

**AMENDMENTS TO TITLE 22 (NON-COASTAL ZONING) OF THE SAN LUIS OBISPO COUNTY CODE RELATING TO CANNABIS ACTIVITIES**

SECTION 1. Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements, of the San Luis Obispo County Code is amended to read as follows:

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

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

**Key To Permit Requirements**

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

ATTACHMENT 2

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

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

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

ATTACHMENT 2

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

**Key To Permit Requirements**

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.08.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30, 22.30, 22.32, 22.34, 22.36, <a href="#">22.40</a>
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

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

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

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use not allowed within a central business district.
- (6) Minor Use Permit approval required if a public hearing is requested in compliance with Section 22.30.075.C..
- (7) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

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

SECTION 3. Section 22.30.020 of the San Luis Obispo County Code is amended to include the following:

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

SECTION 3. Section 22.80.030 of the San Luis Obispo County Code is amended to include the following:

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

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

**Cannabis Canopy.** All areas occupied by any portion of a cannabis plant, encompassing all vertical planes (i.e. stacking of plants), whether contiguous or noncontiguous on any one site. “Cannabis Canopy” shall be measured by taking the longest length and widest width of existing plants (including all gaps, walkways, and open areas between plants) and multiplying the longest length by the longest width to get the area of the cannabis canopy. Each level of a stacked cultivation will be calculated as a separate canopy.

**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.

**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.

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

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

**Cannabis 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 Manufacturing (Volatile).** The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, using volatile organic compounds, at a fixed location, that packages

or repackages cannabis or cannabis products, or labels or relabels its containers. "Volatile" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Volatile solvents include, but are not limited to: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O<sub>2</sub> or H<sub>2</sub>; (2) poisons, toxins, or carcinogens, such as Methanol, Isopropyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene.

**Cannabis Manufacturing (Non-volatile).** The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, using non-volatile organic or inorganic compounds (see "Cannabis Manufacturing (Volatile)"), at a fixed location, that packages or repackages cannabis or cannabis products, or labels or relabels its containers.

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

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

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

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

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

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

**Hearing Officer.** A hearing officer appointed by the Board of Supervisors pursuant to

Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code to conduct hearings for the purposes of permit revocation, permit suspension, and nuisance abatement pursuant to Chapter 22.40.

**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.

**Marijuana.** See “Cannabis”.

**Medical Cannabis.** See “Cannabis”.

**Medical Marijuana.** See “Cannabis”.



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

## **CHAPTER 22.40 - CANNABIS ACTIVITIES**

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### **Sections:**

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

### **22.40.010 – Purpose of Chapter**

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

### **22.40.020 – Applicability**

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

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

For the purposes of this Chapter, cannabis does not include “industrial hemp” as that term is defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

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

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

1. Exempt outdoor grows shall meet the following minimum setbacks:
  - a. 50 feet from the front property line.
  - b. 30 feet from the side and rear property lines.
  - c. 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
  - d. 50 feet from the upland extent of riparian vegetation of any watercourse.
2. All exempt grows shall comply with the following minimum standards in Section 22.40.050:
  - a. Screening and Fencing requirements pursuant to Subsection D.4
  - b. Odor control requirements pursuant to Subsection D.6
  - c. Pesticide management requirements pursuant to Subsection D.7

**B. Cannabis cultivation for personal use.** Possession or storage of cannabis, or cultivation of cannabis for personal use, where outdoor cannabis cultivation does not exceed one hundred (100) square feet total canopy area of cannabis, and does not exceed six (6) plants, including both mature (flowering) and immature plants, per site, and indoor cultivation does not exceed one hundred (100) square feet 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. 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 site for outdoor cultivation, and one per dwelling unit for indoor cultivation. A dwelling unit may not utilize both an indoor and outdoor exemption. Cultivation of cannabis by an individual shall be located indoors in a legally established structure or outdoors in a secured area screened from the public view.

- C. Cannabis cultivation by a primary caregiver.** Possession or storage of medical cannabis, or cultivation of up to one hundred (100) square feet of canopy area per qualified patient of medical cannabis by a primary caregiver within the meaning of Section 11362.7 of the California Health and Safety Code, on behalf of up to five (5) qualified patients, with not more than six (6) plants per qualified patient, 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 structure or outdoors and screened from the public view. Primary caregivers shall provide appropriate documentation to enforcement personnel demonstrating that they are the primary caregiver for a qualified patient.

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

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

The application for a land use permit and for amendments thereto, shall be processed in accordance with Chapter 22.74. Notwithstanding the foregoing, and in addition to all other remedies available under this Title, the procedures for revocation of a land use permit granted under this Chapter shall be as set forth in Sections 22.40.110 and 22.40.120 of this Chapter. The following requirements apply to all cannabis activities not otherwise exempted by this Chapter.

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

1. Site plan, floor plans, and a general description of the nature, square-footage, and type of cannabis activity(ies) being requested shall be submitted with the land use permit application.
2. All cannabis activities shall include an operations plan including at a minimum, the following information:
  - a. On-site security measures both physical and operational and, if applicable, security measures for the delivery of cannabis associated with the

commercial cannabis business;

- b. Odor management plan;
- c. Size, height, colors, and design of any proposed signage at the site;
- d. Parking plan consistent with Chapter 22.18;
- e. Proof of ownership or lease agreement with landowner's consent;
- f. Employee safety and training plan;
- g. A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;
- h. Waste management plan; and
- i. Vicinity map showing at least one-thousand (1,000) feet of surrounding area and the distances to the following uses: any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the site that contains the cultivation to the nearest point of the property line of the enumerated use using a direct straight line measurement.

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

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

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

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

**E. Site posting.** The owner shall post on site all required land use permit approvals and all

required County and State permits and licenses required to operate. Such posting shall be in a central location, visible to the patrons, at the operating site, and in all vehicles that deliver or transport cannabis.

- F. **Records.** The owner and all permittees of all cannabis activities requiring land use permit approval shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
- G. **Compliance.** The owner and all permittees of all cannabis activities requiring land use permit approval shall conduct cannabis activities in compliance with all required County permits, State licenses, County ordinance, and State law and regulation. The owner shall be responsible for the payment of all required fees and taxes.
- H. **Inspection.** All land use permits and permitted cannabis activity sites are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Chapter.
- I. **Operation.** No person shall operate a commercial cannabis business under a commercial cannabis land use permit issued pursuant to this Chapter at any place or location, or in any manner other than that identified on the permit.
- J. **State license required.** One or more of the State cannabis license types set forth in California Business and Professions Code shall be maintained in good status by the Permittee in order for a land use permit issued under this Section to remain valid.

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

- K. **Pesticides.** Approved cannabis cultivation operations employing the use of pesticides shall also obtain the appropriate pesticide use permitting from the Department of Agriculture / Weights and Measures.
- L. **Water quality.** Cannabis cultivation shall operate pursuant to a permit from the Central Coast Regional Water Quality Control Board (CCRWQCB). Until the permitting process is in place, all cannabis cultivators shall adhere to the environmental measures outlined by CCRWQCB.

**22.40.050 - Cannabis Cultivation**

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

**1. Limit on the number of cannabis cultivation operations.**

**a. Indoor cultivation.** There is no limit to the number of permitted indoor cannabis cultivation operations that may be permitted within the unincorporated area of the County at any one time. Any site, as defined by this Title, may receive land use permit approval for any number of indoor cannabis cultivation operations, provided each cannabis cultivation operation does not exceed the canopy size threshold established by State law.

**b. Outdoor cultivation.** No more than fifty (50) permitted outdoor cannabis cultivation operations may be permitted within the unincorporated area of the County at any one time. Any site, as defined by this Title, may receive land use permit approval for up to five (5) outdoor cannabis cultivation operations, provided each cannabis cultivation operation does not exceed the canopy size threshold established by State law.

The Board of Supervisors shall by resolution or ordinance adopt such forms, fees, and procedures as are necessary to implement this Chapter with respect to the initial selection, future selection, and investigation process of land use permits issued for outdoor cannabis cultivation.

**c. Distribution of the number of outdoor cannabis cultivation operations.** The allowed number of permitted outdoor cultivation operations (50) shall be distributed as follows by Planning Area based on the total number of available parcels in land use categories allowing cannabis cultivation. The distribution shall be a maximum for each Planning Area.

North County	30
San Luis Obispo	3
South County	11
Coastal Planning Areas (combined)	7
(Estero, North Coast, San Luis Bay-Coastal, South County-Coastal)	
Carrizo	Prohibited

**2. Land use permit expiration.** All land use permits issued for cannabis cultivation shall expire in seven years from the approval date. Prior to expiration, the applicant may request the land use permit be renewed for an additional seven-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. **Limit on cultivation type allowed.** Outdoor cannabis cultivation shall be prohibited in the Industrial land use category.
- B. Land use permit required.** A Minor Use Permit is required for all cannabis cultivation, unless a Conditional Use Permit is required by another Section of this Title.
- C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.
1. A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements.
  2. Information regarding stormwater control and wastewater discharge.
  3. A list of all pesticides, fertilizers, and any other hazardous materials used in the cultivation process.
  4. A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the cultivator's site.
  5. For indoor and mixed-light cultivation, all power sources proposed to be used.
  6. *(If applying for a land use permit for outdoor cannabis cultivation)* Proof that the applicant has been selected to operate a cannabis cultivation operation pursuant to Section 22.40.040.A.1.
- D. Cultivation standards.**
1. **Location.** Cannabis cultivation shall not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the site that contains the cultivation to the nearest point of the property line of the enumerated use using a direct straight line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Section. This location standard may be modified through Minor Use Permit approval to reduce the distance to six hundred (600) feet.
  2. **Minimum site area.** No minimum site area is required in the Agriculture, Rural Lands, and Industrial land use categories. Indoor cannabis cultivation in the Residential Rural land use category shall be located on sites that are a minimum of 5 acres in area. Outdoor cannabis cultivation in the Residential Rural land use

category shall be located on sites that are a minimum of 20 acres in area.

**3. Setbacks.**

- a. Indoor cannabis cultivation shall be within a fully enclosed building that has been setback as set forth in Section 22.10.140.
- b. Outdoor cannabis cultivation shall be setback a minimum of 300 feet from the property lines of the site.
- c. Indoor cannabis cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
- d. All outdoor cannabis cultivation shall be located at least 50 feet from the upland extent of riparian vegetation of any watercourse.
- e. Setbacks may be modified through Minor Use Permit approval, except for setbacks required by the California Building Code.

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

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

**5. Water.** Cannabis cultivation sites that require a land use permit and are in a groundwater basin at Level of Severity III pursuant to the last Biennial Resource Management System report shall provide an estimate of water demand prepared by a licensed professional engineer or other expert on water demand, as approved by the Director of Planning and Building, and a detailed description of how the new



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

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

Planning and Building. Sites with inspection reports that indicate failure to comply with the standards of this Chapter are subject to permit revocation pursuant to Section 22.40.120 and/or Business License non-renewal.

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

1. The cannabis cultivation, as proposed, will comply with all 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;

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

## 22.40.060 - Cannabis Nurseries

- a. **Limitation on use.** Cannabis nurseries shall be limited to the Agriculture (AG), Rural Lands (RL), Residential Rural (RR), and Industrial (IND) land use categories. Cannabis nurseries in the Industrial and Residential Rural land use categories shall be limited to indoor propagation only.
- b. **Land use permit required.**
  - 1. **Minor Use Permit.** A Minor Use Permit is required for all cannabis nurseries, unless a Conditional Use Permit is required by another Section of this Title.
  - 2. **Conditional Use Permit.** A Conditional Use Permit is required for cannabis nurseries 75,000 square-feet or greater in the Residential Rural land use category.
- c. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.
  - 1. A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements.
  - 2. Information regarding stormwater control and wastewater discharge.
  - 3. A list of all pesticides, fertilizers, and any other hazardous materials used in the nursery process.
  - 4. A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the nursery's site.
  - 5. For indoor and mixed-light nurseries, all power sources proposed to be used.
- d. **Nursery standards.**
  - 1. **Location.** Cannabis nurseries shall not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the site that contains the cultivation to the nearest point of the property line of the enumerated use using a direct straight line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Section. This location standard may be modified through Minor Use Permit approval to reduce the distance to six hundred (600) feet.
  - 2. **Minimum site area.** No minimum site area is required in the Agriculture, Rural

Lands, and Industrial land use categories. Cannabis nurseries in the Residential Rural land use category shall be located on sites that are a minimum of 5 acres in area.

**3. Setbacks.**

- a. Within the Agriculture, Rural Lands, and Industrial land use categories, setbacks are as required by Section 22.30.060, unless the California Building Code would require a larger setback.
- b. Within the Residential Rural land use category, setbacks shall be as follows: front - 80 feet; side and rear - 100 feet, unless the California Building Code would require a larger setback.
- c. 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.
- d. All outdoor cannabis nurseries shall be located at least 50 feet from the upland extent of riparian vegetation of any watercourse.
- e. Setbacks may be modified through Minor Use Permit approval, except for setbacks required by the California Building Code.

**4. Air quality.** 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.

- d. 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.
- e. Evidence of road maintenance provided by the County, State, special district, homeowners association or other organized maintenance, such as a road maintenance agreement.
- f. 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.** Cannabis nursery sites that require a land use permit and are located in a groundwater basin at Level of Severity III pursuant to the last Biennial Resource

Management System report shall provide an estimate of water demand prepared by a licensed professional engineer or other expert on water demand, as approved by the Director of Planning and Building, and a detailed description of how the new water demand will be offset. All water demand within a groundwater basin at Level of Severity III shall offset at a minimum 1:1 ratio, unless a greater offset is required through land use permit approval. All water demand within an identified Area of Severe Decline shall offset at a minimum 2:1 ratio, unless a greater offset is required through land use permit approval. Offset clearance shall be obtained through a County-approved water conservation program for the respective groundwater basin, prior to the establishment of the use or receipt of Business License Clearance pursuant to Section 22.62.020.

6. **Screening and Fencing.** Cannabis plants shall not be easily visible from offsite. All cannabis nursery activities shall occur within a secure fence at least six (6) feet in height that fully encloses the nursery area and prevents easy access to the site. The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress. Said fence shall not violate any other ordinance, code Section, or provision of law regarding the height, location, materials, or other fencing restrictions, and shall be both solid and durable. All screening and fencing shall conform to the requirements of applicable area, community, specific and design plans.
  7. **Renewable energy.** All sites engaging in artificial light or mixed-light indoor cannabis nursery cultivation shall comply with State regulations regarding energy requirements.
  8. **Nuisance Odors.** All cannabis nurseries shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis nursery cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
  9. **Pesticides.** Pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
  10. **Use of a residence.** Except for those activities considered exempt pursuant to Section 22.40.020, no structure originally constructed for residential purposes or that served as a residence as of August 23, 2016 shall be used for the nursery cultivation of cannabis.
- e. **Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
1. The cannabis nursery, as proposed, will comply with all 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;

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

## **22.40.070 - Cannabis Manufacturing**

- A. **Limitation on use.** Non-volatile cannabis manufacturing facilities may be permitted in the Commercial Service (CS), Industrial (IND), Agriculture (AG), and Rural Lands (RL) land use categories subject to a land use permit in each case, as required below. Cannabis manufacturing facilities involving volatile processes or substances (requiring a volatile manufacturing State license) shall be permitted only in the Industrial land use category.
- B. **Land use permit required.**

1. **Minor Use Permit.** Non-volatile manufacturing facilities of less than 40,000 square feet shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.
  2. **Conditional Use Permit.** Volatile manufacturing facilities of any size and non-volatile manufacturing facilities of 40,000 square feet or more shall require Conditional Use Permit approval.
- C. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.
1. A complete description of all products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes.
  2. Storage protocol and hazard response plan.
  3. A security plan that includes lighting, security video cameras, alarm systems and secure area for cannabis storage. The security plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis. The video system for the security cameras must be located in a locked, tamper-proof compartment.
  4. Employee safety and training equipment plan, plus Materials Safety Data Sheet requirements, if any.
- D. **Manufacturing standards.**
1. **Location.** Cannabis manufacturing shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight line measurement.
  2. **Setbacks.** Setbacks are required as set forth in Section 22.10.140.
  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.
- E. **Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:

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

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

- A. **Limitation on use.** Cannabis testing facilities may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit.
- B. **Land use permit required.** Cannabis testing facilities of less than 20,000 square-feet shall require Minor Use Permit approval. Cannabis testing facilities of 20,000 square-feet or greater shall require Conditional Use Permit approval.
- C. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60, Section 22.40.040, and include an operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion.



**D. Cannabis testing facilities standards.**

1. **Location.** Cannabis testing facilities shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight line measurement.
2. **Setbacks.** Setbacks are required as set forth in Section 22.10.140.

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

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

## 22.40.090 - Cannabis Dispensaries

- A. Limitation on use.** Cannabis dispensaries within a permanent structure open to the public for retail sales may be permitted in the Commercial Service (CS) and Commercial Retail (CR) land use categories subject to a land use permit. Cannabis dispensaries within a permanent structure that are not open to the public for retail sales (mobile deliveries only) may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit. Cannabis dispensaries not operating within a permanent structure (mobile dispensaries) are prohibited.
- B. Land use permit required.** All cannabis dispensaries shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.
- C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.
1. A security plan that includes lighting, security video cameras, alarm systems and secure area for cannabis storage. The security plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis, and the surveillance video shall have real-time access for the Sheriff's Office. The video system for the security cameras must be located in a locked, tamper-proof compartment. The security plan shall also provide for on-site security personnel.
- D. Dispensary standards.**
1. **Location.**
    - a. Cannabis dispensaries with storefronts open to the public 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 structure that contains the dispensary to the property line of the enumerated use using a direct straight line measurement. This location standard may be modified through Minor Use Permit approval to reduce the distance to six hundred (600) feet.
    - b. Cannabis dispensaries with storefronts not open to the public (mobile deliveries) shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight line measurement.

- c. Cannabis dispensaries that are open to the public shall not occupy space within a building that is internally accessible to, or be located immediately adjacent to, businesses that specialize in sale of liquor or tobacco, or any retail or service business primarily marketed for or frequented by persons under the age of 18. In no case, shall a cannabis dispensary that is open to the public be located closer than 300 from any retail or service business primarily marketed for or frequented by persons under the age of 18.
- d. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Section.

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

3. **Hours of operation.** Dispensaries may operate from 10:00 a.m. until 8:00 p.m. daily.

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

5. **Mobile dispensaries.** Mobile dispensaries not operating from a permanent structure, whether open to the public for retail sales or not, are prohibited.

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

- 1. The cannabis dispensary, as proposed, will comply with all 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. *(For dispensaries with storefronts open to the public.)* The cannabis dispensary 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 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;

3. *(For dispensaries with storefronts not open to the public.)* The cannabis dispensary will not be open to the public (mobile deliveries only) and will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;
4. *(For dispensaries within 300 feet of alcohol, tobacco, or child-specific stores.)* The cannabis dispensary will not occupy space within a building that is internally accessible to, or be located immediately adjacent to, businesses that specialize in sale of liquor or tobacco, or any retail or service business primarily marketed for or frequented by persons under the age of 18. The cannabis dispensary is not located closer than 300 from any retail or service business primarily marketed for or frequented by persons under the age of 18.
5. 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.
6. *(For dispensary sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

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

- A. **Limitation on use.** Cannabis distribution facilities may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit.
- B. **Land use permit required.**
  1. **Minor Use Permit.** Distribution facilities of less than 40,000 square feet shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.
  2. **Conditional Use Permit.** Distribution facilities of 40,000 square feet or more shall require Conditional Use Permit approval.
- C. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.
  1. An operations plan detailing how, and from where, cannabis and cannabis products will be received, how any storage and distribution operations will be secured to prevent theft and trespass, and to whom the product will be distributed.

2. Loading areas.
3. Storage and handling plans.

**D. Cannabis distribution facilities standards**

1. **Location.** Cannabis testing facilities shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight line measurement.
2. **Setbacks.** Setbacks are required as set forth in Section 22.10.140.

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

1. The cannabis distribution facility, as proposed, will comply with all 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 will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;
4. *(For distribution sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

**22.40.110 - Grounds for Revocation**

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

- A. Failure to comply with one or more of the conditions of the land use permit;
- B. The land use permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant;
- C. Any act or omission by an owner or permittee in contravention of the provisions of this Chapter;
- D. Any act or omission by an owner or permittee that results in the denial or revocation of the owner's or permittee's State license;
- E. Any act or omission that results in the revocation of that owner's or permittee's commercial cannabis Business License Clearance under Title 6 of the San Luis Obispo County Code;
- F. Any act or omission by an owner or permittee in contravention of State law or the San Luis Obispo County Code on the site that received land use permit approval;
- G. An owner's or permittee's failure to take appropriate action to evict or otherwise remove persons conducting commercial cannabis activities who do not maintain the necessary permits or licenses in good standing with the County or State;
- H. Conviction for possession or delivery of any form of illegal drugs; or
- I. Conduct of the commercial cannabis activities in a manner that constitutes a nuisance, where the owner or permittee has failed to comply with reasonable conditions to abate the nuisance (e.g. odor).

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

An 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 Enforcement Officer shall notify the permit holder of the intended revocation of the approval of a land use permit at least 10 calendar days before a revocation hearing, which will be held in accordance with Section 22.40.130. Service of notice shall be accordance with Section 22.74.020. If the Notice is served by mail the time period set forth above shall be extended by two (2) additional days. The notice shall contain the following.
  - 1. A heading reading, "Notice of Revocation Hearing".
  - 2. The provisions and/or conditions violated and the means to correct the violation(s), if any.

3. The date and place of the revocation hearing.
- B. Revocation hearing.** Before any action is taken to revoke an approved land use permit, a hearing shall be conducted in compliance with Section 22.40.130.
- C. Action to revoke.** If after the revocation hearing the Cannabis Hearing Officer finds that grounds for revocation have been established, the Cannabis Hearing Officer may:
1. Allow the permit holder additional time to correct the violation or non-compliance; or;
  2. Modify conditions of approval on the basis of evidence presented at the hearing; or;
  3. Revoke the approved land use permit and order the discontinuance or removal of the approved use within a time specified by the Cannabis Hearing Officer following an enforcement hearing held pursuant to section 22.40.130.

The 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 Enforcement Officer shall initiate nuisance abatement proceedings by preparing and serving a Notice of Nuisance in compliance with Section 22.40.130.

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

### **22.40.130 - Enforcement**

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

- A.** Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapter 22.74 of this Code, and any other action authorized by law:
1. Additionally, it shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

2. Any person violating any of the provisions of this Chapter shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
3. Each and every cannabis plant, including both immature and mature (flowering) plants, cultivated in violation of this Chapter shall constitute a separate violation subject to the penalties of this Chapter and Chapter 22.74.
4. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Chapter.

**B. Notice of nuisance abatement.**

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



shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the county assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.

- h. A notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County.

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

1. The Board of Supervisors hereby establishes the Office of County Cannabis Hearing Officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code, to which Office the Board of Supervisors 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). 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.
2. Pursuant to Government Code sections 25845, subdivision (i) and 27721, subdivision (a), the Cannabis Hearing Officer shall hold an administrative hearing to determine whether the conditions existing on the property subject to the notice constitute a nuisance under this Chapter, or whether there is any other good cause why those conditions should not be abated. This hearing shall be held no less than five (5) calendar days after service of the notice of violation.
3. The Cannabis Hearing Officer shall conduct the hearing as follows:
  - a. The Cannabis Hearing Officer will hear sworn testimony and consider other evidence concerning the conditions constituting cause to revoke approved permit(s) and/or abate a nuisance.
  - b. Respondents to enforcement actions may be present at the hearing, may be represented by counsel, may present testimony, evidence, and cross-examine witnesses.
  - c. If the respondent does not appear and present evidence at the hearing, the Cannabis Hearing Officer may base their decision solely upon the evidence

submitted by the Enforcing Officer. Failure of the respondent to appear and present evidence at the hearing shall constitute a failure to exhaust administrative remedies.

- d. The hearing need not be conducted according to technical rules relating to evidence and witnesses, and may be continued from time to time.
- e. The Cannabis Hearing Officer will deliberate upon the evidence and shall make findings upon the evidence to support any action of the Cannabis Hearing Officer to revoke approved permit(s) and/or abate a nuisance. 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 Enforcement Officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided.
- f. 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 an Enforcement Officer to enter upon the property and abate the nuisance. The 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.
- g. The costs of abatement and all administrative costs incurred pursuant to this Chapter shall be recoverable in accordance with the Section 22.74.080 and Section 22.74.150.F.

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

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

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

- E. Weights and measures.** Notwithstanding this ordinance, the County Agricultural Commissioner/Sealer shall have the duty of enforcing Division 5 of the California Business and Professions Code and carrying out its provisions and requirements as set forth in the California Code of Regulations, Title 4, Division 9. This shall include the inspection, testing, and registration of weighing devices, the inspection of prepackaged product, and the inspection of product labeling relative to the commercial sale of cannabis.
1. Additionally, it shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental State is required to establish a violation.
  2. Any person violating any of the provisions of this chapter shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
  3. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.

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

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

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

SECTION 6. Section 22.94.050.B of the San Luis Obispo County Code is hereby amended to read as follows:

**B. Commercial Retail (CR) - Limitation on use.** Land uses shall be limited to: bars and nightclubs, caretaker residences, convenience and liquor stores, gas stations, general retail, [cannabis dispensaries](#), grocery stores, restaurants, and vehicle storage, in compliance with the land use permit requirements of Section 22.06.030.

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

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

SECTION 8. Section 22.94.074.D.1 of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 9. Section 22.94.082.C.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**1. Limitation on use.** Land uses shall be limited to the following:

Animal keeping	Offices, temporary
Bars and night clubs (limited to 60 customer seats)	Outdoor sports and recreation
<a href="#">Cannabis dispensaries</a>	Pipelines and transmission lines
Caretaker residence	
Convenience and liquor stores (limited to 2,000 square feet)	Public safety facilities
Crop production and grazing	Public utility facilities
Energy-generating facilities (limited to renewable energy facilities)	Recycling collection stations
Food and beverage products manufacturing	Residential accessory uses
General retail (limited to 2,000 square feet)	Restaurants (limited to 60 customer seats)
Grocery stores (limited to 1,500 square feet)	Small scale manufacturing
Mail order and vending	Vehicle storage

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

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

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

Agriculture and accessory structures	Recreational Vehicle Parks
Bars and night clubs	Recycling and scrap
Bed and breakfast inns	Recycling collection stations
<a href="#">Cannabis manufacturing</a>	Residential accessory use
<a href="#">Cannabis testing facilities</a>	
<a href="#">Cannabis distribution</a>	
Caretaker residence	
Concrete, gypsum, and plaster products	Restaurants
Construction contractors	Small scale manufacturing
Convenience and liquor stores (limited to 2,000 square feet)	Stone and cut stone products
Crop production and grazing	Storage, accessory
Energy-generating facilities (limited to renewable energy facilities)	Storage yards
Existing motorcycle dealers	Temporary offices
Gas stations	Transmission facilities
General retail (limited to gifts, novelties, souvenirs, and antiques)	Truck stops

ATTACHMENT 2

Grocery stores (maximum gross floor area of 5,000 square feet)	Vehicle and freight terminals
Hotels, motels if associated with truck stops as uses	Vehicle storage
Mail order and vending	Warehousing
Personal services	Wholesale and distribution
Public safety facilities	

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

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

SECTION 11. Section 22.94.082.G.4.a of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 12. Section 22.94.082.G.5 of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 13. Section 22.94.090.C.1.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on use - service commercial area.** Land uses shall be limited to the following, subject to the land use permit requirements of Section 22.06.030: Metal Industries - Fabricated; Small Scale Manufacturing; **Cannabis manufacturing**; Agricultural Processing (excluding wine tasting and special events); Energy-Generating Facilities (limited to Accessory Renewable Energy Facilities); Warehousing (no wholesale or retail sales from the site), Caretaker's Quarters and Residential Accessory Uses. All uses are limited to the producing, assembling, manufacturing, and storing of goods and products that are for rural or agricultural applications or operations.

SECTION 14. Section 22.94.090.C.2.b of the San Luis Obispo County Code is hereby amended to read as follows:

**b. Limitation on use - service commercial area.** Allowable uses shall be limited to Ag Processing, Animal hospitals and veterinary medical facilities, Crop Production and Grazing, Nursery Specialties, **Cannabis manufacturing**; Small Scale Manufacturing (limited to artisan / craftsman type operations), Indoor Amusement and Recreation Facilities, Automobile Service Stations and Gas Stations, Restaurants, Libraries and Museums, Outdoor Sports and Recreational Facilities, Public Assembly and Entertainment Facilities, General Retail, Restaurants, Lodging and Personal Services.

SECTION 15. Section 22.96.050.B of the San Luis Obispo County Code is hereby amended to read as follows:

**B. Rural Lands (RL).** The following standards apply within the Rural Lands land use category.

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

SECTION 16. Section 22.96.050.E.2.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on Use.** Uses identified in Table O, Part I of the Land Use Element as "A" or "S" uses are limited to: agricultural accessory structures; animal raising and keeping; bed and breakfast facilities; caretaker residence; cemeteries and columbaria; churches; communications facilities; **cannabis cultivation**; **cannabis nurseries**; crop production and grazing; energy-generating facilities; (solar electric facilities and wind energy conversion systems only); farm equipment and supplies; fisheries and game preserves; forestry; home occupations; mobile homes; nursery specialties; offices, temporary; public safety facilities; public utility facilities; residential accessory uses; residential care (for 6 or fewer); roadside stands; secondary dwellings; single family dwellings; specialized animal facilities; storage

accessory; temporary dwelling; and existing school, pre to secondary, and existing outdoor sports and recreation facilities.

SECTION 17. Section 22.96.050.E.3.a of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 18. Section 22.98.062.B.3.c of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 19. Section 22.98.072.A.1.a of the San Luis Obispo County Code is hereby amended to read as follows:

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

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



combining designation)

SECTION 20. Section 22.104.030.E.1 of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 21. Section 22.104.030.H.1 of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 22. Section 22.104.040.B.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**1. West (tennis) neighborhood.** Convenience and liquor stores, gas stations, general retail, cannabis dispensaries, grocery stores, and personal services.

SECTION 23. Section 22.104.050.B.1 of the San Luis Obispo County Code is hereby amended to read as follows:

**1. Limitation on use.** Land uses shall be limited to bars and night clubs, convenience and liquor stores, single-family dwellings, gas stations, general retail, cannabis dispensaries, grocery stores, restaurants, and energy-generating facilities (limited to accessory renewable energy facilities), in compliance with the land use permit requirements of SubSection B.2.

SECTION 24. Section 22.104.060.B.3.a of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

**a. Location and Limitation on use.** Land uses shall be limited to:

- |  |   |
|--|---|
| Energy-generating facilities (limited to renewable energy facilities)  | Outdoor retail sales (plaza festivals and art shows)          |
| Accessory storage  | Personal services   |
| Bars and night clubs   | Recreational vehicle park (on the southerly half of the site) |
| Cannabis dispensaries  | Restaurants   |
| Convenience and liquor stores  |   |
| Gas stations   | Small scale manufacturing                                     |
| Grocery stores, and general retail (tourist oriented, limited to 2,000 square feet each, to total no more than |   |

30,000 square feet in areas 1 and 2)  
Hotels and motels

SECTION 25. Section 22.104.060.D of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 26. Section 22.104.080.F.1 of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 27. Section 22.104.090.D.1 of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 28. Section 22.104.090.D.3.a of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 29. Section 22.104.090.D.4.a of the San Luis Obispo County Code is hereby amended to read as follows:

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

SECTION 30. Section 22.106.010.C.2.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on use.** Land uses in the commercial village shall be limited to bars and night clubs, convenience and liquor stores, financial services, general retail, [cannabis dispensaries](#), grocery stores, health care services, offices, personal services, public assembly and entertainment, restaurants, and energy-generating facilities (limited to accessory renewable energy facilities).

SECTION 31. Section 22.108.040.C.3.a of the San Luis Obispo County Code is hereby amended to read as follows:

**a. Limitation on use.** Land uses shall limited to the following, in compliance with the land use permit requirements of Section 22.06.030: grocery stores; restaurants; offices; financial services; personal services; consumer repair services; general retail; [cannabis dispensaries](#); building materials and hardware; indoor amusements and recreation; gas stations; and multi-family or caretaker dwellings, and energy-generating facilities (limited to accessory renewable energy facilities), except that gas stations shall not be allowed within Area "A" on Figure 108-11.

SECTION 32. Section 22.108.040.D.1 of the San Luis Obispo County Code is hereby amended to read as follows:

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

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

SECTION 33. Section 22.108.060.B.1 of the San Luis Obispo County Code is hereby amended to read as follows:

3. **Limitation on use.** Land uses shall be limited to: bars and night clubs; caretaker dwellings; consumer repair services; convenience and liquor stores; financial services; gas stations; general retail; [cannabis dispensaries](#); hardware stores; indoor amusements and recreation; offices; personal services; restaurants, and energy-generating facilities (limited to accessory renewable energy facilities).

SECTION 34. Section 22.92.030 of the San Luis Obispo County Code is hereby amended to read as follows:

**22.90.030 – Cannabis Activities**

All cannabis activities within the Carrizo Planning Area are prohibited.

SECTION 35. SEVERABILITY. If any Section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each Section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more Sections, subsections, sentences, clauses, or phrases be declared invalid.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
 Chair,  
 San Luis Obispo County Board of Supervisors

A T T E S T:

NAME  
 Clerk of the Board

By: \_\_\_\_\_  
 Deputy

<p>APPROVED AS TO FORM BY:</p>  <p>_____          County Counsel</p>
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