

Templeton Area Advisory Group (TAAG)
TAAG Cannabis Project Review Committee Report
Recommendations Concerning Proposed County Cannabis Ordinance
Amendments
September 24, 2020 CPRC Meeting – Agenda Item 3

The SLO County Board of Supervisors (BOS) considered the proposed SLO County Cannabis ordinance amendments on August 18th. That hearing considered eight (8) proposed amendments that were presented to the Board in a Planning Department staff report dated June 25, 2020. This report can be seen at <https://agenda.slocounty.ca.gov/iip/sanluisobispo/file/getfile/123064>

The August 18th hearing resulting in denial on tie 2 -2 votes concerning of the eight (8) amendments. However the hearing was to also to consider a large number of other proposed amendments presented in a 53 page edited draft of Title 22 Chapter 22.40 – Cannabis Activities draft cannabis ordinance. Many of the proposed draft amendments were not considered during the August 18th BOS hearing. The county has scheduled a follow-up BOS hearing on pending ordinance amendments for October 6, 2020. The County Planning has identified this process as “Clean Up Items.”

It has been a year and half since March 26, 2019 that Planning was directed by the BOS to submit proposed amendments for consideration and approval. As of the September 24th date of this report, the BOS October 6, 2020 hearing agenda and hearing documents have not been publicly noticed and published for review. TAAG submitted recommendations (copy attached) for the BOS August 18th hearing.

<https://www.slocounty.ca.gov/getattachment/c0b23def-9dfb-4ab5-99dc-01ddb573add3/Public-Review-Draft-Cannabis-Phase-3-Amendments.aspx>

Note – The Title 22 draft is the first 55 pages of this 108 page draft.

The following recommendations presented in the above edited draft were not addressed or voted on during the August 18th BOS hearing. These represent proposed amendments that require BOS action during their October 6th ordinance “Clean Up’ hearing. In to be consistent each of the following items should be considered and individually voted on by the Supervisors. Many are common sense requirements that have been identified based on prior the County’s prior experience in dealing with and monitoring existing or the absence of many of these proposed provisions of current County cannabis ordinances. The following are references to the 53 page Chapter 22.40 edits that were not addressed during the August 18th BOS hearing.

22.40.040 – All Cannabis Activities

A.2.a Energy Demand – A detailed inventory (study) of project energy demand.

A.4. Background Check – Complete at time of a project’s initial Land Use Permit application submission. Currently not required until the very end of the permitting processes. Adopt proposed amended wording

A.5. a. Security Plan's should be consistent with Sheriff's guidance. Adopt proposed amended wording

A.5. g. h. i. j. and i. Adopt proposed amended wording

C. Previous Violations This provision was denied based on the fact the specific violations were not identified in the proposed amendment. This provision should be visited and modified to add specific violations that would fall under this requirement. Adopt proposed amended wording

D. Security Plans' should be consistent with Sheriffs guidance. Adopt proposed amended wording

G Owner shall comply with all business license requirements and tax collector guidelines and requirements. Adopt proposed amended wording

H. Inspections - Adopt proposed amended wording

J. Permitting - Adopt proposed amended wording

K. Pesticide compliance - Adopt proposed amended wording

R. Application (Effective Dates) of Ordinance amendments. Adopt proposed amended wording

22.40.050 – Cannabis Cultivation

A. 3. a. – Cannabis Nursery – Adopt proposed amended wording

A. 3. b. – Cannabis processing - Adopt proposed amended wording

A. 3. C. - Cannabis transport - Adopt proposed amended wording

B. 1. Permit expiration – Adopt proposed amended wording

C. 1. – 8. Application Requirements – Adopt proposed amended wording

D. 3 a. – Setbacks i, ii, iii, iv, v Reinstade each of these setback provisions. They exist in the current Chapter 22.40 ordinance provisions.

D. 3. iv - Adopt proposed amended wording

D. 3 b. – i, ii,iii,iv and v - Adopt proposed amended wording.

NOTE D. 3. b. ii. – This is a proposed amendment that finally recognizes residences as sensitive receptors and by requiring a 1,500 foot separation distance between cannabis cultivation areas and existing offsite residences.

D. 4 – Air Quality – Adopt proposed amended wording

D 5. a. Water - D. 4 – Air Quality – Adopt proposed amended wording

D. 6. Fencing - D. 4 – Air Quality – Adopt proposed amended wording

D. 8. Nuisance Odor - D. 4 – Adopt proposed amended wording

D. 9 Pesticides - D. 4 – Adopt proposed amended wording

D. 10 Outdoor Lighting – Adopt proposed amended wording

D. 11 Interior Lighting - – Adopt proposed amended wording

22.40.060 Cannabis Nurseries

D.2 Pump Test - – Adopt proposed amended wording

D. 3 Storm and Wastewater information - – Adopt proposed amended wording

D. 6 Add ancillary processing activities power sources - Adopt proposed amended wording

E. 3 a. and c. Setbacks - Adopt proposed amended wording

E. 5. a. Water - Adopt proposed amended wording

E. 6 b. Fencing - Adopt proposed amended wording

E. 8 Nuisance Odor - - Adopt proposed amended wording

- E. 10 Outdoor Lighting - Adopt proposed amended wording
- E. 11 Interior Lighting - Adopt proposed amended wording

22.40.065 Processing Facilities

- C. 2. Security Plan – Consistent with Sheriff guidelines - Adopt proposed amended wording
- D. 3 - Setbacks - Adopt proposed amended wording
- 4. Nuisance Odor - Prohibits odor detection outside of “fully enclosed” structures - - Adopt proposed amended wording

22.40.070 – Cannabis Manufacturing

- A. 1. And A. 3. – Delete proposed amended wording allowing infusion
- C. 3 Security Plan – Consistent with Sheriff’s guidelines - - Adopt proposed amended wording
- D. 3. Setbacks - - Adopt proposed amended wording
- D. 4 Nuisance Odor – Prohibit odor detection outside of the structure - - Adopt proposed amended wording

22.40.080 Cannabis Testing Facilities

- D. 2 Setbacks - - Adopt proposed amended wording

22.40.090 Cannabis Dispensaries

- C. 1. Security Plan - Consistent with Sheriff’s guidelines - - Adopt proposed amended wording
- D. 2 Setbacks - - Adopt proposed amended wording

22.40.100 – Cannabis Distribution Facilities

- D. 2. Setbacks - - Adopt proposed amended wording

22.40.105 – Cannabis transport Facilities

- D. 2. Setbacks - - Adopt proposed amended wording

22.40.110 – Grounds for Revocation

- J. Add modified wording specifically defining the violations that would qualify a project for revocation

22.40.130 – Enforcement

- A. 3. Administrative Fines - - Adopt proposed amended wording
- A. 5. - - Adopt proposed amended wording
- B. Cannabis summary abatement – - Adopt proposed amended wording
- E. 1. – 5. Liability and Fines - - Adopt proposed amended wording
- F 1. – 5. Lien Hearings - - Adopt proposed amended wording

Issues Not addressed in the Title 22 53 page proposed amendment draft – To be discussed

1. Code Enforcement Staffing
2. Modify Public Notice Ordinances

3. Specifically define the “conditions” that may justify modifications allowing Planning to reduce standard setback and location separation distances.

Murray Powell

TAAG Vice Chair

TAAG CPRC Committee Chair