

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

**AN ORDINANCE OF THE BOARD OF SUPERVISORS)
OF THE COUNTY OF SAN BENITO AMENDING SECTION)
25.07.005 OF TITLE 25 (“ZONING”) OF THE SAN BENITO) Ordinance No.:
COUNTY CODE TO PERMIT AS A CONDITIONAL USE)
IN AGRICULTURAL DISTRICTS THE MANUFACTURE)
AND LABORATORY TESTING OF COMMERCIAL)
CANNABIS AND/OR CANNABIS PRODUCTS, AS WELL AS,)
HEMP AND/OR HEMP PRODUCTS)**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ORDAINS AS
FOLLOWS:**

SECTION 1: Section 25.07.005, “Conditional Uses,” of Chapter 25.07, “Agricultural Districts,” of the San Benito County Code shall be amended as follows:

§ 25.07.005 CONDITIONAL USES.

The following are conditional uses in an AR district:

- (A) Crowing fowl (11 or more);
- (B) Commercial greenhouses and mushroom growing facilities;
- (C) Frog and poultry farms;
- (D) Commercial hog ranching;
- (E) Commercial stables;
- (F) Commercial cattle feed yards;
- (G) Private parks and camps;
- (H) Microwave, radio and television transmission and/or relay structures;
- (I) Commercial recreational uses, including but not limited to RV parks, hunting clubs and riding clubs;
- (J) Removal and processing of earth or other natural materials by excavation or grading;
- (K) Permanent stands for the sale of agricultural products;
- (L) Guesthouse;
- (M) Labor camps;
- (N) Additional dwellings as required for the following:
 - (1) Residences of members of the family of the owner or lessee of the land upon which the use is conducted;
 - (2) Residences of bona fide full-time employees of the owner or lessee of the land upon which it is conducted; and
 - (3) Farm labor. (Note: Sufficient acreage must exist to meet minimum building site requirements for the dwellings.)
- (O) Truck parking operations in the service of agriculture in agricultural districts only;
- (P) Pallet and agricultural bin manufacturing;
- (Q) Bed and breakfast establishments;
- (R) Radio frequency emission measuring facilities;

- (S) Commercial composting;
- (T) Application of cheese whey or sludge (solids from a sewage treatment plant) to land;
- (U) Application of green ~~waste material~~ (as defined in 14 C.C.R. Title 14, Chapter 31, Article 1, § 17852~~[H], subd. (a)(21) and 17868.4~~) in excess of 30 tons per acre;
- (V) Agricultural processing;
- (W) Kennels, including, without limitation, kennels for hybrid animals;
- ~~(X) Uses similar to the above as determined by the Planning Commission;~~
- ~~(Y)(X)~~ Veterinary hospitals and pet clinics;
- ~~(Z)(Y)~~ Residential dwellings on Grade 1 agricultural soils;
- ~~(AA)(Z)~~ Uses listed in § 25.29.106 of this title;
- ~~(BB)(AA)~~ Abattoir;
- ~~(CC)(BB)~~ Cultivation of commercial cannabis (mixed-light, including nurseries);
- (CC) Cultivation of commercial cannabis (indoor, including nurseries);
- (DD) Manufacturing of commercial cannabis and/or cannabis products;
- (EE) Manufacturing of hemp and/or hemp products;
- (FF) Laboratory testing of commercial cannabis and/or cannabis products;
- ~~(DD)(GG)~~ Laboratory testing of hemp and/or hemp products; and
- ~~(EE)(HH)~~ Uses similar to the above as determined by the Planning Commission.

SECTION 2. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 3. The Board of Supervisors hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 Class 8: Actions by Regulatory Agencies for Protection of the Environment consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, California Business and Professions Code Section 26055, subd. (h), which states in pertinent part, “[w]ithout limiting any other statutory exemption or categorical exemption, [CEQA] does not apply to the adoption of an ordinance . . . that requires discretionary review and approval of permits . . . to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to [CEQA].”

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in a newspaper of general circulation in San Benito County, with the names of the Supervisors voting for or against the same.

In regular session of the Board of Supervisors of the County of San Benito, adopted this ____ day of _____, 201____, on regular roll call of the members of said Board by

the following vote:

AYES: Supervisor(s)

NOES: Supervisor(s)

ABSENT OR NOT VOTING:

Mark Medina,
Chair, Board of Supervisors

ATTEST:

Janet Slibsager, Clerk of the Board

By: _____
Clerk of the Board

APPROVED AS TO LEGAL FORM:

San Benito County Counsel
Barbara J. Thompson

By: _____
Sarah M. Dickinson,
Deputy County Counsel