICATION
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 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.	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.	
6	23.08.100	MEDICAL & SOCIAL CARE FACILITIES	16 23.08.020 ACCESSORY USES
7	23.08.140	OUTDOOR COMMERCIAL USES	17 23.08.240 TEMPORARY USES
8	23.08.160	RESIDENTIAL USES	18 23.08.050 INTERIM AGRICULTURAL USES
9	23.08.170	RESOURCE EXTRACTION	19 23.08.400 WHOLESALE TRADE
			20 23.08.300 ELECTRIC GENERATING PLANTS
			21 23.08.420 CANNABIS USES





Areas for Special Consideration

- Industrial Hemp
- Dispensaries in the Coastal Zone
- Dispensaries for Adult-Use
- Volatile Manufacturing
- Manufacturing in Agriculture and Rural Lands
- Cultivation Cap and Distribution of Cap
- Carrizo Planning Area



CEQA/Environmental Review



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CEQA

- Statutory Exemption
 - SB94
 - Section 26055(h) of CA Business and Professions Code
 - CEQA does not apply to ordinance
- Limitation
 - Discretionary permit approval
 - Minor Use Permits
 - Conditional Use Permit / Development Plans
 - CEQA review on each permit
 - All cannabis activities
 - Does not apply to “Exempted” activities



Definitions





Cannabis

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



Industrial Hemp

- A fiber or oilseed crop, or both, that is limited to non-psychoactive types of the plant *Cannabis sativa* L. and the seed produced therefrom, having no more than three-tenths of one (1) percent tetrahydrocannabinol (THC) contained in the dried flowering tops, and that is cultivated and processed exclusively for the purpose of producing the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin or flowering tops extracted therefrom, fiber, oil, or cake, or the sterilized seed, or any component of the seed, of the plant that is incapable of germination. “Industrial hemp” also includes edible and topical products produced from the plant *Cannabis sativa* L. and the seed produced therefrom, having no more than three-tenths of one (1) percent tetrahydrocannabinol (THC) contained in the dried flowering tops.





Crop Production and Grazing (land use)

- Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."



Cannabis Activity

- The cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis or a cannabis product. “Cannabis activity” includes the following land uses: cannabis cultivation, cannabis nurseries, cannabis manufacturing, cannabis testing facilities, cannabis dispensaries, and cannabis distribution.



Cannabis Cultivation

- Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.



Cannabis Cultivation Operation

- Authorized cannabis cultivation for which there is an approved and effective (not expired) land use permit and the operator processes any required state license. Each cultivation operation shall be limited in size per state law (one acre at the time of ordinance adoption).



Cannabis Dispensary

- A facility where cannabis, cannabis products, or devices specifically for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.



Cannabis Dispensary

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



Cannabis Dispensary

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



Cannabis Greenhouse

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



Cannabis Hoop Structure

- A readily removable plastic or fabric covered hoop structure without in-ground footings or foundations, which are not more than 12 feet in height and do not have vertical sides exceeding 4 feet in height. The ends of the hoops structure must be open and no framing other than the hoops is allowed. Cannabis hoop structures can be accessory uses in residential land use categories and shall not exceed 120 square-feet in floor area. For the purposes of this Chapter, and for the purposes of obtaining licenses, cannabis cultivation within hoop structures is considered outdoor cultivation.



Cannabis Nursery

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



Other Definitions

- Cannabis Canopy
- Cannabis Distribution
- Cannabis Edible and Topical Product
- Cannabis Manufacturing (Volatile)
- Cannabis Manufacturing (Non-Volatile)
- Cannabis Primary Caregiver
- Cannabis Testing Facility
- Cannabis Transport
- Cannabis Hearing Officer



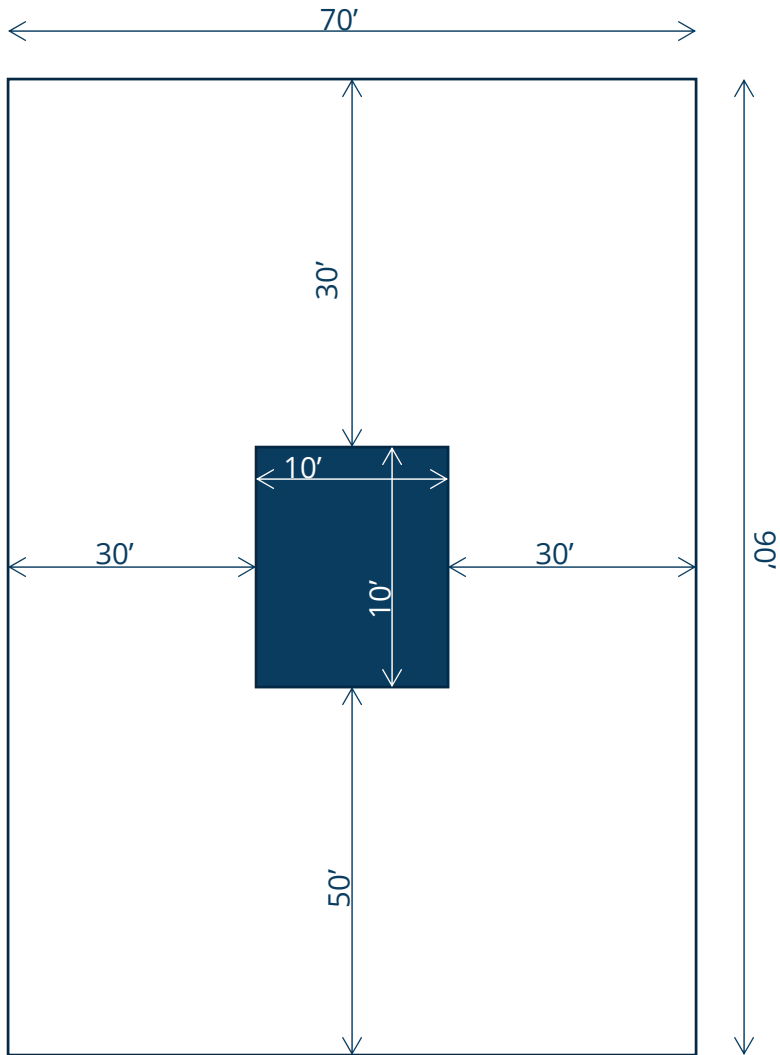
Exempted Activities



Exempted Activities

- No land use permit required
- Non-commercial
- Personal Cultivation
 - 6 plants (flowering and immature) per site
- Caregiver Cultivation
 - 6 plants (flowering and immature) per qualified patient per site
 - Limit 5 patients per caregiver
 - Business license required
- Accessory to residential use
- Standards required
 - Odor
 - Screening
 - Pesticides





Cultivation: $10' \times 10' = 100 \text{ feet}^2$

Parcel Size: $70' \times 90' = 6,300 \text{ feet}^2$
 $= 0.14 \text{ acres}$

Outdoor Exempt Setbacks



Cannabis Activities



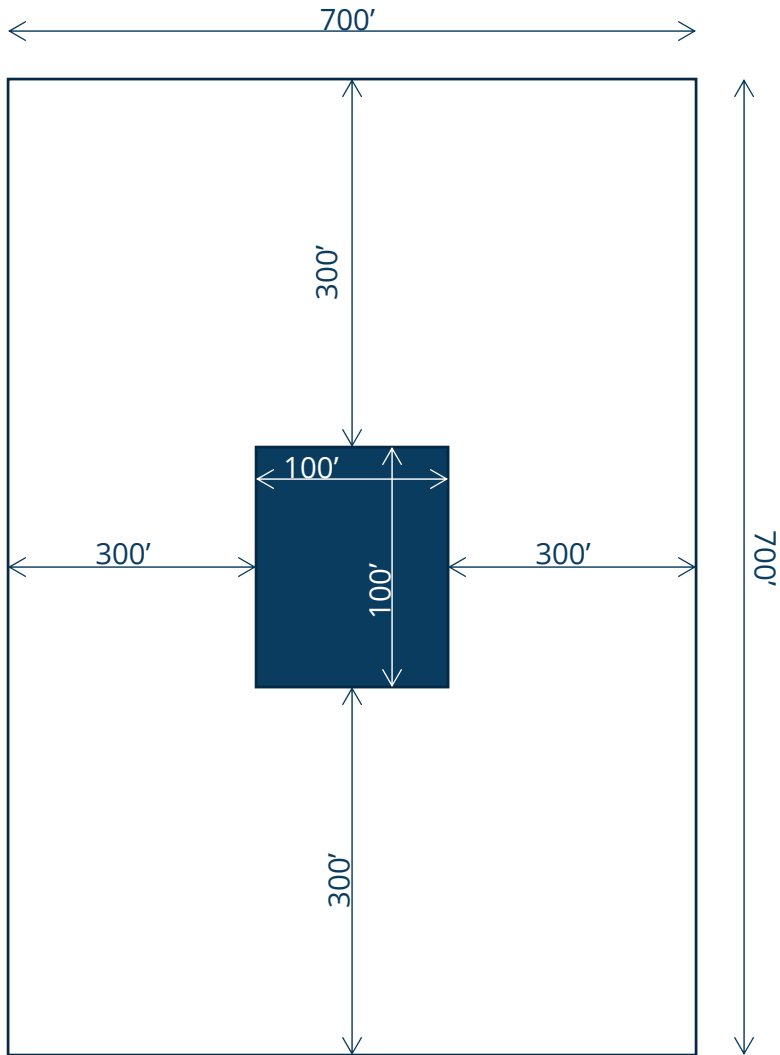
Cultivation



Cultivation

- Where: AG, RL, RR, IND
 - IND indoors only
- Permit: Minor Use Permit
- Cap: 100 operations at any time
- Expiration: 5 years (renewal allowed)
- Setbacks
 - Indoor: per LUO/CZLUO
 - Outdoor: 300 feet from PL
 - Other residences: 100 feet
 - **Coastal Zone Only:** 50 feet from riparian vegetation
- Separation
 - 1,000 feet from schools, parks, etc.





Cultivation: $100' \times 100' = 10,000 \text{ feet}^2$

Parcel Size: $700' \times 700' = 490,000 \text{ feet}^2$
 $= 11.25 \text{ acres}$

Outdoor Cultivation Setbacks





Limit on Cultivation

- 100 operations at any one time
- Distributed by planning area
 - Only AG, RL, RR, IND parcels
 - Coastal includes Estero, North Coast, San Luis Bay-Coastal, South County-Coastal
 - Expressed as percentage of parcels of the total

<u>Planning Area</u>	<u>Lot Count¹</u>	<u>Acreage</u>	<u># of Permits</u>
North County	11,925	855,002	59
San Luis Obispo	1,021	50,844	5
South County	4,578	270,629	23
Coastal ²	2,676	148,048	13
Carrizo	959	136,663	0 - Prohibited



Cannabis Cultivation Operation

- Authorized cannabis cultivation for which there is an approved and effective (not expired) land use permit and the operator processes any required state license. Each cultivation operation shall be limited in size per state law (one acre at the time of ordinance adoption).



Standards

- Water Offset
 - Basins at LOS III
- Screening
- Renewable Energy
- Odors
- Pesticides
- Use of Residence
- Monitoring Program



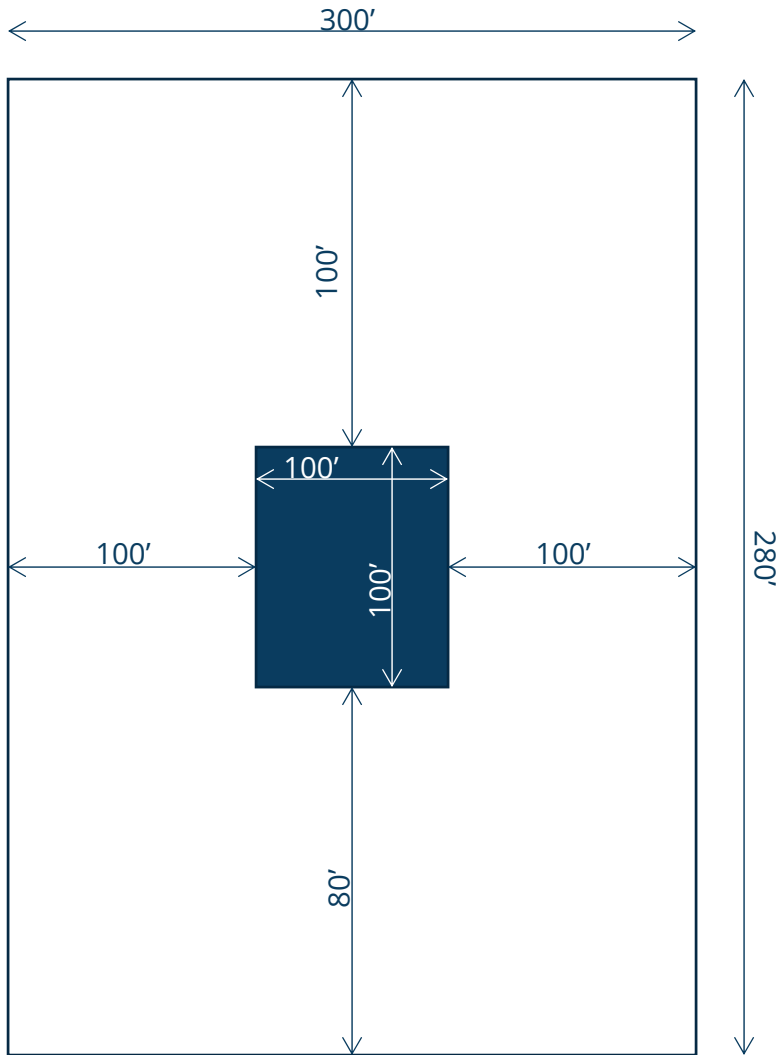
Nurseries



Nurseries

- Where: AG, RL, RR, IND
 - IND and RR indoors only
- Permit: Minor Use Permit
 - Conditional Use Permit \geq 75,000 sf in RR
- Cap: N/A
- Expiration: N/A
- Setbacks
 - AG/RL/IND: per LUO/CZLUO
 - RR: 80 feet (front), 100 feet (side & rear)
 - Other residences: 100 feet
 - **Coastal Zone Only:** 50 feet from riparian vegetation
- Separation
 - 1,000 feet from schools, parks, etc.





Cultivation: $100' \times 100' = 10,000 \text{ feet}^2$

Parcel Size: $300' \times 280' = 84,000 \text{ feet}^2$
 $= 1.93 \text{ acres}$

Residential Rural Nursery Setbacks



Standards

- Minimum Site Area
 - RR: 5 acres
- Air Quality
- Water Offset
- Screening
- Renewable Energy
- Odors
- Pesticides
- Use of Residence
- **Coastal Zone Only:** no greenhouses on > 15% slopes



Manufacturing



Manufacturing

- Where: AG, RL, CS, IND
 - **Coastal Zone Only:** AG on non-prime soils only
- Permit: Minor Use Permit
 - Conditional Use Permit \geq 40,000 sf
- Cap: N/A
- Expiration: N/A
- Setbacks
 - Per LUO/CZLUO
- Separation: N/A





Standards

- Limitation
 - Non-volatile Manufacturing only
- AG and RL
 - Allowed with off-site cannabis
- Odors



Testing



Testing

- Where: CS, IND
- Permit: Minor Use Permit
 - Conditional Use Permit \geq 20,000 sf
- Cap: N/A
- Expiration: N/A
- Setbacks
 - Per LUO/CZLUO
- Separation: N/A



Dispensaries





Dispensaries

- Where: CR, CS, IND
 - CR –open to public
 - CS – open or not open to public
 - IND – not open to public
- Permit: Minor Use Permit
- Cap: N/A
- Expiration: N/A
- Setbacks
 - Per LUO/CZLUO
- Separation: 1,000 feet from schools, parks, etc.





Standards

- Limitation
 - Mobile Dispensaries prohibited
- Hours of Operation
 - 10:00 am to 8:00 pm
- Surveillance Cameras
 - Rea-time feed to Sheriff's Office



Distribution



Distribution

- Where: CS, IND
- Permit: Minor Use Permit
 - Conditional Use Permit \geq 40,000 sf
- Cap: N/A
- Expiration: N/A
- Setbacks
 - Per LUO/CZLUO
- Separation: 1,000 feet from schools, parks, etc.



Land Use Categories



Allowed Land Use Categories

- Agriculture
 - Cultivation, Nurseries, Manufacturing
- Rural Lands
 - Cultivation, Nurseries, Manufacturing
- Residential Rural
 - Cultivation, Nurseries
- Industrial
 - Cultivation, Nurseries, Manufacturing, Testing, Dispensaries, Distribution
- Commercial Service
 - Manufacturing, Testing, Dispensaries, Distribution
- Commercial Retail
 - Dispensaries



Commercial Activities in Residential

- Purpose and Character Statements
- Residential Rural
 - Low-density residential
 - Compatible with agriculture
 - Allows limited non-residential uses and some commercial
- Other Residential
 - Do not allow for non-residential uses



Requirements for All Cannabis Activities



Conditional Use Permit

- Vertical Integration
 - More than one cannabis activity on a site
- Previous Violation
 - Cannabis-related
 - Past 24 months



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.
 - Prevent individuals from loitering on the premises if they are not engaging in activity expressly related to the operations of the facility
 - 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.



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.



Pesticides

Table 1. Active ingredients that are exempt from residue tolerance requirements^a and either exempt from registration requirements^b or registered for a use broad enough to include use on marijuana.

ACTIVE INGREDIENT	PEST OR DISEASE
azadirachtin ^a	aphids, whiteflies, fungus gnats, leafminers, cutworms
<i>Bacillus subtilis</i> QST ^{a1}	root diseases, powdery mildew
<i>Bacillus thuringiensis</i> ^{a2} subsp. <i>aizawai</i> or <i>kurstaki</i>	moth larvae (e.g., cutworms, budworms, borer)
<i>Bacillus thuringiensis</i> ^{a2} subsp. <i>israelensis</i>	fly larvae (e.g., fungus gnats)
<i>Beauveria bassiana</i> ^{a3}	whiteflies, aphids, thrips
cinnamon oil ^b	whiteflies
<i>Gliocladium virens</i> ^{a1}	root diseases
horticultural oils ^a (petroleum oil)	mites, aphids, whiteflies, thrips; powdery mildew
insecticidal soaps ^a (potassium salts of fatty acids)	aphids, whiteflies, cutworms, budworms
iron phosphate ^a , sodium ferric EDTA ^a	slugs and snails
neem oil ^a	mites; powdery mildew
potassium bicarbonate ^a ; sodium bicarbonate ^a	powdery mildew
predatory nematodes ^a	fungus gnats
rosemary + peppermint essential oils ^b	whiteflies
sulfur ^a	mites, flea beetles
<i>Trichoderma harzianum</i> ^{a1}	root diseases

^a 40 CFR (Code of Federal Regulations)

^b FIFRA §25(b) and 3 CCR §6147 [FIFRA = the Federal Insecticide, Fungicide, and Rodenticide Act; CCR = California Code of Regulations]

¹ Biofungicides

² Bacterial-based insect pathogen

³ Fungal-based insect pathogen



Approvals Required

- State License
- Land Use Permit
- Business License
 - RWQCB Clearance
 - Pesticide Permit
 - Sheriff Clearance



Revocation of Permit



Ground for Revocation

- Failure to comply with ordinance
- False information
- Business ownership transferred/sold
- Permit transferred/sold
- Denial or revocation of State license
- Denial or revocation of business license
- Conviction for possession of illegal drugs
- Conduct that constitutes a nuisance (e.g. odor)



Procedure Revocation

- Initiated by Enforcement Officer
- Revocation Hearing
 - Cannabis Hearing Officer
 - May grant additional time to resolve violation
 - Modify conditions of approval
 - Revoke land use permit and order discontinuance of use
 - Decision effective 1 week later



Enforcement



Enforcement

- Public Nuisance declared
- Violations are a misdemeanor
 - No proof of knowledge, intent, or other mental State is required to establish a violation
 - Separate offense each and every day
 - Separate violation for each and every plant
- Enforcement Hearing
 - Office of the Cannabis Hearing Officer
 - Appointed by Board
 - Licensed attorney
 - May direct Enforcement Officer to abate nuisance
 - May apply for a warrant if necessary
- Pesticides, Weights/Measures through Commissioner



Planning Area Standards



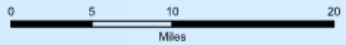
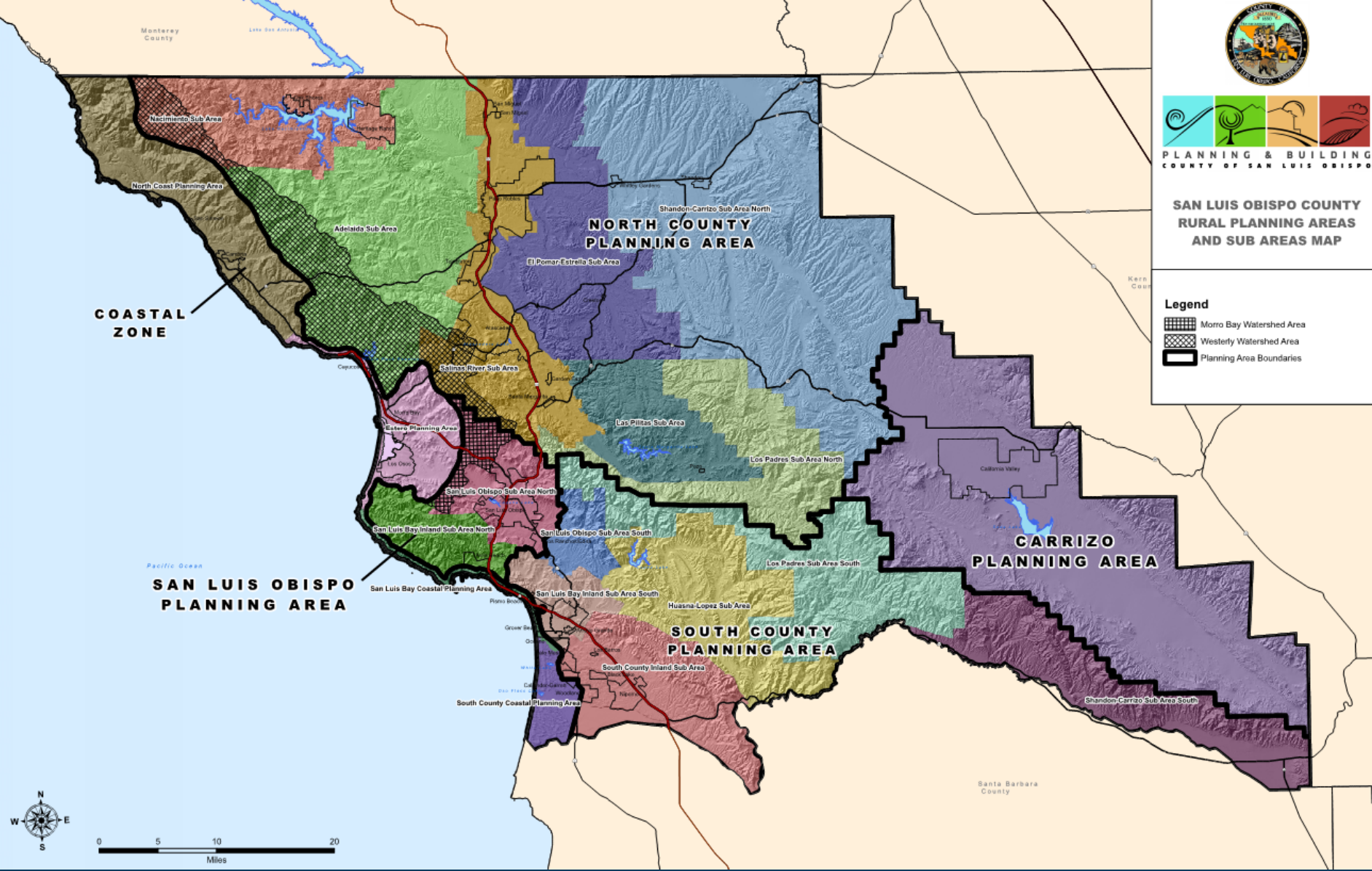


PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO

SAN LUIS OBISPO COUNTY RURAL PLANNING AREAS AND SUB AREAS MAP

Legend

- Morro Bay Watershed Area
- Westery Watershed Area
- Planning Area Boundaries



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Planning Area Standards

- Adds or prohibits
 - Based on similar uses
- Carrizo Planning Area (entire)
 - Prohibition on all cannabis activities
- San Luis Obispo Urban Area (entire)
 - Prohibition on all cannabis activities
- Dalidio Ranch
- Inland in T22
- Coastal Zone in Framework for Planning



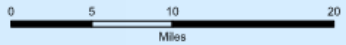
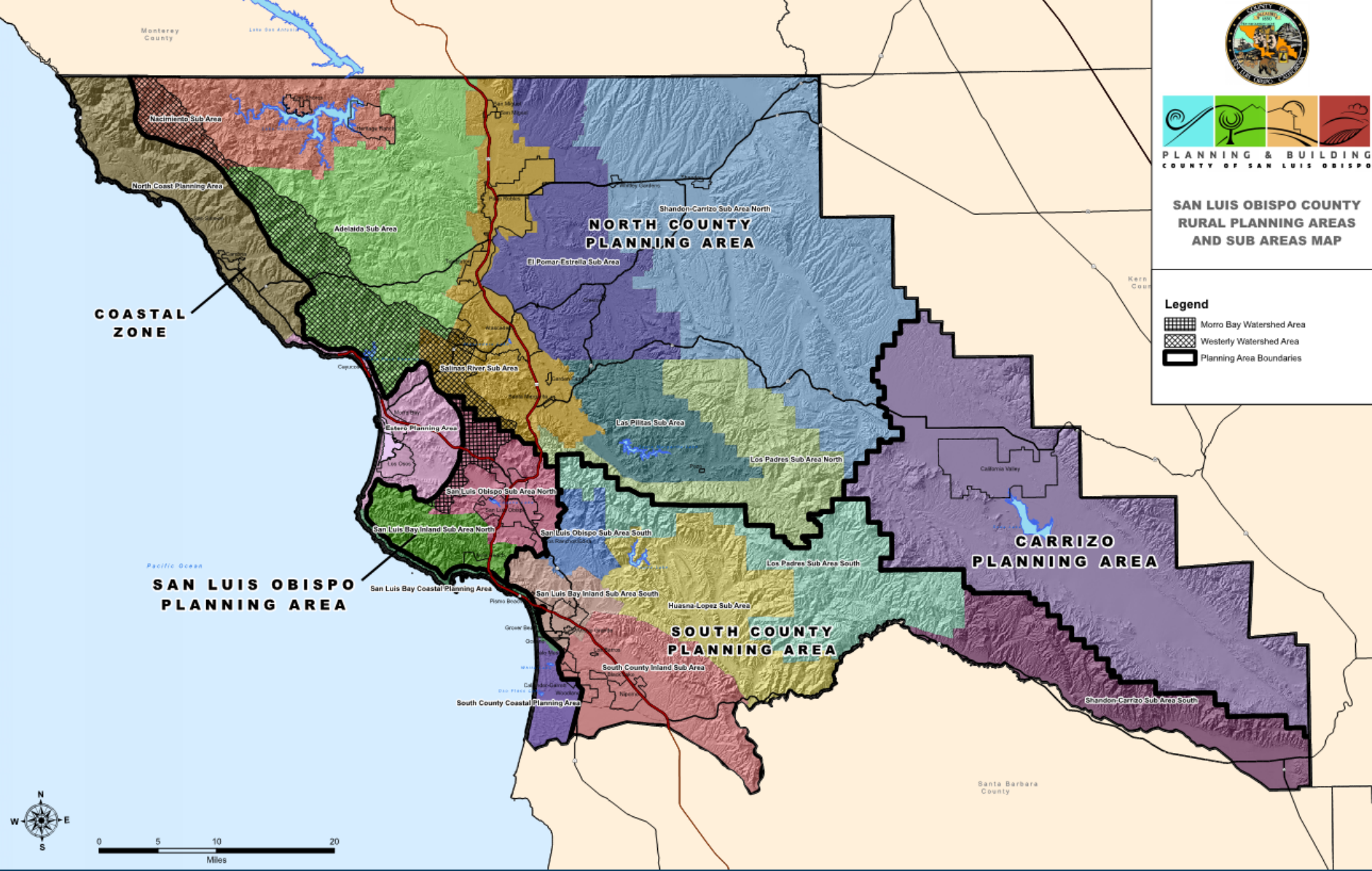


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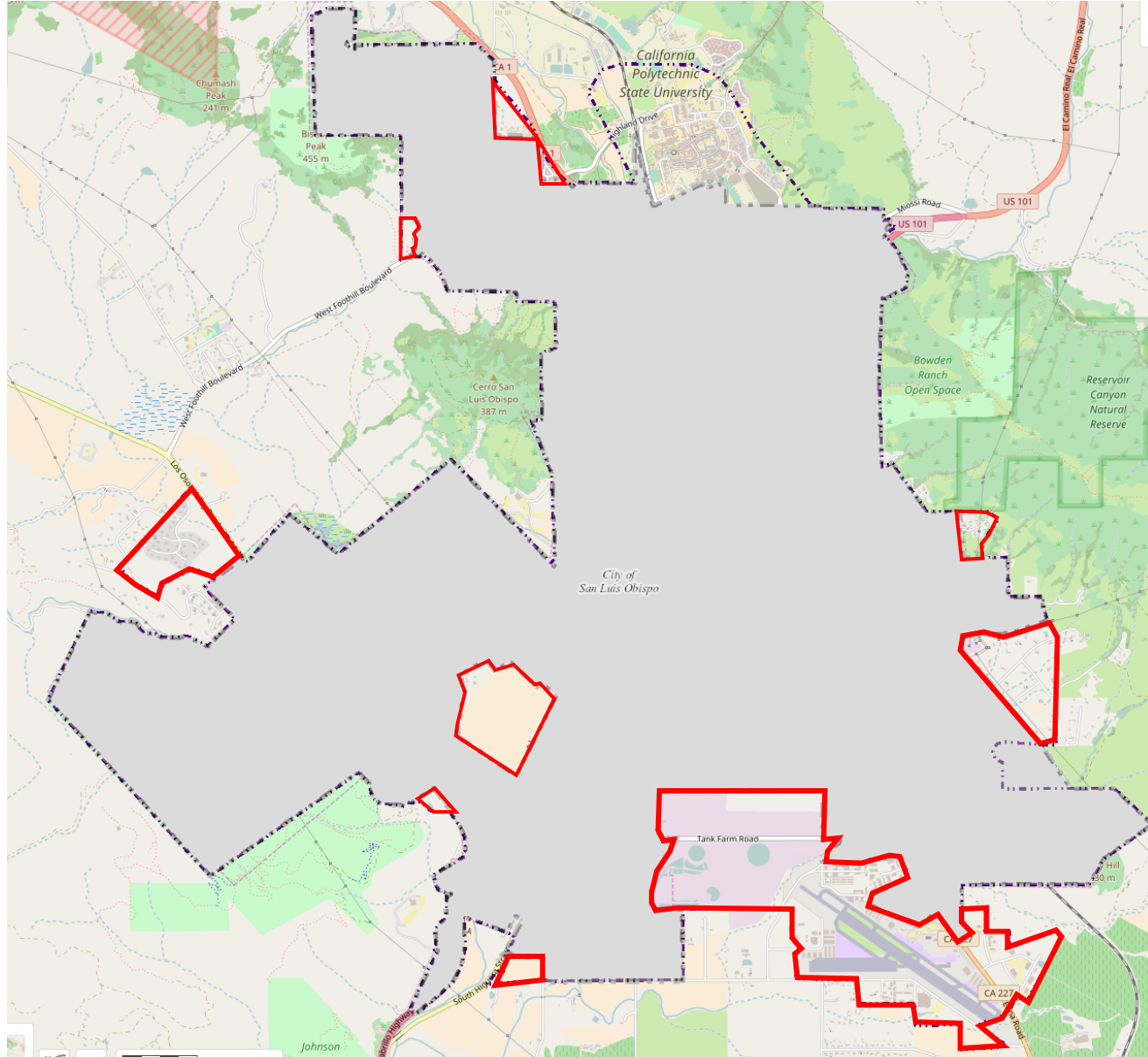
Legend

- Morro Bay Watershed Area
- Westley Watershed Area
- Planning Area Boundaries



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Staff Recommendation



Recommendation

- Recommend the Board of Supervisors approve the CEQA Exemption;
- Recommend the Board of Supervisors adopt amendments to the Local Coastal Plan, Part II of the Framework for Planning – Coastal Zone, and Title 23 the Coastal Zone Lane Use Ordinance; and
- Recommend the Board of Supervisors adopt amendments to Title 22 the Land Use Ordinance of the County Code.



Proposed Order of Hearing

- Staff Presentation
- Questions
- Public Comments & Staff Response
- Commission Discussion
 - Exemptions
 - Cultivation & Nurseries
 - Manufacturing
 - Dispensaries
 - Testing, Distribution
 - Requirements for All Cannabis Activities
 - OTHER
 - definitions, planning area standards, revocation/enforcement





COUNTY OF SAN LUIS OBISPO