

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

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MEMORANDUM

Date: December 1, 2017

To: Monterey County Board of Supervisors

From: Resource Management Agency – Land Use and Community Development

Subject: Commercial cannabis regulations –Item Number 17 on the December 5, 2017
Agenda

cc: File Number REF150048 and REF160042

Honorable Supervisors,

This memorandum is provided with proposed revisions to the draft ordinance amending Parts 1 and 2 of the Monterey County Coastal Implementation Plan (Title 20, coastal zoning ordinance) to regulate commercial cannabis activities in the coastal zone of unincorporated Monterey County (**Exhibit 1 to Attachment D of the Board Report**) and the Draft North County Land Use Plan text amendment (**Exhibit 2 to Attachment D of the Board Report**). Both of these items are attached to the Resolution of Intent to adopt regulations for commercial cannabis activities in the coastal zone (**Exhibit D**).

These revisions are the result of additional discussion with Coastal Commission staff regarding draft language applicable to the former Kaiser National Refractories site in Moss Landing. The updated policy language would expressly limit the term of a Coastal Development Permit for cannabis uses at the former Kaiser National Refractories site and references the continued need for long-range site planning efforts at the site. Staff understood that an interim permit was desired by CCC staff, and had agreed to that process. However, CCC staff wanted language in the LCP to this effect. County staff is asking that the Board consider the Resolution of Intent to adopt the draft coastal ordinance and the draft North County Land Use Plan text amendments, as revised in the attached Exhibits (1 and 2). With these revisions incorporated, Coastal Commission staff expressed their intent to support the amendments as written through the certification process.

Suggested revisions are limited to SECTION 17 of the draft ordinance amending Title 20 of the Monterey County Code (specifically amending Section 20.144.160.C.1.k of the Coastal Implementation Plan, Part 2 - Regulations for Development in the North County Land Use Plan area), and Policy 5.2.1.A.2 of the North County Land Use Plan. The suggested revisions to the documents are provided below in strikeout and underline format:

Revision to SECTION 17 of Exhibit 1 to Attachment D.

SECTION 17. Section 20.144.160.C.1.k of the Monterey County Coastal Implementation Plan, Part 2 (Regulations for Development in the North County Land Use Plan Area) is amended to read as follows:

k. All new heavy industry must be coastal-dependent (Ref. Policy 5.5.2.4202 Moss Landing Community Plan). Notwithstanding the coastal dependent designation, limited agricultural uses, including commercial cannabis activities, may be permitted within existing industrial infrastructure at the former Kaiser National Refractories site subject to a Coastal Development Permit. Limited agricultural uses, including commercial cannabis activities, at the former Kaiser National Refractories site may be permitted only until such time as a long-range master plan is completed that governs the site (i.e., through an updated certified Moss Landing Community Plan) or until January 1, 2023, whichever occurs first. Extensions to the use of existing infrastructure for limited agricultural uses may be considered after January 1, 2023, subject to a separate Coastal Development Permit.

Revision to Section 5.2.1.A.2 of the North County Land Use Plan (Exhibit 2 to Attachment D)

2. Paragraph 5 of Section 5.2.1.A.2 is amended to read as follows:

As with PG&E facility, major changes in the next twenty years at Kaiser can be accommodated on-site. An option available to Kaiser is the use of existing industrial infrastructure for limited agricultural uses including commercial cannabis activities. Such use shall be regulated by a Coastal Development permit. On-site circulation system and land use changes are planned, and primary access from Highway One will be closed and shifted to Dolan Road. Major changes in primary access to PG&E and Kaiser shall be approved only upon the condition that comprehensive landscaping programs are completed around the perimeter of all properties fronting on public roads. Policy recommendations for the modernization proposals are presented in Section 5.5.

No other changes to the draft cannabis regulations are proposed.