

ORDINANCE NO. 5365

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 7.90 OF THE MONTEREY COUNTY CODE RELATING TO MODIFICATION OF COMMERCIAL CANNABIS PERMITS

County Counsel Summary

*This ordinance amends Chapter 7.90 of the Monterey County Code to allow permitted cultivators to modify the total canopy area of any cultivation or nursery operation in their commercial cannabis permit on two occasions during the permit's annual term if certain criteria are met. Current regulations allow for one modification per year of the total canopy area. The proposed change affords permitted cultivators increased flexibility in setting their maximum cultivation square footage during the year. The ordinance also makes updates to streamline administrative processes of the commercial cannabis permit.*

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Subsection A of Section 7.90.050 of the Monterey County Code is amended to read as follows:

A. Each application for the establishment of a commercial cannabis permit shall be filed on the form and in the manner prescribed by the Appropriate Authority. The Appropriate Authority shall be responsible for administering the application process as set forth in this Chapter.

SECTION 2. Section 7.90.070 of the Monterey County Code is amended to read as follows:

A. Each commercial cannabis permit shall expire one (1) year after the date of its issuance, regardless of whether it is modified during its annual term, and may be renewed annually on the date of its issuance.

B. A permittee shall seek modification of a commercial cannabis permit before making changes to aspects of the commercial cannabis operation that alter any of the information submitted pursuant to Section 7.90.050 of this Chapter.

C. Any commercial cannabis permit may be modified by the Appropriate Authority upon the submission of a modification application by the permittee, and upon determination by the Appropriate Authority that the applicant meets the standards for a grant of application pursuant to Section 7.90.060 and none of the criteria listed in Section 7.90.070(F) apply. At the time of consideration of a modification application, the Appropriate Authority shall consider current compliance with this Chapter.

1. A permit may be modified two (2) times during its annual term by the Appropriate Authority to modify the canopy limit allowed by the permit pursuant to Section 7.90.050(C)(5) of this Chapter.

2. A permit may be modified three (3) times during its annual term by the Appropriate Authority to modify any other terms delineated in Section 7.90.050 of this Chapter.

D. Any commercial cannabis permit may be renewed by the Appropriate Authority upon the submission of a renewal application by the permittee, and upon determination by the Appropriate Authority that the applicant meets the standards for grant of application pursuant to Section 7.90.060 and none of the criteria listed in Section 7.90.070(F) apply. At the time of consideration of a renewal application, the Appropriate Authority shall consider compliance with this Chapter in the prior term.

E. Any application for modification or renewal shall be filed at least forty-five (45) calendar days before expiration of the permit. If any of the documentation and information supplied by the applicant pursuant to Section 7.90.050 has changed since the grant of the permit, applicant shall submit updated information and documentation with the application for modification or renewal, and shall provide such other information as the Appropriate Authority may require.

F. Any application for modification or renewal shall be denied if:

1. The application is filed fewer than forty-five (45) calendar days before the permit's expiration;

2. The permittee fails to conform to the criteria set forth in this Chapter;

3. The permittee is delinquent in payment of any state, County, or other local taxes;

4. The permittee's State license(s) is suspended or revoked at the time of the application; or

5. The permit is suspended or revoked at the time of the application.

G. If a modification or renewal or modification application is denied, an applicant may file a new application pursuant to this Chapter.

H. An application for modification or renewal shall be not be deemed complete until all application fees have been paid.

I. If the Appropriate Authority intends to deny the modification or renewal, the Appropriate Authority shall specify in writing the reasons for the denial of the modification or renewal, and notify the permittee that the decision shall become final unless the permittee seeks

an appeal pursuant to Section 7.90.140 of this Chapter within ten (10) calendar days of the date of service of the Appropriate Authority's decision. Service of the decision shall be provided in accordance with the requirements set forth in Section 7.90.150 of this Chapter.

SECTION 3. 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.

SECTION 4. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this 26th day of October, 2021, by the following vote:

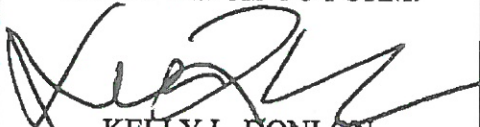
AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams  
NOES: None  
ABSENT: None

  
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Chair, Wendy Root Askew  
Monterey County Board of Supervisors

A T T E S T :

VALERIE RALPH  
Clerk of the Board

By:   
Deputy Julian Lorenzana

APPROVED AS TO FORM:  
  
KELLY L. DONLON  
Chief Deputy County Counsel