

ATTACHMENT 2

AMENDMENTS TO THE LOCAL COASTAL PLAN, FRAMEWORK FOR PLANNING-COASTAL ZONE OF THE SAN LUIS OBISPO COUNTY GENERAL PLAN, AND TITLE 23 (COASTAL ZONING) OF THE SAN LUIS OBISPO COUNTY CODE RELATING TO CANNABIS ACTIVITIES

Note: Items that are highlighted correspond to Sections 2.1 through 2.7 of the August 10, 2017 Planning Commission staff report.

Note: In Sections 1, 2, and 4 through 18, **blue font** represents added text to an existing ordinance section, and **red strikethrough** font represents deleted text to an existing ordinance section. Section 3 is in black font and is all added language.

AMENDMENTS TO THE LOCAL COASTAL PLAN, FRAMEWORK FOR PLANNING - COASTAL ZONE OF THE SAN LUIS OBISPO COUNTY GENERAL PLAN, AND TITLE 23 (COASTAL ZONING) OF THE SAN LUIS OBISPO COUNTY CODE RELATING TO CANNABIS ACTIVITIES

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

KEY TO COASTAL TABLE O

USE STATUS DEFINITION

- A Allowed use, unless otherwise limited by a specific planning area standard. Coastal Zone Land Use Ordinance Chapter 23.03 ("Required Level of Processing") determines the permit necessary to establish an "A" use, and Chapters 23.04 through 23.06 determine the site design, site development, and operational standards that affect the use. See also the "Planning Area Standards" Sections of the Land Use Element Area Plans and the LCP Policy Document to find any standards that may apply to a project in a particular community or area.

- S Special use, allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard. The following list shows where in the Coastal Zone Land Use Ordinance to find the special standards that apply to particular uses.

- P Principally permitted use, a use to be encouraged and that has priority over non-principally permitted uses, but not over agriculture or coastal dependent uses.

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

1	23.08.120 b	MISCELLANEOUS USES
2	23.08.120 a	MISCELLANEOUS USES
3	23.08.040	AGRICULTURAL USES
4	23.08.060	CULTURAL, EDUCATIONAL & RECREATIONAL USES
5	23.08.080	INDUSTRIAL USES are allowable subject to the special standards found in Section 23.08.080. For new expanded uses within the Petroleum Refining and Industries and Marine Terminals and Piers use groups, a plan is required prior to acceptance of land use permit(s) to the standards as set forth in Section 23.08.094.
6	23.08.100	MEDICAL & SOCIAL CARE FACILITIES
7	23.08.140	OUTDOOR COMMERCIAL USES
8	23.08.160	RESIDENTIAL USES
9	23.08.170	RESOURCE EXTRACTION

10	23.08.200	RETAIL TRADE
11	23.08.220	SERVICES
12	23.08.260	TRANSIENT LODGINGS
13	23.08.280	TRANSPORTATION, UTILITIES & COMMUNICATION
14		Uses are allowable in the Open Space land use category on privately-owned land subject to Coastal Zone Land Use Ordinance Section 23.08.120a in addition to the special standards in Chapter 23.08, only when authorized by a recorded open space agreement executed between the property owner and the County. On public lands, uses designated are allowable subject to Coastal Zone Land Use Ordinance Section 23.08.120b, in addition to the special standards found in Chapter 23.08.
15		Listed processing activities are allowable in the Rural Lands and Agriculture land use categories only when they use materials extracted on-site pursuant to Coastal Zone Land Use Ordinance Section 23.08.120a, or when applicable, the Coastal Zone Land Use Ordinance Surface Mining Standards, Section 23.08.180 et. seq.
16	23.08.020	ACCESSORY USES
17	23.08.240	TEMPORARY USES
18	23.08.050	INTERIM AGRICULTURAL USES
19	23.08.400	WHOLESALE TRADE
20	23.08.300	ELECTRIC GENERATING PLANTS
21	23.08.420	CANNABIS USES

ALLOWABLE USES

LAND USE CATEGORY

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

LOCAL COASTAL PLAN
COASTAL TABLE 'O'
USE GROUP

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

SECTION 2. Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Coastal Zone of the San Luis Obispo County General Plan is amended to read as follows:

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 [L1]

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 [L5]

A facility where cannabis, cannabis products, or devices 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 Marijuana 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 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 Marijuana Control or its successor, to a primary caregiver or qualified patient.

Cannabis Distribution [L6]

The procurement, sale, and transport of cannabis and cannabis products between entities authorized pursuant to this Title.

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) [L3]

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, O₂ or H₂; (2) poisons, toxins, or carcinogens, such as Methanol, Iso-propyl 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 [L2]

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 [L4]

A facility, entity, or site in the State that offers or performs test 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 23.08.420.

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 3. Sections 23.08.420 through 23.08.433 are added to the San Luis Obispo County Code to read as follows:

23.08.420 – Cannabis Activities (L): The purpose of these Sections is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law and federal enforcement guidelines, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas of San Luis Obispo County by establishing minimum land use requirements for cannabis activities. Cannabis activity, as defined pursuant to Chapter 6 Section D – Land Use Definitions of the Framework for Planning – Coastal Zone of the San Luis Obispo County General Plan, includes the cultivation, possession, manufacturing, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis or a cannabis product. Therefore, these Sections recognize that cannabis activities require land use controls due to the unique federal and State legal constraints on cannabis activity, and the potential environmental and social impacts associated with cannabis activity. These standards are organized as follows:

- 23.08.421 – Applicability
- 23.08.422 – Exemptions from Land Use Permit Requirements
- 23.08.423 – Requirements for All Cannabis Activities
- 23.08.424 – Cannabis Cultivation (L-1)
- 23.08.425 – Cannabis Nurseries (L-2)
- 23.08.426 – Cannabis Manufacturing (L-3)
- 23.08.427 – Cannabis Testing Facilities (L-4)
- 23.08.428 – Cannabis Dispensaries (L-5)
- 23.08.429 – Cannabis Distribution (L-6)
- 23.08.430 – Grounds for Revocation
- 23.08.431 – Procedure for Revocation
- 23.08.432 – Enforcement

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

Except as provided in Section 23.08.422 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.

23.08.422 - Exemptions from Land Use Permit Requirements: The provisions of this Section are applicable in all land use categories. In all cases, activities that are exempt under this Section shall be accessory to a legally established and permitted residential use. Any development utilized for activities that are exempt under this Section shall be legally established and permitted, and shall meet all other requirements of the County Code and all State regulations and provisions as they may be amended for personal and commercial cannabis activities. Any development, pursuant to 23.11.030 and Coastal Act or applicable California Code of Regulations, requires a coastal development permit. Any exempt cannabis activity carried on under this Section shall comply with all other applicable provisions of this Title and the following standards:

- a. Exempt outdoor cultivation shall meet the following minimum setbacks:
 - (1) 50 feet from the front property line.
 - (2) 30 feet from the side and rear property lines.
- b. All exempt cultivation shall meet the following minimum standards in Section 23.08.424:
 - (1) Screening requirements pursuant to subsection d.4
 - (2) Odor control requirements pursuant to subsection d.6
 - (3) Pesticide management requirements pursuant to Subsection d.7
- c. **Cannabis cultivation for personal use.** Possession or storage of cannabis, or cultivation of up to one hundred (100) square feet total canopy area of cannabis, not to exceed six (6) plants, including both mature (flowering) and immature plants, per site, by a person is exempt from the land use permit requirements contained in this Chapter if the individual, possesses, stores, or cultivates cannabis exclusively for his or her personal use, and does 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 individual per site. 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.
- d. **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 law enforcement demonstrating that they are the primary caregiver for a qualified patient.

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

23.08.423 – Requirements for All Cannabis Activities: The application for a land use permit and for amendments thereto, shall be processed in accordance with Chapter 23.02. Notwithstanding the foregoing, and in addition to all other remedies available under this Title, the procedures for revocation of a land use permit granted under this Chapter shall be as set forth in Sections 23.08.431 and 23.08.432 of this Chapter. The following requirements apply to all cannabis activities not otherwise exempted by this Chapter.

a. Application requirements:

- (1) Site plan, floor plans, and a general description of the nature, square-footage, and type of cannabis activity(ies) being requested shall be submitted with the land use permit application.
- (2) All cannabis activities shall include an operations plan including at a minimum, the following information:
 - (i) On-site security measures both physical and operational and, if applicable, security measures for the delivery of cannabis associated with the commercial cannabis business;
 - (ii) Odor management plan;
 - (iii) Size, height, colors, and design of any proposed signage at the site;
 - (iv) Parking plan;
 - (v) Proof of ownership or lease agreement with landowner's consent;
 - (vi) Employee safety and training plan; and
 - (vii) A statement on neighborhood compatibility and a plan for addressing potential compatibility issues.

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. **Limitation on Transfer or Sale.** No person shall transfer ownership or control of a commercial cannabis business or transfer a land use permit issued pursuant to this Chapter. Any land use permit issued for cannabis activities shall expire and become void upon transfer of title of any of the parcels constituting the site on which the land use permit was originally issued.
- k. **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.

- l. 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.
- m. 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.

23.08.424 - Cannabis Cultivation (L-1):

- a. Limitation on use.** Except as provided in Section 23.08.422, cannabis cultivation may only be permitted in the Agriculture – Prime Soils (AGps), Agriculture – Non-Prime Soils (AGnps), Rural Lands (RL), Residential Rural (RR), and Industrial (IND) land use categories with a land use permit in each case and as may further be restricted by this Title.

(1) Limit on the number of cannabis cultivation operations. No more than **one hundred (100)** permitted 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 more than one cannabis cultivation operation, provided each cannabis cultivation operation does not exceed the 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 cannabis cultivation.

(2) Distribution of the number of cannabis cultivation operations. The allowed number of permitted cultivation sites (100) 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	59
San Luis Obispo	5

South County	23
Coastal Planning Areas (combined) (Estero, North Coast, San Luis Bay-Coastal, South County-Coastal)	13
Carrizo	Prohibited

- (3) **Land use permit expiration.** All land use permits issued for cannabis cultivation shall expire in five years from the approval date. Prior to expiration, the applicant may request the land use permit be renewed for an additional five year period. Any request for renewal shall be in writing to the Department prior to the expiration date of the land use permit, and shall be submitted in conjunction with the appropriate land use permit application. The request for renewal shall be processed with the same level of permit for the original entitlement. If a request for renewal is not granted the land use permit shall be deemed expired.
- (4) **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. Land use permits for cannabis cultivation may not be sold and/or transferred.
- c. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 23.02 and Section 23.08.423.
 - (1) Vicinity map showing one thousand (1,000) feet of separation from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, or drug recovery facility.
 - (2) A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements.
 - (3) Information regarding stormwater control and wastewater discharge.
 - (4) A list of all pesticides, fertilizers, and any other hazardous materials used in the cultivation process.
 - (5) A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the cultivator’s site.
 - (6) For indoor and mixed-light cultivation, all power sources proposed to be used.
- 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, or drug recovery 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.

- (2) **Setbacks.** Setbacks for cannabis cultivation are as set forth in sub Section a, above. Additionally, the following apply:
- (i) Indoor cannabis cultivation shall be within a fully enclosed building that has been setback as set forth in Section 23.04.100.
 - (ii) Outdoor cannabis cultivation shall be setback a minimum of 300 feet from the external property lines of the site.
 - (iii) Cannabis cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
 - (iv) All outdoor cannabis cultivation shall be located at least 50 feet from the upland extent of riparian vegetation of any watercourse.
 - (v) Setbacks may be modified through Minor Use Permit approval, except for setbacks required by the California Building Code.
- (3) **Water.** Cannabis cultivation sites that require a land use permit and are located in a groundwater basin at Level of Severity III pursuant to the last Biennial Resource Management System report shall provide an estimate of water demand prepared by a licensed professional engineer or other expert on water demand, and a detailed description of how the new water demand will be offset. All water demand within the Los Osos Groundwater Basin shall be offset at a 1:1 ratio. Water saving must come from the same groundwater basin as the proposed new development.
- (4) **Screening.** Cannabis plants shall not be easily visible from offsite. All cannabis cultivation activities shall occur within a secure fence at least six (6) feet in height that fully encloses the cultivation area. 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 not be constructed or covered with plastic or cloth. All screening shall conform to the requirements of applicable area, community, specific and design plans.
- (5) **Renewable Energy.** All sites engaging in artificial light or mixed-light indoor cannabis cultivation shall comply with State regulations regarding energy

requirements. In the event State law does not provide for a renewable energy standard, all sites engaging in artificial light or mixed-light indoor cannabis cultivation or nursery cultivation shall utilize a renewable energy source (e.g. solar) to offset fifty percent (50%) of the energy demand of the cultivation use.

- (6) **Odors.** All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis 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.
 - (7) **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.
 - (8) **Use of Residence.** Except for those activities considered exempt pursuant to Section 23.08.421, no structure originally constructed for residential purposes or that served as a residence as of August 23, 2016 shall be used for cultivation of cannabis.
 - (9) **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. 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 Planning and Building Department. Sites with inspection reports that indicate failure to comply with the standards of this Section are subject to permit revocation pursuant to Section 23.08.432 and/or Business License non-renewal.
- e. **Required findings.** In addition to the mandatory findings required by Section 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- (1) The cannabis 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, or drug and/or alcohol recovery 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 the federal and State 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 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.

23.08.424 - Cannabis Nurseries (L-2):

- a. **Limitation on use.** Cannabis nurseries shall be limited to the Agriculture – Prime Soils (AGps), Agriculture – Non-Prime Soils (AGnps), Rural Lands (RL), Residential Rural (RR), and Industrial (IND) land use categories. Cannabis nurseries in the Industrial and Residential Rural land use categories shall be limited to indoor propagation only.
- b. **Land use permit required.**
 - (1) **Minor Use Permit.** A Minor Use Permit is required for all cannabis nurseries, unless a Conditional Use Permit is required by another Section of this Title.
 - (2) **Development Plan.** A Development Plan is required for cannabis nurseries 75,000 square-feet or greater in the Residential Rural land use category.
- c. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 23.02 and Section 23.08.423.
 - (1) Vicinity map showing one thousand (1,000) foot separation from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, or drug recovery facility.
 - (2) A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements.
 - (3) Information regarding stormwater control and wastewater discharge.

- (4) A list of all pesticides, fertilizers, and any other hazardous materials used in the nursery process.
- (5) A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the nursery's site.
- (6) 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, or drug recovery facility. Distance shall be measured from the nearest point of the property line that contains the nursery to the nearest point of the property line of the enumerated use using a direct straight line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Section.
- (2) **Greenhouses.** No greenhouse shall be constructed where the natural slope exceeds 15 percent.
- (3) **Minimum Site Area.** No minimum site area is required in the Agriculture – Prime Soils, Agriculture – Non-Prime Soils, Rural Lands, and Industrial land use categories. Cannabis nurseries in the Residential Rural land use category shall be located on sites that are a minimum of 5 acres in area.
- (4) **Setbacks.**
 - (i) Within the Agriculture – Prime Soils, Agriculture – Non-Prime Soils, 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.
 - (ii) Within the Residential Rural land use category, setbacks shall be as followed: front - 80 feet; side and rear - 100 feet, unless the California Building Code would require a larger setback.
 - (iii) All cannabis nurseries shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
 - (iv) All outdoor cannabis nurseries shall be located at least 50 feet from the upland extent of riparian vegetation of any watercourse.

- (v) Setbacks may be modified through Minor Use Permit approval, except for setbacks required by the California Building Code.
- (5) **Air quality.** Nurseries located on an unpaved road shall provide, at a minimum, the following, in order to mitigate the air pollution (i.e. dust) effects created by the use.
- (i) A mitigation plan for continuing dust control from the property frontage to the nearest County-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust reducing technology. The plan and all modifications to the plan are subject to review and approval by the Review Authority.
 - (ii) Evidence of road maintenance provided by the County, State, special district, homeowners association or other organized maintenance, such as a road maintenance agreement.
 - (iii) An agreement, to support and not protest: the formation of an assessment district or; the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality rate or other term or condition of the assessment or funding mechanism.
- (6) **Water.** 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, and a detailed description of how the new water demand will be offset. All water demand shall be offset at a 1:1 ratio unless a higher offset is required by another Section in this Title.
- (7) **Screening.** 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 cultivation area. 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 not be constructed or covered with plastic or cloth. All screening shall conform to the requirements of applicable area, community, specific and design plans.
- (8) **Renewable energy.** All sites engaging in artificial light or mixed-light indoor cannabis nursery cultivation shall comply with State regulations regarding energy requirements. In the event State law does not provide for a renewable energy standard, all sites engaging in artificial light or mixed-light indoor cannabis nursery cultivation shall utilize a renewable energy source (e.g. solar) to offset fifty percent (50%) of the energy demand of the nursery use.

- (9) **Odors.** All cannabis nurseries shall be sited and/or operated in a manner that prevents cannabis odors from being detected offsite. All structures utilized for indoor cannabis nursery cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
 - (10) **Pesticides.** Pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
 - (11) **Use of a residence.** Except for those activities considered exempt pursuant to Section 23.08.422, 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 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- (1) The cannabis 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, or drug and/or alcohol recovery 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 the federal and State 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 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.

23.08.425 - Cannabis Manufacturing (L-3):

- a. **Limitation on Use.** Non-volatile cannabis manufacturing facilities may be permitted in the Commercial Service (CS), Industrial (IND), Agriculture – Non-Prime Soils (AGnps), 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 prohibited.**
- b. **Land use permit required.**
- (1) **Minor Use Permit.** Non-volatile manufacturing facilities of less than 40,000 square feet shall require Minor Use Permit approval unless a Development Plan is required by another Section of this Title.
 - (2) **Conditional Use Permit.** Non-volatile manufacturing facilities of 40,000 square feet or more shall require Development Plan approval.
- c. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 23.02 and Section 23.08.423.
- (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) **Setbacks.** Setbacks are required as set forth in Section 23.04.100.
 - (2) **Odors.** All cannabis manufacturing shall be sited and/or operated in a manner that prevents cannabis 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 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- (1) The cannabis 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 the federal and State 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) *(For manufacturing sites with verified violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

23.08.426 - Cannabis Testing Facilities (L-4):

- a. Limitation on use.** Cannabis testing facilities 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.
- f. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 23.02 and Section 23.08.423, and include an operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion.

- c. **Setbacks.** Setbacks are required as set forth in Section 23.04.100.
- d. **Required Findings.** In addition to the mandatory findings required by Section 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- (1) The cannabis 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 the federal 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 testing sites with verified violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

23.08.427 - Cannabis Dispensaries (L-5):

- a. **Limitation on Use.** 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 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 23.02 and Section 23.08.423.
- d. **Dispensary standards.**
- (1) **Location.** Cannabis dispensaries 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, or drug and/or alcohol recovery or licensed sober living facility. Distance shall be measured from the structure that contains the manufacturing to the property line of the enumerated use using a direct straight line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Section.
 - (2) **Setbacks.** Setbacks are required as set forth in Section 23.04.100.
 - (3) **Hours of operation.** Dispensaries may operate from 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 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- (1) The cannabis dispensary, as proposed, will comply with all of the requirements of State and County for the dispensing of cannabis, including dual licensure and participation in an authorized track and trace program;
 - (2) The cannabis dispensary will not be 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, or drug and/or alcohol recovery or licensed sober living facility;
 - (3) The cannabis dispensary includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.

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

23.08.428 - Cannabis Transportation and Distribution (L-6):

- a. **Limitation on Use.** Cannabis transportation and 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) **Development Plan.** Distribution facilities of 40,000 square feet or more shall require Development Plan approval.
- c. **Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 23.02 and Section 23.08.423.
- d. **Setbacks.** Setbacks are required as set forth in Section 23.04.100.
- e. **Required findings.** In addition to the mandatory findings required by Section 23.02.034.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- (1) The cannabis 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 the federal 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) *(For distribution sites with verified violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

23.08.430 - Grounds for Revocation: Any of the following shall be grounds for revocation of the land use permit, based on substantial evidence and following notice and public hearing pursuant to Section 23.08.431:

- a. Failure to comply with one or more of the conditions of the land use permit;
- b. The land use permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant;
- c. The ownership or control of the commercial cannabis business has been transferred and/or sold, a land use permit issued pursuant to this Chapter has been transferred and/or sold, or the title of any of the parcels constituting the site on which the land use permit was originally issued has been transferred.
- d. Any act or omission by an owner or permittee in contravention of the provisions of this Chapter;
- e. 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;
- f. 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;
- g. Any act or omission by an owner or permittee in contravention of State law or the San Luis Obispo County Code;
- h. 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;
- i. Conviction for possession or delivery of any form of illegal drugs; or
- j. Conduct of the commercial cannabis activities in a manner that constitutes a nuisance, where the owner or permittee has failed to comply with reasonable conditions to abate the nuisance (e.g. odor).

23.08.431 - Procedure for Revocation: 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 23.08.432. Service of notice shall be accordance with Section 23.10.040. If the Notice is served by mail the time

period set forth above shall be extended by two (2) additional days. The notice shall contain the following.

- (1) A heading reading, “Notice of Revocation Hearing”.
 - (2) The provisions and/or conditions violated and the means to correct the violation(s), if any.
 - (3) The date and place of the revocation hearing.
- b. Revocation hearing.** Before any action is taken to revoke an approved land use permit, a hearing shall be conducted in compliance with Section 23.08.433 (“Enforcement”).
- c. Action to revoke.** If after the revocation hearing the Cannabis Hearing Officer finds that grounds for revocation have been established, the Cannabis Hearing Officer may:
- (1) Allow the permit holder additional time to correct the violation or non-compliance; or;
 - (2) Modify conditions of approval on the basis of evidence presented at the hearing; or;
 - (3) Revoke the approved land use permit and order the discontinuance or removal of the approved use within a time specified by the Cannabis Hearing Officer following an enforcement hearing held pursuant to section 23.08.433 (“Enforcement”).

The 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 23.08.432.

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

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

- a.** Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapter 23.10 of this Code, and any other action authorized by law:
- (1) Additionally, it shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this

Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental State is required to establish a violation.

- (2) Any person violating any of the provisions of this chapter shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
- (3) Each and every cannabis plant, including both immature and mature (flowering) plants, cultivated in violation of this Chapter shall constitute a separate violation subject to the penalties of this Chapter and Chapter 23.10.
- (4) Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.

b. Notice of nuisance abatement.

- (1) Upon the determination by the 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 23.10.040 (“Notices – Service and Release”). If the Notice is served by mail the time period set forth below shall be extended by two (2) additional days. The Notice of Nuisance Abatement shall contain:
 - (i) A heading, “Notice of Nuisance Abatement”.
 - (ii) A legal description and street address, assessor's parcel number, or other description sufficient to identify the premises affected.
 - (iii) A statement that unlawful cannabis activity exists on the site and that the Enforcement Officer has determined it to be a public nuisance under this Chapter.
 - (iv) A description of unlawful cannabis activity and the actions required to abate it.
 - (v) An order to complete abatement of the nuisance within 5 calendar days.
 - (vi) A statement that if the nuisance is not corrected as specified, a hearing will be held before the Cannabis Hearing Officer to consider whether to order abatement of the nuisance and levy a special assessment, which may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes in compliance with Section 25845 of the Government Code. Special assessments are subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency as is provided for ordinary county taxes.

- (vii) A statement that the County intends to charge the property owner for all administrative costs associated with abatement of conditions defined as a nuisance by Section 23.10.150, in compliance with Section 23.10.050. It shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the county assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.
- (viii) A notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County.

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

- (1) Office of the County Cannabis Hearing Officer. 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:
 - (i) The Cannabis Hearing Officer will hear sworn testimony and consider other evidence concerning the conditions constituting cause to revoke approved permit(s) and/or abate a nuisance.
 - (ii) Respondents to enforcement actions may be present at the hearing, may be

represented by counsel, may present testimony, evidence, and cross-examine witnesses.

- (iii) If the respondent does not appear and present evidence at the hearing, the Cannabis Hearing Officer may base their decision solely upon the evidence submitted by the Enforcing Officer. Failure of the respondent to appear and present evidence at the hearing shall constitute a failure to exhaust administrative remedies.
- (iv) The hearing need not be conducted according to technical rules relating to evidence and witnesses, and may be continued from time to time.
- (v) The 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.
- (vi) 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.
- (vii) The costs of abatement and all administrative costs incurred pursuant to this Chapter shall be recoverable in accordance with the Section 23.10.050 and Section 23.10.150.

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

- (1) Fields, areas, structures, and greenhouses where pesticides are handled, stored or applied;
- (2) Growing crops and harvested commodities;

- (3) Equipment (including protective clothing and equipment) used to store, transport or handle pesticides;
- (4) Change areas and other facilities used by employees; and
- (5) Pesticides and tank mixtures thereof.

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

e. **Weights and Measures.** Notwithstanding this ordinance, the County Agricultural Commissioner/Sealer shall have the duty of enforcing Division 5 of the California Business and Professions Code and carrying out its provisions and requirements as set forth in the California Code of Regulations, Title 4, Division 9. This shall include the inspection, testing, and registration of weighing devices, the inspection of prepackaged product, and the inspection of 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 4. Section A of the Agriculture Section of the Rural Area Standards of the Estero Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

- A. Limitation on Use.** The following standard applies only to lands that are defined by the Agriculture and Open Space Element as Row Crop Terrain and Soils. The intent of this standard is to limit uses to those that are most directly related to agricultural production on lands that support the most intensive farming operations.
 - 1.** Allowable uses are limited to: agricultural accessory structures; animal raising and keeping; crop production and grazing; **cannabis cultivation**, nursery specialties soil dependent; **cannabis nurseries**, coastal accessways; farm support quarters; home occupations; mobilehomes; residential accessory uses; single family dwellings consistent with the protection

SECTION 5. Section D.1.a of the Communitywide Section of the Cayucos Urban Area Standards of the Estero Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

- a. Limitation on Uses.** In addition to any applicable limitation on uses described elsewhere in this chapter, the following uses are also not permitted: residential care consisting of drug and alcohol rehabilitation centers and halfway houses; eating and drinking places that serve alcohol; **any uses within the Cannabis use group**; food and beverage retail sales that serve alcohol.

SECTION 6. Section D.1 of the Commercial Retail Section of the Cayucos Urban Area Standards of the Estero Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

- a. Limitation on Uses.** Uses are limited to: nursery specialties--non-soil dependent; broadcasting studios; allowable uses in the cultural, education and recreation use group; recycling collection stations; printing and publishing; caretaker residence; home occupations; multi-family dwellings as a principal use; water wells and impoundments; eating and drinking places; food & beverage retail sales; **cannabis dispensaries**; general merchandise stores; mail order and vending; outdoor retail sales; financial services; health care services; offices; personal services; public safety facilities; consumer repair facilities; pipelines and transmission lines.

SECTION 7. Section 1 of the Commercial Retail Section of the North Coast Rural Area Standards of the North Coast Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

1. **Limitation on Use.** Uses shall be limited to: caretaker residences; coastal accessways; eating and drinking places (not including drive-in restaurants, fast food and refreshment stands); food and beverage retail sales (limited to tourist- oriented supplies); **cannabis dispensaries**; general merchandise stores (limited to tourist-oriented gift shops and art galleries); service stations; water wells and impoundment; hotels and motels; bed and breakfast facilities; public assembly and entertainment (when accessory to a hotel or motel); and those cultural, education and recreation uses (excluding libraries, membership organizations, schools, and social service organizations) normally allowed in the Commercial Retail category (see Coastal Table O, Part I of the Land Use Element).

SECTION 8. Section 4 of the Commercial Retail Section of the North Coast Rural Area Standards of the North Coast Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

4. **San Simeon Village Limitation on Use.** Uses shall be limited to: eating and drinking facilities (limited to restaurants); food and beverage retail sales; **cannabis dispensaries**; general merchandise stores (limited to tourist oriented retail shops including boating supplies); museums; coastal accessways; passive recreation; vehicle storage (parking only); water wells and impoundment; rural sports and group facilities (limited to picnic and restroom facilities); and hotels and motels (limited to a hostel).

SECTION 9. Section 6 of the Commercial Retail Section of the North Coast Rural Area Standards of the North Coast Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

6. **Staging Area Limitation on Use.** Uses shall be limited to: eating and drinking facilities (limited to restaurants); food and beverage retail sales; **cannabis dispensaries**; general merchandise stores (limited to tourist oriented retail shops including boating supplies); museums; coastal accessways; passive recreation; vehicle storage (parking only); water wells and impoundment; rural sports and group facilities (limited to picnic and restroom facilities); and hotels and motels (limited to a hostel).

SECTION 10. Section 1 of the Commercial Service Section of the Cambria Urban Area Standards of the North Coast Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

1. **Limitation on Use.** All uses as set forth in Coastal Table 'O' - Allowable Uses are allowable except the following: Specialized Animal Facilities, Agricultural

Processing, [Cannabis Manufacturing](#), Petroleum Extraction, Hotels, Motels, Churches, and Recycling and Scrap.

SECTION 11. Section 1 of the Commercial Retail Section of the San Simeon Acres Village Standards of the North Coast Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

1. **Limitation on Use.** Principally Permitted Uses are limited to: tourist-oriented uses including Eating and Drinking Facilities (not including drive-in restaurants, fast-food and refreshment stands); Food and Beverage Retail Sales (limited to tourist-oriented supplies); General Merchandise Stores (limited to tourist-oriented shops); and Motels and Hotels. Non-principal permitted uses are limited to: Public Assembly and Entertainment (when accessory to a hotel and motel); Caretaker's Residence; [Cannabis Dispensaries](#); Service Stations; Bed and Breakfast Facilities; Water Wells and Impoundments; and Coastal Accessways. (This is a visitor-serving priority area.)

SECTION 12. Section 2 of the Agriculture Section of the San Luis Bay Rural Area Standards of the San Luis Bay (Coastal) Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

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

SECTION 13. Section 1 of the Rural Lands Section of the San Luis Bay Rural Area Standards of the San Luis Bay (Coastal) Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

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

SECTION 14. Section 1 of the Industrial Section of the Avila Beach Urban Area Standards of the San Luis Bay (Coastal) Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

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

SECTION 15. Section 1 of the Rural Lands Section of the Avila Beach Urban Area Standards of the San Luis Bay (Coastal) Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

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

SECTION 16. Section 1 of the Agriculture Section of the South County Rural Area Standards of the South County (Coastal) Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

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

SECTION 17. Section 1 of the Rural Lands Section of the South County Rural Area Standards of the South County (Coastal) Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

1. **Limitation on Use.** Uses allowed by Coastal Table O of the Land Use Element and Local Coastal Plan are limited to: agricultural accessory structures; aquaculture;

crop production and grazing; [cannabis cultivation](#); [cannabis manufacturing](#); [cannabis nurseries](#); coastal accessways; fisheries and game preserves; water wells and impoundments; petroleum extraction; accessory storage; pipelines and power transmission. (LCP) (Amended 03-14-89, Ordinance No. 2378)

SECTION 18. Section 6 of the Industrial Section of the Callendar-Garret Village Area Standards of the South County (Coastal) Area Plan of Part II of the Framework for Planning – Coastal Zone is hereby amended to read as follows:

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

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

(LCP)	APPLICABLE CZLUO SPECIAL USE STANDARDS	PERMIT REQUIREMENT
ALLOWABLE USES		
Ag Accessory Structures	23.08.041	MUP*
Apparel & Finish Products		MUP
Business Support Services		MUP
Caretaker Residence	23.08.026	MUP
Cannabis Cultivation	23.08.424	MUP
Cannabis Manufacturing	23.08.426	MUP
Cannabis Distribution	23.08.429	MUP
Cannabis Testing Facilities	23.08.427	MUP
Chemical Products	23.08.082	23.08.082
Collection Stations	23.08.084	
Concrete, Gypsum & Plaster Products		MUP
Contract Construction Services		MUP
Crop Production & Grazing		MUP
Electronic & Scientific Instruments		23.03.040-042
Food & Kindred Products		MUP
Fuel & Ice Dealers		MUP
Furniture & Fixtures		MUP
Glass Products		MUP
Lumber & Wood Products		MUP
Machinery Manufacturing		23.08.040-042
Metal Industries, Fabricated		MUP
Metal Industries, Primary		Dev Plan

ATTACHMENT 2

Motor Vehicles & Trans. Eq.		23.03.040-042
Offices, Temporary	23.08.240	MUP
Paper Products		MUP
Paving Materials		MUP
Petroleum Refining & Related Industries	23.08.094	23.08.094
Pipelines & Power Transmission	23.08.284	23.08.284
Plastics & Rubber Products		23.03.040-042
Printing & Publishing		MUP
Residential Accessory Uses	23.08.032	23.08.032
Recycling & Scrap	23.08.097	23.08.097
Small Scale Manufacturing		MUP
Storage, Accessory	23.08.024	
Storage Yards (sales lots Prohibited)	23.08.146	MUP
Stone & Cut Stone Products		MUP
Structural Clay, Pottery-Related Products		MUP
Transmission and Receiving Facilities		MUP
Textile Mills		
Vehicle & Freight Terminals		MUP
Vehicle Storage		MUP
Warehousing		MUP
Wholesaling & Distribution		MUP
Water Wells and Impoundments	23.08.178	MUP

*Minor Use Permit

SECTION 19. 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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