

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LAND USE ORDINANCE – TITLE 22 OF THE COUNTY
CODE, RELATING TO CANNABIS ACTIVITIES

SECTION 1. Chapter 22.40 of the San Luis Obispo County Code is hereby amended to read as follows:

Chapter 22.40 – Cannabis Activities

Sections:

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

22.40.010 – Purpose of Chapter

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

require land use controls due to the unique federal and State legal constraints on cannabis activity, and the potential environmental and social impacts associated with cannabis activity. These standards cannot be waived or modified through Conditional Use Permit approval, except as specifically noted.

22.40.020 – Applicability

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

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

For the purposes of this Chapter, cannabis does not include “industrial hemp” as that term is defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended. For regulations pertaining to the cultivation of industrial hemp see Section 22.30.244. For regulations pertaining to industrial hemp processing refer to Section 22.30.070. Persons claiming plants do not fall under this Chapter bear the burden of presenting evidence demonstrating the plants are industrial hemp, and not cannabis, including but not limited to providing THC testing, germplasm, cultivar, strain and/or clone information, as well as evidence the operation is in compliance with state law. Any violation of state law related to industrial hemp shall be considered a violation of this Chapter and subject to the enforcement procedures and provisions set forth under Sections 1.05.080, 22.40.130, and 22.74.150.

For the purposes of this Chapter, “site” means any lot or parcel of land or contiguous combination thereof, under the same ownership.

22.40.030 - 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