

County of Monterey

Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Agenda

Wednesday, February 25, 2026

9:00 AM

Para interpretación en español, haga clic aquí:

<https://attend.wordly.ai/join/THCT-8529>

County of Monterey Planning Commission

FEE SCAM ALERT: Be aware of a fake invoice scam, if you receive an unexpected invoice related to a county project, call the County Permit Center at 831-755-5025 to confirm its authentic.

ALERTA DE ESTAFA DE TARIFAS: Tenga cuidado con las estafas de facturas falsas, si recibe una factura inesperada relacionada con un proyecto del condado, llame al Centro de Permisos del Condado al 831-755-5025 para confirmar su autenticidad.

The Planning Commission is pleased to announce a six-month Pilot Program for Interpretation Services, commencing in December 2024. This initiative aims to enhance accessibility and participation in our meetings.

To utilize interpretation services during the Planning Commission meetings, please access the meeting via the below link or use the QR Code on our website. Once logged in, select your preferred language and click on 'Attend' to join.

Thank you for your cooperation and we look forward to your participation.

La Comisión de Planificación se complace en anunciar un Programa Piloto de Servicios de Interpretación de seis meses de duración, que comenzará en diciembre de 2024. Esta iniciativa tiene como objetivo mejorar la accesibilidad y la participación en nuestras reuniones.

Para utilizar los servicios de interpretación durante las reuniones de la Comisión de Planificación, acceda a la reunión a través del siguiente enlace o utilice el código QR en nuestro sitio web. Una vez que haya iniciado sesión, seleccione su idioma preferido y haga clic en "Asistir" para unirse.

Gracias por su colaboración y esperamos contar con su participación.

<https://attend.wordly.ai/join/THCT-8529>

For optimal audio quality, please use a headset with your device. If you require assistance or do not have a device, reach out to the Clerk of the Planning Commission for support.

Para una calidad de audio óptima, utilice auriculares con su dispositivo. Si necesita ayuda o no tiene un dispositivo, comuníquese con el secretario(a) de la Comisión de Planificación para obtener ayuda.

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Planning Commission alternative actions on any matter before it.

NOTE: All agenda titles related to numbered agenda items are live web links. Click on the title to be directed to the corresponding staff report and associated documents.

In addition to attending in person, public participation will be available by ZOOM and/or telephonic means:

You may participate through ZOOM. For ZOOM participation please join by computer audio at: <https://montereycty.zoom.us/j/95316276581>

OR to participate by phone call any of these numbers below:

- + 1 669 900 6833 US (San Jose)
- + 1 346 248 7799 US (Houston)
- + 1 312 626 6799 US (Chicago)
- + 1 929 205 6099 US (New York)
- + 1 253 215 8782 US
- + 1 301 715 8592 US

Enter this Meeting ID number 953 1627 6581 when prompted.

PLEASE NOTE: IF ALL COMMISSIONERS ARE PRESENT IN PERSON, PUBLIC PARTICIPATION BY ZOOM IS FOR CONVENIENCE ONLY AND IS NOT REQUIRED BY LAW. IF THE ZOOM FEED IS LOST FOR ANY REASON, THE MEETING MAY BE PAUSED WHILE A FIX IS ATTEMPTED BUT THE MEETING MAY CONTINUE AT THE DISCRETION OF THE CHAIRPERSON.

If you choose not to attend the Planning Commission meeting in person, but desire to make general public comment, or comment on a specific item on the agenda, you may do so in two ways:

- a. Submit your comment via email by 5:00 p.m. on the Tuesday prior to the Planning Commission meeting. Please submit your comment to the Clerk at phearingcomments@co.monterey.ca.us . In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Planning Commission Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the meeting.
- b. You may participate through ZOOM or telephonically. For ZOOM or telephonic participation please join by computer audio using the links above.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Planning Commission less than 72 hours prior to the meeting shall be available for public inspection at the meeting the day of the Planning Commission meeting and in the Housing and Community

Development Office located at 1441 Schilling Place, 2nd Floor, Salinas California. Documents submitted in-person at the meeting, will be distributed to the Planning Commission. All documents submitted by the public at the meeting the day of the Planning Commission must have no less than sixteen (16) copies. Comments received after the agenda item will be made part of the record if received prior to the end of the meeting.

ALTERNATIVE FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the Monterey County Housing and Community Development at (831) 755-5025.

INTERPRETATION SERVICE POLICY: The Monterey County Planning Commission invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Monterey County Housing and Community Development Department by phone at (831) 755-5025. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting.

La medida recomendada indica la recomendación del personal en el momento en que se preparó la agenda. Dicha recomendación no limita las acciones alternativas de la Comisión de Planificación sobre cualquier asunto que se le haya sometido.

Además de asistir en persona, la participación del público estará disponible por ZOOM y/o medios telefónicos:

Puede participar a través de ZOOM. Para la participación de ZOOM, únase por computadora en: <https://montereycty.zoom.us/j/95316276581>

O para participar por teléfono, llame a cualquiera de estos números a continuación:

- + 1 669 900 6833 US (San Jose)
- + 1 346 248 7799 US (Houston)
- + 1 312 626 6799 US (Chicago)
- + 1 929 205 6099 US (New York)
- + 1 253 215 8782 US
- + 1 301 715 8592 US

Presione el código de acceso de reunión: 953 1627 6581 cuando se le solicite.

TENGA EN CUENTA: SI TODOS LOS COMISIONADOS ESTÁN PRESENTES EN PERSONA, LA PARTICIPACIÓN PÚBLICA DE ZOOM ES SOLO POR CONVENIENCIA Y NO ES

REQUERIDA POR LA LEY. SI LA TRANSMISIÓN DE ZOOM SE PIERDE POR CUALQUIER MOTIVO, LA REUNIÓN PUEDE PAUSARSE MIENTRAS SE INTENTA UNA SOLUCIÓN, PERO LA REUNIÓN PUEDE CONTINUAR A DISCRECIÓN DEL PRESIDENTE DE LA REUNIÓN.

Si decide no asistir a la reunión de la Comisión de Planificación en persona, pero desea hacer comentarios públicos generales o comentar sobre un tema específico de la agenda, puede hacerlo de dos maneras:

- a. Envíe su comentario por correo electrónico antes de las 5:00 p.m. del martes anterior a la reunión de la Comisión de Planificación. Por favor, envíe su comentario al asistente de la Comisión de Planificación a: phearingcomments@co.monterey.ca.us . En un esfuerzo por ayudar al asistente a identificar el tema de la agenda relacionado con su comentario público, indique en la Línea de Asunto, la audiencia de la reunión (ejemplo, la Junta de la Comisión de Planificación) y número de artículo (ejemplo, artículo n.º 10). Su comentario se incluirá en el registro de la reunión.
- b. Puede participar a través de ZOOM o telefónicamente. Pará ZOOM o participación telefónica, únase por audio de computadora utilizando los enlaces anteriores.

DISTRIBUCIÓN DE DOCUMENTOS: Los documentos relacionados con los temas de la agenda que se distribuyan a la Comisión de Planificación menos de 72 horas antes de la reunión estarán disponibles para inspección pública en la reunión el día de la reunión de la Comisión de Planificación y en la Oficina de Vivienda y Desarrollo Comunitario ubicada en 1441 Schilling Place, 2nd Floor, Salinas California. Los documentos presentados en persona en la reunión se distribuirán a la Comisión de Planificación. Todos los documentos presentados por el público en la reunión del día de la Comisión de Planificación deben tener no menos de dieciséis (16) copias. Las observaciones recibidas después del tema del programa pasarán a formar parte del acta si se reciben antes de que finalice la sesión.

FORMATOS ALTERNATIVOS: Si se solicita, la agenda se pondrá a disposición de las personas con discapacidad en formatos alternativos apropiados, según lo exige la Sección 202 de la Ley de Estadounidenses con Discapacidades de 1990 (42 USC Sec. 12132) y las reglas y regulaciones federales adoptadas en implementación de la misma. Para obtener información sobre cómo, a quién y cuándo una persona con una discapacidad que requiere una modificación o adaptación para participar en la reunión pública puede hacer una solicitud de modificación o adaptación relacionada con la discapacidad, incluidas las ayudas o servicios auxiliares, o si tiene alguna pregunta sobre cualquiera de los temas enumerados en esta agenda, llame al Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey al (831) 755-5025.

POLÍZA DE SERVICIO DE INTERPRETACIÓN: Los miembros de la Comisión de Planificación del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un intérprete, por favor comuníquese con el Departamento de Vivienda y Desarrollo Comunitario localizado en el Centro de Gobierno del Condado de Monterey, (County of Monterey Government Center), 1441 Schilling Place, segundo

piso sur, Salinas – o por teléfono al (831) 755-5025. La asistente hará el esfuerzo para acomodar los pedidos de asistencia de un intérprete. Los pedidos se deberán hacer lo más pronto posible, y no más de lo mínimo de 24 horas de anticipo para cualquier reunión.

NOTA: Todos los títulos de la agenda relacionados con los puntos numerados de la agenda son enlaces web en vivo. Haga clic en el título para dirigirse al informe del personal correspondiente y los documentos asociados.

COMENTARIO PÚBLICO: Los miembros del público pueden dirigir comentarios a la Comisión de Planificación sobre cada punto del orden del día. El momento de los comentarios públicos será a discreción del presidente.

PUBLIC COMMENT: Members of the public may address comments to the Planning Commission concerning each agenda item. The timing of public comment shall be at the discretion of the Chair.

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report.

9:00 A.M. - CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Jessica Hartzell
Paul C. Getzelman
Christine Shaw
Ernesto G. Gonzalez
Ramon Gomez
Francisco Javier Mendoza
Martha Diehl
Amy Roberts
Etna Monsalve
Ben Work

PUBLIC COMMENTS

This is a time set aside for the public to comment on a matter that is not on the agenda.

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Commission Clerk will announce agenda corrections, deletions and proposed additions, which may be acted on by the Planning Commission as provided in Sections 54954.2 of the California Government Code.

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

This is a time set aside for the Commissioners to comment, request, or refer a matter that is on or not on the agenda.

APPROVAL OF CONSENT CALENDAR

1. APPOINT ROBERT B. JOHNSON III TO THE SOUTH COUNTY LAND USE ADVISORY COMMITTEE. [PC 26-026](#)
2. APPOINT VALERIE GAINO-BAER TO THE CARMEL VALLEY LAND USE ADVISORY COMMITTEE. [PC 26-027](#)
3. Acknowledge the resignation of Barbara Varian from the South County Land Use Advisory Committee. [PC 26-028](#)

APPROVAL/ACCEPTANCE OF MINUTES

4. Approval of the January 28, 2026, Planning Commission Meeting Minutes.

[PC 26-031](#)

9:00 A.M. – SCHEDULED MATTERS

5. REF250038 - CANNABIS CONSUMPTION VENUE ORDINANCE
- Conduct a public workshop to review and receive public input regarding ordinance options for a Cannabis Consumption Venue Ordinance for areas in unincorporated Monterey County; and
 - Provide direction to staff.
- Project Location: Unincorporated Monterey County
Proposed CEQA action: A planning workshop is exempt per California Environmental Quality Act (CEQA) Guidelines Section 15262.

[PC 26-030](#)

6. REF260001 (PLN250139-DEP, PLN110173-AMD1, PLN190243, PLN170296) - SOUTH COUNTY AREA PLAN, CARMEL VALLEY MASTER PLAN, CENTRAL SALINAS VALLEY AREA PLAN, AND GREATER SALINAS AREA PLAN AMENDMENTS
- Public hearing to consider proposed 2010 General Plan Amendments and Zoning Ordinance Amendments to:
- Amend Sectional District Map 79 and South County Area Plan Figure LU9 to rezone and redesignate four parcels (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) from Light Commercial [LC] to Low-Density Residential [LDR/1];
 - Amend Sectional District Map 17C and the Carmel Valley Master Plan Figure LU3 to rezone and redesignate a 4.47 acre parcel (APN: 015-171-019-000) from Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay [LDR/2.5-D-S-RAZ] to High Density Residential, 5 units per acre, Building Site 6 zoning overlay, Design Control zoning overlay, and Site Plan Review zoning overlay [HDR/5-B-6-D-S];
 - Amend the text of the Central Salinas Valley Area Plan to add Policy CSV-1.8, which would create a Special Treatment Area over APN: 420-063-014-000 to allow up to 20,000 square feet of outdoor commercial cannabis cultivation and require submittal of compliance testing information; and
 - Amend the text of the Greater Salinas Area Plan to add Policy GS-1.15, which would create a Special Treatment Area over APNs: 207-131-004-000 and 207-131-005-000, 207-121-014-000 to recognize the

[PC 26-029](#)

historic and ongoing commercial use of the properties.

Project Location: The properties are located at 68202, 68210, 68226, and 68218 Interlake Road, Bradley (Assessor's Parcel Number [APN] 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000), South County Area Plan; No address assigned (APN: 015-171-019-000), Carmel Valley Master Pla, 50700 Thompson Canyon Road, King City (Assessor's Parcel Number 420-063-014-000), Central Salinas Valley Area Plan; and 111/115/117 Monterey Salinas Highway (APNs: 207-131-004-000, 207-131-005-000, and 207-121-014-000)

Proposed CEQA action: Find the respective projects: 1) consistent with the adopted Mitigated Negative Declaration, together with an Addendum prepared for HCD Planning File No. PLN060078, and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162; 2) consistent with the Certified Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162; 3) Categorical Exempt pursuant to CEQA Guidelines section 15304, and that none of the exceptions apply pursuant to Section 15300.2; and 4) Categorical Exempt pursuant to CEQA Guidelines section 15301, and that none of the exceptions apply pursuant to Section 15300.2

DEPARTMENT REPORT

7. PLANNING COMMISSION REFERRALS

[PC 26-032](#)

ADJOURNMENT



County of Monterey

Item No.1

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 26-026

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

APPOINT ROBERT B. JOHNSON III TO THE SOUTH COUNTY LAND USE ADVISORY COMMITTEE.

RECOMMENDATION:

It is recommended that the Planning Commission appoint Robert B. Johnson III to serve on the South County Land Use Advisory Committee for a term ending June 30, 2027. This nomination was submitted by Commissioner Work, who serves as the Primary Commissioner Liaison for the committee.

DISCUSSION:

On February 11, 2026, Staff received a Statement of Interest from Robert B. Johnson III, expressing interest in serving on the South County Land Use Advisory Committee. This Statement of Interest was reviewed by Commissioner Work.

Commissioner Work confirmed the nomination and requested that the item be placed on a future Planning Commission agenda for formal consideration.

Prepared by: Carissa Caro, Secretary, ext.7091

Approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachment is on file with the HCD:

Exhibit A - Statement of Interest Information for Robert B. Johnson III



County of Monterey Planning Commission

Item No. 1

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No. 1

Legistar File Number: PC 26-026

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

APPOINT ROBERT B. JOHNSON III TO THE SOUTH COUNTY LAND USE ADVISORY COMMITTEE.

RECOMMENDATION:

It is recommended that the Planning Commission appoint Robert B. Johnson III to serve on the South County Land Use Advisory Committee for a term ending June 30, 2027. This nomination was submitted by Commissioner Work, who serves as the Primary Commissioner Liaison for the committee.

DISCUSSION:

On February 11, 2026, Staff received a Statement of Interest from Robert B. Johnson III, expressing interest in serving on the South County Land Use Advisory Committee. This Statement of Interest was reviewed by Commissioner Work.

Commissioner Work confirmed the nomination and requested that the item be placed on a future Planning Commission agenda for formal consideration.

Prepared by: Carissa Caro, Secretary, ext.7091

Approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachment is on file with the HCD:

Exhibit A - Statement of Interest Information for Robert B. Johnson III

Exhibit A



County of Monterey
HOUSING AND COMMUNITY
DEVELOPMENT DEPARTMENT
Craig Spencer, Director

1441 Schilling Place
Salinas, CA 93901
O: 831 755 5025
F: 831 757 9516

Land Use Advisory Committee
Statement of Interest Information Sheet

Name: Robert B. Johnson III

Land Use Advisory Committee area: District 3, South County Land Use Advisory Committee

Number of years residing in that land use area: 9

Occupation: Environmental Scientist (Retired)

Past experiences pertaining to architecture, building, community issues, construction, environmental concerns, forestry, landscaping, land use issues or other matters are listed below:

1. B.S. Biology (Occidental College), M.S. Environmental Science (Cal State Fullerton)
2. 25+ years of environmental consulting experience (wrote numerous sections for NEPA & CEQA documents.)
3. Environmental construction monitoring for FERC, USACOE, & many other local, state, & federal projects.

Reason that I wish to participate as a member of my land use advisory committee:

1. I would like to participate in local land use decision making processes.
2. I would like to apply my broad environmental background (hydrology, hydrogeology, biology, etc.) as related to local land use issues/projects.

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County of Monterey

Item No.2

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 26-027

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

APPOINT VALERIE GAINO-BAER TO THE CARMEL VALLEY LAND USE ADVISORY COMMITTEE.

RECOMMENDATION:

It is recommended that the Planning Commission appoint Valerie Gaino-Baer to serve on the Carmel Valley Land Use Advisory Committee for a term ending June 30, 2027. This nomination was submitted by Commissioner Hartzell, who serves as the Primary Commissioner Liaison for the committee.

DISCUSSION:

On February 13, 2026, Staff received a Statement of Interest from Valerie Gaino-Baer, expressing interest in serving on the Carmel Valley Land Use Advisory Committee. This Statement of Interest was reviewed by Commissioner Hartzell.

Commissioner Hartzell confirmed the nomination and requested that the item be placed on a future Planning Commission agenda for formal consideration.

Prepared by: Carissa Caro, Secretary, ext.7091

Approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachment is on file with the HCD:

Exhibit A - Statement of Interest Information for Valerie Gaino-Baer



County of Monterey Planning Commission

Item No.2

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No. 2

Legistar File Number: PC 26-027

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

APPOINT VALERIE GAINO-BAER TO THE CARMEL VALLEY LAND USE ADVISORY COMMITTEE.

RECOMMENDATION:

It is recommended that the Planning Commission appoint Valerie Gaino-Baer to serve on the Carmel Valley Land Use Advisory Committee for a term ending June 30, 2027. This nomination was submitted by Commissioner Hartzell, who serves as the Primary Commissioner Liaison for the committee.

DISCUSSION:

On February 13, 2026, Staff received a Statement of Interest from Valerie Gaino-Baer, expressing interest in serving on the Carmel Valley Land Use Advisory Committee. This Statement of Interest was reviewed by Commissioner Hartzell.

Commissioner Hartzell confirmed the nomination and requested that the item be placed on a future Planning Commission agenda for formal consideration.

Prepared by: Carissa Caro, Secretary, ext.7091

Approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachment is on file with the HCD:

Exhibit A - Statement of Interest Information for Valerie Gaino-Baer

Exhibit A

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County of Monterey
HOUSING AND COMMUNITY
DEVELOPMENT DEPARTMENT
Craig Spencer, Director

1441 Schilling Place
Salinas, CA 93901
O: 831 755 5025
F: 831 757 9516

Land Use Advisory Committee
Statement of Interest Information Sheet

Name: Valerie Gaino-Baer

Land Use Advisory Committee area: District 5, Carmel Valley Land Use Advisory Committee

Number of years residing in that land use area: 3.5

Occupation: Environmental Analyst at the City of Carmel By-The-Sea

Past experiences pertaining to architecture, building, community issues, construction, environmental concerns, forestry, landscaping, land use issues or other matters are listed below:

1. Part of my current role is reviewing stormwater and drainage plans + inspections for policy compliance.
2. Served on the Pacific Grove Architectural Review Board from 2020-2022.
3. Worked for 7+ years as a realtor and property manager.
4. Have a Master's in Sustainability and Environmental Management with a focus on sustainable communities and cities.

Reason that I wish to participate as a member of my land use advisory committee:

1. I like to give back to my community.
2. I have experience and expertise that will be helpful to the committee.
3. I love our area and have a desire to preserve its beauty and ecology as well as encourage thoughtful development that meets whole community needs.

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County of Monterey

Item No.3

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 26-028

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

Acknowledge the resignation of Barbara Varian from the South County Land Use Advisory Committee.

Exhibit A - LUAC Resignation



County of Monterey
Planning Commission

Item No.2

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No. 2

Legistar File Number: PC 26-016

February 11, 2026

Introduced: 1/26/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

Acknowledge the resignation of Joy Jacobs from the Greater Monterey Peninsula Land Use Advisory Committee.

Exhibit A - LUAC Resignation

Exhibit A

From: [Barbara Varian](#)
To: [Caro, Carissa](#)
Subject: Re: South County Land Use Advisory Committee Meeting – February 18, 2026
Date: Monday, February 9, 2026 8:29:18 AM
Attachments: [image001.png](#)
[image002.png](#)

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Dear Carissa,

I am writing to inform you that I must resign from the South County Land Use Advisory Committee.

As previously mentioned, I am unable to attend the meeting on February 18, and the March date also does not work for me. I am concerned that I have taken on more than my current schedule allows, and I do not want to hinder the committee's progress by being consistently unavailable.

Thank you for your understanding.

Best regards,

Barb Varian

On Fri, Feb 6, 2026 at 9:17 AM Caro, Carissa <CaroC@countyofmonterey.gov> wrote:

Good day,

Please find the attached agenda for the South County Land Use Advisory Committee meeting on February 18, 2026.

The agenda will be posted within 24 hours on our website at: <https://monterey.legistar.com/Calendar.aspx>.

I also attached instructions on how to view application documentation online using Accela Citizen Access.

Best regards,

Carissa Caro

Secretary

Housing and Community Development

1441 Schilling Place, 2nd Floor, Salinas, CA 93901

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County of Monterey

Item No.4

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 26-031

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

Approval of the January 28, 2026, Planning Commission Meeting Minutes.



**County of Monterey
Planning Commission**

Agenda Item No.4

Legistar File Number: PC 26-031

Item No.4

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

February 25, 2026

Introduced: 2/18/2026

Version: 1

Current Status: Agenda Ready

Matter Type: Planning Item

Approval of the January 28, 2026, Planning Commission Meeting Minutes.

County of Monterey

Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Minutes - Draft

Wednesday, January 28, 2026

9:00 AM

Para interpretación en español, haga clic aquí:

<https://attend.wordly.ai/join/THCT-8529>

County of Monterey Planning Commission

9:00 A.M. - CALL TO ORDER

The meeting was called to order by Chair Gonzalez at 9:03am

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Getzelman

ROLL CALL

Present:

Paul C. Getzelman

Martha Diehl

Jessica Hartzell

Ernesto Gonzalez

Ben Work

Etna Monsalve

Ramon Gomez

Absent:

Amy Roberts

Christine Shaw

Francisco Javier Mendoza

Secretary Beretti reviewed the Zoom Protocols and provided instructions for the Wordly Interpretation services.

PUBLIC COMMENTS

None

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Clerk Navarro informed the Commission that there are additional public comments for agenda Item No.2 - PLN240369 - ASHKAR KAMRAN F & ZOHORI FLOURA TALEB, and Item No.3 - PLN230339 LEATON MICHAEL GUY & TRACY PIAZZA LEATON.

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None

9:00 A.M. – SCHEDULED MATTERS

1. COUNTY OF MONTEREY PLANNING COMMISSION NOMINATION COMMITTEE

Chair Gonzalez nominated Commissioner Gomez, Commission Diehl and Commissioner Gonzalez to the nomination committee.

2. PLN240369 - ASHKAR KAMRAN F & ZOHORI FLOURA TALEB

Public hearing to consider the construction of a 3,750 square foot single-family dwelling with a 777

square foot attached garage and associated site improvements, including the removal of 12 protected trees.

Project Location: 2972 Colton Road, Pebble Beach

Proposed CEQA action: Find the project Categorical Exempt pursuant to CEQA Guidelines section 15303, and there are no exceptions under Section 15300.2

Joseph Alameda, Project Planner presented the item.

Applicant Representative: Ashkar/owner

Public Comment:

None

It was moved to approve by Commissioner Hartzell, seconded by Commissioner Diehl, by the following vote:

AYES: Getzleman, Gomez, Hartzell, Gonzalez, Work, Monsalve, Diehl

NOES: None

ABSENT: Roberts, Shaw, Mendoza

ABSTAIN: None

3. PLN230339 - LEATON MICHAEL GUY & TRACY PIAZZA LEATON

Public hearing to consider a Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and to clear Code Enforcement case 23CE00194 with Restoration of 6 Monterey Pines and development on slopes in excess of 30 percent on Adjusted Parcel B; and consider after-the-fact conversion of an unpermitted guesthouse to a detached 320 square foot garden shed on slopes in excess of 30 percent on Adjusted Parcel A.

Project Location: 58 Mt. Devon Road, Carmel, Carmel Area Land Use Plan

Proposed CEQA action: Find the project qualifies as a Class 5 and 3 Categorical Exemption pursuant to CEQA Guidelines sections 15305(a) and 15303, and there are no exceptions pursuant to Section 15300.2

McKenna Bowling, Project Planner presented the item.

Applicant Representative:

None

Public Comment:

None

It was moved to continue to a date certain of February 11, 2026, by Commissioner Diehl, seconded by Commissioner Monsalve, by the following vote:

AYES: Getzelman, Gomez, Hartzell, Gonzalez, Work, Monsalve, Diehl

NOES: None

ABSENT: Roberts, Shaw, Mendoza

ABSTAIN: None

4. PLN180441-AMD1 - SALINAS 101 LLC

Public hearing to consider an Amendment and two-year Extension of a previously approved Combined Development Permit (PLN180441) that consisted of: 1) Standard Subdivision and Vesting Tentative Map to divide a 17.92 acre Light Commercial (LC) zoned parcel into ten LC zoned parcels; a 2) General Development Plan and Use Permit to allow a total of 98,926 square feet of mixed commercial space including four retail buildings, four quick serve restaurants, a fueling station and a motel; a 3) Use Permit to allow construction of a pylon sign; 4) a Variance to increase the allowable height of main structures on Parcel 7 from 35 feet to 45 feet; a 5) Variance to increase the allowable pylon sign height from 35 feet to 57 feet; and a 6) Variance to increase the allowable pylon sign dimensions to 768 square feet. This Amendment includes revising the Vesting Tentative Map to reconfigure parcels, amending the General Development Plan to include three truck fueling stations and altered building footprints, and modifications to Harrison Road for driveway access.

Project Location: 101 Sala Road & Harrison Road, Salinas

Proposed CEQA action: Considering an Addendum together with the previously adopted Mitigated Negative Declaration (SCH. No. 2023090503) pursuant to CEQA Guidelines sections 15162 and 15164.

McKenna Bowling, Project Planner presented the item.

Applicant Representative:

Brad Sobel - owner

Public Comment:

None

It was moved to approve with the recommended changes to the conditions of approval, condition number 30, regarding the type of business not solely referencing Tractor Supply Company, but also list other types of similar operations by Commissioner Getzelman, seconded by Commissioner Monsalve, by the following vote:

AYES: Getzelman, Gomez, Hartzell, Gonzalez, Work, Monsalve, Diehl

NOES: None

ABSENT: Roberts, Shaw, Mendoza

ABSTAIN: None

Commissioner Getzelman recused himself from agenda item No.5 due to a potential conflict of interest

5. REF260001 (PLN250139-DEP & PLN190243) - SOUTH COUNTY AREA PLAN AND CENTRAL SALINAS VALLEY AREA PLAN AMENDMENTS

Consider early assessment of a proposed 2010 General Plan Amendment to 1) amend Sectional District Map 79 and South County Area Plan Figure LU9 to rezone and redesignate four parcels (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) from light commercial (LC) to low-density residential (LDR/1); and 2) amend the Central Salinas Valley Area Plan to create a Special Treatment Area over APN: 420-063-014-000 to allow up to 20,000 square feet of outdoor commercial cannabis cultivation.

Project Location: The properties are located at 68202, 68210, 68226, and 68218 Interlake Road, Bradley (Assessor's Parcel Number 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000), South County Area Plan; and 50700 Thompson Canyon Road, King City (Assessor's Parcel Number 420-063-014-000), Central Salinas Valley Area Plan.

Proposed CEQA action: Find early assessment of the project Statutorily Exempt pursuant to CEQA Guidelines section 15262.

Fionna Jensen, Project Planner, presented the item.

Applicant Representative:

Paula Ussery, John Cumming

Public Comment:

Michelle House

Meeting recessed at 10:45am and reconvened at 10:55am.

The Commission provided input, no motion required.

OTHER MATTERS

None

DEPARTMENT REPORT

6. PLANNING COMMISSION REFERRALS

Secretary Beretti reviewed the referrals, and the Commission received the referral update.

Commissioner Getzelman returned to the dais at 11:10am.

Commissioner Diehl asked for clarification on line 2 of the referral spreadsheet (Disaster Recovery Efforts, Status, and Process Improvements), she asked for the number of structures that have been lost in wildfires since 2015 to present, the status of rebuilds, a status of those applications, and the number of completed rebuild structures. The intent is to help streamline the rebuild

process to help make this process easier for the public to rebuild.

Public Comments:

None

Secretary Beretti reviewed the guidelines for LUAC/quorum

Public Comments:

None

ADJOURNMENT

The meeting was adjourned by Chair Gonzales at 11:18AM



County of Monterey

Item No.5

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 26-030

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

REF250038 - CANNABIS CONSUMPTION VENUE ORDINANCE

- a. Conduct a public workshop to review and receive public input regarding ordinance options for a Cannabis Consumption Venue Ordinance for areas in unincorporated Monterey County; and
- b. Provide direction to staff.

Project Location: Unincorporated Monterey County

Proposed CEQA action: A planning workshop is exempt per California Environmental Quality Act (CEQA) Guidelines Section 15262.

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Conduct a public workshop to review and receive public input regarding ordinance options for a Cannabis Consumption Venue Ordinance for areas in unincorporated Monterey County; and
- b. Provide direction to staff.

PROJECT INFORMATION:

Planning File Number: REF250038

Project Location: Countywide - limited to areas where Cannabis Retail Facilities are allowed in each Planning Areas: North County Inland, Greater Salinas, Carmel Valley Master Plan, Greater Monterey Peninsula, Toro, Central Salinas Valley, Cachagua, South County, Fort Ord Master Plan, Del Monte Forest, Carmel Area, Big Sur Coast, North County Coastal

SUMMARY:

The County of Monterey has current regulations that allow certain types of cannabis uses, including regulations and procedures that require a discretionary permit be obtained to operate a cannabis retail facility. The Board of Supervisors directed staff to prepare an ordinance that could allow cannabis consumption on sites that allow cannabis retail uses. In fall 2025, the Board of Supervisors' Cannabis Committee considered preparation of such an ordinance and directed staff to prepare a draft ordinance and conduct outreach at a Planning Commission workshop.

County staff has prepared draft ordinances amending the adopted regulations (**Exhibit 2 including Exhibit 2-A Draft Amended Chapter 7.90 and Exhibit 2-B Draft Amended Chapter 21.67**) that would allow existing and future permitted cannabis retailers to also include cannabis consumption on site if they can meet all the requirements in the draft ordinance. The focus on those requirements would be ventilation, ensuring a safe environment for employees, customers, and the general public, and

ensuring that odor control is addressed. The ordinance would require a cannabis retailer to obtain a ministerial permit for the addition of an indoor cannabis consumption venue through the Cannabis Program's annual permit (MCC Section 7.90.040) and renewal process. A discretionary (planning) permit would be required to potentially allow outdoor cannabis consumption venues where the circumstances warrant, such as outdoor smoking area. Additionally, a cannabis retailer may also be required to obtain a discretionary permit if additional parcels are necessary to establish a cannabis consumption venue associated with an existing dispensary. As proposed in the draft ordinances, if a new cannabis retail facility is proposed with a cannabis consumption venue, a discretionary permit would be required pursuant to existing regulations for the overall operation.

Staff has prepared a draft ordinance and policy options for the public's and the Commission's consideration, feedback, and direction at today's workshop. The draft ordinances were developed taking into consideration of the Board of Supervisors direction, Cannabis Committee input and direction, and review of adopted ordinances from other jurisdictions that allow cannabis consumption (County of Santa Cruz, City of West Hollywood, and National City (San Diego County) - **Exhibits 4, 5 and 6**).

The draft ordinances amending MCC Title 21 and Chapter 7.90 have the following key features:

- All cannabis consumption venues would need to obtain a permit from the Cannabis Program and meet the same distance requirements from sensitive uses as cannabis retail facilities;
- The Cannabis Program permit would continue to be a ministerial process;
- Any venue that allows smoking would have to provide an engineered ventilation system to protect the health of the public, including the facility's customers and employees;
- Adding a cannabis consumption venue that includes smoking to an existing retail facility as an outdoor use or under enumerated circumstances would require obtaining an additional discretionary land use permit;
- Customer education and protection are included in the regulations;
- Customers would be admitted to a consumption area only through the retail facility; and
- The ordinance allows live entertainment and food service as allowed by our local ordinance and state law, respectively.

Staff requests that the Commission seek public comment and provide input to staff on the following options and recommendations. Staff will conduct further outreach and return to the Commission with recommendations in the form of a draft ordinance, including the appropriate environmental review information needed to adopt the ordinance.

Staff provides policy recommendations (as drafted in the ordinance) and identified options for consideration in the following six topical areas: 1) If and how cannabis consumption venues should be allowed; 2) If and how a cannabis consumption venue may expand a cannabis retail facility footprint; 3) Hours of operation; 4) Live entertainment; 5) Appropriate locations; and 6) Ventilation

System Details.

The purpose of a public workshop is to get initial feedback from the public and direction from the Planning Commission on further development and refinement of an ordinance that would be finalized and undergo environmental review. Staff would then bring the revised ordinance to the Planning Commission for a recommendation to the Board of Supervisors. Staff is requesting that the Planning Commission conduct a public workshop to review and receive public input regarding options for a Cannabis Consumption Venue Ordinance for areas in unincorporated Monterey County and provide direction to staff.

DISCUSSION:

See Exhibit 1, Discussion.

TIMING AND NEXT STEPS

Staff requests input from the Planning Commission on the above topic areas that should be covered in the Cannabis Consumption Venue Ordinance. Other topics also may be raised during the workshop. With this feedback, staff will continue to refine a draft ordinance for Planning Commission consideration.

OTHER AGENCY INVOLVEMENT

Housing and Community Development Department staff are working in collaboration with the Cannabis Program Office, Office of County Counsel, Health Department, Sheriff's Office and Fire representatives to prepare and review the proposed ordinance.

Prepared by: Mike Novo, AICP, Management Specialist, 831-755-5176

Reviewed by: Sarah Wikle, Principal Planner, 831-784-5700

Approved by: Melanie Beretti, AICP, Chief of Planning 831-755-5285

The following exhibits are on file with HCD:

Exhibit 1 - Discussion

Exhibit 2 - Draft Ordinances

- Draft regulations for Chapter 7.90 Cannabis
- Draft regulations for Chapter 21.76-Inland Zoning Ordinance

Exhibit 3 - Map of Zoning Districts that allow Cannabis Retailers

Exhibit 4 - Santa Cruz County Ordinance excerpt

Exhibit 5 - West Hollywood Ordinance excerpt

Exhibit 6 - National City Ordinance excerpt

Cc: Cannabis Interested Parties List; Elizabeth Gonzales, Permit Center Manager; Joshua Bowling, Chief Building Official; Craig Spencer, Housing and Community Development Director; Melanie Beretti, AICP, Chief of Planning; Sarah Wikle, Principal Planner; Robert Brayer, County Counsel; Marni Flagg, Health; Christabelle Zarraga, Health; Edward Moreno, Health; Elaine Narciso, Health; Vivian Avila, Health; Nicholas Kennedy, Sheriff; Michelle House, Cannabis Program Manager; Frank

Espinoza, CALFIRE; Joel Mendoza, North County Fire Protection District; Scott Anderson and Rick Magno, Monterey County Regional Fire District; Reed Gallogly, County Counsel.



County of Monterey Planning Commission

Item No.5

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No.5

Legistar File Number: PC 26-030

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

REF250038 - CANNABIS CONSUMPTION VENUE ORDINANCE

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Project Location: Unincorporated Monterey County

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RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Conduct a public workshop to review and receive public input regarding ordinance options for a Cannabis Consumption Venue Ordinance for areas in unincorporated Monterey County; and
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PROJECT INFORMATION:

Planning File Number: REF250038

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- Any venue that allows smoking would have to provide an engineered ventilation system to protect the health of the public, including the facility's customers and employees;
- Adding a cannabis consumption venue that includes smoking to an existing retail facility as an outdoor use or under enumerated circumstances would require obtaining an additional discretionary land use permit;
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System Details.

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DISCUSSION:

See Exhibit 1, Discussion.

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Espinoza, CALFIRE; Joel Mendoza, North County Fire Protection District; Scott Anderson and Rick Magno, Monterey County Regional Fire District; Reed Gallogly, County Counsel.

Exhibit 1

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Discussion

The County of Monterey has current regulations that allow certain types of cannabis uses, including regulations and procedures that require a discretionary permit be obtained to operate a cannabis retail facility. The Board of Supervisors directed staff to prepare an ordinance that could allow cannabis consumption on sites that allow cannabis retail uses. In fall 2025, the Board of Supervisors’ Cannabis Committee considered preparation of such an ordinance and directed staff to prepare a draft ordinance and conduct outreach at a Planning Commission workshop.

Staff has structured the draft regulations for a cannabis consumption venue (**Exhibit 2**) to allow a cannabis consumption venue as one of the features of a cannabis retail facility. In other words, a consumption venue cannot exist without a cannabis retail facility. Cannabis retail facilities are allowed in certain zoning districts (table below and **Exhibit 3**) and must be setback certain distances from identified sensitive land uses. The following table describes the only zoning districts that allow cannabis retail facilities in the unincorporated area.

Allowable Zoning Districts

Inland (Non-Coastal) Zoning Districts	Coastal Zoning Districts
Light Commercial	Moss Landing Commercial
Heavy Commercial	Coastal General Commercial
Mixed Use	

Unincorporated Monterey County currently has eight operating retail locations. More facilities could be opened subject to being within the zoning districts described above, ability to meet location restrictions outlined in the ordinance, and the ability to obtain a discretionary permit for a cannabis retail facility.

Existing Retail Locations

Facility Name	Location	Type
Smoke Stacks (East of Eden)	Moss Landing	Dispensary
One Plant (Higher Level)	Castroville	Dispensary
Big Sur Canna Botanicals	Carmel	Dispensary
White Fire (East of Eden)	Prunedale	Dispensary
Synchronicity Holistic	Carmel	Dispensary
Cali Love	Salinas (North County)	Dispensary
Santa Cruz Naturals	Pajaro	Dispensary
One Plant	Salinas (North County)	Dispensary

The existing setback requirements are as follows (MCC Section 21.67.040.B.2 and 3):

- “2. Retail facilities shall not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority. The distance specified in this Section shall be measured from property line to property line, except for playgrounds, which will be measured from the boundary of the playground facility.
3. Retail facilities shall not be located within one thousand five hundred (1,500) feet of another approved retail facility, except when a retail facility demonstrates to the satisfaction of the Appropriate Authority that special circumstances exist.
 - a. Special circumstances require a proposed retail facility to provide proof based on substantial evidence of the following:
 - i. The proposed retail facility is located within a Community Area, Rural Center, or Large Shopping Center; and
 - ii. The proposed retail facility would result in no more than three (3) retail facilities in the designated Community Area, or result in no more than two (2) retail facilities in the Rural Center or Large Shopping Center.”

The current regulations also allow that a Use Permit can be obtained to allow cannabis retail facilities that do not meet the 1500 foot requirement of MCC Section 21.67.040.B.3, pursuant to the requirements of MCC Section 21.67.040.B.3.a through c.

In preparing a draft ordinance to allow cannabis consumption venues in unincorporated Monterey County, staff reviewed local ordinances developed by the County of Santa Cruz, West Hollywood, and National City (San Diego County) (**Exhibits 4, 5 and 6**). These jurisdictions have developed ordinances that allow cannabis consumption venues through a ministerial process, with much of the rigorous review conducted for the retail facility permits, which are discretionary permits that allow public participation in the process. Staff has structured these draft ordinances in the same manner, as any retail permit must undergo a discretionary permit process and environmental review under the California Environmental Quality Act prior to being approved. Once approved, any retail facility must also obtain a Commercial Cannabis Business Permit pursuant to Monterey County Code Chapter 7.90, and renew those permits annually. The facilities are also subject to regular inspections by several departments to ensure they maintain conformance with County regulations.

Given the high level of oversight for retail cannabis operations, staff is recommending that adding a cannabis consumption venue use to an existing retail facility can be considered through a ministerial permit process overseen by the County of Monterey Cannabis Program Manager. Some amendments to Monterey County Code Chapter 7.90 are proposed to facilitate allowing cannabis consumption venues (**Exhibit 2-A**). Staff is also proposing changes to the zoning ordinance to establish the regulations that would be applicable to a cannabis consumption venue (**Exhibit 2-B**).

Staff has prepared draft amendments to the Inland Zoning Ordinance (Title 21) to regulate cannabis consumption venues. Once the Planning Commission workshop process is complete, staff would subsequently make similar amendments to the Coastal Zoning Ordinance (Title 20) if that is the direction of the Planning Commission.

The draft ordinances amending Monterey County Code Title 21 and Chapter 7.90 have the following key features:

- All cannabis consumption venues would need to obtain a permit from the Cannabis Program and meet the same distance requirements from sensitive uses as cannabis retail facilities;
- The Cannabis Program permit would continue to be a ministerial process;
- Any venue that allows smoking would have to provide an engineered ventilation system to protect the health of the public, including the facility’s customers and employees;
- Adding a cannabis consumption venue that includes smoking to an existing retail facility as an outdoor use or under enumerated circumstances would require obtaining an additional discretionary land use permit;
- Customer education and protection are included in the regulations;
- Customers would be admitted to a consumption area only through the retail facility; and
- The ordinance allows live entertainment and food service as allowed by our local ordinance and state law, respectively

Staff requests that the Commission seek public comment and provide input to staff on the following options and recommendations. Staff will conduct further outreach and return to the Commission with recommendations in the form of a draft ordinance, including the appropriate environmental review information needed to adopt the ordinance.

Topic 1 – Identify if and how a cannabis consumption venue may be allowed:

Other jurisdictions that allow cannabis retail facilities are considering allowing consumption venues. No jurisdictions within Monterey County allow cannabis consumption venues. County staff have analyzed three jurisdictions’ adopted ordinances that allow cannabis consumption venues and have patterned the draft ordinances after some of their regulations, as well as input from the local cannabis industry. The cannabis consumption venue ordinances adopted by other jurisdictions that staff reviewed outline a ministerial permit process to add consumption to a permitted retail facility.

- **Option A – Allow indoor cannabis consumption venues as a permitted use if the location has an existing discretionary permit for cannabis retail facility:** Where an extensive set of regulations can address expected land use concerns, the process for permitting an additional associated use can be simplified and clearer for both the public and the applicant. Because a cannabis consumption venue as proposed in the draft ordinances would only be allowed as part of a retail facility, staff recommends that the discretionary review remain with the retail facility permit. The proposed regulations would allow indoor cannabis consumption venues with ministerial approval; however, outdoor consumption

venues would require a separate discretionary permit.

Cannabis is legal in the state of California, but consumption and smoking outside is limited. According to the state website <https://www.cannabis.ca.gov/consumers/whats-legal/>, cannabis can only be consumed on private property. Smoking is further limited to not occur in areas that prohibit smoking tobacco and at least 1,000 feet from schools, day care facilities, and youth centers while kids are present. Many apartment buildings and commercial businesses, such as hotels, do not allow consumption on site. Consumption cannot occur on public property. Cannabis cannot be in an open container in a vehicle; it must either be in a sealed container or in the trunk. As a result of these various regulations, a significant amount of people have few or no options where they may safely and legally consume cannabis. A cannabis consumption venue can provide a location for this part of the public.

Permitted cannabis retail facilities in unincorporated Monterey County have undergone an extensive review and discretionary permit process. In the Inland areas of the county, a retail facility must meet significant regulations outlined in Chapter 21.67 of the County Code, and undergo a discretionary permit process for the County to consider whether the use is appropriate at the scale and location proposed. If a discretionary permit is approved, conditions of approval may apply to the business prior to operations. The cannabis retail facility must also obtain a separate Cannabis Business Permit from the County Cannabis Program (MCC Chapter 7.90). A significant regulatory framework has been adopted to ensure that the public's health and safety are preserved while allowing cannabis retail facilities.

Allowing a cannabis consumption venue allows the County to control how consumption can occur in a commercial setting. The benefits of having a commercial venue include the ability to educate the consumer on responsible consumption, allow consumers to try new products in a controlled environment, and allow the business to provide information on safely leaving the business. The County has a ride coupon program for bars and other circumstances where driving could be impaired that provides discounts for using rideshare services; however, the program is funded on a year-by-year basis, so we cannot say that it will continue to be available. These coupons can be provided through any cannabis business.

- **Option B – Allow cannabis consumption venues with amendments to the original discretionary permit:** Another option is to allow these venues (indoor and outdoor) but with a discretionary permit process that allows decision-making bodies to hold a hearing and determine if the consumption venue is appropriate for the proposed location of an existing retail facility. Amendments to the cannabis retail facility discretionary permit could require notice and hearing. It would be a multi-month process and could be expensive for the applicant, with no certainty of approval.
- **Option C – Allow cannabis consumption venues only with a new discretionary permit:**

Another option is to require a new discretionary permit to add a cannabis consumption venue. This process would be similar to Option B, but would require a separate, new discretionary permit, rather than an amendment to the one issued for the cannabis retail facility. Because a consumption venue must be paired with a retail facility, staff does not recommend this option for proposed indoor consumption venues. A cannabis consumption venue should be considered part of a retail facility and staff has structured the draft ordinance to include the regulations for a cannabis consumption venue as part of the retail facility section of the County Code.

- **Option D – Do not allow cannabis consumption venues:** An option is to not adopt an ordinance to allow cannabis consumption venues, leaving the regulations as they currently exist. This option ensures that consumption is not concentrated in any given area but does not provide the education or controlled environment described above for the recommended option. People that cannot consume cannabis where they reside or work would not have a legal location to consume product other than perhaps private residences. This option may also cause people to consume cannabis where they cannot legally do so.

Staff Recommendation: Staff recommends Option A for the reasons outlined in that section.

Topic 2 – Identify if and how a cannabis consumption venue may expand the cannabis retail facility footprint:

- **Option A – Allow a cannabis retail facility to expand into adjoining spaces within the same building or adjacent outdoor space to accommodate the cannabis consumption venue:** The draft ordinance provides a process that requires that the cannabis retail facility may expand on the same property or within the same building to accommodate cannabis consumption, if the distance requirements to sensitive uses can be maintained, without a discretionary permit. Because the consumption venue must be associated with a cannabis retailer, the ordinance has been structured to ensure that the retail facility staff can provide the necessary oversight for the cannabis consumption venue use. The ordinance includes that the entrance to the cannabis consumption venue be through the cannabis retail facility, that product must be purchased at the retail facility for consumption on site, that significant controls be added to ensure odor does not affect off-site areas, and that customer service and information is provided by the retailer staff. If a retailer desires to add an outdoor area for consumption, the draft ordinance requires that a discretionary permit be obtained to ensure that the site is appropriate for such a use and that odor control can be achieved in an outdoor space or is not needed because of the location’s specific features.
- **Option B – Allow cannabis consumption venue only within the existing permitted space for the cannabis retail facility:** This option would require that adding a cannabis consumption venue could only occur within the footprint already approved for the cannabis retail facility. Adding a consumption venue would typically be adding a new use and require a footprint expansion. This option assumes that an applicant could expand their footprint but

only by obtaining an additional discretionary permit.

Some of the existing retailers may be adding very small-scale consumption use to their business model, which may not require expanding their retail facility footprint. However, some of the existing retailers we have met with are hoping to expand their footprint to accommodate consumption space. This option would preclude that expansion unless a separate discretionary permit is obtained.

- **Option C – Require new discretionary permits to allow cannabis retail facility expansion for any proposed cannabis consumption venue:** Staff does not recommend that new discretionary permits be required for adding a cannabis consumption venue. However, it is certainly an option to discuss as part of the workshop. The benefits are that a discretionary permit process allows a thorough review of the business’ proposed use, public participation in the permit process, and consideration of any unique location factors. The drawback is that there can be significant cost associated with applying for a discretionary permit with no certainty that the permit will be approved. It is also an issue for County staff who have significant workloads already, which has caused delays in processing times to get discretionary permits to the Appropriate Authority. With a robust set of regulations for a cannabis consumption venue that addresses anticipated land use issues, an additional discretionary permit process would add little, if any, value and has significant concerns for the applicant.

Staff Recommendation: Staff recommends Option A as most consumption venues will likely need to expand their footprint and does not require an expensive, time-consuming, and uncertain discretionary permit process to do so. The proposed draft ordinances include regulations to address anticipated land use compatibility and public health issues. If staff had identified issues that could be location-specific or where regulations could not be identified to address those issues, we would recommend that a discretionary permit process would be more appropriate. However, we think that regulations can be adopted to address foreseeable land use concerns for adding a consumption use to an existing retail facility.

Topic 3 –Cannabis consumption venues hours of operation:

Staff requests the Planning Commission’s feedback on the hours of operation for a cannabis consumption venue. The current regulations require that a cannabis retail facility be open not earlier than 8 am and close not later than 8 pm. The industry has requested that a cannabis consumption venue may be allowed to be open later. One request is to allow sales to occur until 10 p.m., if the retail facility includes a cannabis consumption venue, and that the business would close by midnight. The draft ordinance includes this change to hours of operation as part of the changes to the existing regulations.

- **Option A – Allow hours to be set by ordinance for cannabis consumption venues that are different than for cannabis retail facilities.** At least one retailer who is interested in opening a cannabis consumption venue has requested that hours be expanded for this new

land use. There will be significant investment required to open some of the cannabis consumption venues that want to operate like a social space that allow consumption in a larger space, such as would be found in a bar that serves alcohol. The investment required includes purchase or rent of the extra square footage needed for the consumption venue and, perhaps more significantly, the cost of installing the needed ventilation system to protect the health of the customers and employees, and avoid odors from travelling off site. Longer hours provide more opportunity to recover those extensive costs to open the business.

- **Option B – Maintain the hours already established for cannabis retail facilities to apply to any proposed cannabis consumption venue.** As we discussed above, the hours of operation for a cannabis retail facility are limited to between 8 am and 8 pm. This limitation would require that all consumption venues close at 8 pm and therefore not allow consumption past 8 pm. These hours could be too limiting for people that desire to consume cannabis after their work hours and cannot consume cannabis where they reside. The hours also limit the social connection that some may seek in consuming cannabis with other people at a consumption venue.
- **Option C – Allow hours that are proposed for a cannabis consumption venue that would be different than our cannabis retail facility hours to be considered only through a discretionary permit process.** As discussed above in Topic 1, there are benefits and costs associated with requiring a discretionary permit process to add a cannabis consumption venue to a cannabis retail facility. Please see pertinent discussion above (Topic 1, Option A), as this is an option to discuss as part of the workshop discussion.

Staff Recommendation: Staff recommends, and the draft ordinance currently includes, Option A, allowing a retail facility with a cannabis consumption venue to allow retail sales until 10 pm and closing the business by midnight.

Topic 4 – Identify if and how live entertainment is allowed within a cannabis consumption venue:

The Monterey County zoning ordinance (Title 21) allows live entertainment within commercial districts that allow cannabis retail facilities pursuant to obtaining a discretionary permit “where live entertainment is provided within two hundred (200) feet of the boundary of a residential district.” If the 200-foot distance requirement is not an issue for the business, live entertainment is considered to be an allowed use appurtenant to the land use allowed for the site through the discretionary permit process. Live entertainment would be allowed but needs to be part of the operations plan and meet all applicable code requirements, such as the distance from residential districts, parking requirements, and noise regulations.

One cannabis industry member has concerns that the current zoning ordinance does not specifically identify how live entertainment is handled in commercial areas. Their business model for a larger consumption venue, like a smoking lounge, may need live entertainment to be financially successful. The County Code already includes regulations that control use intensity, noise, and parking for all commercial uses, including regulation of live entertainment, and already limits hours of operation for

cannabis retail facilities.

- **Option A – Allow live entertainment within cannabis consumption venues through identification of existing specified regulations.** The existing regulations have served our communities well over many years, with very few complaints about live entertainment within our Commercial zoning districts. The County Code has controls in place for noise and parking already and those regulations would be used to ensure that an appurtenant live entertainment use does not cause issues for neighbors. Existing County Code also addresses potential land use incompatibility issues and nuisance concerns, specifically it requires a discretionary permit to allow live entertainment if the venue is within 200 feet of a residential district. The cannabis consumption venue ordinance as drafted provides a clear statement added regarding how the existing code is applied for live entertainment to be specifically allowed within a cannabis consumption venue. Those existing regulations address topics such as use intensification potential, parking, noise, and hours of operation.
- **Option B – Allow live entertainment within cannabis consumption venues only with a discretionary permit.** Allowing live entertainment could be viewed as an appurtenant use that could intensify the use of a cannabis consumption venue and, therefore, should require a discretionary permit. As pointed out above, obtaining discretionary permits can be an expensive and time-consuming process with no certainty of approval. On the other hand, they provide the most ability of the public to be involved with the decision-making process.
- **Option C – Do not allow live entertainment within cannabis consumption venues.** The Planning Commission could direct that the ordinance specifically prohibit live entertainment. This option would likely lead to fewer customers being attracted to the site, which may avoid potential land use conflicts but not good for the potential success of the business.

Staff Recommendation: Because the County Code already handles potential land use incompatibility issues, staff recommends Option A, which incorporates existing County Code into the language of the draft ordinance.

Topic 5 – Consider appropriate locations for cannabis consumption venues:

The current regulations allow cannabis retail facilities in both the Coastal Zone and in the Inland area only in the zoning districts listed above. No change is being proposed to those zoning districts. To apply these rules to the entire unincorporated area would require that staff develop an ordinance for consideration in the Coastal Zoning Ordinance (Title 20) as well as the draft ordinance prepared for the Inland area. The two zoning districts in the Coastal Zone are generally found in more urbanized areas or rural commercial areas of the County’s Coastal Zone. The Inland zoning districts that allow cannabis retail facilities are also found in the more urbanized areas of the County or in rural commercial centers.

- **Option A – Allow cannabis consumption venues within the Coastal Zone and the Inland area.** The issues are similar for both the Coastal Zone and Inland areas to allow cannabis consumption venues. The issues tend to be operational, such as odor control, customer service, and a general concern for

public health and safety. The locations must be within commercial zoning districts and are generally not constrained by resource issues. Any resource issues would have been addressed by the discretionary permit to initially allow the cannabis retail facility. Staff would consider the potential for site expansion into environmentally sensitive habitat as it prepares a coastal zone ordinance on this topic, but generally those issues are already addressed by other existing regulations in the Coastal Implementation Plans for each planning area, which trigger a discretionary permit if sensitive resources could be affected.

- **Option B – Limit cannabis consumption venues to within the Inland areas only or in the Coastal Zone only.**

Staff Recommendation: Staff recommends Option A to ensure consistency between the areas and zoning districts in which the adopted regulations allow cannabis retail facilities.

Topic 6 – Consider level of detail required for ventilation system regulations:

Other jurisdictions have addressed how to provide adequate ventilation, to protect the health of customers and employees and the general public, through their cannabis consumption ordinances. Santa Cruz County’s ordinance has prescriptive requirements that provide significant detail on what will be required for the on-site ventilation system. National City’s ordinance has a qualitative statement, as follows:

“Cannabis consumption areas shall be well ventilated private areas of the retail establishment and are designed to prevent the flow of smoke to any other area of the establishment.”

West Hollywood’s Ordinance also provides a qualitative regulation that discusses controlling that the “odor is not detected outside the property or lease area boundaries...”

The draft ordinance prepared by County staff for discussion at this workshop is patterned more after Santa Cruz County’s more technical regulations for ventilation systems.

- **Option A – Provide detailed, measurable regulations to ensure common understanding of what is required.** The benefit of this detailed approach is that applicants and their ventilation system designers are provided with details that they can design for their proposed ventilation system. It would provide a standard of odor and smoke control that should protect the public health and handle odor control for the business. The drawback is that it is possible that all the quantitative requirements may not result in complete odor prevention. However, staff anticipates that this option would provide some certainty about protecting the health of customers, employees, and others near the business.
- **Option B – Allow qualitative statements that ensure odors cannot be detected off-site.** As discussed in the introduction to this topic, some jurisdictions have qualitative statements that attempt to regulate the outcome that odors are not detected off site. While this is a simple ordinance approach, it becomes difficult to

enforce when there is disagreement about what people smell.

- **Option C – Allow technical reports to provide level of protection for the public health.** This is somewhat a variation on both Options A and B in that the ordinance would require an outcome that will require a system designed to achieve the no-odor goal. In this scenario, the ordinance would clearly state that a professional design a system to be submitted to the County for review by the Building Department. The design professional would be describing their methods for achieving the no-odor goal. This option could be acceptable but does not provide the quantitative level of guidance that is being proposed in the draft ordinance (Option A). That would likely provide less certainty to the design professional and, ultimately, to the business owner.

Staff Recommendation: Staff recommends Option A to ensure that health is protected in and around the venue.

Exhibit 2

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Chapter 7.90 COMMERCIAL CANNABIS PERMITS¹

7.90.010 Findings and purpose.

- A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.
- B. The federal Controlled Substances Act (21 U.S.C. § 801, et seq.) prohibits, except for certain research purposes, the possession, distribution, and manufacture of cannabis, and there is no medical necessity exception to prosecution and conviction under the Controlled Substances Act.
- C. The federal government issued guidelines for states and local governments that have enacted laws authorizing cannabis related conduct, requiring them to implement strong and effective regulatory and enforcement systems that will address the threat that cannabis activity could pose to public safety, public health, and other law enforcement interests.
- D. On November 5, 1996, California voters approved Proposition 215, the Compassionate Use Act of 1996 (Health and Safety Code § 11362.5, "CUA"), an initiative that exempted certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of cannabis for medical purposes. One of the stated purposes of the CUA is to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes where that medical use has been recommended by a physician.
- E. On January 1, 2004, Senate Bill 420, the Medical Marijuana Program Act (Health and Safety Code §§ 11362.7-11362.83, "MMP"), became law to clarify the scope of the CUA and to facilitate the prompt identification of qualified patients and their primary caregivers.
- F. On October 9, 2015, the State enacted the Medical Marijuana Regulation and Safety Act (former Business and Professions Code § 19300, et seq., "MMRSA"). MMRSA created a state licensing program for commercial medical cannabis activities.
- G. On July 12, 2016, the Monterey County Board of Supervisors adopted inland zoning regulations establishing criteria for issuing local land use permits pursuant to the MMRSA (Ordinance Number 5270, amending sections of Title 21 and adding Chapter 21.67 to the Monterey County Code), and on July 19, 2016 the Monterey County Board of Supervisors adopted regulations establishing criteria for issuing local business permits pursuant to the MMRSA (Ordinance Numbers 5272 and 5273, codified at Monterey County Code Chapters 7.90 and 7.95). These ordinances were to become operative only if the Board of Supervisors submitted a County tax on commercial medical cannabis activities to the voters, the voters approved the tax, and the tax was certified by the County pursuant to Section 15372 of the California Elections Code. On November 8, 2016, the voters approved the tax (Measure Y, codified at Monterey County Code Chapter 7.100). On December 13, 2016, the tax was certified pursuant to Section 15372 of the Elections Code and Ordinance Numbers 5270, 5272, and 5273 became operative. Chapter 21.67 provided a one-year amortization period for commercial medical cannabis activities that were legally established prior to August 12, 2016 to obtain all required County permits, licenses, and entitlements, or to terminate their operations. This one-year amortization period ended on August 12, 2017.
- H. On November 8, 2016, by statewide initiative, the voters enacted the Adult Use of Marijuana Act ("AUMA"). AUMA created a state licensing program for commercial adult-use cannabis activities.

¹Editor's note(s)—Ord. No. 5293, § 1, adopted Dec. 5, 2017, amended Ch. 7.90 in its entirety to read as herein set out. The former Ch. 7.90, §§ 7.90.010—7.90.180, pertained to commercial medical cannabis permits, and derived from Ord. No. 5272, § 1, adopted July 19, 2016.

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- I. On June 27, 2017, the State enacted the Medicinal and Adult-Use of Cannabis Regulatory and Safety Act (Business and Professions Code § 26000, et seq., "MAUCRSA"), which combined MMRSA and AUMA into a single state licensing scheme for both medicinal and adult-use cannabis. MAUCRSA allows counties and cities to maintain local regulatory authority over commercial cannabis activities. The state will not issue a state license without first receiving authorization from the applicable local jurisdiction.
 - J. On December 5, 2017, the Board of Supervisors adopted Ordinance Number 5292 to amend Title 21 of the Monterey County Code to regulate both adult-use and medical commercial cannabis activities in the inland area of unincorporated Monterey County. The Board also adopted a Resolution of Intent to adopt an ordinance amending the Monterey County Coastal Implementation Plan, Parts 1 and Part 2 (Title 20, coastal zoning ordinance) to make corresponding changes in the coastal area, and to amend the text of the North County Land Use Plan.
 - K. On January 30, 2018, the Board of Supervisors adopted Resolution Number 18-026 to approve a Joint Exercise of Powers Agreement establishing the California Cannabis Authority ("CCA"), and appoint Treasurer-Tax Collector Mary Zeeb as the primary representative of the County to serve as a member on the Board of Directors of the CCA.
 - L. On February 7, 2018, the California Coastal Commission certified Monterey County LCP Amendment number LCP-3-MCO-18-0004-1 (ordinance and North County Land Use Plan amendment) as submitted by the County.
 - M. On March 20, 2018, the Board of Supervisors adopted the ordinance and North County Land Use Plan amendment, as certified by the Coastal Commission (Ordinance No. 5299, amending sections of Title 20 and adding Chapter 20.67 to the Monterey County Code).
 - N. On November 6, 2018, the Board of Supervisors adopted Ordinance Number 5306 to amend Title 21 of the Monterey County Code to change commercial cannabis activities from a conditional use allowed subject to a Use Permit, to a principle use allowed subject to an Administrative Permit. The Board of Supervisors also adopted Resolution of Intent Number 18-413 to amend the Monterey County Coastal Implementation Plan, Part 1 (Title 20, coastal zoning ordinance) to change commercial cannabis activities from a conditional use allowed subject to a Coastal Development Permit, to a principle use allowed subject to a Coastal Administrative Permit. The County has submitted Resolution of Intent Number 18-413 to the Coastal Commission for certification. If certified by the Coastal Commission, the ordinance will then need to be adopted by the Board of Supervisors.
 - O. On June 18, 2019, the Board of Supervisors adopted Ordinance Numbers 5311 and 5312 to add Chapters 20.69 and 21.69 to the Monterey County Code to establish a five-year pilot program for outdoor commercial cultivation and related activities in certain coastal and inland unincorporated areas. Ordinance Number 5312 adding Chapter 20.69 to establish a pilot program in the coastal area will not be operative until certified by the Coastal Commission.
 - P. It is the intent of the County of Monterey to have a strong and effective regulatory and enforcement system with regard to cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice, and that comply with state law and federal guidelines.
 - Q. This ordinance provides regulations for the local permitting of commercial cannabis operations under specified conditions in the unincorporated areas of the County. This ordinance, together with Chapters 7.02, 20.67, 21.67, 20.69, and 21.69 of the Monterey County Code requiring necessary licenses and land use entitlements for all commercial cannabis operations, are intended to establish criteria for issuing local permits pursuant to the MAUCRSA and to establish an effective regulatory and enforcement system consistent with the guidance issued by the United States Department of Justice.

7.90.020 Applicability.

This Chapter applies in the unincorporated area of the County of Monterey.

7.90.030 Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter. The definitions in Chapter 20.67 for the coastal zone and Chapter 21.67 for the inland zone shall otherwise apply.

- A. "A-designation" means a designation placed on a County permit issued pursuant to this Chapter for cannabis or cannabis products that are intended for adults who are twenty-one (21) years of age and over and who do not possess a physician's recommendation.
- B. "Applicant" means an owner applying for issuance, renewal, or modification of a permit issued pursuant to this Chapter.
- C. "Application" means that form provided by the Appropriate Authority in accordance with this Chapter for the purpose of seeking a commercial cannabis business permit.
- D. "Appropriate Authority" means the Monterey County Cannabis Program Manager or his or her designee.
- ~~E. "California Cannabis Authority" is a joint powers authority, of which Monterey County is a member, established among California counties to create a comprehensive data platform that tracks cannabis data through a chain of production to consumption; to track payments among commercial partners and to various state, local agencies, and other commercial cannabis participants; and to provide data analytics designed to support local cannabis regulatory and tax compliance efforts.~~
- F. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.
"Cannabis consumption" means smoking, eating, drinking, chewing, applying topically or otherwise ingesting cannabis and/or cannabis products.
- G. "Cannabis product" has the same meaning as in Section 11018.1 of the California Health and Safety Code.
- H. "Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.
- I. "Commercial cannabis activity" means the cultivation, possession, manufacture, processing, storing, laboratory testing, packaging, labeling, transporting, distribution, delivery, consumption, or sale of cannabis or a cannabis product.
- J. "Commercial cannabis business permit" means a permit issued by the County to an applicant to perform commercial cannabis activities under this Chapter.
- K. "Commercial cannabis operation" means an entity that engages in commercial cannabis activities.
- L. "County" means the County of Monterey.
- M. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform operated or controlled by the retailer.
- N. "Financial interest" has the same definition as in Section 15004 of Title 4 of the California Code of Regulations, as it may be amended.

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- O. "Hearing Officer" means a person appointed by the County to conduct an administrative hearing under this Chapter. The appointed Hearing Officer shall be an impartial decision-maker selected by a process that eliminates risk of bias, such as:
1. An administrative law judge provided by the State of California Office of Administrative Hearings to function as the County Hearing Officer pursuant to Chapter 14 of Part 3 of Division 2 of Title 3 of the California Government Code;
 2. A person selected randomly from a panel of attorneys willing to serve as a Hearing Officer; or
 3. An independent contractor assigned by an organization or entity which provides hearing officers.
- P. "Identification card" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.
- Q. "M-designation" means a designation placed on a County permit issued pursuant to this Chapter for cannabis or cannabis products that are intended for to be sold for use pursuant to the Compassionate Use Act of 1996 (Section 11362.5 of the California Health and Safety Code) by patients who possess a physician's recommendation.
- R. "Manager" means any individual who participates in the day-to-day direction, control, and management of the commercial cannabis operation.
- S. "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Section 11362.5 of the California Health and Safety Code) by a medicinal cannabis patient in California who possesses a physician's recommendation.
- T. "Owner" means any of the following:
1. A person with an aggregate ownership interest of twenty percent (20%) or more in the commercial cannabis operation applying for a permit, unless the interest is solely a security, lien, or encumbrance.
 2. The chief executive officer of a nonprofit or other entity.
 3. A member of the board of directors of a nonprofit.
 4. An individual who will be participating in the direction, control, or management of the person applying for a permit, which includes any of the following:
 - a. A partner of a commercial cannabis operation that is organized as a partnership;
 - b. A managing member of a commercial cannabis operation that is organized as a limited liability company; and
 - c. An officer or director of a commercial cannabis operation that is organized as a corporation.
- U. "Permittee" means a person issued a County permit under this Chapter.
- V. "Person" means an individual, firm, sole proprietorship, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.
- W. "Premises" has the same definition as in Section 15000(ccc) of Title 4 of the California Code of Regulations, as it may be amended.
- X. "Primary caregiver" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.
- Y. "Property owner" means the individual or entity who is the record owner of the subject property where commercial cannabis activities are located or are proposed to be located.

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- Z. "Qualified patient" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.
 - AA. "State" means the state of California.
 - BB. "State license" means a state license issued pursuant to California Business & Professions Code Section 26000, et seq.

7.90.040 Commercial cannabis permit required.

- A. Any person who intends to engage in a commercial cannabis activity shall obtain a commercial cannabis business permit for the fixed location in which the commercial cannabis activity is to occur.
- B. It is unlawful for any person to conduct, engage in or allow to be conducted or engaged in a commercial cannabis activity in the unincorporated portion of Monterey County, unless the County has issued such person a permit under this Chapter and the permit is in effect. Notwithstanding the above, the permits issued under this Chapter do not provide any protection or immunity for any person from state or federal laws, or from prosecution pursuant to any applicable state or federal laws.
- C. The fact that an applicant possesses other types of state or County permits or licenses, shall not exempt the applicant from obtaining a commercial cannabis business permit under this Chapter, nor shall the terms and conditions of any other such permit or license modify the requirements of a permit granted under this Chapter, except that the commercial cannabis business permit must be consistent with the land use entitlement issued by the County pursuant to Title 20 or Title 21 of the Monterey County Code.
- D. The applicant must receive all necessary land use entitlements as required by Titles 20 and 21 of the Monterey County Code before the County will issue a commercial cannabis business permit under this Chapter.
- E. All the following cannabis activities are exempt from the commercial cannabis business permit requirements of this Chapter:
 - 1. Possession, storage, manufacturing using a non-volatile solvent, or transportation of medicinal cannabis, or cultivation of up to one hundred (100) square feet total canopy area of medicinal cannabis by a qualified patient, as that term is defined in Section 11362.7 of the California Health and Safety Code, provided the qualified patient, possesses, stores, manufactures, transports, or cultivates cannabis exclusively for his or her personal medical use, and does not provide, donate, sell, or distribute cannabis to any other person. Qualified patients shall, upon request, provide appropriate documentation to law enforcement demonstrating that they have a valid doctor's recommendation to use cannabis for medicinal purposes.
 - 2. Possession, storage, manufacturing using a non-volatile solvent, transportation of medicinal cannabis, or cultivation of up to one hundred (100) square feet of canopy area of medicinal cannabis by a primary caregiver on behalf of a qualified patient, within the meaning of Section 11362.7 of the California Health and Safety Code, provided the primary caregiver does not receive remuneration for these activities except for compensation in full compliance with Section 11362.765(c) of the California Health and Safety Code. Primary caregivers shall, upon request, provide appropriate documentation to law enforcement demonstrating that they are a primary caregiver for a qualified patient.
 - 3. Possession, processing, storage, transportation, or donation of not more than twenty-eight and one-half (28.5) grams of cannabis or not more than eight grams of concentrated cannabis to persons twenty-one (21) years of age or older by persons twenty-one (21) years of age or older.
 - 4. The cultivation of up to six cannabis plants by persons twenty-one (21) years of age or older as allowed pursuant to Section 11362.1(a) of the California Health and Safety Code.

7.90.050 Commercial cannabis permit application process.

- A. Each application for the establishment of a commercial cannabis business 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.
- B. If an applicant holds a valid State ~~provisional or~~ annual license pursuant to California Business & Professions Code Section 26050.2, the applicant must submit an application for a commercial cannabis business permit within thirty (30) days of the final approval of the applicable land use entitlement pursuant to Titles 20 and 21 of the Monterey County Code.
- C. In all cases, the application shall contain, without limitation, the following documentation:
 - 1. All applicants' names, primary telephone numbers, mailing addresses, e-mail addresses, and a twenty-four (24) hour or nighttime contact telephone number.
 - 2. The physical address(es) and assessor's parcel number(s) (APN or APNs) of the property upon which the proposed commercial cannabis operation will be located, and the global positioning system (GPS) coordinates of any area that is proposed to contain commercial cannabis activities.
 - 3. Proof of ownership of premises, or if the premises on which the commercial cannabis operation is to occur is rented or leased, written permission from the property owner containing the property owner's notarized signature that authorizes the tenant or lessee to engage in commercial cannabis activities at the site.
 - 4. A premises diagram pursuant to Section 15006 of Title 4 of the California Code of Regulations, as it may be amended, showing, without limitation, a site plan, building layout, a description of where each commercial cannabis activity will occur, all entry ways and exits to the site, loading zones and all areas in which cannabis and cannabis products will be stored, grown, or dispensed. The diagram must include a description of the proposed total canopy area of any cultivation and/or nursery operation, including the maximum square footage to be cultivated for the annual term of the permit.
 - 5. If the applicant is a business entity, information regarding the entity, including, without limitation, the legal business name, registered name(s) under which the business will operate, address of record for the entity, contact telephone number(s), its legal status, and proof of registration with, or a certificate of good standing from, the California Secretary of State, as applicable.
 - 6. The full name, date of birth, present address and telephone number for all owners, managers, employees, and persons having a twenty percent (20%) or more financial interest in the commercial cannabis activity that is the subject of the application.
 - 7. All owners and persons having a twenty percent (20%) or more financial interest must submit fingerprints and other necessary information for a criminal background check conducted by any entity authorized by the California Department of Justice to perform Live Scan fingerprinting services.
 - 8. A statement of whether the applicant is applying for a commercial cannabis business permit with a M-designation, an A-designation, or both.
 - 9. The employer shall verify that all owners, managers, and employees possess valid government-issued identification and are twenty-one (21) years of age or older. Acceptable forms of identification are an unexpired document issued by a federal, state, county, or municipal government that contains the name, date of birth, physical description, and picture of the individual.
 - 10. The names and addresses of any other commercial cannabis operations currently being operated by the applicant, or that had previously been operated by the applicant and a statement of whether the authorization for any such operation had been revoked or suspended and, if so, the reason therefore.
 - 11. A full description of the proposed activities and products of the commercial cannabis operation, including proposed hours of operation and the number of employees.

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12. A description of the type of State license(s) that will be required for the proposed operations pursuant to California Business and Professions Code Section 26000, et seq. If a State provisional license(s) is held pursuant to California Business and Professions Code Section 26050.2, a photocopy of all applicable State provisional licenses.
 13. A detail of the procedures to be utilized at the premises including a description of how chemicals, pesticides and fertilizers will be stored, handled, used, and disposed of; and if applicable, manufacturing methods, odor control methods and devices, how odor control devices will be maintained, the transportation process, inventory procedures, and quality control procedures.
 14. A waste disposal plan.
 15. If applicable, provide the applicant's seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code or indicate that the applicant is currently applying for a seller's permit.
 16. If applicable, the federal tax identification number. If the applicant is a sole proprietorship, the applicant shall submit the social security number or individual taxpayer identification number of the sole proprietor.
 17. A statement by the applicant that it is able to comply with all laws regulating businesses in the state of California and that it shall maintain compliance during the term of the permit.
 18. Authorization for the County, its agents and employees to seek verification of the information contained in the application. Owners must complete and update an agent authorization form, as needed.
 19. Certification, under penalty of perjury, that all the information contained in the application is true and correct. If applicable, an agent authorization form must be completed and updated by the applicant.
 20. Any other information required by the Appropriate Authority.
- D. If an applicant wishes to withdraw an application, a written request to withdraw shall be submitted to the Appropriate Authority.
1. Application fees for a withdrawn application will not be refunded.
 2. An applicant may reapply at any time following the withdrawal of an application but will be required to submit a new application and pay the required application fee.
 3. If applicable, an applicant shall file a cessation of business form with the Appropriate Authority within five (5) business days of cessation of existing business operations.

7.90.060 Review of application for commercial cannabis permit.

- A. The Appropriate Authority shall review the application for a commercial cannabis business permit and associated documents and shall require, if he or she deems necessary, additional information to complete the application. The Appropriate Authority may deem the application incomplete if it does not contain all required information and documents. Applicants must submit all required information and documents to the Appropriate Authority within thirty (30) days receipt of an incomplete notice.
- B. An application shall not be deemed complete unless all required application fees have been paid.
- C. Each commercial cannabis business permit shall be granted for a one-year period and shall expire one year after the date of its issuance.
- D. Upon review of a complete application for a commercial cannabis business permit, the Appropriate Authority shall grant the application if:
 1. The proposed commercial cannabis activities will comply with all the requirements of the state and the Monterey County Code;

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2. The applicant has received all necessary land use entitlements as required by Titles 20 and 21 of the Monterey County Code;
 3. The proposed commercial cannabis activities will comply with all provisions of this Chapter;
 4. If applicable, the applicant has obtained a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code; and
 5. All responsible County departments have reviewed and approved issuance of the permit.
- E. The Appropriate Authority shall deny any application that meets any of the following criteria:
1. The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact from the application;
 2. Any owner, manager, employee, or persons having a twenty percent (20%) or more financial interest in the commercial cannabis activity has been convicted of a felony or a drug related misdemeanor reclassified by Section 1170.18 of the California Penal Code (Proposition 47) within the past ten (10) years. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere;
 3. Any person who is listed on the application is a licensed physician making patient recommendations for medical cannabis pursuant to Section 11362.7 of the California Health and Safety Code;
 4. If applicable, the applicant failed to obtain or maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code;
 5. Any person who is listed on the application is less than twenty-one (21) years of age;
 6. The proposed or provisionally permitted commercial cannabis operation does not comply with the provisions of the Monterey County Code or state law; or
 7. The applicant has not received all necessary land use entitlements as required by Titles 20 and 21 of the Monterey County Code.
- F. If the Appropriate Authority intends to deny the application, the Appropriate Authority shall specify in writing the reasons for the denial of the application and notify the applicant that the decision shall become final unless the applicant seeks an appeal pursuant to Section 7.90.120 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 7.90.130 of this Chapter.

7.90.070 Commercial cannabis permit modification process, renewal process, and grounds for denial.

- A. Each commercial cannabis business permit shall expire one 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 business 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, including the addition of a cannabis consumption venue to any existing retail location. A Department of Cannabis Control Science Amendment must be submitted and approved if amending the State Cultivation Plan.
- C. Any commercial cannabis business 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.

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1. A permit may be modified two 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 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 business 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 County 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 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 7.90.120 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 7.90.130 of this Chapter.

7.90.080 Fees.

The filing of an application for a commercial cannabis business permit, for renewal of a commercial cannabis business permit, for modification of a commercial cannabis business permit, and appeals shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration of this Chapter. Applicants and permittees must pay all relevant fees in full within twenty-four (24) hours of submitting their application, renewal, modification request, or appeal. Applicants and permittees are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this Chapter. Fees, fines, and costs specified by this Chapter shall be as established by the Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as amended from time to time.

7.90.090 Commercial cannabis permit nontransferable.

- A. A commercial cannabis business permit does not create any interest of value, is not transferable or assignable, and does not run with the land.
- B. Whenever any sole proprietorship, corporation, limited liability company, partnership or other type of business entity permitted under this Chapter sells or transfers all of its corporate stock, partnership interest or other business interest in a commercial cannabis operation, a new commercial cannabis business permit shall be obtained pursuant to Section 7.90.050 of this Chapter.
- C. Whenever any sole proprietorship, corporation, limited liability company, partnership or other type of business entity permitted under this Chapter changes its business entity type, a new commercial cannabis business permit shall be obtained pursuant to Section 7.90.050 of this Chapter.

7.90.100 Commercial cannabis operating requirements.

- A. Throughout the term of the commercial cannabis business permit, each permittee shall not violate this Chapter and shall comply with all of the following as appropriate for the cannabis business type:
 - 1. For cannabis cultivation permittees, the canopy area of cannabis located at any premises shall not exceed the maximum canopy limits set by state law and the limits set forth in the commercial cannabis business permit. The maximum canopy square footage specified in the commercial cannabis business permit is the basis of the County's commercial cannabis business tax pursuant to Chapter 7.100 of the Monterey County Code.
 - 2. A permittee shall not change or alter the premises in a manner which materially or substantially alters the premises, the usage of the premises, or the mode or character of the business operation conducted from the premises, from the site plan contained in the diagram on file with the application, unless and until written approval by the Appropriate Authority has been obtained. For purposes of this section, material or substantial physical changes of the premises, or in the usage of the premises, shall include, but not be limited to, a substantial increase or decrease in the total area of the licensed premises previously diagrammed, the addition of a cannabis consumption venue use to an existing retail use, or any other physical modification resulting in substantial change in the mode or character of business operation.
 - 3. No cannabis shall be smoked, ingested, or otherwise consumed on the premises, except as authorized through a cannabis consumption venue authorization.
 - 4. No person under the age of twenty-one (21) shall be employed or otherwise engaged in the operation of a commercial cannabis activity.
 - 5. No person under the age of twenty-one (21) shall be allowed on the premises, unless the permittee is a retail facility and sells medicinal cannabis, in which case persons who are at least eighteen (18) years of age and hold a valid physician's recommendation for medicinal cannabis shall be allowed on the premises. No person under the age of twenty-one (21) shall be allowed within a cannabis consumption area.
 - 6. There shall not be a physician located in or around any commercial cannabis operation at any time for the purpose of evaluating patients for the issuance of a medical marijuana recommendation or card.
 - 7. Each permittee shall conspicuously display its state and County permits and licenses required to operate at entrance of the premises. Each commercial cannabis operation that engages in delivery or transportation shall carry a copy of the permits and licenses in all vehicles that deliver or transport cannabis or cannabis products.
 - 8. Devices or techniques that minimize offsite detection of cannabis odors to every extent feasible shall be utilized and maintained in good working order during the life of the operation.

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9. No permittee may hold a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, nor may the commercial cannabis operation include a business that sells alcoholic beverages. No alcohol may be stored, sold, dispensed, or consumed on the premises.
 10. A permittee shall not sell any tobacco or nicotine products on or at any premises permitted under this Chapter. No tobacco or nicotine products may be stored, dispensed, or consumed in the area licensed and permitted for commercial cannabis activities. Tobacco or nicotine products may be stored on the premises in areas not licensed and permitted for commercial cannabis activities and consumed in a specifically designated smoking area(s).
 11. All cannabis and cannabis products shall be stored in a secured and locked safe room, safe or vault, and in a manner to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, or immediate sale.
 12. Each permittee shall keep accurate records of its commercial cannabis activities pursuant to the requirements of Sections 26160 and 26162 of the California Business and Professions Code, as they may be amended.
 13. Each permittee shall comply with the applicable security requirements of Sections 15042 through 15047 of Title 4 of the California Code of Regulations, as they may be amended.
 14. Each permittee shall notify the County immediately after discovering any of the following: diversion, theft, loss or any criminal activity involving the commercial cannabis operation; significant discrepancies identified during inventory; or any other breach of security.
 15. Each permittee shall provide the Appropriate Authority with a twenty-four (24) hour or nighttime contact telephone number for County use, and provide a name, telephone number, and e-mail address of a community relations contact to whom the public can provide notice of problems associated with the commercial cannabis operation. The permittee shall make a good faith effort to resolve problems without the need for intervention by the County.
 16. Any new owners, managers, employees, or persons having a twenty percent (20%) or more financial interest must submit their information to the Appropriate Authority pursuant to Section 7.90.050 and 7.90.070 of this Chapter within five (5) calendar days.
 17. All owners, managers, employees, or other persons otherwise engaged in the operation of the commercial cannabis operation shall display a laminated or plastic-coated identification badge issued by the permittee at all times while engaging in commercial cannabis activity. The identification badge shall, at a minimum, include the permittee's "doing business as" name and state license number(s), the individual's full name, an employee number exclusively assigned to that individual for identification purposes, and a color photograph of the individual that clearly shows the full front of the individual's face and that is at least one inch in width and one and one-half inches in height.
 18. No owners, managers, employees, or persons having a twenty percent (20%) or more financial interest in the commercial cannabis operation may have been convicted of a felony or a drug related misdemeanor reclassified by Section 1170.18 of the California Penal Code (Proposition 47) within the past ten (10) years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 19. A permittee shall keep a current roster on the premises that contains the names and dates of birth of all employees.
 20. A permittee shall not be delinquent in the payment of all applicable County taxes and fees.
 21. The property owner(s) who own(s) the premises where the commercial cannabis operation is located must, at all times, have all necessary and operative land use entitlements as required by Titles 20 and 21 of the Monterey County Code.

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22. When applicable, the permittee must legally hold all required State Licenses under the Medicinal and Adult-Use of Cannabis Regulatory and Safety Act (Business & Professions Code § 26000, et seq.), as it may be amended, and under an other applicable state laws.
 23. A permittee shall comply with all applicable federal, state, and local laws, including without limitation, County building, zoning, and health codes.
 24. A permittee shall transmit all required information to the California Cannabis Authority or Metric directly, as prescribed by the County Treasurer-Tax Collector. The data shall be transmitted by using a secure-access Application Program Interface from a California Cannabis Authority approved licensee-facing software integrator, or through manual submission to the California Cannabis Authority.
 25. A permittee must file a cessation of business form with the Appropriate Authority as soon as the permittee is aware the business will close, or at the latest by the day business operations cease.
 26. Each permittee must package and label cannabis products pursuant to the requirements of Sections 26120 and 26122 of the California Business and Professions Code, as they may be amended.
 27. Each permittee must follow all pesticide use requirements of local, state and federal law.
 28. Each permittee must maintain all weighing devices in compliance with local, state or federal law and comply with Chapter 7.60 of the Monterey County Code regarding device registration with the County.
 29. Each permittee must follow all local, state and federal requirements for waste disposal.
 30. Each permittee shall not use any hazardous, flammable or explosive substances to process or manufacture cannabis products on site unless all necessary permits have been obtained from the Environmental Health Bureau of the Monterey County Health Department, and all other appropriate agencies.
 31. Each permittee shall protect all food products from contamination at all times, and all food handlers must be clean, in good health and free from communicable diseases. All food products, food storage facilities, food-related utensils, equipment, and materials shall be approved, used, managed and handled in accordance with Sections 113700 through 114437 of the California Health and Safety Code, and California Retail Food Code, as they may be amended.
 32. Each permittee shall ensure that all cannabis products sold or distributed at a commercial cannabis operation must be from an approved source in accordance with Title 4 of the California Code of Regulations, as it may be amended. Cannabis products sold or distributed at a commercial cannabis operation must also be acceptable to the County Health Officer based on a determination of conformity with applicable laws, or, in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health.

33. Requests by a licensee to include a cannabis consumption venue on an existing retail site or adjoining parcel shall be approved by the Appropriate Authority if they meet all requirements of Monterey County Code Chapter 21.67 and of this chapter, including the following regulations:

- i. Cannabis consumption venues that include smoking or vaping shall include a designated cannabis smoking area ventilation system plan that has been designed by a licensed mechanical engineer and approved by the building department. The Appropriate Authority shall review the designated cannabis smoking area room ventilation plan in coordination with the building department and may require additional modification or justification prior to approval of a cannabis consumption venue permit. Cannabis consumption venues that do not include smoking do not require a designated cannabis smoking area ventilation system plan.

ii. The permittee shall demonstrate to the Appropriate Authority that the following standards have been met prior to approval:

- a. The designated cannabis smoking area shall be located in a non-work area where

- [licensee's employees are not required to enter as a condition of their employment.](#)
- [b. The designated cannabis smoking area shall have signage to designate smoking areas. The licensee shall specify the locations where such signage shall be installed.](#)
 - [c. The designated cannabis smoking area shall have a heating, ventilation and air-conditioning \(HVAC\) system design such that none of the air in the designated smoking area will be recirculated into other parts of the licensee's building.](#)
 - [d. The designated cannabis smoking area shall be completely separated from the remainder of the licensee's premises by solid partitions or glazing without openings other than doors. All doors to the designated cannabis smoking area must be installed with a gasket to provide a seal where the door meets the stop.](#)
 - [e. The designated cannabis smoking area ventilation system shall exhaust 100% of the air directly to the outside through a filtration system that, at a minimum, eliminates all detectable odor, smoke and by-product of combustion so as to prevent any and all public nuisances.](#)
 - [f. The designated cannabis smoking area shall remain under negative pressure and shall have a 10% differential, in relation to the other spaces inside of the licensee's building.](#)
 - [g. The designated cannabis smoking area shall be equipped with a ventilation system that provides 60 cubic feet per minute \(cfm\) of supply air per smoker.](#)
 - [h. The designated cannabis smoking area shall not be directly accessible from the primary outside entrance to the licensee's building, and shall not be visible from the fronting street or store front.](#)
 - [i. The designated cannabis smoking area's ventilation system and all mechanical equipment shall be designed to assure compliance with all noise requirements.](#)
 - [j. The designated cannabis smoking area's ventilation system shall be designed to comply with California Mechanical Code section 505.0 - "Product-Conveying Systems" requirements.](#)
 - [k. Any cannabis consumption venue shall also meet the applicable requirements of Monterey County Code Chapter 21.67.](#)

- B. At any time between eight a.m. and eight p.m., [or during normal business hours as approved for a cannabis consumption venue](#), and without notice, County officials may enter the premises for the purpose of observing compliance of the commercial cannabis operation with this Section, including access to and inspection of the commercial cannabis operation's records, books, accounts, financial data, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination.
- C. It is unlawful for any person having any responsibility over a commercial cannabis operation to refuse to allow, impede, obstruct, or interfere with an inspection, or the review of the copying of records and monitoring (including recordings) including, but not limited to, the concealment, destruction, and falsification of any recordings or records.

7.90.110 Suspension or revocation of commercial cannabis business permit.

Any of the following shall be grounds for suspension or revocation of a commercial cannabis business permit, based on substantial evidence and following notice and public hearing pursuant to Section 7.90.120 of this Chapter.

- A. Failure to comply with one or more of the terms and conditions of the commercial cannabis business permit;

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- B. The commercial cannabis business permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant;
 - C. Any act or omission by a permittee in contravention of the provisions of this Chapter;
 - D. Any act or omission by a permittee in contravention of state law, or the Monterey County Code;
 - E. Any act or omission by a permittee that results in the suspension or revocation of the applicable use permit issued under Titles 20 or 21 of the Monterey County Code for the commercial cannabis activities;
 - F. Any act or omission by a permittee that results in the denial, revocation or suspension of that permittee's state license;
 - G. Failure to pay all applicable taxes and fees required by the County;
 - H. Conduct of the commercial cannabis operations in a manner that constitutes a nuisance, where the permittee has failed to comply with reasonable conditions to abate the nuisance.

7.90.120 Procedure for suspension or revocation.

- A. If the Appropriate Authority determines that grounds for suspension or revocation of the commercial cannabis business permit exist pursuant to Section 7.90.110 of this Chapter, the Appropriate Authority shall issue a written notice of intention to suspend or revoke the permit, as the case may be. The notice of intention shall be served on the permittee, as reported on the permit, and on the property owner, as reported on the latest equalized assessment roll. The notice of intention shall be served in accordance with the requirements set forth in Section 7.90.130 of this Chapter. The notice of intention shall describe the property, the intention to revoke or suspend the permit, the grounds for suspension or revocation, the action necessary to abate the violation, the time limit for compliance, and the right to a hearing. The notice of intention shall notify the permittee and the owner of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the permit should not be suspended or revoked, and shall notify them of the ten-day deadline to submit a written request for a hearing.
- B. The permittee and owner shall have ten (10) calendar days from the service of the notice of intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the suspension or revocation of the commercial cannabis business permit and a failure to exhaust administrative remedies. If the hearing is not timely requested, the Appropriate Authority may suspend or revoke the permit in accordance with the notice of intention.
- C. Upon receipt of a timely written request for a hearing, the Appropriate Authority shall set a date for a hearing to be held within sixty (60) days of receipt of the request, unless an immediate threat to the public health, safety and welfare necessitates an earlier hearing date. Notice of the hearing, including the time, date, and location of the hearing, shall be served in accordance with the requirements set forth in Section 7.90.130 of this Chapter.
- D. Hearing by the Hearing Officer.
 - 1. The Hearing Officer is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the commercial cannabis business permit.
 - 2. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.
 - 3. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.

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4. The Hearing Officer may postpone the hearing date upon good cause shown, continue the hearing during the course of the hearing, and make such other procedural orders and rulings as he or she deems appropriate during the course of the hearing.
 5. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the County.
- E. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorney fees.
 - F. If neither permittee nor owner, nor their authorized representatives, appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

7.90.130 Service requirements.

Wherever this Chapter requires the County to serve notice to an applicant, permittee, or property owner such notice shall be given by the Appropriate Authority, in writing, and shall be delivered either by personal delivery or by certified U.S. mail, postage prepaid, return receipt requested. In addition, any such notice may be posted at the physical address of the premises on the date of the mailing of notice.

7.90.140 Enforcement, penalties, and administration of this Chapter.

- A. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.
- B. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.
- C. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapters 1.20 and 1.22 of the Monterey County Code, and any other action authorized by law.
- D. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, restitution, and any other relief or remedy available at law or in equity. The County, including the Office of the District Attorney and the Office of the County Counsel, may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis operator or persons related thereto, or associated with, the commercial cannabis activity.
- E. For purposes of administration and enforcement of this Chapter generally, the Appropriate Authority may from time to time promulgate such administrative rules and procedures consistent with the purpose and intent of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

7.90.150 Operative date.

This Chapter became operative on December 13, 2016, upon adoption by County voters of a County commercial cannabis business tax (codified at Chapter 7.100 of the Monterey County Code) and certification of the results of the vote on the tax pursuant to Section 15372 of the California Elections Code.

7.90.160 Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter 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.

Chapter 21.67 COMMERCIAL CANNABIS ACTIVITIES¹

21.67.010 Definitions.

For the purpose of this Chapter, unless the context otherwise requires, certain terms used in this Chapter shall be as defined below. The definitions in Chapter 21.06 shall otherwise apply.

- A. "Bureau" means the Bureau of Cannabis Control within the California Department of Consumer Affairs.
- B. "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

"Cannabis consumption" means smoking, eating, drinking, chewing, applying topically or otherwise ingesting cannabis and/or cannabis products.

"Cannabis consumption venue" means a licensed premises where cannabis and cannabis products may be purchased (for on-site consumption) and consumed by persons 21 years of age and over within the confines of the facility.

- C. "Cannabis product" has the same meaning as in Section 11018.1 of the California Health and Safety Code.
- D. "Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.
- E. "Certificate of accreditation" means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.
- F. "Child care center" means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, transitional kindergartens, and school age child care centers.
- G. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. Within the definition of cultivation, the following specific permit types, corresponding to state cultivator license types set forth in California Business and Professions Code Section 26061 apply:
 - 1. Type 1A or "specialty indoor" means indoor cultivation using exclusively artificial lighting of between five hundred one (501) and five thousand (5,000) square feet of total canopy size on one premises;
 - 2. Type 1B or "specialty mixed-light" means cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of between two thousand five hundred one (2,501) and five thousand (5,000) square feet of total canopy size on one premises;

¹Editor's note(s)—Ord. No. 5292, § 16, adopted Dec. 5, 2017, amended Ch. 21.67 in its entirety to read as herein set out. The former Ch. 21.67, §§ 21.67.010—21.67.140, pertained to commercial medical cannabis activities, and derived from Ord. No. 5270, § 16, adopted July 12, 2016.

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3. Type 1C, or "specialty cottage," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of two thousand five hundred (2,500) square feet or less of total canopy size for mixed-light cultivation, or five hundred (500) square feet or less of total canopy size for indoor cultivation, on one premises;
 4. Type 2A or "small indoor" means indoor cultivation exclusively using artificial lighting and having a total canopy size between five thousand one (5,001) and ten thousand (10,000) square feet on one premises;
 5. Type 2B or "small mixed-light" means cultivation using a combination of natural and supplemental artificial lighting and having a total canopy size between five thousand one (5,001) and ten thousand (10,000) square feet on one premises;
 6. Type 3A or "indoor" means indoor cultivation using exclusively artificial lighting and having a total canopy area between ten thousand one (10,001) and twenty-two thousand (22,000) square feet on one premises;
 7. Type 3B or "mixed-light" means cultivation using a combination of natural and supplemental artificial lighting and having a total canopy area of between ten thousand one (10,001) and twenty-two thousand (22,000) square feet on one premises; and
 8. Type 4 or "nursery" means cultivation of cannabis solely as a nursery.
- H. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

“Designated cannabis smoking area” means a designated area where ingestion of inhalable cannabis products, purchased from the licensee, may occur on the premises of the licensee.

“Designated cannabis smoking area ventilation system” means a ventilation system capable of removing all detectable odors, smoke and by-products of combustion.

- I. "Dispensary" means a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.
- J. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities licensed pursuant to this Chapter.
- K. "Edible cannabis product" means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the California Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
- L. "Greenhouse" means a fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental artificial lighting for cultivation.
- M. "Hearing Officer" means a person appointed by the County to conduct an administrative hearing under this Chapter. The appointed Hearing Officer shall be an impartial decision-maker selected by a process that eliminates risk of bias, such as:
 1. An administrative law judge provided by the State of California Office of Administrative Hearings to function as the County Hearing Officer pursuant to Chapter 14 of Part 3 of Division 2 of Title 3 of the California Government Code;
 2. A person selected randomly from a panel of attorneys willing to serve as a Hearing Officer; or

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3. An independent contractor assigned by an organization or entity which provides hearing officers.
- N. "Identification card" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.
- O. "Large shopping center" means a shopping center or contiguous shopping centers where all of the following are met:
1. The shopping center(s) are designed, planned, and managed to serve regional shopping needs;
 2. The shopping center(s) consist of at least twelve (12) retail stores and service establishments connected by parking areas and common walkways; and
 3. The shopping center(s) are located on at least two acres of land inclusive of parking areas.
- P. "Licensee" means any person holding a state license under California Business and Professions Code Section 26000 et seq.
- Q. "Licensing authority" means the state agency responsible for the issuance, renewal, or reinstatement of a state license for commercial cannabis activities, or the state agency authorized to take disciplinary action against the licensee.
- R. "Manufactured cannabis" or "cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.
- S. "Manufacturing site" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products either directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.
- T. "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation.
- U. "Nursery" means a permittee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- V. "One ownership" and "owner" have the same definition as set forth in Chapter 21.06 of this Title.
- W. "Permittee" means a person issued a use permit under this Chapter.
- X. "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.
- Y. "Playground" means any park or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, County, or state parks.
- Z. "Primary caregiver" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.
- AA. "Public park" means an area created, established, designated, or maintained by a special district, a County, the State, or the Federal government for public play, recreation, or enjoyment or for the protection of natural resources and features at the site.
- BB. "Qualified patient" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

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- CC. "Retailer" and "retail facility" shall have the same meaning as "dispensary."
 - DD. "State" means the state of California.
 - EE. "State license," "license," or "registration" means a state license issued pursuant to California Business and Professions Code Section 26000 et seq.
 - FF. "Testing laboratory" means a facility, entity, or site in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:
 - 1. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activities in the state; and
 - 2. Licensed by the Bureau.
 - GG. "Transport" or "transportation" mean the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to the California Business and Professions Code Section 26000 et seq.
 - HH. "Volatile manufacturing" means a manufacturing site that manufactures cannabis products using volatile solvents.
 - II. "Volatile solvent" shall have the same meaning as in Paragraph (3) of Subsection (b) of Section 11362.3 of the Health and Safety Code, unless otherwise provided by law or regulation.
 - JJ. "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

21.67.020 Purpose.

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 Monterey County by establishing minimum land use requirements for commercial cannabis activities. Commercial cannabis activity, as defined pursuant to Section 21.06.192 of Title 21, includes the cultivation, possession, manufacture, processing, storing, laboratory testing, packaging, labeling, transporting, distribution, or sale of cannabis or a cannabis product. Although cultivation of cannabis is not "development" within the meaning of the 2010 General Plan, this Chapter recognizes that commercial cannabis activities require land use controls due to the unique federal and state legal constraints on commercial cannabis activity, and the potential environmental and social impacts associated with commercial cannabis activity.

21.67.030 Permits required.

Except as provided in Section 21.67.090 of this Chapter, commercial cannabis activities shall not be allowed in the unincorporated areas of Monterey County without first securing all permits, licenses, or other entitlements required by County regulation and state law and regulation.

- A. An administrative permit shall be required for all commercial cannabis activities. The application for an administrative permit, and for amendments thereto and extensions thereof, shall be processed in accordance with Chapter 21.70 of the Monterey County Code. The Chief of Planning is the Appropriate Authority to consider an administrative permit for commercial cannabis activities and to consider extensions of and amendments to such permits unless the matter is referred to public hearing under Section 21.70.060 of this Chapter. Appeals from the decision of the Chief of Planning shall be governed by Chapter 21.80 of the Monterey County Code. Notwithstanding the foregoing, the procedures for

suspension and revocation of an administrative permit granted under this Chapter shall be as set forth in Sections 21.67.110 and 21.67.120 of this Chapter.

- B. In addition to an administrative permit, a commercial cannabis permit pursuant to Chapter 7.90 of the Monterey County Code shall be required for all commercial cannabis activities.
- C. Upon implementation of state regulations pursuant to California Business and Professions Code Section 26012, a valid license from the state shall be required to operate any commercial cannabis activity.
- D. The owner shall post or cause to be posted on site the administrative permit and all required County and state permits and licenses required to operate. Such posting shall be in a central location, visible to the patrons, at the operating site, and in all vehicles that deliver or transport cannabis or cannabis products.
- E. The owner and all permittees shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
- F. The owner and all permittees shall conduct commercial cannabis activities in compliance with all required County permits, state licenses, County regulation, and state law and regulation. The owner shall be responsible for the payment of all required inspection fees, permit fees, and taxes.
- G. Commercial medical cannabis activities that were legally established prior to the effective date of Ordinance No. 5270 enacting this Chapter (August 12, 2016) had one year from the effective date of the ordinance to obtain all required County permits, licenses, and entitlements, or to terminate their operations.
- H. [Any proposal for outdoor cannabis consumption shall obtain a use permit, as described below in Section 21.67.040.B.11.e.i.](#)

21.67.040 Regulations for cannabis retailers.

- A. Applicability. The provisions of this Section are applicable in Light Commercial (LC), Heavy Commercial (HC), and Mixed Use (MU) zoning districts. Cannabis retailers shall not be allowed in any other zoning district.
- B. Regulations. Cannabis retailers shall meet the following minimum requirements:
 - 1. Retail facilities shall be located only in zoning districts that specifically provide for this use. [Retail facilities may include a cannabis consumption venue subject to meeting the regulations identified in this chapter and in Monterey County Code Chapter 7.90.](#)
 - 2. Retail facilities shall not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority. The distance specified in this Section shall be measured from property line to property line, except for playgrounds, which will be measured from the boundary of the playground facility.
 - 3. Retail facilities shall not be located within one thousand five hundred (1,500) feet of another approved retail facility, except when a retail facility demonstrates to the satisfaction of the Appropriate Authority that special circumstances exist.
 - a. Special circumstances require a proposed retail facility to provide proof based on substantial evidence of the following:

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- i. The proposed retail facility is located within a Community Area, Rural Center, or Large Shopping Center; and
 - ii. The proposed retail facility would result in no more than three (3) retail facilities in the designated Community Area, or result in no more than two (2) retail facilities in the Rural Center or Large Shopping Center.
 - b. A use permit pursuant to Chapter 21.74 of this Title shall be required for a proposed retail facility that does not comply with the one thousand five hundred (1,500) foot setback from another approved retail facility, and when the Appropriate Authority determines that special circumstances are inapplicable to a proposed retail facility as described in this Subsection. The Planning Commission is the Appropriate Authority to consider said permit. Appeals from the decision of the Planning Commission shall be governed by Chapter 21.80 of the Monterey County Code. In reviewing the use permit, the Appropriate Authority shall consider the location of the proposed retailer, density of retailers in the vicinity, specific characteristics of the site, and any other relevant factors. The use permit shall be subject to all of the other requirements and findings for a cannabis retailer under section 21.67.
 - c. In circumstances where a retail facility is proposed within one thousand five hundred (1,500) feet of another proposed retail facility, the one thousand five hundred 1,500 foot setback is established upon the granting of an entitlement by the Appropriate Authority. In these circumstances, entitlements for commercial cannabis retailers shall be considered in the order the application for the entitlement is deemed complete.
 4. Retailers shall keep accurate records of all business operations and provide such records for inspection consistent with Section 26160 of the California Business and Professions Code.
 5. Retailers shall implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products in compliance with Section 26070 of the California Business and Professions Code and any rules promulgated by the licensing authority. Security measures shall include, but are not limited to, the following:
 - a. Prevent individuals from loitering on the premises of the retailer if they are not engaging in activity expressly related to the operations of the retailer;
 - b. Establish limited access areas accessible only to authorized dispensary personnel;
 - c. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis and cannabis products used for display purposes, samples or immediate sale;
 - d. Install security cameras on site; and
 - e. Provide for on-site security personnel meeting the requirements and standards contained within Chapter 7.30 of the Monterey County Code. Onsite security shall not carry firearms or other lethal weapons.
 6. If the retailer's operations are proposed to include delivery, all employees of a retailer delivering cannabis or cannabis products shall carry a copy of the documentation listed below when making deliveries. This information shall be provided upon request to law enforcement officers and to employees of state and local agencies enforcing this Chapter.
 - a. A copy of the retailer's current permits, licenses, and entitlements authorizing them to provide delivery services;
 - b. The employee's government-issued identification;
 - c. A copy of the delivery request; and
 - d. Chain of custody records for all goods being delivered.

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7. Retailers shall ensure that all cannabis and cannabis products at the dispensary are cultivated, manufactured, transported, distributed, and tested by licensed and permitted facilities that maintain operations in full conformance with state and local regulations.
 8. Retailers shall not distribute any cannabis or cannabis product unless the cannabis and cannabis products are labeled and in a tamper-evident package in compliance with Section 26120 of the California Business and Professions Code and any additional rules promulgated by the licensing authority.
 9. Retailers shall notify the Monterey County Sheriff's Office and the licensing authority within twenty-four (24) hours after discovering any of the following:
 - a. Significant discrepancies identified during inventory;
 - b. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the retailer;
 - c. The loss or unauthorized alteration of records related to cannabis, patients, or retailer's employees or agents; or
 - d. Any other breach of security.
 10. Possession or delivery of any other form of illegal drugs without proper legal authorization shall be grounds for revocation of permits.

11. Any permitted or proposed cannabis retail facility may add a cannabis consumption venue pursuant to meeting the following regulations:

- a. Any person operating a Cannabis Consumption Venue shall obtain a commercial cannabis permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing operations and must maintain such permit in good standing to continue operations.
- b. Any cannabis consumption venue that will limit consumption to non-smoking consumption only shall be considered for a commercial cannabis permit pursuant to section 7.90.040 and this section 21.67.040.B, and is not required to install a designated cannabis smoking area ventilation system.
- c. Cannabis consumption venues shall create patron consumption guidelines that may include the utilization of labels, menu notifications, signage, portion control, dosage monitoring, and staff education to prevent the overconsumption of cannabis by patrons.
 - i. Cannabis consumption venues shall not sell cannabis or cannabis products without first communicating the needs, usage, prior experience of and estimated tolerance with the end-use consumer in an effort to ensure responsible consumption.
 - ii. The business shall train their employees about the various products the consumption area sells, including potency of the products, absorption time, and effects of the products, cleaning and handling cannabis consumption devices and paraphernalia, detecting signs of overconsumption, safety practices, and security procedures.
 - iii. Each cannabis consumption venue shall develop a plan to mitigate the risk of impaired driving, to include signage and making information readily available to the consumer about transportation options.
- d. Patrons cannot bring cannabis, tobacco or alcohol or other substances into the consumption lounge—they can only consume whatever cannabis they purchase on site.
- e. Any cannabis consumption venue that will allow smoking shall be subject to meeting the following requirements:
 - i. A proposal to allow outdoor smoking shall require processing of a use permit pursuant to Chapter 21.74. The application shall include an adequate odor control plan so as to prevent

any detectable odor at the property line of the premises. The smoking, inhalation, consumption or ingestion of cannabis or cannabis goods shall not be visible from any public place or any area where minors may be present.

ii. A proposal to allow on-site indoor smoking shall be permitted where a valid commercial cannabis business permit pursuant to Monterey County Code Section 7.90.040 is approved for the site, or for an adjacent site within the same building if it meets all the setback requirements identified in Section 21.67.040.B. The applicant must submit a designated cannabis smoking area ventilation system plan, which must include the following information:

(a) An explanation of how the ventilation system will be capable of removing all detectable odors, smoke and by-products of combustion. The designated cannabis smoking area ventilation plan shall include a statement signed and dated by the person who prepared it, certifying that in their professional judgement the ventilation system proposed will be capable of achieving the protection from particulate matter (PM 2.5) equivalent to that associated with MERV 11 filtration (as defined by American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) standard 52.2) and that the designated cannabis smoking area will remain under negative pressure, at all times, while in use. The Cannabis Program Manager or County of Monterey Chief Building Official may specify additional or alternative protective equivalents as technology and research dictate. The ventilation plan shall include information to address the following:

(1) Air exchanges rates for the designated cannabis smoking area.

(2) Air exchange rates for common areas within the licensee's building.

(3) Filter type and odor control measures for the designated cannabis smoking area.

(4) Location of air intakes and exhaust outlets (exhaust outlets located the maximum distance possible from any residential or commercial building, and no less than 15 feet). Exhaust outlets shall comply with California Mechanical Code section 502.2.2 - "Other Product Conveying Outlets" termination requirements.

(5) Whether negative pressure will be maintained only in the designated cannabis smoking area.

(6) Area or areas of the licensee's building that are not served by enhanced ventilation.

(7) Area or areas of the licensee's building where smoking will occur.

(8) If applicable, location of Z-ducts, trickle vents or similar unfiltered air system used for the licensee's building.

(9) Percentage of total square footage, for customer use, of the licensee's building that will be used for smoking of cannabis in the designated cannabis smoking area.

(10) Designated cannabis smoking area does not share space with employee work area.

(11) Maximum occupant load for the designated cannabis smoking area.

b) The designated cannabis smoking area ventilation plan shall include an Operations and Maintenance Plan for the ventilation system and methods for recordkeeping to ensure that the Operations and Maintenance Plan is followed. A current Operations and Maintenance manual must be kept on-site and provided to all managers, building engineers and building owners. The manual shall be reviewed annually by the licensee and updated by the licensee as appropriate. The manual shall include:

(1) A provision that inoperability of the designated cannabis smoking area's ventilation system shall result in immediate closure of the designated cannabis smoking area.

(2) The approved designated cannabis smoking area ventilation system installed shall be properly maintained and documented as stated in the Operations and

Maintenance manual following standard practices, and as specified by the design engineer.

— Documentation of the installation and/or maintenance of the designated cannabis smoking area ventilation system shall be preserved for a minimum of five years after such installation or maintenance.

f. Approval by the Appropriate Authority designated in Monterey County Code Chapter 7.90 must be granted prior to operation for a commercial cannabis retail facility where cannabis consumption is limited to ingestion, or prior to the issuance of a building permit where consumption may include smoking or vaping.

g. Live entertainment is allowed within a cannabis consumption venue subject to meeting applicable county code requirements for noise, discretionary permits where required by the code (e.g., within 200 feet of a residential district), and parking requirements.

h. A retailer may sell prepackaged, non-cannabis-infused, non-alcoholic food and beverages.

i. The Building Official's action on the designated cannabis smoking area ventilation system plan shall be one of the following:

i. Approve without further revision; or

ii. Require corrections, additions, and/or modifications which will allow the applicant to revise according to the Building Official's specific comments and resubmit; or

iii. Reject.

- C. Required Findings. An administrative permit for a cannabis retailer shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:
1. The retailer, as proposed, has demonstrated that it can and will comply with all of the requirements of the state and County to operate a cannabis retail facility.
 2. The retail facility will not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority, and the retail facility will not be located within one thousand five hundred (1,500) feet of another retail facility, except as approved pursuant to the requirements of Section 21.67.040.B.3.
 3. The retailer, as approved and conditioned, will not result in significant unavoidable impacts on the environment.
 4. The retailer includes adequate measures that minimize, to the extent feasible, nuisances to the immediate neighborhood and community including minimizing the detection of odor from off site, minimizing the effects of loitering, providing adequate security measures, and not exceeding the permit's limits on hours of operation.
 5. The retailer will provide adequate measures that address the federal enforcement priorities for cannabis activities including providing for restrictions on drugged driving, restricting access to minors, prohibiting use of firearms for security purposes at the premises, and ensuring that cannabis and cannabis products are supplied from permitted and licensed sources.
- D. In addition to any other required conditions and mitigation measures approved by the Appropriate Authority, all of the following conditions shall apply to all permits for a cannabis retailer:

1. The cannabis retailer shall allow access to its facilities and records if requested by the County, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.
2. The applicant, owner, and all permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the County or their designee.
3. The applicant for the retail facility and property owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
4. Any person operating a cannabis retail facility shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.
5. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by the Monterey County Code and state law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the County or state shall be grounds for the suspension or revocation of an administrative or a use permit pursuant to Sections 21.67.110 and 21.67.120 of this Chapter.
6. The retailer shall operate only in accordance with the operating plans reviewed and approved by the County. The County shall limit the hours of operation for a retail facility to begin no earlier than eight a.m. and to end no later than eight p.m. [For a retail facility that includes a cannabis consumption venue, the hours of operation shall be limited to begin no earlier than eight a.m. and to not allow any sale of product later than ten p.m., and shall close no later than midnight.](#)

21.67.050 Regulations for cannabis cultivation.

- A. Applicability. Except as provided in Section 21.67.090 of this Chapter, cannabis cultivation may only be permitted in the Light Industrial (LI), Heavy Industrial (HI), Agricultural Industrial (AI), or Farmland (F) zoning districts with an administrative permit in each case and as may be further restricted by this Section. Outdoor cannabis cultivation is prohibited in all zones within the unincorporated areas of Monterey County except as provided in Section 21.67.090 of this Chapter, and as provided in Chapter 21.69 of the Monterey County Code. The table below summarizes the zoning districts where cultivation may be considered with an administrative permit.

	Type 1A	Type 1B	Type 1C	Type 2A	Type 2B	Type 3A	Type 3B	Type 4
LI	AP	AP						
HI	AP	AP						
AI	AP	AP						
F	AP	AP						

AP= Administrative permit pursuant to Chapter 21.70.

- B. Regulations. Cannabis cultivation shall comply with all of the following regulations:
1. It is the intent of the County to provide for the adaptive reuse of greenhouse properties in Monterey County and to restrict the proliferation of greenhouses or other structures on productive agricultural lands. To this end, within the Farmland (F) zoning district, indoor and mixed-light cannabis cultivation and cannabis nurseries (Type 1A, 1B, 1C, 2A, 2B, 3A, 3B and 4 state license types) may be permitted with an administrative permit in each case provided that the cultivation occurs within a greenhouse or

agricultural support service facility that was permitted or legally established prior to January 1, 2016. On properties that contain one or more greenhouses legally established prior to January 1, 2016, the above described cultivation may be permitted within legally established greenhouses, or within new or expanded greenhouses constructed after January 1, 2016. Agricultural support service facilities used for drying, trimming, processing, and storage, may also be constructed to support permitted greenhouse cultivation. In all cases, cannabis uses shall require approval of an administrative permit, and all new or expanded construction shall comply with the applicable regulations of this Title and state law.

2. Within the Light Industrial (LI), Heavy Industrial (HI), and Agricultural Industrial (AI) zoning districts, indoor or mixed-light cannabis cultivation or cannabis nurseries (Type 1A, 1B, 1C, 2A, 2B, 3A, 3B, or 4 state license types) may be permitted subject to an administrative permit in each case.
3. In no case shall a building intended for residential use be used for the cultivation of cannabis.
4. Cannabis cultivation shall not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority. The distance specified in this Section shall be measured from property line to property line, except for playgrounds, which will be measured from the boundary of the playground facility.
5. Until a track and trace program for the identification of permitted cannabis plants at a cultivation site is created by the California Department of Food and Agriculture, cultivators shall implement a County approved unique identification protocol. Unique identifiers shall be attached at the base of each plant and shall be traceable through the supply chain back to the cultivation site. Once a state program has been established, all cultivation activities permitted under this Chapter shall comply with the state requirements for unique identifiers and the trace and track program.
6. Security measures sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. If on-site security is utilized, such on-site security shall not use or possess firearms or other lethal weapons.
7. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
8. Water conservation measures, water capture systems, or grey water systems shall be incorporated in cannabis cultivation operations in order to minimize use of water where feasible.
9. Electrical power for indoor cultivation using artificial lighting only shall be provided by one of the following methods:
 - a. Onsite renewable generation designed to offset anticipated energy demand to the maximum extent feasible and purchase of carbon offsets of any portion of power not provided from onsite renewable sources; or
 - b. Ongoing participation in a rate program offered by the electric utility provider that provides energy from one hundred percent (100%) renewable source. Examples of such programs include the Central Coast Community Energy 3CPrime program, and Pacific Gas and Electric Company's Solar Choice or Regional Renewable Choice programs.
10. Cannabis plants shall not be visible from off site. No visual markers indicating that cannabis is cultivated on the site shall be visible from off site.
11. The owner shall ensure that the total canopy size of cannabis cultivated at the site does not exceed the cumulative canopy size authorized by state law or regulation. The owner and its licensees and permittees, operating on a site permitted pursuant to this Chapter, and with a commercial cannabis permit required pursuant to Chapter 7.90 of the Monterey County Code, shall ensure that the total

canopy size of cannabis cultivation does not individually exceed the amounts authorized by County permits and state law.

12. Unless restricted under the terms or conditions of an administrative permit, permittees who hold an administrative permit for cannabis cultivation or nursery operations may transport their own cannabis grown on site to another permitted and licensed cannabis business at an off-site facility provided the cultivation or nursery permittee hold a Type 11 state license or other applicable state license that allows for the transportation of cannabis. A separate administrative permit under this Section shall not be required for permittees that transport their own cannabis grown on site to another permitted and licensed cannabis business at an off-site facility. Failure to adhere to County or state laws and regulations for cannabis transportation may be grounds for suspension or revocation of an administrative permit pursuant to Sections 21.67.110 and 21.67.120 of this Chapter.
- C. Required Findings. An administrative permit for cannabis cultivation shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:
1. The cultivation, as proposed, will comply with all of the requirements of the state and County for the cultivation of cannabis.
 2. The cultivation will not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority.
 3. The cultivation, as approved and conditioned, will not result in significant unavoidable impacts on the environment.
 4. The cultivation includes adequate measures that minimize use of water for cannabis cultivation at the site.
 5. The cultivation includes adequate measures to address the projected energy demand for cannabis cultivation at the site.
 6. The cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets industry standards.
 7. The cultivation includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors, prohibiting use of firearms for security purposes at the premises, and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.
- D. Required Conditions. In addition to any other conditions and mitigation measures required by the Appropriate Authority, all of the following conditions shall apply to all permits for cannabis cultivation:
1. The owner and permittees shall allow access to cultivation sites and access to records if requested by the County, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.
 2. The applicant, owner, and permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the County or their designee.
 3. The applicant for the cultivation and the owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
 4. Any person cultivating cannabis shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.

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5. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by the Monterey County Code and state law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the County or state shall be grounds for the suspension or revocation of an administrative permit pursuant to Sections 21.67.110 and 21.67.120 of this Chapter.
 6. The cultivation activities shall be maintained in accordance with the operating plans as approved by the County.

21.67.060 Cannabis manufacturing.

- A. Applicability. Non-volatile cannabis manufacturing facilities (requiring a Type 6 state license) may be permitted in the Heavy Commercial (HC), Light Industrial (LI), Heavy Industrial (HI), Agricultural Industrial (AI), or in Farmland (F) zoning districts when combined with a cannabis cultivation permit, subject to an administrative permit in each case. Cannabis manufacturing facilities involving volatile processes or substances (requiring a Type 7 state license) shall only be permitted in the Heavy Industrial (HI) zoning district with an administrative permit in each case. Except as provided in Section 21.67.090 of this Chapter, cannabis manufacturing shall be subject to the requirements contained in this Section.
- B. Regulations. Cannabis manufacturing shall comply with all of the following regulations:
 1. Cannabis manufacturing facilities shall be located only in zoning districts that specifically provide for this use.
 2. Cannabis manufacturing facilities shall not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority. The distance specified in this Section shall be measured from property line to property line, except for playgrounds, which will be measured from the boundary of the playground facility.
 3. The Director of the Monterey County Environmental Health Bureau or his/her designee is the appropriate authority to determine if manufacturing operations are "volatile" as defined by the state.
 4. All cannabis manufacturing operations shall ensure that cannabis is obtained from permitted and licensed cultivation sources and shall implement best practices to ensure that all manufactured cannabis products are properly stored, labeled, transported, and inspected prior to distribution at a legally permitted and licensed dispensary.
 5. Security measures sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. Security measures shall include, but are not limited to, the following:
 - a. Prevent individuals from loitering on the premises of the manufacturing facility if they are not engaging in activity expressly related to the operations of the manufacturing facility;
 - b. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss;
 - c. Install security cameras on site; and
 - d. Provide for on-site security personnel meeting the requirements and standards contained within Chapter 7.30 of the Monterey County Code. On-site security shall not use or possess firearms or other lethal weapons.
 6. Any employees of a cannabis manufacturing facility operating potentially hazardous equipment shall be trained on the proper use of equipment and on the proper hazard response protocols in the event

of equipment failure. In addition, employees handling edible cannabis products or ingredients shall be trained on proper food safety practices.

7. Unless restricted under the terms or conditions of an administrative permit, permittees who hold an administrative permit for cannabis manufacturing may transport their own cannabis products manufactured on site to another permitted and licensed cannabis business at an off-site facility provided the manufacturing permittee holds a Type 11 state license or other applicable state license that allows for the transportation of cannabis products. A separate administrative permit under this Section shall not be required for permittees that transport their own cannabis products manufactured on site to another permitted and licensed cannabis business at an off-site facility. Failure to adhere to County or state laws and regulations for manufactured cannabis transportation may be grounds for suspension or revocation of an administrative permit pursuant to Sections 21.67.110 and 21.67.120 of this Chapter.
- C. An administrative permit for cannabis manufacturing shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:
1. The manufacturing facility, as proposed, will comply with all of the requirements of the state and County for the cannabis manufacturing.
 2. The manufacturing facility will not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority.
 3. The manufacturing, as approved and conditioned, will not result in significant unavoidable impacts on the environment.
 4. The manufacturing includes adequate quality control measures to ensure cannabis manufactured at the site meets industry standards.
 5. The manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids, or substances.
 6. The manufacturing operations plan includes adequate measures that address the federal enforcement priorities for cannabis activities including providing restrictions on access to minors, prohibiting use of firearms for security purposes at the premises, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the state.
- D. Required Conditions. In addition to any other conditions and mitigation measures required by the Appropriate Authority, all of the following conditions shall apply to all permits for cannabis manufacturing:
1. The owner and permittees shall allow access to the facility and access to records if requested by the County, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.
 2. The applicant, owner, and permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the County or their designee.
 3. The applicant for the manufacturing facility and the owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
 4. Any person operating a cannabis manufacturing facility shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.

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5. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by the Monterey County Code and state law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the County or state shall be grounds for the suspension or revocation of an administrative permit pursuant to Sections 21.67.110 and 21.67.120 of this Chapter.
 6. The manufacturing facilities and activities shall be maintained in accordance with the operating plans approved by the County.

21.67.070 Cannabis testing facilities.

- A. Applicability. Cannabis testing facilities (requiring a Type 8 state license) may be permitted in the Heavy Commercial (HC), Light Industrial (LI), Heavy Industrial (HI), and Agricultural Industrial (AI) zoning districts subject to an administrative permit in each case. Testing facilities shall be subject to the requirements of this Section.
- B. Regulations. Cannabis testing facilities shall comply with all of the following regulations:
 1. Cannabis testing facilities shall be located only in zoning districts that specifically provide for this use.
 2. Cannabis testing facilities shall not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority. The distance specified in this Section shall be measured from property line to property line, except for playgrounds, which will be measured from the boundary of the playground facility.
 3. Cannabis testing facilities shall be independent from all other persons and entities involved in the cannabis industry.
 4. Security measures sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. Security measures shall include, but are not limited to, the following:
 - a. Prevent individuals from loitering on the premises of the testing facility if they are not engaging in activity expressly related to the operations of the testing facility;
 - b. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss;
 - c. Install security cameras on site; and
 - d. Provide for on-site security personnel meeting the requirements and standards contained within Chapter 7.30 of the Monterey County Code. On-site security shall not use or possess firearms or other lethal weapons.
 5. Cannabis testing facilities shall adopt standard operating procedures using methods consistent with general requirements for the competence of testing and calibration activities, including sampling, using standard methods established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025 to test cannabis and cannabis products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.
 6. Cannabis testing facilities shall obtain samples for testing according to a statistically valid sampling method.
 7. Cannabis testing facilities shall analyze samples according to either the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia or a scientifically

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- valid methodology that is demonstrably equal or superior to the most recent cannabis inflorescence monograph.
8. If a test result falls outside the specifications authorized by law or regulation, the cannabis testing facility shall follow a standard operating procedure to confirm or refute the original result.
 9. Cannabis testing facilities shall destroy the remains of any samples of cannabis or cannabis product tested upon completion of the analysis.
 10. A licensed testing laboratory shall issue a certificate of analysis for each lot, with supporting data, to report both of the following:
 - a. Whether the chemical profile of the lot conforms to the specifications of the lot for compounds, including, but not limited to, all of the following:
 - i. Tetrahydrocannabinol (THC).
 - ii. Tetrahydrocannabinolic Acid (THCA).
 - iii. Cannabidiol (CBD).
 - iv. Cannabidiolic Acid (CBDA).
 - v. The terpenes described in the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.
 - vi. Cannabigerol (CBG).
 - vii. Cannabinol (CBN).
 - viii. Any other compounds required by the Department of Public Health.
 - b. That the presence of contaminants does not exceed the levels that are the lesser of either the most current version of the American Herbal Pharmacopoeia monograph or those set by the California Department of Public Health. For purposes of this Paragraph, contaminants include, but are not limited to, all of the following:
 - i. Residual solvent or processing chemicals.
 - ii. Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.
 - iii. Microbiological impurity, including total aerobic microbial count, total yeast mold count, *P. aeruginosa*, *aspergillus* spp., *s. aureus*, aflatoxin B1, B2, G1, or G2, or ochratoxin A.
 - iv. Whether the batch is within specifications for odor and appearance.
- C. Required Findings. An administrative permit for a cannabis testing facility shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:
1. The testing facility, as proposed, will comply with all of the requirements of the state and County for the testing of cannabis or cannabis products.
 2. The testing facility will not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority.
 3. The cannabis testing, as approved and conditioned, will not result in significant unavoidable impacts on the environment.
 4. The owners, permittees, operators, and employees of the testing facility will not be associated with any other form of commercial cannabis activity.
 5. The testing facility is accredited by an appropriate accrediting agency.

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6. Plans for the testing facility demonstrate proper protocols and procedures for statistically valid sampling methods and accurate certification of cannabis and cannabis products for potency, purity, pesticide residual levels, mold, and other contaminants according to adopted industry standards.
- D. Required Conditions. In addition to any other conditions and mitigation measures required by the Appropriate Authority, all of the following conditions shall apply to all permits for a cannabis testing facility:
1. The owner and permittees of the testing facility shall allow access to the facility and access to records if requested by the County, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.
 2. The applicant, owner, and permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the County or their designee.
 3. The applicant for the testing facility and the owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
 4. Any person operating a cannabis testing facility shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.
 5. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by the Monterey County Code and state law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the County or state shall be grounds for the suspension or revocation of an administrative permit pursuant to Sections 21.67.110 and 21.67.120 of this Chapter.
 6. The testing facilities and related activities shall be maintained in accordance with the operating plans approved by the County.

21.67.080 Cannabis distribution.

- A. Applicability. Except as provided in Section 21.67.090, cannabis distribution facilities (requiring a Type 11 state license) may be permitted in the Heavy Commercial (HC), Light Industrial (LI), Heavy Industrial (HI), and Agricultural Industrial (AI) zoning districts subject to an administrative permit in each case. Cannabis distribution facilities shall be subject to all of the requirements contained in this Section.
- B. Regulations. Cannabis distribution facilities shall comply with all of the following requirements.
1. Cannabis distribution facilities shall be located only in zoning districts that specifically provide for this use.
 2. Cannabis distribution facilities shall not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority. The distance specified in this Section shall be measured from property line to property line, except for playgrounds, which will be measured from the boundary of the playground facility.
 3. Cannabis and cannabis products shall only be transported between permitted and licensed commercial cannabis operations.
 4. Prior to transporting cannabis or cannabis products, the distributor shall complete an electronic shipping manifest. The shipping manifest shall include the unique identifier information from the cultivation source.

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5. A physical copy of the shipping manifest shall be maintained during transportation and shall be made available upon request to law enforcement or any agents of the state or County charged with enforcement of this Chapter.
 6. Distribution facilities shall maintain appropriate records of transactions and shipping manifests. An organized and clean method of storing and transporting cannabis and cannabis products shall be provided to maintain a clear chain of custody.
 7. Security measures sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. Security measures at distribution facilities shall include, but are not limited to, the following:
 - a. Prevent individuals from loitering on the premises of the distribution facility if they are not engaging in activity expressly related to the operations of the distribution facility;
 - b. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss;
 - c. Install security cameras on site; and
 - d. Provide for on-site security personnel meeting the requirements and standards contained within Chapter 7.30 of the Monterey County Code. On-site security shall not use or possess firearms or other lethal weapons.
 8. Distributors shall ensure that appropriate samples of cannabis or cannabis products are tested by a licensed testing facility prior to distribution.
 9. Prior to distribution, the distributor shall inspect cannabis or cannabis products for quality assurance.
 10. Cannabis and cannabis products shall be packaged and labeled in accordance with the requirements of state law.
 11. Alternative fuel vehicles shall be provided as part of a cannabis transportation fleet.
 12. The driver of a vehicle transporting cannabis and cannabis products shall be directly employed by persons holding all required permits, licenses, and entitlements for a cannabis distributor.
- C. Required Findings. An administrative permit for a cannabis distribution facility shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:
1. The distribution facility, as proposed, will comply with all of the requirements of the state and County for the cannabis distribution.
 2. The distribution facility will not be located within a six hundred (600) foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a child care center, a youth center, a playground, or a drug recovery facility that is in existence at the time of approval of permits by the Appropriate Authority.
 3. The cannabis distribution facility as approved and conditioned, will not result in significant unavoidable impacts on the environment.
 4. Plans for the distribution facility demonstrate proper protocols and procedures that address the federal enforcement priorities for cannabis activities including providing restrictions on access to minors, prohibiting use or possession of firearms for security purposes at the premises, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the state.
- D. Required Conditions. In addition to any other conditions and mitigation measures required by the Appropriate Authority, all of the following conditions shall apply to all permits for a cannabis distribution facility:

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1. The owner and permittees of a distribution facility shall allow access to the facility and access to records if requested by the County, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.
 2. The applicant, owner, and permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the County or their designee.
 3. The applicant for a distribution facility and the owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
 4. Any person operating a cannabis distribution facility shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing operations and must such permit in good standing in order to continue operations.
 5. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by the Monterey County Code and state law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the County or state shall be grounds for the suspension or revocation of an administrative permit pursuant to Sections 21.67.110 and 21.67.120 of this Chapter.
 6. The distribution facilities and activities shall be maintained in accordance with the operating plans approved by the County.

21.67.090 Exemptions from permit requirements.

All of the following cannabis activities are exempt from the administrative permit requirements of this Chapter in all zoning districts:

- A. Possession, storage, manufacturing, or transportation of medicinal cannabis, or cultivation of up to one hundred (100) square feet total canopy area of medicinal cannabis by a qualified patient, as that term is defined in Section 11362.7 of the California Health and Safety Code, provided the qualified patient, possesses, stores, manufactures, transports, or cultivates cannabis exclusively for his or her personal medical use, and does not provide, donate, sell, or distribute cannabis to any other person. Qualified patients shall, upon request, provide appropriate documentation to law enforcement demonstrating that they have a valid doctor's recommendation to use cannabis for medicinal purposes.
- B. Possession, storage, manufacturing, transportation of medicinal cannabis, or cultivation of up to one hundred (100) square feet of canopy area of medicinal cannabis by a primary caregiver on behalf of a qualified patient, within the meaning of Section 11362.7 of the California Health and Safety Code, provided the primary caregiver does not receive remuneration for these activities except for compensation in full compliance with Section 11362.765(c) of the California Health and Safety Code. Primary caregivers shall, upon request, provide appropriate documentation to law enforcement demonstrating that they are a primary caregiver for a qualified patient.
- C. Possession, processing, storage, transportation, or donation of not more than 28.5 grams of cannabis or not more than eight (8) grams of concentrated cannabis to persons twenty-one (21) years of age or older by persons twenty-one (21) years of age or older.
- D. The cultivation of up to six (6) cannabis plants by persons twenty-one (21) years of age or older as allowed pursuant to Section 11362.1(a) of the California Health and Safety Code.
- E. The addition of an indoor cannabis consumption venue to an existing permitted retail facility that meets all the regulations of Monterey County Code Section 21.67.040 and Chapter 7.90.

21.67.100 Application requirements.

All applications for a permit for a commercial cannabis activity under this Chapter shall be filed with the Resource Management Agency on the form and in the manner prescribed by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee. In all cases the application shall contain, without limitation, the following documentation:

- A. Notarized, written authorization from all persons and entities having a right, title or interest in the property that is the subject of the application consenting to the application and the operation of the proposed commercial cannabis activity on the subject property.
- B. The name and address of all persons and entities responsible for the operation of the commercial cannabis activity, including managers, corporate officers, any individual with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the commercial cannabis activity.
- C. Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial cannabis activity(ies) being requested.
- D. An operations plan including at a minimum, the following information:
 - 1. Onsite security measures both physical and operational and, if applicable, security measures for the delivery of cannabis associated with the commercial cannabis business;
 - 2. Standard operating procedures manual detailing how operations will comply with State and local regulations; how safety and quality of products will be ensured; record keeping procedures for financing, testing, and adverse effect recording; and product recall procedures;
 - 3. Proposed hours of operation;
 - 4. Waste disposal information;
 - 5. A water management plan including the proposed water supply and proposed conservation measures;
 - 6. Medical recommendation verification when applicable and youth access restriction procedures;
 - 7. Product supply chain including information on where cultivation occurs, where the product is processed or manufactured, any required testing of cannabis or cannabis products, transportation, and packaging and labeling criteria;
 - 8. Record keeping policy;
 - 9. Track and trace measures;
 - 10. Sustainability measures including water efficiency measures, energy efficiency measures, high efficiency mechanical systems, and alternative fuel transportation methods;
 - 11. Odor prevention devices;
 - 12. Size, height, colors, and design of any proposed signage at the site;
 - 13. Parking plan; and
 - 14. Such other information as the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may require.
- E. Additional Application Requirements: Based on the type of commercial cannabis activities proposed, the following additional information may be required by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee:

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1. Cannabis Retailer: In reviewing an application for an administrative or use permit to dispense cannabis or cannabis products, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request operational plans detailing how operations will comply with federal enforcement priorities.
 2. Cannabis Cultivation: In reviewing an application for an administrative permit to cultivate cannabis, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request the following additional information:
 - a. Water conservation measures;
 - b. Projected energy demand and proposed renewable energy generation facilities;
 - c. Unique identifier, inventory, and quality control procedures; and
 - d. A floor plan identifying the location, dimensions, and boundaries of all proposed canopy areas taking into account space needed for ongoing care of plants and a description of the proposed method of physically delineating those boundaries at the site.
 3. Cannabis Manufacturing: In reviewing an application for an administrative permit to operate a cannabis manufacturing facility, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request the following additional information:
 - a. Information on products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes. Cannabis shall be obtained from a licensed cultivator or licensed distributor operating in compliance with all local and state laws;
 - b. Storage protocol and hazard response plan;
 - c. Quality control measures; and
 - d. Any other information requested by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee.
 4. Cannabis testing facilities: In reviewing an application for an administrative permit to operate a cannabis testing facility, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request the following additional information:
 - a. An operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion;
 - b. Certificate of accreditation from an approved accrediting body;
 - c. Proposed procedures for record keeping including chain of custody control and certificate issuance; and
 - d. Any other information requested by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee.
 5. Cannabis transportation and distribution facility: In reviewing an application for an administrative permit to operate a cannabis transportation and/or distribution facility, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request any following additional information:
 - a. An operations plan detailing how, and from where, cannabis and cannabis products will be received, how any storage, distribution, and transportation operations will be secured to prevent theft and trespass, and to whom the product will be distributed;
 - b. Quality control inspections and requirements plan;
 - c. Truck parking and loading areas;
 - d. Storage and handling plans; and

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- e. Any other information requested by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee.
 - F. All required application materials shall be prepared by the applicant and submitted at the time of application.

21.67.110 Grounds for suspension or revocation.

Any of the following shall be grounds for suspension or revocation of a use permit, or administrative permit granted for a commercial cannabis activity based on substantial evidence and following notice and public hearing pursuant to Section 21.67.120:

- A. Failure to comply with one or more of the conditions of the use permit or administrative permit;
- B. The use permit or administrative permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant;
- C. Any act or omission by an owner or permittee in contravention of the provisions of this Chapter;
- D. Any act or omission by an owner or permittee that results in the denial, revocation or suspension of the owner's or permittee's State License;
- E. Any act or omission that results in the revocation of that owner's or permittee's commercial cannabis permit under Chapter 7.90 of the Monterey County Code;
- F. Any act or omission by an owner or permittee in contravention of State law or the Monterey County Code;
- G. An owner's or permittee's failure to take appropriate action to evict or otherwise remove persons conducting commercial cannabis activities who do not maintain the necessary permits or licenses in good standing with the County or State;
- H. Possession or delivery of any other form of illegal drugs without proper legal authorization; or
- I. Conduct of the commercial cannabis activities in a manner that constitutes a nuisance, where the owner or permittee has failed to comply with reasonable conditions to abate the nuisance.

21.67.120 Procedure for suspension or revocation.

- A. If the Director of the Resource Management Agency or the Chief of Planning, or his or her designee determines that grounds for suspension or revocation of the use permit or administrative permit exist pursuant to section 21.67.110, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee shall issue a written Notice of Intention to revoke or suspend the use permit or administrative permit, as the case may be. The Notice of Intention shall be served on the owner, as reported on the latest equalized assessment roll, and shall also be served on permittees on the property, as reported on the commercial cannabis permits issued pursuant to Chapter 7.90. The Notice of Intention shall be served by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested. The Notice of Intention shall describe the property, the intention to revoke or suspend the use permit or administrative permit, the grounds for revocation or suspension, the action necessary to abate the violation, the time limit for compliance, and the right to a hearing. The Notice of Intention shall notify the owner and permittees of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the use permit or administrative permit should not be suspended or revoked and shall notify them of the 10-day deadline to submit a written request for a hearing.
- B. The owner and permittees shall have ten (10) calendar days from the service of the Notice of Intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the suspension or revocation of the use permit or administrative permit and a failure to exhaust administrative remedies. If the hearing is not timely

requested, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may suspend or revoke the use permit or administrative permit in accordance with the Notice of Intention.

- C. Upon receipt of a timely written request for a hearing, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee shall set a date for a hearing to be held within sixty (60) days of receipt of the request, unless an immediate threat to the public health, safety and welfare necessitates an earlier hearing date. Notice of the hearing, including the time, date, and location of the hearing, shall be served on the owner and permittees, such service to be accomplished by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested.
- D. Hearing by the Hearing Officer:
 - 1. The Hearing Officer is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the use permit or administrative permit.
 - 2. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.
 - 3. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.
 - 4. The Hearing Officer may postpone the hearing date upon good cause shown, continue the hearing during the course of the hearing, and make such other procedural orders and rulings as he or she deems appropriate during the course of the hearing.
 - 5. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the County.
- E. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorney fees.
- F. If neither owner nor any permittee nor their authorized representatives appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

21.67.130 Enforcement.

The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

- A. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.
- B. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapters 1.20 and 1.22 of this Code, and any other action authorized by law.
- C. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, restitution, and any other relief or remedy available at law or in equity. The County, including the Office of the District Attorney and the Office of the County

Counsel, may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis activity or persons related thereto, or associated with, the commercial cannabis activity.

21.67.140 Operative date of Chapter 21.67.

This Chapter became operative on December 13, 2016, upon adoption by County voters of a County tax on commercial cannabis activity (codified at Chapter 7.100 of the Monterey County Code) and certification of the results of the vote on the tax pursuant to Section 15372 of the California Elections Code.

Exhibit 3

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Exhibit 4

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7.130.030 Definitions.

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(A) “Applicant” means the person or entity submitting an application for a license under this chapter.

(B) “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, as defined under Business and Professions Code Section [26001\(e\)](#), as may be amended.

(C) “Cannabis Consumption” means smoking, eating, drinking, chewing, applying topically or otherwise ingesting cannabis and/or cannabis products.

~~(D)~~ “Cannabis plant” means any mature or immature cannabis plant, or any cannabis seedling, unless otherwise specifically provided herein.

~~(E)~~ “Cannabis products” means plant material that has been transformed, through a manufacture process whether by mechanical means and/or using solvents, into concentrated cannabis, or cannabis tinctures, edibles, drinks, topical salves, lotions or other materials containing cannabis or concentrated cannabis and other ingredients.

~~(F)~~ “CRL program” means the cannabis retail licensing program created by this chapter.

~~(G)~~ “Cultivation” or “cultivate” means the planting, growing, developing, propagating, harvesting, drying, processing, or storage of one or more cannabis plants or any part thereof in any location, indoor or outdoor, including within a fully enclosed and secure building.

(H) “Designated cannabis smoking area” means a designated area where ingestion of inhalable cannabis products, purchased from the licensee, may occur on the premises of the licensee.

(I) “Designated cannabis smoking area ventilation system” means a ventilation system capable of removing all detectable odors, smoke and by-products of combustion.

~~(J)~~ “License” means the written evidence of permission given by the Licensing Official for a licensee to operate a retail business. “License” does not mean “permit” within the meaning of the Permit Streamlining Act, and a license does not constitute a permit that runs with the land on which a retail business sits.

(~~KH~~) “Licensee” means the person or entity holding a valid license to operate a retail business under this chapter.

(~~LJ~~) “Licensing Official” means the official appointed by the County Administrative Officer who is responsible for implementing the provisions of this chapter.

(~~MJ~~) “Manager” means any person to whom a retail business has delegated discretionary powers to organize, direct, carry on or control its operations. Authority to control one or more of the following functions shall be prima facie evidence that such a person is a manager of the business: (1) to disburse funds of the business other than for the receipt of regularly replaced items of stock; or (2) to make, or participate in making, policy decisions relative to operations of the business.

(~~NK~~) “Owner” or “owners” means any of the following: all persons or entities holding a financial interest in a retail business. For purposes of this definition, the term “financial interest” does not include a security interest, lien, or encumbrance on property.

- (1) A person with an aggregate ownership interest of 10 percent or more in the applicant applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- (2) The chief executive officer of a nonprofit or other entity.
- (3) A member of the board of directors of a nonprofit.
- (4) An individual who will be participating in the direction, control, or management of the person applying for a license.

(~~OL~~) “Parcel” means that unit of land assigned a unique assessor’s parcel number by the County Assessor, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area.

(~~PM~~) “Park” means any playground, hiking or riding trail, recreational area, beach, community center or building, historic structure or facility, owned, managed or controlled by any public entity.

(~~QN~~) “Retail business” or “retailer,” for the purposes of this chapter, means a fixed brick-and-mortar storefront located within the unincorporated area of Santa Cruz County that sells cannabis

and cannabis products to retail consumers. “Retail business” or “retailer” does not include the following:

- (1) Any location during only that time reasonably required for a primary caregiver to distribute, deliver, dispense, or give away cannabis to a qualified patient or person with an identification card who has designated the individual as a primary caregiver, for the personal medical use of the qualified patient or person with an identification card, in accordance with California Health and Safety Code Sections [11362.5](#) and [11362.7](#) et seq.;
- (2) The location of any clinic licensed pursuant to Chapter 1 (commencing with Section 1200), a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250), a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01), a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569), a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725), all of Division 2 of the California Health and Safety Code where: (a) a qualified patient or person with an identification card receives medical care or supportive services, or both, from the clinic, facility, hospice, or home health agency, and (b) the owner or operator, or one of not more than three employees designated by the owner or operator, of the clinic, facility, hospice, or home health agency has been designated as a primary caregiver pursuant to California Health and Safety Code Section [11362.7\(d\)](#) by that qualified patient or person with an identification card; or
- (3) A cultivation site granted an exemption by the Planning Director pursuant to SCCC [13.10.670\(G\)](#) as enacted by Ordinance No. 5090 (now repealed), so long as the area subject to cultivation is not expanded or enlarged beyond what existed at that location on January 1, 2012.

~~(R)~~ “School” means any licensed preschool or any public or private school providing instruction in kindergarten or grades one to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

~~(S)~~ “Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a street, sidewalk or waterway, including but not limited to a device moved exclusively by human power.

(TQ) The following words or phrases when used in this section shall be construed as defined in California Health and Safety Code Section 11362.7: “identification card”; “person with an identification card”; “primary caregiver”; and “qualified patient.”

7.130.110 License required.

(C) Amending a License.

(1) Licensees may submit an application to amend an existing license at any time, on a form promulgated by the Licensing Official for that purpose. Applications to amend a license will be reviewed by the Licensing Official in a manner consistent with the review of original and renewal license applications. Amendments must be submitted prior to any changes occurring in ownership, corporate structure, business activities, or physical modifications to the premises.

(2) Applicants seeking an amended license must include with their application a monetary deposit, to be determined by the Licensing Official or their designee, based on an estimate of the hours the Licensing Official will need to review the application and perform any necessary inspections. Additional deposits or payments shall be made as determined necessary by the Licensing Official in order to recover costs associated with processing the application.

(3) Requests by a licensee to change locations to a new parcel will be addressed by the Licensing Official on a case-by-case basis, considering all the requirements of this chapter. However, licensees shall not be allowed to move to a new parcel unless the new parcel meets all the requirements of this chapter.

(4) Requests by a licensee to include cannabis consumption on an existing retail site or adjoining parcel will be addressed by the Licensing Official on a case-by-case basis, considering all requirements of this chapter. Cannabis consumption licensing amendments shall include a designated cannabis smoking area ventilation system plan that has been designed by a licensed mechanical engineer. The designated cannabis smoking area ventilation system plan must include:

(a) An explanation of how the ventilation system will be capable of removing all detectable odors, smoke and by-products of combustion. The designated cannabis smoking area ventilation plan shall include a statement signed and dated by the person who prepared it, certifying that in their professional judgement the ventilation system proposed will be capable of achieving the protection from particulate matter (PM 2.5)

equivalent to that associated with MERV 11 filtration (as defined by American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) standard 52.2) and that the designated cannabis smoking area will remain under negative pressure, at all times, while in use. The Cannabis Licensing Official or County of Santa Cruz Chief Building Official may specify additional or alternative protective equivalents as technology and research dictate. This ventilation plan proposal shall ~~must~~ include information to address the following:

- (1) Air exchanges rates for the designated cannabis smoking area.
- (2) Air exchange rates for common areas within the licensee's building.
- (3) Filter type and odor control measures for the designated cannabis smoking area.
- (4) Location of air intakes and exhaust outlets (exhaust outlets located the maximum distance possible from any residential or commercial building, and no less than 15 feet). Exhaust outlets shall comply with California Mechanical Code section 502.2.2 - "Other Product Conveying Outlets" termination requirements.
- (5) If negative pressure will be maintained only in the designated cannabis smoking area.
- (6) Area or areas of the licensee's building that are not served by enhanced ventilation.
- (7) Area or areas of the licensee's building where smoking or vaping will occur.
- (8) If applicable, location of Z-ducts, trickle vents or similar unfiltered air system used for the licensee's building.
- (9) Percentage of total square footage, for customer use, of the licensee's building that will be used for vaping or smoking of cannabis in the designated cannabis smoking area.
- (10) Designated cannabis smoking area does not share space with employee work area. (Yes/No).
- (11) Maximum occupant load for the designated cannabis smoking area.

(b) The licensee shall demonstrate to the Licensing Official that the following standards have been met prior to approval by the Cannabis Licensing Official:

(1) The designated cannabis smoking area shall be located in a non-work area where licensee's employees are not required to enter as a condition of their employment.

(2) The designated cannabis smoking area shall have signage to designate smoking areas. The licensee shall specify the locations where such signage shall be installed.

(3) The designated cannabis smoking area shall have a separate heating, ventilation and air-conditioning (HVAC) system such that none of the air in the designated smoking area will be recirculated into other parts of the licensee's building.

(4) The designated cannabis smoking area shall be completely separated from the remainder of the licensee's premises by solid partitions or glazing without openings other than doors. All doors to the designated cannabis smoking area must be installed with a gasket to provide a seal where the door meets the stop.

(5) The designated cannabis smoking area ventilation system shall exhaust 100% of the air directly to the outside through a filtration system that, at a minimum, eliminates all detectable odor, smoke and by-product of combustion so as to prevent any and all public nuisances.

(6) The designated cannabis smoking area shall remain under negative pressure and shall have a 10% differential, in relation to the other spaces inside of the licensee's building.

(7) The designated cannabis smoking area shall be equipped with a ventilation system that provides 60 cubic feet per minute (cfm) of supply air per smoker.

(8) The designated cannabis smoking area shall not be directly accessible from the primary outside entrance to the licensee's building, and shall not be visible from the fronting street or store front.

(9) The designated cannabis smoking area’s ventilation system and all mechanical equipment shall be designed to assure compliance with all requirements of SCCC 8.30 (Noise).

(10) The designated cannabis smoking area’s ventilation system shall be designed to comply with California Mechanical Code section 505.0 - “Product-Conveying Systems” requirements.

(c) The designated cannabis smoking area ventilation plan shall include a description of the Operations and Maintenance plan for the ventilation system and methods for recordkeeping to ensure that the Operations and Maintenance Plan is followed. A current Operations and Maintenance manual must be kept on-site and provided to all managers, building engineers and building owners. The manual shall be reviewed annually by the licensee and updated by the licensee as appropriate. The manual shall include:

(1) A provision that inoperability of the designated cannabis smoking area’s ventilation system shall result in immediate closure of the designated cannabis smoking area.

(2) The approved designated cannabis smoking area ventilation system installed shall be properly maintained and documented as stated in the Operations and Maintenance manual following standard practices, and as specified by the design engineer.

(3) Documentation of the installation and/or maintenance of the designated cannabis smoking area ventilation system shall be preserved for a minimum of five years after such installation or maintenance.

(d) The Cannabis Licensing Official shall review the designated cannabis smoking area ventilation plan and may require additional modification or justification prior to approval. Approval by the Cannabis Licensing Official must be granted prior to the application for a building permit. The Cannabis Licensing Official’s action on the designated cannabis smoking area ventilation system plan shall be one of the following:

(1) Approve without further revision; or

(2) Require corrections, additions, and/or modifications which will allow the applicant to revise according to the Cannabis Licensing Official's specific comments and resubmit; or

(3) Reject.

(D) Required Statements on Licenses. All licenses issued by the Licensing Official shall contain the following statements, displayed prominently on the license itself:

(1) A warning that operators, employees, and members of cannabis businesses may be subject to prosecution under Federal laws; and

(2) An acknowledgment that, by accepting the license and operating a retail business, the applicant and owners of the business have released the County from any and all liability for monetary damages related to or arising from the application for a license, the issuance of the license, the enforcement of the conditions of the license, or the revocation of the license; and

(3) Any other statements deemed necessary by the Licensing Official.

(E) Restrictions Relating to the Issuance of a License.

(1) No license may be issued to operate a retail business unless the retail business is located in a zone district designated as PA (Professional and Administrative Offices), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-4 (Commercial Services), or CT (Tourist Commercial) by the Santa Cruz County Zoning Ordinance.

(2) No license may be issued to operate a retail business located within 600 feet from (a) a school; (b) another cannabis retail business; or (c) an alcohol or drug treatment facility. This restriction may be waived by the Licensing Official if findings are made that the general public benefit would outweigh concerns regarding intensity of use, land use compatibility, and public health and safety. If this restriction is waived, public notice and an opportunity to appeal the waiver will be provided as delineated in subsections (E)(5), (6), and (7) of this section. The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the school or other retail business to the closest property line of the lot containing the retail business under review, without regard to intervening structures. The distance requirements set forth in this subsection shall not apply to those licensed health care and other facilities identified in

California Health and Safety Code Section [11362.7\(d\)\(1\)](#); or a retail business that is in violation of the distance requirement of this subsection as a result of the establishment of a conflicting use (a school or other retail business) after the date on which the State Board of Equalization issued a seller's permit to the retail business for its location.

(3) No license may be issued to operate a retail business within 300 feet of any parcel zoned RA (Single-Family Residential and Agriculture); RR (Single-Family Residential, Rural); R-1 (Single-Family Residential, Urban/Rural); RB (Single-Family Residential, Oceanfront/Urban); or RM (Multiple-Family Residential). This restriction may be waived by the Licensing Official if findings are made that the general public benefit would outweigh concerns regarding intensity of use, land use compatibility, and public health and safety. If this restriction is waived, public notice and an opportunity to appeal the waiver will be provided as delineated in subsections (E)(5), (6), and (7) of this section. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the residentially zoned property to the closest property line of the lot on which the retail business is to be located. This prohibition shall not apply to retailers operating in a location occupied on January 1, 2016.

(4) In the instance an applicant requests a waiver, as defined in subsections (E)(2) and (3) of this section, the Supervisor of the affected district shall be notified prior to a determination by the Licensing Official.

(5) Upon approval of a waiver by the Licensing Official, the following public notice procedures are required:

(a) The County shall mail a notice, in the form of a postcard or letter to the applicant and to all property owners within 600 feet of the exterior boundaries of the subject property, as well as to all lawful occupants of properties within 100 feet of the subject property, including the lawful occupants of the subject property; and

(b) The applicant shall post a notice on the subject property in a conspicuous place at least 14 calendar days prior to the end of the appeal period.

(6) Contents of the waiver notice shall include:

(a) Location of the proposed project;

(b) Name of the applicant and owner;

- (c) Description of the proposed project and waiver requested;
- (d) Process to obtain additional information;
- (e) Description of appeal procedures; and
- (f) Final date on which an appeal will be accepted.

(7) Appeal Procedures.

- (a) Who May Appeal. Any person whose interests are adversely affected by approval of a waiver may submit a notice of appeal.
- (b) Appeal Period. The period to appeal a waiver determination shall be 21 calendar days from the date public notices are mailed pursuant to subsection (E)(5)(a) of this section.
- (c) Contents of a Notice of Appeal. Appeals can be made by submitting a notice of appeal, which shall be a signed writing submitted to the Cannabis Licensing Office at the address provided and by the date listed on the public notice. The notice of appeal shall identify the proposed project and proposed waiver, shall provide the identity and contact information of the appellant, and shall set forth a concise statement of the reasons appellant believes the proposed waiver is unjustified or inappropriate.
- (d) Effect of Notice of Appeal. The submission of the notice of appeal shall have the effect of staying the issuance of a cannabis business license until such time as final action has been taken on the appeal.
- (e) Appeal Hearing. An administrative hearing officer shall review any appeal(s) made on a waiver. The hearing officer shall consider the notice of appeal, the proposed waiver, the cannabis business license application, and any other relevant documents or written information provided by the Licensing Official, applicant, or appellant. The administrative hearing officer shall review the matter de novo and render a written decision within 30 days. The decision shall be final.

(F) Restrictions on the Mobile Delivery of Cannabis.

(1) Holders of a State retail license, which are located within the County of Santa Cruz, may deliver cannabis to consumers via mobile delivery to the consumer's premises, subject to the provisions of this section.

(2) Licensees engaging in mobile deliveries shall keep complete and appropriate financial records enabling audit of all transactions accomplished via mobile delivery, and shall be able to distinguish between, and account for, sales between the categories of on-site sales versus mobile delivery sales for accounting purposes.

(3) Licensees that engage in mobile deliveries are prohibited from having any advertisement of their business or services on their delivery vehicles.

(G) Restrictions on Retail Sales for Onsite Consumption. Retailers are prohibited from selling ingestible products, which can be orally consumed, with a serving size in excess of 10 mg of THC.

(HG) Grounds for License Revocation. Grounds for revocation of a license include, but are not limited to, any of the following:

(1) Retailers remaining open and/or operating between the hours of 10:00 p.m. and 8:00 a.m.

(2) Allowing alcohol or cannabis to be consumed at the premises of a retail business ("premises," for purposes of this subsection, includes any area used for parking any vehicle).

(3) Allowing a minor unaccompanied by a parent or legal guardian to enter a retail business.

(4) Allowing a person less than 21 years of age to transport, distribute, deliver, dispense, or give away cannabis on behalf of the business.

(5) Allowing cannabis to be visible from the exterior of a retail business or a cannabis delivery vehicle.

(6) Illuminating any portion of a retail business between the hours of 10:00 p.m. and 8:00 a.m. by lighting that is visible from the exterior of the premises, except such lighting as is reasonably utilized for the security of the premises.

(7) Failure by an applicant or owner of a retail business to successfully pass the background check required by the Licensing Official, including but not limited to successfully passing the LiveScan background check conducted annually before the submission of an application for an original or renewal license.

A failed LiveScan is a LiveScan report that includes any felony conviction within the past 10 years and/or reflects that the applicant or owner is currently on parole or probation related to a felony conviction. Felony convictions for cannabis-related offenses prior to January 1, 2016, will not result in a failed LiveScan, unless the offense involved sales to a minor.

(8) Providing an on-site location for physicians or medical professionals to write recommendations for medical cannabis.

(9) Failing to provide litter and graffiti removal services for a licensee's business premises on a daily basis.

(10) Failure to provide adequate security precautions at all times, including, but not limited to, dedicated security personnel present during a retailer's hours of operation.

(11) Violation of County signage regulations (see ~~Chapter~~ [SCCC 13.10 SCCC](#)), the placement or use of any roadside billboard to advertise any aspect of a cannabis business or cannabis products, or the placement or use of any sign that includes pricing of cannabis, details regarding specific cannabis products, or cannabis photography or graphics related to the cannabis plant, cannabis products, or cannabis paraphernalia.

(12) Three or more citations for violation of ~~Chapter~~ [SCCC 8.30 SCCC](#) (Noise) within a single year.

(13) Possession, storage, or use of any firearm at a retailer or in association with the delivery of cannabis.

(14) Violation of any of the restrictions relating to the issuance of a license or the mobile delivery of cannabis as set forth in this chapter.

(15) Violation of any Santa Cruz County Code provision related to the cultivation of cannabis, including but not limited to any provision in ~~Chapter~~ [SCCC 7.128 SCCC](#).

(16) Failure to cooperate with a financial audit by the County of Santa Cruz of any and all aspects of the licensee’s business, including but not limited to on-site inspection and review of financial transactions, sales records, payroll and employee records, purchase orders, overhead expense records, shipping logs, receiving logs, waste disposal logs, bank statements, credit card processing statements, inventory records, tax records, lease agreements, supplier lists, supplier agreements, policies and procedures, and examination of all financial books and records held by the licensee in the normal course of business.

(17) Failure to timely remit the taxes required to be paid under ~~Chapter~~ SCCC 4.06 ~~SCCC~~ (Cannabis Business Tax).

(18) Violation of any Santa Cruz County Code provision or State law related to the extraction of cannabis oils, resins, or other compounds from cannabis plants.

(19) Violation of any Santa Cruz County Code provision or State law related to the cannabis business activity, including any provision of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”).

(20) Violation of any administrative rule or regulation promulgated by the Licensing Official.

(21) Failure to maintain a State-issued license authorizing the retail sale of cannabis.

(H) Denial or Revocation of License; Remedies.

(1) The Licensing Official may deny an application for an original or renewal license, or revoke an original or renewal license, for any of the following reasons:

(a) Discovery of untrue statements submitted on a license application.

(b) Revocation or suspension of any State license required to sell cannabis.

(c) Previous violation by the applicant of any provision of the Santa Cruz County Code or State law related to selling cannabis, or related to the cultivation, transportation, extraction, or manufacture of cannabis or cannabis products.

(d) Operation of a retail business in a manner contrary to any of the conditions set forth in subsection (E) (Restrictions Relating to the Issuance of a License), subsection

(F) (Restrictions on the Mobile Delivery of Cannabis), or subsection (G) (Grounds for License Revocation) of this section.

(e) The applicant or owner failed their last annual LiveScan background check.

(f) The creation or maintenance of a public nuisance.

(2) The Licensing Official's denial of a license application or revocation of a license is a final action that is not subject to any further administrative remedy. The only legal remedy available to appeal the Licensing Official's action is to file a petition for writ of mandate in the superior court under California Code of Civil Procedure Section [1085](#).

(3) If an application for an original or renewal license is denied, or if a license is revoked, all operations associated with the retailer shall cease immediately, subject to the following exception:

If the applicant or operator is currently operating a retail business, and the applicant or operator files a petition with the superior court challenging the Licensing Official's denial or revocation decision within 30 days of the date the decision is issued, the applicant or operator may continue to operate the retail business for 90 days from the date the Licensing Official's decision was issued. Any retail business operations that occur after the 90 days has elapsed may only be conducted with a valid local license.

(4) Under no circumstances shall a cause of action for monetary damages be allowed against the County of Santa Cruz, the Licensing Official, or any County employee as a result of a denial or a revocation of a license.

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Exhibit 5

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§ 19.36.091. Cannabis Uses – Adult-Use Retail.

A. *Location Criteria.* An adult-use retail establishment shall be located in compliance with the following requirements:

1. The adult-use retail establishment shall not be located within a 600-foot radius of a daycare facility, youth center, or school that is located within or outside the city in compliance with state law. For the purposes of this requirement, "school" shall mean any property containing a structure which is used for education or instruction, whether public or private, at grade levels kindergarten through 12.

B. No more than eight adult-use retail establishments shall be permitted to operate in the city at any time. An application for a new adult-use retail establishment shall not be approved unless there are fewer than eight adult-use retail establishments operating or approved in the city at the time of approval.

(Ord. 17-1016 § 12, 2017)

§ 19.36.092. Cannabis Uses – Consumption Areas with On-Site Adult-Use Retail.

A. *Location Criteria.* A cannabis consumption area shall be located in compliance with the following requirements:

1. The consumption area shall not be located within a 600-foot radius of a daycare facility, youth center, or school that is located within or outside the city in compliance with state law. For the purposes of this requirement, "school" shall mean any property containing a structure which is used for education or instruction, whether public or private, at grade levels kindergarten through 12.
2. The consumption area shall be restricted to persons 21 years or older and shall not be visible from any public place or a non-age restricted area.
3. The consumption area may be co-located with an adult-use retail or a medical-use dispensary location pursuant to local and state regulations.

B. No more than eight consumption areas with smoking, vaping, and ingestion of edible cannabis products and no more than eight consumption areas limited to the ingestion of cannabis products only are permitted to operate in the city at any time. An application for a new consumption area shall not be approved unless there are fewer than eight consumption areas with smoking, vaping, and ingestion of cannabis products or eight consumption areas with ingestion of edible cannabis products only operating or approved in the city at the time of approval.

C. All cannabis consumption areas that allow smoking and vaping of cannabis shall comply with Section 7.08.030 Smoking Regulations of the municipal code.

D. No sales of tobacco products or smoking or ingesting of tobacco (i.e. chewing tobacco) shall be allowed in a cannabis consumption area.

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E. No alcoholic beverage sales or ingestion of alcohol products shall be allowed in a cannabis consumption area.

(Ord. 17-1016 § 13, 2017)

Exhibit 6

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Chapter 9.60 COMMERCIAL CANNABIS ACTIVITY

9.60.010 Purpose and intent.

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") to accommodate the needs of medically-ill persons in need of cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to same. It is also the purpose and intent of this chapter to provide access to adult-use cannabis for persons aged twenty-one and over as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act ("AUMA" or "Proposition 64" approved by California voters in 2016), while imposing sensible regulations on the use of land to protect the city of National City's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this chapter to regulate the cultivation, processing, manufacturing testing, sale, delivery, distribution and transportation of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the city of National City and to enforce rules and regulations consistent with state and local law. It is the further purpose of intent of this chapter to require all commercial cannabis operators to obtain and renew annually a commercial cannabis business permit to operate within the city of National City. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or local law. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the city of National City, and are in addition to any permits, licenses and approval required under state, City, or other law.

(Ord. No. 2021-2487, 5-4-2021)

9.60.020 Legal authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the MAUCRSA, and any subsequent state legislation and/or regulations regarding same, the city of National City is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the state of California, or any of its departments or divisions, shall be the minimum standards applicable in the city of National City to all commercial cannabis activity.

(Ord. No. 2021-2487, 5-4-2021)

9.60.030 Cannabis cultivation and commercial cannabis activities prohibited unless specifically authorized by this chapter.

Except as specifically authorized in this chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation (other than as provided under Bus. & Prof. Code Section 26090(e)), of cannabis or cannabis product is expressly prohibited in the city of National City.

(Ord. No. 2021-2487, 5-4-2021)

9.60.040 Compliance with state and local laws.

It is the responsibility of the owners and operators of the commercial cannabis business, or any other responsible person(s), to ensure that it is, always, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this chapter shall be construed as authorizing any actions that violate state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business, or any other responsible person(s), to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, including the MAUCRSA, and any subsequently enacted state or local law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit.

(Ord. No. 2021-2487, 5-4-2021)

9.60.050 Definitions.

All definitions pertaining to cannabis regulation that appear in Business and Professions Code Section 26001, as codified by Senate Bill 94, MAUCRSA, are hereby incorporated by reference. Definitions appearing in this chapter are either those that are not covered by state law, pre-date Proposition 64 and the MAUCRSA, or are outside the scope of Section 26001.

"Adult Use" means the use of cannabis for recreational purposes by persons twenty-one years of age or older.

"Canopy" shall have the same meaning as that appearing in Title 3, Section 8000(f) of the California Code of Regulations.

"Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.

"Commercial cannabis business" means any business or operation which engages in medicinal or adult-use commercial cannabis activity.

"Commercial cannabis business permit" means a regulatory permit issued by the city of National City pursuant to this chapter, to a commercial cannabis business and is required before any commercial cannabis activity may be conducted in the city of National City. The initial permit and annual renewal of a commercial cannabis business is made expressly contingent upon the business' ongoing compliance with all of the requirements of this chapter, any regulations adopted by the city of National City governing the commercial cannabis activity at issue, and any other state and local laws and regulations.

"Consumption lounge" means an area that is part of the premises of a state-licensed, locally permitted commercial cannabis retail business, and that is designated for consumption of cannabis or cannabis products.

"Dispensing" means any activity involving the retail sale of cannabis or cannabis products from a retailer.

"Distributor" shall have the same meaning as that appearing in Section 26070 of the Business and Professions Code.

"Electronic smoking device" means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "electronic smoking device" also includes cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, electronic smoking device batteries, electronic smoking device

charges, and any other item specifically designed for the preparation, charging, or use of electronic smoking devices.

"Limited-access area" means an area in which cannabis is stored or held and is only accessible to some licensee and authorized personnel.

"Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

"Manufacturing site" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the city of National City and, a valid state license as required for manufacturing of cannabis products.

"Microbusiness" shall have the same meaning as that contained in Section 26070(a)(3) of the Business and Professions Code.

"Non-volatile solvent" means any solvent used in the extraction process that is not a volatile solvent as defined by state law. For purposes of this chapter, a nonvolatile solvent includes carbon dioxide (CO₂) used for extraction and ethanol used for extraction or post-extraction processing.

"Package" means any container or receptacle used for holding cannabis or cannabis products.

"Patient" or "qualified patient" shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.22.

"Person with an identification card" shall have the meaning given that term by California Health and Safety Code Section 11362.7.

"Processing" means a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and non-manufactured cannabis products.

"Responsible person(s)" shall include but not be limited to a property owner, tenant, manager, permit holder, or any other person with a legal interest in the affected real property and any person in possession of the affected real property.

"Retail ancillary/accessory use" shall be determined when less than forty percent of a business's gross floor area is devoted to the use, display, and/or sales of cannabis products and/or paraphernalia and no approved retail ancillary/accessory use shall be permitted without a licensed and operational primary use.

"Retailer" shall have the same meaning as the definition appearing in Section 26070(a)(1) of the Business and Professions Code.

"State license" means a permit or license issued by the state of California, or one of its departments or divisions, under MAUCRSA and any subsequent state of California legislation regarding the same to engage in commercial cannabis activity. A state license alone will not authorize the holder to operate a cannabis business, as state law also requires a permit or other authorization issued by a local jurisdiction.

"THC" means tetrahydrocannabinol, the primary active ingredient in cannabis. It is a psychotropic intoxicant causing euphoria and capable of altering human perception and motor skills.

"Topical cannabis" means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

"Transport" means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA which may be amended or repealed by any subsequent state of California legislation regarding the same. Transport can only be performed by licensed distributors and does not include deliveries of cannabis or cannabis products.

"Vape cartridge" means a small attachment to a cannabis e-cigarette or vape pen that is a pre-filled container of cannabis oil. Vape cartridges are sold pre-filled with cannabis concentrates which contain cannabis' active ingredients. The liquid in such products usually contains a propylene glycol or vegetable glycerin-based liquid with flavoring and other chemicals and metals. Many vape cartridges are high in THC, but some contain cannabidiol (CBD, a non-psychoactive cannabinoid used as an analgesic), or terpenes (the chemicals that give cannabis its flavorful tastes and aromas).

"Vaping" means the action or practice of inhaling and exhaling the vapor produced by an electronic cigarette or similar device.

"Volatile solvent" means a solvent as defined by Health and Safety Code Section 11362.3(b)(3) as of the effective date of this article and as subsequently amended.

"Youth center" means any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

(Ord. No. 2021-2487, 5-4-2021)

9.60.060 Authorization to engage in commercial cannabis business.

- A. No person may engage in any authorized commercial cannabis business or in any commercial cannabis activity within the city of National City including cultivation, manufacturing, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person has the following:
1. A valid commercial cannabis business permit issued by the city of National City;
 2. A valid business license issued by the city of National City;
 3. A mandatory building inspection and all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the National City fire department approvals, health department approvals and other zoning and land use permit(s) and approvals.
 4. A valid state license for the commercial cannabis activity corresponding to the business permit issued by the city of National City;
 5. Requisite approvals from the planning division of the national city community development department;

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6. A valid development agreement jointly negotiated with the city of National City;
 7. A valid state of California seller's permit.
- B. Development agreement.
- C. No permit shall be issued pursuant to this chapter for outdoor commercial cannabis cultivation, which is prohibited. It is a violation of this chapter for any person or entity to engage in any outdoor commercial cannabis cultivation of any kind.

(Ord. No. 2021-2487, 5-4-2021)

9.60.070 Location and design of cannabis businesses.

Cannabis businesses permitted by the city of National City to engage in cultivation, distribution, manufacturing, microbusiness, testing labs, or retail ancillary/accessory use to the primary activity of the business, for cannabis and cannabis products are subject to the following zoning and locational requirements:

- A. Cultivation, distribution, manufacturing, microbusiness, testing labs, or retail ancillary/accessory use must be located in the following zones: IL (light industrial), IM (medium industrial), IH (heavy industrial) and must meet all of the requirements for development in these zones (see Section 18.20.020). The cannabis businesses must also meet all of the following distance requirements:
1. It shall be no closer than six hundred feet from any zoned parcel in the city of National City designated by state law as a sensitive use, and pursuant to Section 9.60.070(A)(3). The distance measured shall be the horizontal distance measured in a straight line from the property line of those parcels in Section 9.60.070(A)(3) to the closest property line of the lot on which the cannabis business is located.
 2. Cannabis businesses providing retail ancillary/accessory use to the primary activity of the business shall be no closer than two hundred fifty feet of any residential parcel in the city of National City as of the date the cannabis business permit is issued. The distance between the cannabis business and the residential parcel shall be measured from the outer boundaries of the residential parcel to the first structure on the property seeking the commercial cannabis permit.
 3. It shall be no closer than six hundred feet from any parcel containing any of the following:
 - a. A school providing instruction in kindergarten or any grades 1 through 12, (whether public or private, or charter, including preschool, transitional kindergarten, and K–12);
 - b. A commercial daycare center licensed by the state, county or city or that is in existence at the time the license is issued, unless the state licensing authority or the city of National City specifies a different radius.
 - c. A youth center that is in existence at the time the license is issued, unless the state licensing authority or the city of National City specifies a different radius.
- B. Consumption lounges must be located in the following: CT (tourist commercial) west of Interstate 5 and must meet all of the requirements for development in these zones (see Section 18.20.020). They must also comply with the buffer zone requirements contained in 9.60.070(A).
- C. Each proposed cannabis business project shall:
1. Conform with the city of National City's general plan, any applicable specific plans, master plans, and design requirements.
 2. Comply with all applicable zoning and related development standards.

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3. Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.
 4. Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.
 5. Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.
 6. Be provided with adequate electricity, sewerage, disposal, water, fire protection and storm drainage facilities for the intended purpose.

(Ord. No. 2021-2487, 5-4-2021)

9.60.080 Maximum number and type of authorized commercial cannabis businesses permitted.

- A. The number of each type of commercial cannabis business that shall be permitted to operate in the city of National City shall be established by resolution by the city council.
- B. Section 9.60.080 is only intended to create a process in determining the maximum number of commercial cannabis businesses that may be issued permits to operate in the city of National City under each category. Nothing in this chapter creates a mandate that the city council must issue any or all of the commercial cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements, or by further amendments to the application process, or if the city council upon further deliberation determines that the issuance of any or all commercial cannabis business permits will negatively impact the public safety, welfare or other public policy concerns.
- C. Each year following the city council's initial award of permits, if any, or at any time in the city council's discretion, the city council may reassess the number of commercial cannabis business permits which are authorized for issuance. The city council at its discretion, may determine that the number of commercial cannabis permits should stay the same, be expanded, or reduced.

(Ord. No. 2021-2487, 5-4-2021)

9.60.090 Fees and charges.

- A. No person may commence or continue any commercial cannabis activity in the city of National City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the city council which may be amended from time to time.
- B. All commercial cannabis businesses authorized to operate under this chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the city of National City with respect to any reasonable request to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

(Ord. No. 2021-2487, 5-4-2021)

9.60.100 Development agreement.

Prior to operating in the city of National City and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into a development agreement with the city setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this chapter, including, but not limited to community benefits such as public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

(Ord. No. 2021-2487, 5-4-2021)

9.60.110 Evidence of cannabis owner(s), and representative(s) background check required.

- A. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorize city authorities to access state and local criminal history information for employment, licensing, or certification purposes, every applicant must undergo a criminal history background check to demonstrate they do not provide "good cause" for denial which include the following:
1. Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a violent felony or serious as defined by California Penal Code 667.5 or Section 1192.7(c), or equivalent offenses in other states;
 2. Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code Sections 186.11, 470, 484, and 504a, respectively; or equivalent offenses in other states; or
 3. Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
 4. Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a felony conviction for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code.
 5. Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, not including cannabis-related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.
 - a. Evidence of a conviction of any the offenses enumerated in Section 9.60.110(a), absent a Certificate of Rehabilitation, shall be grounds for immediate disqualification of the applicant.
 - b. Evidence of a conviction of any the offenses enumerated in Section 9.60.110(a) may be grounds for denial of employment.
 - c. Violation of this section may be grounds for immediate suspension of the business' operating permit. The business operator shall have the right to an appeal pursuant to Section 9.60.380.

(Ord. No. 2021-2487, 5-4-2021; Ord. No. 2022-2499, 4-5-2022)

9.60.120 Persons prohibited from holding a commercial cannabis license.

- A. Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit ("applicant"), in which any of the following actions or notices have been issued for non-compliance or if they have been engaging or have engaged in the following activity, shall be prohibited from holding a cannabis commercial license or a cannabis business permit in the city of National City:
1. The applicant has had a license suspended or revoked by any city, county, city and county or any other state cannabis licensing authority;
 2. Evidence that the applicant is delinquent in payment of federal, state or local commercial taxes and/or fees;
 3. Applicant was conducting (or has conducted) commercial cannabis activity in the city of National City in violation of local and/or state law, not including commercial cannabis-related offenses for which the conviction occurred after the city banned cannabis in 2012.
 4. If any person enters into either a verbal or written agreement to lease, sublease, or any other agreement for any terms of use of the premises granted by a property owner, commercial broker or any third party, that is in violation of Section 9.60.060 and Section 9.60.150. Any such lease, sublease or agreement shall not contain terms or conditions requiring the cannabis permit licensee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city of National City. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

(Ord. No. 2021-2487, 5-4-2021)

9.60.130 Persons prohibited from employment by a commercial cannabis business.

- A. Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, in which any of the following actions or notices have been issued for non-compliance or if they have been engaging or have engaged in the following activity, shall be prohibited from employment with a cannabis business permittee in the city of National City:
1. The person has had a license suspended or revoked by any city, county, or city and county, or any other state cannabis licensing authority;
 2. Evidence that the person is delinquent in payment of federal, state or local commercial taxes and/or fees.
 3. The person was conducting commercial cannabis activity in the city of National City in violation of local and/or state, not including commercial cannabis-related offenses for which the conviction occurred after the city banned cannabis in 2012.

(Ord. No. 2021-2487, 5-4-2021)

9.60.140 Certification from the community development department.

Prior to submitting any applications for a commercial cannabis business, applicant must first obtain a certification from the city of National City community development department or its designee(s) certifying that

the business is located on a site that meets all of the requirements of sections 9.60.070 and 9.60.230 of this chapter.

(Ord. No. 2021-2487, 5-4-2021)

9.60.150 Right to occupy and to use property.

Prior to submitting any applications for a commercial cannabis business, applicant must obtain approval from the owner of the real property where the proposed commercial cannabis business will be located (if approved). Applicants are not required to have a signed lease, but a letter from the property owner indicating that:

- A. The property owner is aware of and approves of the use being proposed.
- B. The property owner will lease the property to the cannabis related use upon approval of the application.
- C. The property owner understands that licenses for cannabis related uses are for one year and can be revoked at the city of National City's sole discretion with or without reason.

Property owners are permitted to issue letters detailing such contingent lease agreements for a maximum of two independent applicants.

In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the commercial cannabis business on the owner's property.

(Ord. No. 2021-2487, 5-4-2021)

9.60.160 Application procedure for a cannabis business permit.

- A. The city of National City will establish by administrative policies and procedures promulgated by the city manager or their designee the procedures to prepare the necessary forms, adopt any necessary rules related to the application process, solicit applications, and conduct initial evaluations of the applicants.
- B. At the time of filing, each applicant shall pay an application fee established by resolution of the city council, to cover all costs incurred by the city of National City in the application process.
- C. The application procedure process shall include a component on community benefits. Any community benefits that a commercial cannabis business agrees to provide shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the city of National City's approval, if and when a development agreement is issued. Such terms and conditions shall be in addition to the requirements of this chapter. The city may establish the procedures for determining community benefits by Resolution and/or by the implementation of administrative policies and procedures promulgated by the city manager or their designee.
- D. The City of National City's Reservation of Rights. The city reserves the right to reject any or all applications. Prior to permit issuance, the city may also modify, postpone, or cancel any request for applications, or the entire program under this chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this chapter, may be cancelled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application.

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- E. Grounds for Rejection of Application. In addition to a failure to comply with other requirements in this chapter, an application risks being rejected for any of the following reasons:
1. The application was received after the designated time and date of the deadline.
 2. The application did not contain the required elements, exhibits, or was not organized in the required format.
 3. The application was considered not fully responsive to the request for a permit application, i.e., was substantially incomplete.

(Ord. No. 2021-2487, 5-4-2021)

9.60.180 Operations plan and standards.

A certificate of approval issued by the planning division of the National City community development department for a facility must include, as conditions of approval, the operating standards set forth below. In addition, the certificate of approval must incorporate by reference an operations plan approved by the city manager or their designee, that implements not only the operating standards set forth in this chapter, but such additional conditions that the city manager or their designee finds reasonably necessary to implement this chapter when considering the location, size and other characteristics of the proposed facility.

(Ord. No. 2021-2487, 5-4-2021)

9.60.190 Limitations on city's liability.

To the fullest extent permitted by law, the city of National City shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

- A. Execute an agreement, in a form approved by the city attorney or their designee, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the city of National City, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the city's issuance of the commercial cannabis business permit, the city's decision to approve the operation of the commercial cannabis business or activity, the process used by the city in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.
- B. Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city manager, city attorney, and the city's risk manager or their designee.
- C. Reimburse the city of National City for all costs and expenses, including but not limited to legal fees and costs and court costs, which the city may be required to pay as a result of any legal challenge related to the city's approval of the applicant's commercial cannabis business permit, or related to the city's approval of a commercial cannabis activity. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

(Ord. No. 2021-2487, 5-4-2021)

9.60.200 Restriction on alcohol and tobacco sales.

- A. No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.
- B. No person shall cause or permit the sale of tobacco products on or about the premises of the commercial cannabis business.

(Ord. No. 2021-2487, 5-4-2021)

9.60.225 Restriction on consumption of cannabis or other substances.

No person shall consume cannabis, cannabis products, tobacco or alcohol on the premises of any commercial cannabis business. The sole exception shall be authorized cannabis consumption lounges of which tobacco and alcohol shall also be prohibited.

(Ord. No. 2021-2487, 5-4-2021)

9.60.230 General operating requirements for all commercial cannabis businesses.

- A. Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the city. No person under the age of twenty-one shall operate, maintain, be employed at, or be issued a permit for, a commercial cannabis business of any kind.
- B. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- C. Reporting and tracking of product and of gross sales with an accounting software system capable of providing point of sale data as well as audit trails or both product and cash, where applicable. Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city of National City. The commercial cannabis business shall ensure that such information is compatible with the city's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the city manager or their designee prior to being used by the permittee.
- D. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.
- E. Emergency Contact. Each commercial cannabis business shall provide the city manager or their designee with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.
- F. Signage and Notices.
 - 1. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the city of National City ordinance, Chapter 18.47, including, but not limited to, seeking the issuance of a city sign permit.

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2. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
 3. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited. This provision shall not apply to consumption lounges (see Section 9.60.265).
 4. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
 5. Signage shall not depict any image of cannabis or cannabis products. No banners, flags, billboards or other prohibited signs may be used at any time.
 6. In accordance with state law and regulations or as stipulated in the city of National City regulatory permit, holders of a commercial cannabis business permit shall agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business located in the city utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

G. Minors.

1. Persons under the age of twenty-one years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one years of age.
2. Notwithstanding Section 9.60.230(G)(1), persons aged eighteen to twenty years shall be allowed on the premises of a commercial cannabis business if they can produce a physician's recommendation. In that event, such persons can lawfully purchase cannabis for the sole purpose of addressing the medical need that is the subject of the physician's recommendation. This provision shall not apply to consumption lounges. Only persons twenty-one and older shall be granted admittance to consumption lounges. Access to persons under twenty-one is prohibited.
3. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one years of age is permitted to enter upon the premises of the commercial cannabis business.

H. Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the city manager or their designee determine is a more effective method or technology:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

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2. An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.
- I. Display of Permit and City Business License. The original copy of the commercial cannabis business permit and the business license issued by the city of National City pursuant to this chapter shall be posted inside the commercial cannabis business in a location readily visible to the public.
 - J. Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorize city authorities to access state and local criminal history information for employment, licensing, or certification purposes, every applicant must undergo a criminal history background check to demonstrate they do not provide "good cause" for denial as outlined in Section 9.60.110. A fee for the cost of the background investigation, which shall be the actual cost to the City of National City to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted. Evidence of a conviction of any of the offenses enumerated in Business and Professions Code Section 26057(b)(4), absent a Certificate of Rehabilitation, shall be grounds for immediate disqualification of the applicant.
 - K. Loitering. The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty feet of the premises. The cannabis business shall notify the National City police department if anyone continues to loiter around the building or premises after all reasonable action has been taken to remove the individual(s) and the action has failed to do so in a timely manner.
 - L. Employee Training and Customer Education. Each commercial cannabis operator shall establish minimum training standards for all employees, including but not limited to the variety of products offered for sale, their potency, absorption time if known, and effects of the products. Employees shall educate all customers on these items in an effort to ensure responsible consumption. The retailer shall provide with each purchase educational brochures containing this information. The city manager, or their designee shall have the discretion to require other training for the business operations as they find necessary under any circumstances.
 - M. Security Requirements. A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the city manager, or their designee, these security measures shall include, but may not be limited to, all of the following:
 1. Alarm system (perimeter, fire, and panic buttons).
 2. Remote monitoring of alarm systems by a security company licensed by the state of California Bureau of Security and Investigative Services.
 3. Perimeter lighting systems (including motion sensors) for after-hours security.
 4. Perimeter security and lightning as approved by the city manager or their designee.
 5. Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaged in an activity directly related to the permitted operations of the commercial cannabis business.
 6. Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
 7. Except for live growing plants which are being cultivated at a cultivation operation, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All

cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

8. Installing twenty-four-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. Video recordings shall be maintained for a minimum of ninety days and shall be made available to the city manager or their designee upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business and shall be capable of enlargement via projection or other means.
9. Sensors shall be installed to detect entry and exit from all secure areas and shall be monitored in real time by a security company licensed by the state of California Bureau of Security and Investigative Services.
10. Panic buttons shall be installed in all commercial cannabis businesses with direct notification to the city police department dispatch and shall be configured to immediately alert dispatch for the city police department.
11. Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building in compliance with all federal, state and local laws.
12. Security personnel shall be on-site twenty-four hours a day or alternative security as authorized by the city manager or their designee and must have a verified response security patrol when closed. Security personnel must be licensed by the state of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the city manager, or their designee, with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty, if permitted by the San Diego county sheriff's department and authorized by the chief of police.
13. Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
14. Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the commercial cannabis business; or (b) a licensed security professional.
15. Each commercial cannabis business shall demonstrate to the city manager or their designee, compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.
16. Each commercial cannabis business shall have a professionally installed video surveillance system, access control and intrusion alarm systems designed to protect the inventory, facility, and employees. Each business shall have network security protocols that are certified by Underwriters Laboratories.
17. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
18. Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.

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19. Each commercial cannabis business shall identify a designated security representative/liaison to the city of National City, who shall be reasonably available to meet with the city manager or their designee regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the commercial cannabis business, annually maintain a copy of the current security plan on the premises of the business, to present to the city manager or their designee upon request that meets the requirements of Section 9.60.230(M).
 20. As part of the application and permitting process each commercial cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, any hazardous materials that may be used by the business, and any currency.
 21. The commercial cannabis business shall cooperate with the city of National City whenever the city manager or their designee makes a request, with or without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this chapter.
 22. A commercial cannabis business shall notify the city manager or their designee within twenty-four hours of discovering any of the following:
 - a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the city manager or their designee.
 - b. Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.
 - c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the commercial cannabis business.
 - d. Any other breach of security.
 23. Compliance with the foregoing requirements shall be verified by the city manager or their designee prior to commencing business operations. The city manager or their designee may supplement these security requirements once operations begin, subject to review by the city manager or their designee if requested by the business owner.
 24. Retailers and microbusinesses authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this division.
 - a. The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.
 - b. Retailers or microbusinesses shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.
 - c. No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.
 - d. All cannabis goods sold by a retail business shall be contained in child-resistant packaging.
 - e. Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity. A retail licensee or microbusiness licensee who is engaged in retail sale shall hire or contract for security personnel who are at least twenty-one years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code.

N. Records and Recordkeeping.

1. Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the city of National City, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and fees paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the city manager or their designee(s).
2. Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the city manager or their designee(s) upon a reasonable request.
3. If an applicant operated a cannabis collective, cooperative, or other business prior to the enactment of MAUCRSA, then once a state license is obtained, the commercial cannabis business must maintain such records only to the extent permitted or required by MAUCRSA.
4. All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.
5. Each commercial cannabis business shall allow the city of National City officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination at any time during the business's business hours. If not otherwise available, books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

(Ord. No. 2021-2487, 5-4-2021; Ord. No. 2022-2499, 4-5-2022)

9.60.240 Amendments to general operating requirements.

The city manager or their designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

(Ord. No. 2021-2487, 5-4-2021)

9.60.250 Additional operating requirements for store front retail facilities.

- A. Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen years. If the potential customer is eighteen to twenty years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and/or Health and Safety Code

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Section 11362.71 identification card (medical cannabis card). For adult use or recreational purchases, retailers shall verify that all customers are twenty-one years of age or older for the purchase of cannabis or cannabis products.

1. Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least twenty-one years of age.
 2. Notwithstanding Section 9.60.250(A)(1), individuals who are at least eighteen years of age and in possession of a valid physician's recommendation shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.
 3. All individuals seeking access to the commercial cannabis retail business must show their government-issued identification, and, if appropriate, doctor's recommendation of Medical Cannabis card, in order to gain access into the retailer. These documents must also be shown at the point-of-sale station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.
- B. Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area.
- C. Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.
- D. All restroom facilities shall remain locked and under the control of management.
- E. Limited Access Areas. A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least twenty-one years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the city manager or their designee upon request.
- F. Microbusiness Commercial Activity. All cultivation, manufacturing, distribution, and retail activities performed by a licensee under a Type 12-Microbusiness permit shall occur on the same licensed premises. Areas of the premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use.
- G. Operating hours of the Store Front Retailer License shall be limited to the hours of six a.m. through ten p.m., seven days a week.
- H. Store Front/Retail Security Requirements. All provisions incorporated within Section 9.60.230(M) of this chapter (security requirements), are directly applicable to and binding on all commercial cannabis businesses, including all store front/retail businesses. Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if permitted by San Diego County sheriffs department and authorized by the chief of police.

(Ord. No. 2021-2487, 5-4-2021; Ord. No. 2025-2539, 4-15-2025)

9.60.260 Additional operating requirements for non-store front retail facilities.

All store front retailers, non-store front retailers (delivery) and microbusinesses which conduct deliveries into or within the city of National City shall be required to obtain a delivery permit from the city in order to conduct retail sales regardless if they are located in the city or another local jurisdiction.

- A. Operating hours of the non-store front retailer license shall be limited to the hours of nine a.m. through nine p.m., seven days a week.
- B. The commercial non-store front retailer shall only sell cannabis or cannabis products to a natural person twenty-one years of age or older, or a natural person eighteen years of age or older who possesses a physician's recommendation for cannabis medical use only. The age and/or any necessary documentation including a valid doctor's recommendation of each medical customer shall be verified. Doctor recommendations are not to be obtained or provided at the retail location.
- C. The commercial cannabis non-store front retailer may only have on-site that quantity of cannabis and cannabis products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.

(Ord. No. 2021-2487, 5-4-2021)

9.60.265 Operating requirements for consumption lounges.

- A. Any consumption lounge operating within the city of National City must be contained within the premises of a state-licensed retail business or microbusiness, must be locally permitted pursuant to Section 9.60.140, must meet the other requirements of this chapter, and must be compliant with the following additional requirements:
 - 1. Access to the area where cannabis consumption is allowed is restricted to persons twenty-one years of age or older.
 - 2. Cannabis consumption is not visible from any public place or non-age-restricted area.
 - 3. Sale or consumption of alcohol or tobacco is not allowed on the premises.
 - 4. Patrons cannot bring cannabis, tobacco or alcohol or other substances into the consumption lounge—they can only consume whatever cannabis they purchase on site.
- B. An applicant must obtain a secondary on-site consumption permit in order for cannabis to be consumed on the premises of an adult-use retail business and shall comply with the following
 - 1. Cannabis consumption areas shall be well ventilated private areas of the retail establishment and are designed to prevent the flow of smoke to any other area of the establishment.
- C. A commercial cannabis retail business with a retail lounge on its premises shall adopt procedures ensuring that its customers may only gain access to the lounge once they have purchased a product or products from the retail business.
- D. The on-site sale of food is permitted. A permittee shall comply with laws governing cannabis businesses and retail food establishments, including but not limited to the California Retail Food Code.
- E. The owner/operator of the consumption lounge shall be responsible for maintaining dedicated and sufficient staff during operating hours to verify the identity and age of all patrons seeking admittance to the lounge. Persons under twenty-one shall be denied entry without exception.

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- F. The owner/operator of the consumption lounge shall be responsible for ensuring that a state-licensed security guard is on duty during operating hours.
 - G. The city manager or his/or designee shall establish conditions for approval for each onsite consumption permit including but not limited to a parking plan, ventilation plan, anti-drugged driving plan, design plan, and set hours of operation. Set hours of operation may only be adjusted by submitting a written request to and obtaining approval from city.
 - H. Cannabis consumption areas shall only provide cannabis to an individual in an amount consistent with personal possession and use limits allowed by the state.

(Ord. No. 2021-2487, 5-4-2021)

9.60.270 In-city delivery vehicle requirements.

Prior to commencing delivery operations, any locally permitted cannabis retail operation shall provide the following information to the city of National City:

- A. Proof of ownership of the vehicle or a valid lease for all vehicles that will be used to deliver cannabis or cannabis products.
- B. The year, make, model, color, license plate number, and numerical vehicle identification number (VIN) for all vehicles that will be used to deliver cannabis goods.
- C. Proof of insurance as required in Section 9.60.210(B) for any and all vehicles being used to deliver cannabis goods.
- D. The licensee shall provide the City with any changes to the information required by this section in writing within thirty calendar days.

(Ord. No. 2021-2487, 5-4-2021)

9.60.275 Out-of-city delivery vehicle requirements.

Prior to commencing operations, a cannabis out of city of National City delivery service shall comply with the following requirements:

- A. Obtain from the city a permit authorizing the delivery of cannabis and cannabis products within the city limits. A copy of this permit shall be retained by all drivers.
- B. The retail business operating the delivery service shall provide the city manager or their designee, with evidence of a valid state license for a commercial cannabis business on whose authorization the delivery service is performing the delivery function.
- C. The retail business operating the delivery service shall furnish to the city manager or their designee, the year, make, model, color, license plate number, and numerical vehicle identification number (VIN) for any and all vehicles that will be used to deliver cannabis goods.

(Ord. No. 2021-2487, 5-4-2021)

9.60.280 Additional operating requirements for a cultivation facility operation.

- A. Outdoor commercial cultivation is prohibited.

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- B. In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
 - C. Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
 - D. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
 - E. The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
 - F. All applicants for a cannabis cultivation permit shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:
 - 1. A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.
 - 2. A description of a legal water source, irrigation plan, and projected water use.
 - 3. Identification of the source of electrical power and plan for compliance with applicable building codes and related codes.
 - 4. Plan for addressing odor and other public nuisances that may derive from the cultivation site.

(Ord. No. 2021-2487, 5-4-2021)

9.60.290 Additional operating requirements for distributors.

- A. A distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premises. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16, Section 5000(c) of the California Code of Regulations.
- B. After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing.
- C. A distributor shall ensure that all cannabis goods are stored separately and distinctly from other cannabis goods on the distributor's premises.
- D. The distributor shall ensure that the batch size from which the sample is taken meets the requirements of state law, specifically the testing provisions within the California Code of Regulations.
- E. A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded, and the recording kept available to state

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and local authorities for a minimum of one hundred eighty days, pursuant to Title 16, Section 5305 of the California Code of Regulations.

- F. A distributor shall not transport cannabis or cannabis products to a licensed retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing lab as being in compliance with state health and safety requirements pursuant to Title 16, Sections 5705, 5710 and 5714 of the California Code of Regulations.

(Ord. No. 2021-2487, 5-4-2021)

9.60.300 Additional operating requirements for testing labs.

- A. Testing labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code Section 26100 and shall be subject to state and local law. Each testing lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this chapter and any subsequent state of California legislation regarding the same.
- B. Testing labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.
- C. All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.
- D. Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.
- E. Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by state law and that the testing laboratory employee transports the sample to the testing laboratory.
- F. Except as provided by state law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.
- G. A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

(Ord. No. 2021-2487, 5-4-2021)

9.60.310 Additional operating requirements for cannabis manufacturing: edibles and other cannabis products; sale or distribution of edible and other cannabis products.

Cannabis manufacturing shall only be permitted pursuant to state law, this chapter and or any subsequently created manufacturing state license as defined in MAUCRSA, and may be permitted to operate only within those zone districts as defined in Section 9.60.070 of this chapter and Section 18.20.020 of this code.

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Any compressed gases used in the manufacturing process shall not be stored on any property within the city of National City in containers that exceeds the amount which is approved by the National City fire department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the National City fire department on the property at any time.

Additional operating requirements include:

- A. Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, ethanol and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.
- B. If an extraction process uses a professional grade closed loop CO₂ gas extraction system every vessel must be certified by the manufacturer for its safe use as referenced in Section 9.60.310(F). The CO₂ must be of at least ninety-nine percent purity.
- C. Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.
- D. Certification from an engineer licensed by the state of California, or by a certified industrial hygienist, must be provided to the community development department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
 - 1. The American Society of Mechanical Engineers (ASME);
 - 2. American National Standards Institute (ANSI);
 - 3. Underwriters Laboratories (UL); or
 - 4. The American Society for Testing and Materials (ASTM)
- E. The certification document must contain the signature and stamp of the professional engineer or industrial hygienist and serial number of the extraction unit being certified.
- F. Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the fire department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.
- G. Cannabis manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.
- H. Cannabis manufacturing facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.
- I. Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.
- J. Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

(Ord. No. 2021-2487, 5-4-2021)

9.60.320 Additional operating requirements for a microbusiness-cultivation facility.

Microbusinesses shall comply with all local operating requirements under this chapter and all requirements imposed by state law that apply to the specific activities operating under the umbrella of the individual microbusiness.

- A. Outdoor commercial cultivation is prohibited.
- B. In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- C. Commercial cannabis cultivation which is permitted in the city of National City shall not exceed ten thousand square feet of canopy space permitted by state law as part of a microbusiness license.
- D. Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- E. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- F. The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- G. All applicants for a microbusiness permit which includes cannabis cultivation shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:
 - 1. A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.
 - 2. A description of a legal water source, irrigation plan, and projected water use.
 - 3. Identification of the source of electrical power and plan for compliance with applicable building codes and related codes.
 - 4. Plan for addressing odor and other public nuisances that may derive from the cultivation site.

(Ord. No. 2021-2487, 5-4-2021)

9.60.330 Permissible delivery locations and customers.

All retail businesses conducting cannabis delivery operations within the city of National City are subject to the following requirements:

- A. A licensed cannabis business shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency.

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- B. A licensed cannabis business shall comply with all requirements of state and local law pertaining to the cannabis permit and all subsequent policies, procedures and regulations which may be amended by the city manager from time to in order to enforce this chapter.
 - C. Any kiosk, i-Pad, tablet, smartphone, fixed location or technology platform, whether manned or unmanned, other than a retail location permitted by the city, that facilitates, directs, or assists the retail sale or delivery of cannabis or cannabis products is prohibited and shall be a violation of this chapter.

(Ord. No. 2021-2487, 5-4-2021)

9.60.340 Expiration of commercial cannabis business permits.

Each commercial cannabis business permit issued pursuant to this Chapter shall expire twelve months after the date of its issuance. Commercial cannabis permits may be renewed as provided in Section 9.60.350.

(Ord. No. 2021-2487, 5-4-2021)

9.60.350 Renewal of cannabis business permits.

- A. An application for renewal of a commercial cannabis business permit shall be filed at least sixty calendar days prior to the expiration date of the current permit.
- B. The renewal application shall contain all the information required for new applications.
- C. The applicant shall pay a fee in an amount to be set by the city council to cover the costs of processing the renewal permit application, together with any costs incurred by the city of National City to administer the program created under this chapter.
- D. An application for renewal of a commercial cannabis business permit shall be rejected if any of the following exists:
 - 1. The application is filed less than sixty days before its expiration.
 - 2. The commercial cannabis business permit is suspended or revoked at the time of the application.
 - 3. The commercial cannabis business has not been in regular and continuous operation in the four months prior to the renewal application.
 - 4. The commercial cannabis business has failed to conform to the requirements of this chapter, or of any regulations adopted pursuant to this chapter, or is in violation of any other state or local laws and regulations.
 - 5. The permittee fails or is unable to renew its state of California license.
 - 6. If the state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of the state rules and regulations, and the state has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.
- E. The city manager or their designee is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the city manager or their designee is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the city manager or their designee shall be handled pursuant to Sections 9.60.380 through 9.60.400.

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- F. If a renewal application is rejected, a person may file a new application pursuant to this chapter no sooner than one year from the date of the rejection.

(Ord. No. 2021-2487, 5-4-2021)

9.60.360 Revocation or suspension of permits.

Commercial cannabis business permits may be revoked or suspended for any violation of any relevant law and/or any rule, regulation and/or standard adopted pursuant to this chapter, including any amendments to those standards, or pursuant to any policy, procedure or regulation in this chapter or in the National City Municipal Code.

(Ord. No. 2021-2487, 5-4-2021)

9.60.370 Effect of state license suspension, revocation, or termination.

Suspension of a license issued by the state of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the city of National City, until the state of California, or its respective department or division, reinstates or reissues the state license. Should the state of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the city of National City. A cannabis business owner wishing to recommence operations shall re-apply for a local permit at such time as it can demonstrate that the grounds for revocation of the license by the state no longer exist, or that the underlying deficiency has otherwise been cured.

(Ord. No. 2021-2487, 5-4-2021)

9.60.380 Appeals.

Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this chapter from a decision of the city manager or their designee, the appeal shall be conducted as prescribed in this chapter.

(Ord. No. 2021-2487, 5-4-2021)

9.60.390 Written request for appeal.

- A. Within ten calendar days after the date of a decision of the city manager or their designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an applicant may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper. Reasons shall be stated with specificity.
- B. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the city council.

(Ord. No. 2021-2487, 5-4-2021)

9.60.400 Appeal hearing process.

- A. Upon receipt of the written appeal, the city clerk shall schedule the matter for a hearing before a hearing officer.

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- B. The appeal shall be set within a reasonable time after the date of receipt of the written appeal, but in no event shall be set later than thirty city of National City working days from the date of the receipt of the written appeal. The hearing shall be held no later than ninety city working days from the date of the receipt of the written appeal. The City shall notify the appellant of the time and location at least ten days prior to the date of the hearing. The appellant can waive the right to have their appeal set no later than thirty city working days and/or held no later than ninety city working days from the date of the receipt of the written appeal.
 - C. At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The applicant may have the assistance of counsel or may appear by counsel.
 - D. After the city manager or their designee has presented the statement of facts upon which the determination was made, the burden to show that the action taken by the city manager or their designee was not based on substantial evidence, or was arbitrary, capricious, or unjustified shall be upon the appealing party.
 - E. If the applicant, or counsel representing the applicant, fails to appear at the hearing, the appeal is abandoned and the action of the city manager or their designee is final.
 - F. The hearing officer may uphold the denial, suspension, or revocation, may allow that which has been denied, reinstate that which has been suspended or revoked, reverse or modify any other decision of the city manager or their designee that is the subject of the appeal.
 - G. If the decision of the hearing officer is to deny the appeal, then that decision shall be final and conclusive and shall constitute the exhaustion of the administrative remedy.
 - H. A copy of the written decision of the hearing officer specifying findings of fact and the reasons for the decision shall be given to the applicant or the designated representative and the city manager or their designee within thirty calendar days of the hearing. If the hearing officer determines the complexity of the case required additional time in which to render a decision, the time in which to render the decision is automatically extended another thirty calendar days. Service of the decision shall govern the commencement of any period of limitation for judicial review under Code of Civil Procedure Section 1094.6 or 1084.8, whichever is applicable.

(Ord. No. 2021-2487, 5-4-2021)

9.60.420 Transfer of cannabis business permit.

- A. The owner of a cannabis business permit shall not transfer ownership or control of the permit, within the first year of obtaining said permit, to another person or entity unless and until the transferee obtains an amendment to the permit from the city manager or their designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the city manager or their designee in accordance with all provisions of this chapter (as though the transferee were applying for an original cannabis business permit). The proposed transferee's application shall be accompanied by a transfer fee in an amount set by resolution of the city council (or if not set, shall be the same amount as the application fee) and an acknowledgment that any labor agreements in existence at the time of transfer will be upheld by transferee.
- B. The city manager or their designee shall conduct a hearing to determine whether the transferee passed the background check required for permittees and meets all other requirements of this chapter.
- C. Commercial cannabis business permits issued through the grant of a transfer by the city manager or their designee shall be valid for a period of one year beginning on the day the city manager or their designee

approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this chapter.

- D. Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than twenty-five percent of the original ownership), must be approved by the city manager or their designee through the transfer process contained in this subsection (A). Failure to comply with this provision is grounds for permit revocation.
- E. A permittee may change the form of business entity without applying to the city manager or their designee for a transfer of permit, provided that either:
 - 1. The membership of the new business entity is substantially similar to original permit holder business entity (at least twenty-five percent of the membership is identical), or
Although a transfer is not required in this circumstance, the permit holder is required to notify the city manager or their designee in writing of the change within ten days of the change. Failure to comply with this provision is grounds for permit revocation.
- F. No commercial cannabis business permit may be transferred when the city manager or their designee has notified the permittee that the permit has been or may be suspended or revoked.
- G. Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(Ord. No. 2021-2487, 5-4-2021)

9.60.430 Change in location; updated permit application.

- A. Any time the dispensing, cultivation, manufacturing, transportation and distribution location specified in the regulatory permit is changed, the applicant shall re-file a permit application with the city manager or their designee(s) containing the updated information. The process and the fees for this re-registration shall be the same as the process and fees set forth for registration in Sections 9.60.420(C) and 9.60.160.
- B. Within fifteen calendar days of any other change in the information provided in the permit application form or any change in status of compliance with the provisions of this Chapter, including any change in the commercial cannabis business ownership or management members, the applicant shall file an updated permit application form with the city manager or their designee(s) for review along with a application amendment fee, as set forth in Sections 9.60.420(C) and 9.60.160.

(Ord. No. 2021-2487, 5-4-2021)

9.60.440 Promulgation of regulations, standards and other legal duties.

- A. In addition to any regulations adopted by the city council, the city manager or their designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the city's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this chapter.
- B. Regulations will be published on the city's website.
- C. Regulations promulgated by the city manager shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the city manager or their designee.

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(Supp. No. 67, Update 1)

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- D. Testing labs, distribution facilities, out of city delivery services and special events shall be subject to state law and shall be subject to additional city regulations as determined from time to time as more regulations are developed under Section 9.60.020 of this chapter and any subsequent state of California legislation regarding the same.

(Ord. No. 2021-2487, 5-4-2021)

9.60.450 Community relations.

- A. Each facility must provide the city manager or designee with the name, telephone number, and email address of an on-site community relations or staff person or other representative to whom the city can provide notice if there are operating problems associated with the facility or refer members of the public who may have any concerns or complaints regarding the operation of the facility. Each facility must also provide the above information to all businesses and residences located within one hundred feet of the facility.
- B. During the first year of operation of a facility authorized under this chapter, the owner, manager, and community relations representative from each such facility must attend a monthly meeting with the city manager or their designee to discuss costs, benefits and other community issues arising as a result of implementation of the certificate of approval authorized by this chapter. After the first year of operation, the owner, manager, and community relations representative from each such facility must meet with the city manager or their designee when and as requested by the city manager or their designee, with reasonable notice.

(Ord. No. 2021-2487, 5-4-2021)

9.60.460 Fees deemed debt to the city of National City.

The amount of any fee, cost or charge imposed pursuant to this chapter shall be deemed a debt to the city of National City that is recoverable via an authorized administrative process as set forth in the city ordinance, or in any court of competent jurisdiction.

(Ord. No. 2021-2487, 5-4-2021)

9.60.470 Responsibility for violations.

All responsible persons pursuant to this chapter shall be responsible for all violations of the laws of the state of California or of the regulations and/or the ordinances of the city of National City, whether committed by the property owner, permittee or any employee or agent of the property owner or permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

(Ord. No. 2021-2487, 5-4-2021)

9.60.480 Inspection and enforcement.

- A. The city manager, or their designee charged with enforcing the provisions of the city of National City Municipal Code, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, to check for compliance with all state and local laws and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this chapter or under applicable provisions of state law.

(Supp. No. 67, Update 1)

Created: 2025-11-14 09:55:48 [EST]

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- B. It is unlawful for any responsible persons, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under state or local law.
 - C. The city manager, or their designee charged with enforcing the provisions of this chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the city of National City shall be logged, recorded, and maintained in accordance with established procedures by the city's city manager or their designee or these regulations.

(Ord. No. 2021-2487, 5-4-2021)

9.60.490 Compliance with state regulations.

It is the stated intent of this chapter to regulate commercial cannabis activity in the city of National City in compliance with all provisions MAUCRSA and any subsequent state legislation.

(Ord. No. 2021-2487, 5-4-2021)

9.60.500 Violations declared a public nuisance.

Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance and may be enjoined civilly or administratively. In addition, and to the extent not expressly provided elsewhere in this code, it is unlawful and a misdemeanor to maintain a public nuisance.

(Ord. No. 2021-2487, 5-4-2021)

9.60.510 Each violation a separate offense.

Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the city of National City. Additionally, as a nuisance per se, any violation of this chapter shall be subject to injunctive relief, any permit issued pursuant to this chapter being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The city may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity.

(Ord. No. 2021-2487, 5-4-2021)

9.60.520 Serious violations grounds for immediate suspension of license or permit.

The city shall retain the authority, pursuant to Chapter 1.12, to address serious violations that rise to the level of posing an imminent threat to the public health, safety or welfare of the city, by immediately suspending the commercial cannabis license or permit issued by the city with a stop order. Such action by the city may be appealed pursuant to Sections 9.60.380 to 9.60.400 of this chapter.

(Ord. No. 2021-2487, 5-4-2021)

9.60.530 Criminal penalties.

Each and every violation of the provisions of this chapter may in the discretion of the district attorney or city attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars or imprisonment in the County jail for a period of not more than twelve months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

(Ord. No. 2021-2487, 5-4-2021)

9.60.540 Remedies cumulative and not exclusive.

- A. The remedies provided herein are not to be construed as exclusive remedies. The city of National City is authorized to pursue any proceedings or remedies provided by law.
- B. The city attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal, or injunction thereof, in any manner provided by law.

(Ord. No. 2021-2487, 5-4-2021)



County of Monterey

Item No.6

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 26-029

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

REF260001 (PLN250139-DEP, PLN110173-AMD1, PLN190243, PLN170296) - SOUTH COUNTY AREA PLAN, CARMEL VALLEY MASTER PLAN, CENTRAL SALINAS VALLEY AREA PLAN, AND GREATER SALINAS AREA PLAN AMENDMENTS

Public hearing to consider proposed 2010 General Plan Amendments and Zoning Ordinance Amendments to:

1. Amend Sectional District Map 79 and South County Area Plan Figure LU9 to rezone and redesignate four parcels (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) from Light Commercial [LC] to Low-Density Residential [LDR/1];
2. Amend Sectional District Map 17C and the Carmel Valley Master Plan Figure LU3 to rezone and redesignate a 4.47 acre parcel (APN: 015-171-019-000) from Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay [LDR/2.5-D-S-RAZ] to High Density Residential, 5 units per acre, Building Site 6 zoning overlay, Design Control zoning overlay, and Site Plan Review zoning overlay [HDR/5-B-6-D-S];
3. Amend the text of the Central Salinas Valley Area Plan to add Policy CSV-1.8, which would create a Special Treatment Area over APN: 420-063-014-000 to allow up to 20,000 square feet of outdoor commercial cannabis cultivation and require submittal of compliance testing information; and
4. Amend the text of the Greater Salinas Area Plan to add Policy GS-1.15, which would create a Special Treatment Area over APNs: 207-131-004-000 and 207-131-005-000, 207-121-014-000 to recognize the historic and ongoing commercial use of the properties.

Project Location: The properties are located at 68202, 68210, 68226, and 68218 Interlake Road, Bradley (Assessor's Parcel Number [APN] 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000), South County Area Plan; No address assigned (APN: 015-171-019-000), Carmel Valley Master Pla, 50700 Thompson Canyon Road, King City (Assessor's Parcel Number 420-063-014-000), Central Salinas Valley Area Plan; and 111/115/117 Monterey Salinas Highway (APNs: 207-131-004-000, 207-131-005-000, and 207-121-014-000)

Proposed CEQA action: Find the respective projects: 1) consistent with the adopted Mitigated Negative Declaration, together with an Addendum prepared for HCD Planning File No. PLN060078, and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162; 2) consistent with the Certified Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162; 3) Categorically Exempt pursuant to CEQA Guidelines section 15304, and that none of the exceptions apply pursuant to Section 15300.2; and 4) Categorically Exempt pursuant to CEQA Guidelines section 15301, and that none of the exceptions apply pursuant to Section 15300.2

RECOMMENDATION

Staff recommends that the Planning Commission adopt a Resolution recommending the Board of Supervisors:

- a) Find the respective projects: 1) consistent with the adopted Mitigated Negative Declaration, together with an Addendum prepared for HCD Planning File No. PLN060078, and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162; 2) consistent with the Certified Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162; 3) Categorically Exempt pursuant to CEQA Guidelines section 15304, and that none of the exceptions apply pursuant to Section 15300.2; and 4) Categorically Exempt pursuant to CEQA Guidelines section 15301, and that none of the exceptions apply pursuant to Section 15300.2; and
- b) Approve 2010 General Plan Amendments and Zoning Ordinance Amendments to:
 - 1. Amend Sectional District Map 79 and South County Area Plan Figure LU9 to rezone and redesignate four parcels (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) from Light Commercial [LC] to Low-Density Residential [LDR/1];
 - 2. Amend Sectional District Map 17C and the Carmel Valley Master Plan Figure LU3 to rezone and redesignate a 4.47 acre parcel from Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay [LDR/2.5-D-S-RAZ] to High Density Residential, 5 units per acre, Building Site 6 zoning overlay, Design Control zoning overlay, and Site Plan Review zoning overlay [HDR/5-B-6-D-S];
 - 3. Amend the text of the Central Salinas Valley Area Plan to add Policy CSV-1.8, which would create a Special Treatment Area over APN: 420-063-014-000 to allow up to 20,000 square feet of outdoor commercial cannabis cultivation and require submittal of compliance testing information; and
 - 4. Amend the text of the Greater Salinas Area Plan to add Policy GS-1.15, which would create a Special Treatment Area over APNs: 207-131-004-000 and 207-131-005-000, 207-121-014-000 to recognize the historic and ongoing commercial use of the properties.

PROJECT INFORMATION

Property Owners:

- 1. USREY TIMOTHY D & PAULA C AND CAMACHO IGNACIO AND MARTINEZ RAFAEL AND MARTINEZ RAFAEL AMADOR ET AL (PLN250139-DEP);
- 2. SEPTEMBER RANCH PARTNERS (CARMEL RESERVE LLC) (PLN110173-AMD1);
- 3. CUMMING JOHN HANSEN & MARIE TRS ET AL (PLN190243);
- 4. CHAPIN DONALD D & BARBARA A CHAPIN TRS & TANIMURA LAND COMPANY (PLN170296)

APN's/Plan Area: 423-381-006-000, 423-381-007-000, 423-381-008-000, 423-381-009-000 (South County Area Plan), 015-171-019-000 (Carmel Valley Master Plan);

420-063-014-000 (Central Salinas Area Plan); 207-131-004-000, 207-131-005-000, and 207-121-014-000 (Greater Salinas Area Plan)

Planner: Fionna Jensen, Principal Planner, (831) 796-6407,
JensenF1@CountyofMonterey.gov

PROJECT SUMMARY

Title 21 Chapter 21.91 recommends that the General Plan Amendments be grouped together in a package for twice-yearly consideration. REF260001 consists of four 2010 General Plan Amendment proposals (HCD-Planning File Nos. PLN250139-DEP, PLN110173-AMD1, PLN190243, and PLN170296). The proposals are summarized as follows:

1. PLN250139-DEP proposed to redesignate and rezone four 5-acre parcels in South County Area Plan, near Lockwood, from Light Commercial to Low Density Residential/1 acre per unit;
2. PLN110173-AMD1 proposes to redesignate and rezone a 4.47-acre parcel in Carmel Valley Master Plan, within the September Ranch Subdivision, from Low Density Residential to High Density Residential/5 units per acre.
3. PLN190243 proposed to apply a Special Treatment Area over a 120+ acre Permanent Grazing designated property within the Central Salinas Area Plan to allow up to 20,000 square feet of outdoor cannabis cultivation and require the operator to submit compliance testing information.
4. PLN170296 proposed to apply a Special Treatment Area over two Farmland-designated parcels within the Greater Salinas Area Plan to allow their historical and ongoing commercial uses to continue.

These four proposals are discussed in more detail in **Exhibit A** (Discussion).

Early Assessment

Title 21 section 21.91.030 requires that all General Plan Amendments be referred to the Planning Commission for an “early assessment”, prior to the Planning Commission’s formal recommendation to the Board of Supervisors, to provide the Applicants/Owners input and general comments regarding the suitability for such proposals. Accordingly, PLN250139-DEP and PLN190243 were referred to the Planning Commission for early assessment on January 28th, 2026. During this early assessment hearing, the Planning Commission raised no substantial concerns regarding PLN250139-DEP, however, the Planning Commission did provide input on PLN190243, raising concern about the appropriate mechanism to consider Mr. Cumming’s request, the need for the Agriculture Advisory Committee’s input, and the precedent the proposal may create.

The General Plan Amendment proposed under PLN110173-AMD1 is required by a Condition of Approval of the September Ranch Subdivision Project and, therefore, was not referred to the Planning Commission for early assessment. Finally, in 2021, the Board of Supervisors directed staff to process the Special Treatment Area proposed under PLN170296, and therefore, it was not referred to the Planning Commission for early assessment.

General Plan Amendment Findings

Pursuant to Title 21 section 21.91.050, the decision to approve a General Plan Amendment remains in the discretion of the Board of Supervisors in accordance with state law. If the Board of Supervisors, in its discretion, chooses to approve an amendment to the General Plan, the amendment must, at a minimum, satisfy the following criteria in addition to any other relevant considerations:

1. The amendment is not in conflict with the goals, objectives, and policies of the general plan that are not proposed for amendment; and
2. The applicant demonstrates, based on substantial evidence, one or more of the following:
 - a. There is a demonstrable error or oversight in the adopted general plan; or
 - b. There is a clear change of facts or circumstances; or
 - c. The Amendment better carries out the overall goals and policies of the general plan.

Applicable State Law, pursuant to Title 21 section 21.91.020.A, includes Government Code section 65358(a), which states *Top of Form*, “If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the general plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment.”

DISCUSSION & ENVIRONMENTAL REVIEW

See **Exhibit A**.

OTHER AGENCY INVOLVEMENT

HCD-Engineering Services, -Environmental Services, -Housing, Monterey County Environmental Health Bureau, CalFire, Monterey County Office of County Counsel.

Prepared by: Fionna Jensen, Principal Planner, x6407

Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Discussion

Exhibit B - Draft Resolution for PLN250139-DEP

- Draft Figure LU9 Amendment
- Draft Ordinance
- Draft Rezone Map

Exhibit C - Draft Resolution for PLN110173-AMD1

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- Draft Ordinance
- Draft Rezone Map

Exhibit D - Draft Resolution for PLN190243

- Draft CSV Policy

Exhibit E - Draft Resolution for PLN170296

- Draft GS Policy

Exhibit F - PLN250139 Applicant's Justification

- Historical Sectional District (79) Maps
- 2005 and 2006 Parcel Maps

Exhibit G - PLN190243 Applicant's Operation Plan

Exhibit H - Board of Supervisors Resolution No. 10-312

- September Ranch Subdivision Final Map
- Ordinance No. 5400 and Resolution No. 23-102

Exhibit I - PLN170296 Applicant's Justification

Exhibit J - Agriculture Commissioner comments on PLN190243

Exhibit K - PLN250139 Public Comment

cc: Front Counter Copy; Fiona Jensen, Principal Planner; Sarah Wikle, Principal Planner; Usrey Timothy D & Paula C And Camacho Ignacio And Martinez Rafael And Martinez Rafael Amador Et Al (PLN250139-DEP); September Ranch Partners (Carmel Reserve LLC) (PLC110173-AMD1); Cumming John Hansen & Marie Trs Et Al (PLN190243); Chapin Donald D & Barbara A Chapin Trs & Tanimura Land Company (PLN170296), Property Owners; The Open Monterey Project (Molly Erickson); LandWatch (Director); Christina McGinnis, Keep Big Sur Wild; Laborers International Union of North America (Lozeau Drury LLP); REF260001.



County of Monterey Planning Commission

Item No.6

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No.6

Legistar File Number: PC 26-029

February 25, 2026

Introduced: 2/18/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

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General Plan Amendment Findings

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1. The amendment is not in conflict with the goals, objectives, and policies of the general plan that are not proposed for amendment; and
2. The applicant demonstrates, based on substantial evidence, one or more of the following:
 - a. There is a demonstrable error or oversight in the adopted general plan; or
 - b. There is a clear change of facts or circumstances; or
 - c. The Amendment better carries out the overall goals and policies of the general plan.

Applicable State Law, pursuant to Title 21 section 21.91.020.A, includes Government Code section 65358(a), which states *Top of Form*, “If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the general plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment.”

DISCUSSION & ENVIRONMENTAL REVIEW

See **Exhibit A**.

OTHER AGENCY INVOLVEMENT

HCD-Engineering Services, -Environmental Services, -Housing, Monterey County Environmental Health Bureau, CalFire, Monterey County Office of County Counsel.

Prepared by: Fionna Jensen, Principal Planner, x6407

Approved by: Melanie Beretti, AICP, Chief of Planning

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Exhibit D - Draft Resolution for PLN190243

- Draft CSV Policy

Exhibit E - Draft Resolution for PLN170296

- Draft GS Policy

Exhibit F - PLN250139 Applicant's Justification

- Historical Sectional District (79) Maps
- 2005 and 2006 Parcel Maps

Exhibit G - PLN190243 Applicant's Operation Plan

Exhibit H - Board of Supervisors Resolution No. 10-312

- September Ranch Subdivision Final Map
- Ordinance No. 5400 and Resolution No. 23-102

Exhibit I - PLN170296 Applicant's Justification

Exhibit J - Agriculture Commissioner comments on PLN190243

Exhibit K - PLN250139 Public Comment

cc: Front Counter Copy; Fiona Jensen, Principal Planner; Sarah Wikle, Principal Planner; Usrey Timothy D & Paula C And Camacho Ignacio And Martinez Rafael And Martinez Rafael Amador Et Al (PLN250139-DEP); September Ranch Partners (Carmel Reserve LLC) (PLC110173-AMD1); Cumming John Hansen & Marie Trs Et Al (PLN190243); Chapin Donald D & Barbara A Chapin Trs & Tanimura Land Company (PLN170296), Property Owners; The Open Monterey Project (Molly Erickson); LandWatch (Director); Christina McGinnis, Keep Big Sur Wild; Laborers International Union of North America (Lozeau Drury LLP); REF260001.

Exhibit A

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DISCUSSION

1. South County Area Plan

Proposed General Plan Amendment: PLN250139-DEP proposes to amend the South County Area Plan by rezoning and redesignating four parcels (APN: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000; see **Page 1** of **Exhibit J**) from light commercial properties (LC) to low-density residential (LDR/1). See **Exhibit B, Attachments 1 and 2** (Draft Land Use Plan Map Amendment, Draft Ordinance, and Draft Rezone Map).

History & Justification: The unincorporated community of Lockwood received its first zoning designation in 1976. The entire area surrounding Lockwood was zoned Rural Districts (“N”), except for one property (APN: 423-041-084-000), which was developed with an existing retail commercial use and was thus zoned Retail Business District (“C-1”). This one commercial property was located on the northwest corner of the intersection of Jolon Road and Interlake Road/Lockwood-Jolon Road. The subject properties (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) were zoned N. At this time, the N district allowed low-density residential uses, crop and tree farming, livestock farming, limited commercial agricultural uses, accessory uses and structures, and airports. The C-1 district allowed retail stores of a light commercial character, multi-family residential development, and public-quasi public uses. In 1978, the unincorporated area of Lockwood remained primarily zoned N, or was rezoned to Agriculture-Residential (“K”). The single commercially zoned property also remained C-1. However, an approximately 160-acre area surrounding commercially zoned property and the intersection of Jolon Road and Interlake Road/Lockwood-Jolon Road was rezoned to the Transitional District (T). According to Section 23.2 of the County’s 1974 Zoning Ordinance, the T District is “considered as a holding district until more detailed land use studies can be made and more precise zoning adopted for the area covered by said Transitional District”. The subject properties (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) continued to be zoned Rural District at this time, and were located immediately south of the T District. **Attachment 1 of Exhibit F** includes the 1976, 1978, and 1993 Sectional District maps.

The zoning in the unincorporated area of Lockwood remained the same until 1993 (**Attachment 1 of Exhibit F**). The prior 160-acre Transitional District was rezoned to Light Commercial (LC) and expanded to encompass approximately 155 acres along the intersection of Jolon Road and Interlake Road/Lockwood-Jolon Road. The subject properties (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) were included in this 155-acre area and accordingly also rezoned from N (Rural) to Light Commercial. To the west and east of this commercial area, properties were rezoned from N or K to Low Density Residential (LDR/1).

In 2005, approximately 40 acres south of the intersection of Jolon Road and Interlake Road/Lockwood-Jolon Road were subdivided into four, 5-acre parcels (Parcel 1-4), with one 20-acre remainder parcel (HCD-Planning File NO. PLN030415; Minor Subdivision Resolution No. 05012; **Attachment 2 of Exhibit F**). The prepared Mitigated Negative Declaration analyzed foreseeable impacts from developing these parcels with residential uses. At that time, the Sectional District Map illustrated the western 20 acres of this parcel as

LDR/1, and the eastern 20 acres of this parcel as LC. Minor Subdivision Resolution No. 05012 correctly recognized that Parcels 1-4 were zoned Low Density Residential, 1 unit per acre (LDR/1), but fails to mention that the 20-acre Remainder Parcel was zoned LC.

In 2006, the 20-acre remainder parcel was subdivided into four, 5-acre parcels (Parcels 5-8) (HCD Planning File No. PLN060078; Planning Commission Resolution No. 06014; **Attachment 2 of Exhibit F**). This Resolution recognizes the newly created parcels as LDR/1, not LC. Further, the prepared amended Mitigated Negative declaration analyzed foreseeable impacts from developing these parcels with residential uses. Staff's review of the applicable documents indicates that these parcels were zoned Light Commercial at the time of the subdivision. Accordingly, reference to LDR/1 in Planning Commission Resolution No. 06014 appears to be an error.

The zoning in the unincorporated area of Lockwood remained the same with the adoption and implementation of the 2010 General Plan, with minor changes including rezoning an LDR/1 property to Public Quasi-Public to align with the property's development (elementary school). Parcels 1-4 continued to be zoned LDR/1, and Parcels 5-8 continued to be zoned LC. Adoption of the 2010 General Plan also created multiple Rural Centers (Policy LU-2.27). The Lockwood Rural Center contains approximately 345 acres and includes properties zoned Low Density Residential, Rural Grazing, Light Commercial, Medium Density Residential, and Public Quasi-Public. The subject properties are located within the Lockwood Rural Center. The proposed land use designation and zoning change would not impact the Lockwood Rural Center's purpose, boundaries, or intent.

Between 2021 and 2023, Parcels 5-8 were sold to the current owners, who believed they were purchasing residential properties. The Owners of Parcels 5-8 claim these parcels were "recorded as Low Density Residential-1, according to county records, and remained so designated until 2010" (**Exhibit F**). This claim is based on the County's GIS, which identifies the properties as being zoned LC and LDR, and Planning Commission Resolution No. 06014's erroneous recognition of the LDR/1 zoning. Further, the properties' Covenants, Conditions, and Restrictions (CC&Rs) describe out the primary use of the properties as follows: "... *intends to distribute and/or sell the parcels to separate owners and restrict the property and of the parcels and the remainder Parcel, in accordance with a common plan for the express purpose of enhancing and protecting the **residential value** of the land ...* ", and "*The parcels shall be used for **residential and agricultural purposes only**. All other trade, business and commercial uses, incidental or otherwise, whether or not obtrusive, including, without limitation, uses involving the production, storage or sale of goods, non-agricultural products or materials, or rendering of services, are prohibited.*" (**Exhibit F**). Additionally, the CC&Rs prohibit the use of commercial storage buildings unless they can be screened from public view.

The LC zoning allows for residential uses, provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use (Title 21 section 21.18.060). Accordingly, to develop Parcels 5-8 with single-family residences, the property owners would also have to construct/operate an equal or greater-sized commercial business. Although the County does not enforce CC&Rs, it is recognized that operations of a business on these properties may conflict with the private restrictions of the CC&Rs. In

addition to this conflict, the Owners of Parcels 5-8 find that it is “*highly unlikely that a single business, not to mention four businesses, would survive, let alone flourish, given the sparse population and remoteness of the location.*” (**Exhibit F**) The Owners of Parcels 5-8 have expressed a desire to develop these parcels with single-family dwellings, but cannot do so without a change in zoning and land use designation.

Based on the information above, staff believes there is a demonstrable error or oversight in the 2010 General Plan, which was caused by an incorrect recognition of these parcels as LDR in 2005 and 2006. Additionally, staff believe there has been a change in circumstance, being that the development of these parcels with residential uses, rather than commercial, is more viable and supports the County’s housing demand.

LUAC

This General Plan Amendment Proposal was been referred to the South County Land Use Advisory Committee on January 21, 2026 and February 18, 2026. However, due to a lack of quorum at each meeting, the item was not heard or considered. Accordingly, staff is moving forward with obtaining the Planning Commission’s recommendation on this proposal. Should the Commission desire, staff will seek the LUAC’s input at their March 18th meeting and provide their recommendations to the Board of Supervisors (hearing TBD).

CEQA

Staff recommends that the Planning Commission consider the adopted Mitigated Negative Declaration, together with the addendum, prepared for HCD-Planning File No. PLN030415; Minor Subdivision Resolution No. 05012 and HCD Planning File No. PLN060078; Planning Commission Resolution No. 06014, and find that adoption of the General Plan amendment and rezone ordinance does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162.

2. Carmel Valley Master Plan

General Plan Amendment: PLN110173-AMD1 proposes to amend the Carmel Valley Master Plan to redesignate and rezone a 4.47-acre parcel from Low Density Residential to High Density Residential to better facilitate September Ranch’s construction of required inclusionary housing. See **Exhibit C, Attachments 1 and 2** (Draft Land Use Plan Map Amendment, Draft Ordinance, and Draft Rezone Map).

Background

On November 9, 2010, the Board of Supervisors adopted Resolution No. 10-312 approving a Combined Development Permit for the September Ranch Subdivision Project (**Exhibit H**) consisting of: (1) a Vesting Tentative Map (VTM) for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed restricted workforce housing lots) for a total of 95 residential lots; (2) a 20.2 acre existing equestrian facility and accessory structures related to that use; (3) 300.5 acres of common open space; 242.9 acres of public open space for donation/dedication; (4) 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; and (5) 6.9 acres of open space reserved for future public facilities.

On December 8, 2020, the Board of Supervisors approved the Final Map (Vol. 24 Cities & Towns page 70, **Attachment 1 of Exhibit H**) for Phase 1 of the September Ranch Subdivision, which included dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming lots to be developed with market-rate homes, a parcel for inclusionary housing (Parcel F), the equestrian parcel (Parcel E), public use parcel (Parcel B), open space parcels (Parcel A & D), park parcel (Parcel C), and a parcel for Future Phase 2, which may be used for a portion of the inclusionary housing and the remaining 50 market rate residential parcels (Parcel G).

On March 21, 2023, the Board of Supervisors adopted Ordinance No. 5400 and Resolution No. 23-102 (**Attachment 2 of Exhibit H**) to rezone and reclassify certain parcels and lots to reflect their intended uses, and as required by Condition of Approval Numbers 30 and 37 of Resolution No.10-312 for the September Ranch Subdivision Project. Pursuant to Condition of Approval 30, Parcels A, B, C, and D were rezoned to Open Space, Design Control zoning overlay, and Site Plan Review zoning overlay. Pursuant to Condition No. 37, Lots 22 through 33 were rezoned to Rural Density Residential, Building Site 6 overlay, Design Control zoning overlay, and Site Plan Review zoning overlay, and Lots 1-22, 39, 40, and 73 were rezoned and reclassified to Low Density Residential, Building Site 6 overlay, Design Control zoning overlay, and Site Plan Review zoning overlay. However, Parcel F (APN:015-171-019-000; **Page 2 of Exhibit J**), was not considered in Ordinance No. 5400 and Resolution No. 23-102, as the developer had yet to decide if the required inclusionary housing would be constructed on Parcel F and Parcel G, or just Parcel F, and this decision would affect the land use density of Parcel F.

The subject property, Parcel F, was intended for inclusionary housing (**Attachment 1 of Exhibit H**). However, the current zoning and land use designation, Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay, only supports the construction of 1 unit, which conflicts with the September Ranch Subdivision Project's requirement of 22 inclusionary housing units. To facilitate the construction of these inclusionary housing units and comply with Condition of Approval Number 37 of Board of Supervisors Resolution No.10-312, Parcel F needs to be rezoned and redesignated. Specifically, this project amends Carmel Valley Master Plan Figure LU3 to redesignate a 4.47-acre parcel from Low Density Residential 1-5 acres/unit to High Density Residential 5-20 units/acre (**Attachment 1 of Exhibit C**); and amends Sectional District Maps 17C of Title 21 section 21.08.060 to amend the zoning classification of a 4.47 acre parcel from Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay [LDR/2.5-D-S-RAZ] to High Density Residential, 5 units per acre, Building Site 6 zoning overlay, Design Control zoning overlay, and Site Plan Review zoning overlay [HDR/5-B-6-D-S] (**Attachment 2 of Exhibit C**)

At 5 dwelling units per acre, the proposed zoning and land use designation would allow for the construction of 22 inclusionary housing units, which aligns with the inclusionary housing requirements of the September Ranch Subdivision. The proposed density can be supported because it conforms with Carmel Valley Master Plan Land Use Policy CV-1.8, which encourages clustered development. County staff is separately processing the required Design

Approval to allow 22 inclusionary housing units. This Design Approval application is currently incomplete and will be scheduled for the Carmel Valley Land Use Advisory Committee for recommendation to the Planning Commission's consideration on February 17, 2026. The design also depends on the Planning Commission's recommendation to the Board of Supervisors on the parcel's rezone and redesignation.

CEQA

Staff recommends that the Planning Commission find the project consistent with the Certified Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project, and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162.

3. Central Salinas Valley Area Plan

Proposed General Plan Amendment: PLN190243 proposes to amend the Central Salinas Valley Area Plan to create a Special Treatment Area over APN: 420-063-014-000 to allow outdoor commercial cannabis cultivation. Specifically, it would add CSV Policy 1.8: *“The Cumming’s Ranch shall be designated as a “special treatment area” to allow up to 20,000 square feet of outdoor cannabis cultivation, provided the operator obtains a commercial cannabis business permit pursuant to Chapter 7.90 of the Monterey County Code, and the operation complies with the requirements of the Outdoor Cannabis Cultivation Pilot Program pursuant to Chapter 21.29 of the Monterey County Code, except for location. The operator agrees to inform nearby off-site agricultural operations of the on-site cannabis operations and implement best management practices to prevent incompatibility issues. Upon request by the County, the operator agrees to provide testing and compliance information to help better inform appropriate setbacks between on-site cannabis operations and off-site agricultural operations.”* See **Exhibit D** (Draft Resolution).

Background/Justification:

On June 18, 2019, the Board of Supervisors adopted Chapters 20.69 and 21.69 of the Monterey County Code (coastal and inland) and created a pilot program (Program) for limited outdoor commercial cannabis cultivation in the Big Sur, Carmel Valley, and Cachagua plan areas. The Program was limited to certain zoning districts and qualified operations that were previously operated. In the fall of 2020, in response to requests from the Cannabis Committee and HCD, the Board of Supervisors directed staff to prepare ordinances updating the Program to remove some of the barriers to Program entry. Based on direction from the Board of Supervisors and the Cannabis Committee, HCD staff prepared draft ordinances amending Titles 20 and 21 of the Monterey County Code (coastal and non-coastal zoning ordinances). In addition to making energy requirement and setback revisions and extending the Program's expiration, staff recommended that the Central Salinas Valley Area Plan be added to the Outdoor Cannabis Cultivation Pilot Program. However, the Agriculture Advisory Committee considered the draft ordinance and recommended removal of the Central Salinas Valley Area Plan, citing concerns with crop incompatibility (off-site pesticides use potentially rendering the cannabis crop a loss, and cannabis odors impacting other crop cultivation, including vineyards), an unknown number and location of permittees in the Area Plan, water availability, and potential impacts on cattle grazing.

In April 2021, the Planning Commission considered the draft ordinance. During the Planning Commission's hearing, members of the Commission raised questions about whether the AAC's concerns were substantiated, concerns regarding excluding the limited public members of the Central Salinas Valley Area Plan who cultivate cannabis and wish to legalize their operation, and reiterated that the purpose of a pilot program is to attempt to address concerns and questions, which will then better inform an ultimate ordinance. The Agricultural Commissioner was present at the hearing. Without additional research, the Agricultural Commissioner conservatively stated during this hearing that a 2-mile buffer between cannabis cultivation and off-site agricultural operations would be needed to ensure that cannabis crops would not be rendered a loss and impacted by off-site pesticide use, or vice versa. Cannabis is particularly sensitive because no pesticides are federally registered for use on cannabis, and in California, there is strict testing for pesticide residues on cannabis; with limited exceptions, any finding of pesticide residue on cannabis would render the cannabis contaminated and invalid for sale. After public testimony and given the July 1, 2021 deadline to find the Ordinance Statutorily Exempt from CEQA, the Planning Commission recommended the adoption of the draft Ordinance, without the Central Salinas Valley Area Plan. The amended draft ordinance was then adopted by the Board of Supervisors on May 18, 2021.

Even with the time extension and these improvements to the Title 20 and 21 code requirements (valid through June 2026), there has yet to be a permit issued for outdoor cannabis cultivation in the County. One rancher (Mr. John Cumming) in unincorporated County has consistently requested the ability to have an outdoor cannabis grow site. This applicant owns a large ranch in the Central Salinas Valley Planning Area, and the land is zoned Permanent Grazing. Since Mr. Cumming's property is located within the Central Salinas Valley Area Plan, it is not subject to the Outdoor Cannabis Cultivation Pilot Program. Accordingly, there are no existing regulations that would allow Mr. Cumming to establish an outdoor cannabis cultivation site. Since 2019, Mr. Cummings has attempted to be included in the Outdoor Cannabis Cultivation Pilot Program. He now seeks the adoption of a Special Treatment Area to allow him to cultivate approximately 20,000 square feet of cannabis.

A "Special Treatment Area" (STA) is intended to be used in conjunction with the underlying land use designation. Its purpose is to facilitate a comprehensive planned approach for specifically designated properties (or a single property) where a mix of uses is permitted and/or where there are unique natural and scenic resources or significant recreational/visitor-serving opportunities. In this case, the STA would essentially recognize the uniqueness of the property and the unchanged circumstances of the Outdoor Cannabis Cultivation Pilot Program, and would allow the Owner to cultivate cannabis, subject to meeting the requirements of Title 7, obtaining necessary licenses/permits from the County of Monterey Cannabis Program, and submitting annual reports to the County of Monterey demonstrating compliance with the applicable local requirements and the State's compliance testing requirements.

Should the STA be adopted, the cannabis proposal would involve 378 plants with a total canopy area of 18,522 square feet in the heart of a private 120+ acre ranch located at 50700 Thompson Canyon Road, King City (Assessor's Parcel Number 420-063-014-000; **Page 3 of Exhibit J**). The Outdoor Cannabis Cultivation Pilot Program's (Chapter 21.69) requirements

were used as guidelines to better determine whether Mr. Cumming’s outdoor cannabis proposal is appropriate. Although not required, as Chapter 21.69 is not applicable, the Applicant’s operation plan (**Exhibit G**) demonstrates that the cultivation proposal would comply with all its requirements as follows:

- Cannabis activities would be limited to outdoor cultivation (Title 21 section 21.69.060.A);
- The Applicant/Owner would obtain necessary permits and licenses, and has offered to pay a “fair canopy tax” (Title 21 section 21.69.060.B);
- Cannabis activities would comply with all required setbacks from schools, watercourses, public roads, and offsite structures (Title 21 section 21.69.060.C), and no setback exceptions are required (Title 21 section 21.69.060.D). The nearest residence (not owned by Mr. Cumming) is 1.7 miles northeast. This neighbor has commented on the proposal and raised no concerns about the cultivation operation.
- The Applicant/Owner cultivated cannabis onsite from 2014 to 2020;
- The Applicant/Owner has demonstrated the right to use the private road (Title 21 section 21.69.060.F);
- Cannabis cultivation would not take place on federal or state lands, or on lots where the only access is through federal land (Title 21 section 21.69.060.G)
- Cannabis cultivation would not take place within an existing single family or multi-family dwelling (Title 21 section 21.69.060.H);
- Due to property size and topography, the outdoor cultivation would not be visible from offsite (Title 21 section 21.69.060.I);
- The cannabis cultivation would not exceed 20,000 square feet of canopy and would not exceed 2.5% of the lot size (Title 21 section 21.69.060.J);
- Adequate on-site security measures to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products already exist on-site (Title 21 section 21.69.060.K);
- Cannabis cultivation would occur without use of conventional herbicides, fungicides, and insecticides (Title 21 section 21.69.060.L). There would be no pesticide drift impacting nearby agricultural operations due to the size of the subject parcel and its location within the owner’s larger ranch;
- No lighting would be required (Title 21 section 21.69.060.M);
- Adequate on-site water suppression storage tanks (approx. 83,200 gallons) exist, and CalFire has access to existing gates (Title 21 section 21.69.060.N);
- An existing on-site spring produces approximately 1,620 gallons per day, which would exceed the water demand of the cannabis cultivation (ranging between 151 gallons and 302 gallons per day). Efficient micro-sprinklers would be used (Title 21 section 21.69.060.O);
- An Operations Plan was created and reviewed by County staff that discusses all required subsections and demonstrates no power source or generator would be needed, with appropriate hazardous waste, non-hazardous waste, stormwater control, and project water management (Title 21 section 21.69.060.Q); and
- No wastewater facilities would be required by the Environmental Health Bureau (Title 21 section 21.69.060.P).

In addition to meeting the above guidelines, the STA would require that, upon request from the County, Mr. Cummings submit testing and compliance reports to HCD-Planning. This testing and compliance information would be helpful for staff to better determine and understand whether a two-mile buffer is adequate to avoid or minimize crop incompatibility concerns, including pesticide drift and odors. Further, obtaining this information may support revisions to the Program or other future regulations regarding outdoor cannabis cultivation, should staff be directed to revise or prepare such regulations.

In summary, one of the primary reasons the Central Salinas Valley Area Plan was removed from inclusion in the Program was due to the concerns raised by the Agriculture Advisory Committee and Agricultural Commissioner (main concern being pesticide drift and the recommendation of a 2-mile setback from off-site agricultural operations), and the limited time to take advantage of a CEQA Statutory Exemption. No additional research has been conducted by staff at this time to better evaluate adequate setbacks between cannabis and off-site commercial agricultural operations. The Program is set to expire this summer, and no modification or extensions to the Program are proposed at this time. No cultivators with the Big Sur, Carmel Valley, or Cachagua Area Plans have demonstrated their ability to meet the Program's requirements. Mr. Cumming's has attempted for years to demonstrate his compatibility with the Program's requirements (besides location). Mr. Cumming owns the surrounding 1,400 acres and thus believes that his cultivation will not impact any nearby grazing, vineyard, or crop cultivation due to distance.

The Agriculture Commission has reviewed the proposal and concurs that the proposal cultivation site is unlikely to impact or be impacted by off-site agricultural operations. In reviewing the subject site and surrounding registered agricultural operations, the Agriculture Commissioners' Office found the nearest row crop operation to the northwest is approximately two miles away, and a vineyard operation is approximately three miles away to the east of the subject site. In letter regarding this project from the Agriculture Commissioners' Office states, "*It is the opinion of this office that the location of the proposed cannabis grow is relatively isolated, due to topography and distance from conventional farming operations, reducing the potential risk of pesticide drift*" (**Attachment J**). Further, the changes in topography and elevation of the property will eliminate any odors from impacting nearby residences or other agricultural operations. The nearest neighbor is 1.7 miles northeast and is in support of the cannabis operation. The Agricultural Commissioner raised no concerns about this application but did note that agricultural operations in the area may change in the future, and additional protective measures should be considered at that time by both the cannabis operator and neighboring agricultural operations to prevent incompatibility issues. Accordingly, the proposed STA Policy includes "*The operator agrees to inform nearby off-site agricultural operations of the on-site cannabis operations and implement best management practices to prevent incompatibility issues.*" Finally, as proposed, the STA requires that state-required compliance testing results be provided to the County to confirm that crop incompatibility is not occurring. This information may support future County endeavors to re-evaluate the Outdoor Cannabis Cultivation Program.

In this case, staff believes there is a change in circumstance, being that the Pilot Program is soon to expire (June 2026), research to better determine whether the Program should be

amended to include the Central Salinas Valley Area Plan have yet to occur, no cultivators have taken advantage of the Program, and the subject property meets all Program requirements but is excluded simply due to location within the Central Salinas Valley Area Plan. Additionally, creation of the STA better meets the goals, policies, and text of the General Plan by promoting economic development, allowing Mr. Cumming to increase the agricultural viability of his property, and benefiting the health and safety of all County residents by promoting permitting and regulation of outdoor cannabis in the County. To ensure that the proposal would not introduce a use that is incompatible with off-site agricultural operations, the STA requires that the operator submit compliance testing results to the County upon demand.

The Safety Element of the 2010 General Plan (GP) discusses that various hazards occur when toxic chemicals in the form of pesticides, herbicides, fertilizers, etc. are mismanaged or misused. These contaminate the air and water and can cause fires and explosions. Leaks and spills are more likely to occur at outdoor cannabis grow sites that are not legally permitted. 2010 GP Policy S-3.2 requires Best Management Practices (BMPs) to protect groundwater and surface water quality to be incorporated into all permitted development. 2010 GP Policy S-4.22 requires development to meet minimum requirements in the state and County fire codes. This application includes BMPs and a fire and fuel management plan, conforming to these policies. Furthermore, by being the first permitted outdoor cannabis operation in the County, the STA provides a model to encourage other outdoor cannabis growers that are eligible for the Program, or wish to be, but have not applied, and potentially encourages the County to revisit the applicability and duration of the Program.

Agriculture Advisory Committee

In addition to obtaining the Agricultural Commissioner's comments, the project is scheduled to receive AAC input on February 26, 2026. Should the Planning Commission make a recommendation on the project, the AAC's February 26, 2026, input will be provided to the Board of Supervisors.

CEQA

Staff recommends the Planning Commission find that adoption of the General Plan amendment is Categorical Exempt pursuant to CEQA Guidelines section 15304, as the site has already been utilized for cannabis cultivation between 2014 and 2020, the use would not remove healthy, mature, scenic trees, and none of the exceptions of Section 15300.2 apply.

4. Greater Salinas Area Plan

Proposed General Plan Amendment: PLN170296 proposes to amend the Greater Salinas Area Plan by creating a special treatment area over the Chapin (APNs: 207-131-004-000 and 207-131-005-000) and Tanimura (APN: 207-121-014-000) properties to recognize their historic and ongoing commercial operations, despite the agricultural land use designations. Specifically, the proposal seeks to add Greater Salinas Area Plan Policy GS-1.15: "*Special Treatment Area: Chapin and Tanimura- The Chapin and Tanimura properties located at 111/115/117 Monterey Salinas Highway shall be designated a Special Treatment Area. The Special Treatment Area recognizes the historic and ongoing commercial use of the properties despite the agricultural land use designations. On APNs: 207-131-004-000 and 207-131-005-000, the historical existing retail and commercial uses include: 1) the sale of aggregate*

materials, landscaping, and associated products, 2) rental of agricultural support equipment, 3) hosting of seasonal/promotional events, 4) storage of vehicles, 5) a small concrete batch plant, 5) sale of limited food and drink within the existing market building, and 6) on-site landscaping and other site improvements, and these uses shall be allowed but may not be expanded to occupy a greater area than the existing use. On APN: 207-121-014-000, the tattoo parlor shall be allowed within the existing structure but shall not be expanded. This Special Treatment Area allows all uses of a similar intensity, density, and character as those listed in this Policy, subject to the granting of a Use Permit.”

Background/Justification

The subject property is located at 115/117 Monterey Salinas Highway (APNs: 207-131-004-000 and 207-131-005-000). This site has always been designated and zoned Farmland, yet has been occupied by commercial uses since before 1984. The first recorded permit on this site in 1984 was for the expansion of an existing retail nursery and an accessory landscape materials business (Permit No. 3402). Subsequent permits in 1995, 2005, and 2006 recognized minor modifications, including expansions of the business and construction of a 35-foot-tall ornamental windmill structure, a 3,024 sq ft greenhouse, a 200 sq ft concrete batch plant, a new parking lot, and signage. In 2012, a General Development Plan was approved under PLN060138 to clear a code enforcement case, recognize the non-conforming uses on the site, allow a produce stand in an existing unoccupied building, and authorize a lighting plan and a sign program, in addition to the existing nursery and ornamental landscape business. This permit also included a list of industry-related seasonal events that occur on the property. On-site commercial retail uses other than nursery-related operations were not permitted as part of this entitlement.

In 2017, the property owner submitted PLN170296, which originally proposed to amend a General Development Plan (PLN090138) and Use Permit PLN050366 (as amended by PLN060174) that were previously approved for the property located at 115/117 Monterey Salinas Highway (APNs: 207-131-004-000 and 207-131-005-000; **Page 4 of Exhibit J** [Vicinity Maps]). The original application requested to allow commercial cannabis retail activities, commercial cannabis non-volatile manufacturing activities, and cannabis cultivation within the existing greenhouse and associated buildings. Chapter 21.67 of the County Code does not allow for cannabis retail sales in the Farmland Zoning District. The subject property is designated and zoned Farmland. Therefore, on August 12, 2020, the Planning Commission denied this application due to inconsistencies with the Zoning Ordinance.

On October 20, 2020, the Board of Supervisors considered an appeal of the Planning Commission’s denial of (PLN170296/Cabrera/The Chapin Living Trust). At this hearing, the Board continued the hearing and directed staff to discuss options with the applicant. At the July 21, 2021 hearing, staff presented the Board with options to address the proposed project’s inconsistency with zoning. Options included:

1. Amending the 2010 General Plan and zoning to establish a Special Treatment Area (STA) to the subject property or multiple properties in this vicinity that have been developed with commercial-type uses; or
2. Amending the cannabis regulations (Chapter 21.67 of the Monterey County Code)

to allow retail cannabis in the Farmland zone.

At the hearing, members of the Board expressed concerns about applying an STA to one property rather than multiple properties, but also recognized the related processing delays that would occur. Therefore, after public testimony and deliberation, the Board of Supervisors remanded the item back to the Planning Commission and directed staff to proceed with processing a Special Treatment Area over the subject property.

Since the 2021 Board hearing, the property owner (Chapin) has decided to remove commercial cannabis retail from their proposal and thus is only seeking a STA that recognizes the historic and ongoing commercial use of the properties despite the agricultural land use designations (**Exhibit I**). Therefore, the proposed STA Policy language specifies that the properties historical existing retail and commercial uses (sale of aggregate materials, landscaping, and associated products; rental of agricultural support equipment; hosting of seasonal/promotional events; storage of vehicles; a small concrete batch plant; sale of limited food and drink within the existing market building; and on-site landscaping and other site improvements) are allowed but may not be expanded to occupy a greater area than the existing use. This STA would allow uses of a similar intensity, density, and character, subject to the granting of a Use Permit. Although the subject property has obtained prior permits that recognized the non-conforming landscape retail business and other on-site activities (events and produce stand), the proposed STA better encompasses all historical and current commercial uses and provides a path for changes in use. If the STA were to be approved, the non-conforming uses would no longer be considered non-conforming but rather allowed uses.

From a planning perspective, applying a STA to the multiple properties in the area that have existing commercial uses would make sense, as it would recognize the legal nature of these uses without allowing for further expansion, and would serve to “clean up” the multiple existing legal non-conforming uses. Adjacent to the Chapin property, is farmland-zoned property (111 Monterey Salinas Highway) that is primarily used for agricultural purposes, but also has a small tattoo parlor on the southwest corner of the property that has existed since the 1980s/1990s (**Page 4 of Exhibit J**). Therefore, staff also contacted the adjacent property owner (Tanimura Land Company) to gauge their interest in being included in the STA proposal. Tanimura Land Company was interested, and therefore, the STA proposes to allow the tattoo parlor within the existing structure, but specifies that it cannot be expanded. The STA would allow uses of a similar intensity, density, and character, subject to the granting of a Use Permit. If the STA were to be approved, the non-conforming use (tattoo parlor) would no longer be considered non-conforming but rather an allowed use.

When the 2010 General Plan was adopted, these properties continued to be designated and zoned Farmland despite the historical commercial uses that continue to exist today. Therefore, staff believes there is a demonstrable error or oversight in the adopted General Plan, and recommends that the Greater Salinas Area Plan be amended to apply a STA over these properties.

CEQA

Staff recommended that the Planning Commission find that adoption of the General Plan amendment is Categorical Exempt pursuant to CEQA Guidelines section 15301, as the STA only recognizes the existing legal non-conforming commercial uses and limits future expansion, and none of the exceptions of Section 15300.2 apply.

Exhibit B

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DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

**USREY TIMOTHY D & PAULA C AND
CAMACHO IGNACIO AND MARTINEZ
RAFAEL AND MARTINEZ RAFAEL
AMADOR ET AL. (PLN250139-DEP)
RESOLUTION NO. 26-**

Resolution of the County of Monterey Planning
Commission recommending that the Board of
Supervisors:

- 1) Find that the project is consistent with the adopted Mitigated Negative Declaration, together with an Addendum prepared for HCD Planning File No. PLN060078, and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162;
- 2) Adopted a Resolution to amend the 2010 General Plan to reclassify the land use designation of four 5-acre parcels, as shown in the Lockwood Detail of the South County Area Plan Figure LU9, from Light Commercial to Residential – Low Density 5-1 Acres/Unit, as attached hereto as Attachment 1; and
- 3) Adopt an Ordinance amending Sectional District Maps 79 of Title 21 section 21.08.060 to amend the zoning classification of four 5-acre parcels from Light Commercial to Low Density Residential, 1 acre per unit [LDR/1], as attached hereto as Attachment 2.

The USREY TIMOTHY D & PAULA C AND CAMACHO IGNACIO AND MARTINEZ RAFAEL AND MARTINEZ RAFAEL AMADOR ET AL. (PLN250139-DEP) application came before the County of Monterey Planning Commission on February 25, 2026, at a public hearing. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby makes a recommendation to the Monterey County Board of Supervisors with reference to the following facts and findings:

USREY TIMOTHY D & PAULA C AND
CAMACHO IGNACIO AND MARTINEZ
RAFAEL AND MARTINEZ RAFAEL
AMADOR ET AL. (PLN250139-DEP)

RECITALS

1. In 1976, the subject properties were designated and zoned Rural Districts, which allowed low-density residential uses, crop and tree farming, livestock farming, limited commercial agricultural uses, accessory uses and structures, and airports.
2. In 1978, an approximately 40-acre area surrounding the intersection of Jolon Road and Interlake Road/Lockwood-Jolon Road was re-designated and rezoned to the Transitional District (T). At this time, the land surrounding this T District was zoned Rural District or Agriculture-Residential. The subject properties (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) continued to be zoned Rural District at this time, and were immediately south of the area zoned T District.
3. In 1993, the prior 40-acre Transitional District was rezoned to Light Commercial (LC) and expanded to encompass approximately 155 acres along the intersection of Jolon Road and Interlake Road/Lockwood-Jolon Road. The subject properties (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) were included in this 155-acre area and accordingly also rezoned from Rural District to Light Commercial.
4. In 2005, a 40-acre property south of the intersection of Jolon Road and Interlake Road/Lockwood-Jolon Road was subdivided into four, 5-acre parcels (Parcel 1-4), with one 20-acre remainder parcel (HCD-Planning File NO. PLN030415; Minor Subdivision Resolution No. 05012). The prepared Mitigated Negative Declaration analyzed foreseeable impacts from developing these parcels with residential uses. At that time, the Sectional District Map illustrated the western 20 acres of this parcel as LDR/1, and the eastern 20 acres of this parcel as LC. Minor Subdivision Resolution No. 05012 correctly recognized that Parcels 1-4 were zoned Low Density Residential, 1 unit per acre (LDR/1), but fails to mention that the 20-acre Remainder Parcel was zoned LC.
5. In 2006, the 20-acre remainder parcel was subdivided into four, 5-acre parcels (Parcels 5-8) (HCD Planning File NO. PLN060078; Planning Commission Resolution No. 06014; Attachment 2 of Exhibit B). This Resolution recognizes the newly created parcels as LDR/1, not LC. Further, the prepared amended Mitigated Negative declaration analyzed foreseeable impacts from developing these parcels with residential uses. Staff's review of the applicable documents indicates that these parcels were zoned Light Commercial at the time of the subdivision. Accordingly, reference to LDR/1 in Planning Commission Resolution No. 06014 appears to be an error.
6. The zoning in the unincorporated area of Lockwood primarily remained the same with the adoption and implementation of the 2010 General Plan, with minor changes. Parcels 1-4 continued to be designated and zoned LDR/1, and Parcels 5-8 continued to be designated and zoned LC. The subject properties are shown as designated Light Commercial in the "Lockwood Detail" of South County Area Plan Figure LU9.
7. In addition to the Resolution No. 06014's error, the properties' Covenants, Conditions, and Restrictions (CC&Rs) describe the primary use of the properties as follows: "...

USREY TIMOTHY D & PAULA C AND
CAMACHO IGNACIO AND MARTINEZ
RAFAEL AND MARTINEZ RAFAEL
AMADOR ET AL. (PLN250139-DEP)

intends to distribute and/or sell the parcels to separate owners and restrict the property and of the parcels and the remainder Parcel, in accordance with a common plan for the express purpose of enhancing and protecting the residential value of the land ... ", and "The parcels shall be used for residential and agricultural purposes only. All other trade, business and commercial uses, incidental or otherwise, whether or not obtrusive, including, without limitation, uses involving the production, storage or sale of goods, non-agricultural products or materials, or rendering of services, are prohibited." Additionally, the CC&Rs prohibit the use of commercial storage buildings unless they can be screened from public view.

8. In this case, there is a demonstrable error or oversight in the 2010 General Plan, which was caused by an incorrect recognition of these parcels as LDR in 2005 and 2006, and uncertainty regarding the intended location for commercial zoning in Lockwood. Additionally, there has been a change in circumstance, being that the development of these parcels with residential uses, rather than commercial, is more viable and supports the County's housing demand. In order to allow residential development on these parcels, the Planning Commission considers and recommends that the Board of Supervisors approve modify Figure LU9 of the South County Area Plan, specifically the Lockwood Detail, to redesignate the four 5-acre parcels to *Residential - Low Density 1-5*, and rezone the these parcels to *Low Density Residential, 1 unit per acre* ("LDR/1").
9. On February 25, 2026, in accordance with Government Code sections 65358 and 65854 – 65857, as well as Monterey County Code Chapter 21.91, the Planning Commission held a duly noticed hearing to consider recommending to the Board of Supervisors on the following:
 - a. A resolution to redesignate APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000 to Residential - Low Density 1-5 acres/unit (Attachment 1);
 - b. An ordinance to rezone APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000 to Low Density Residential/1 (Attachment 2); and
10. The Board of Supervisors has considered the adopted Mitigated Negative Declaration, together with the addendum, prepared for HCD-Planning File No. PLN030415; Minor Subdivision Resolution No. 05012 and HCD Planning File No. PLN060078; Planning Commission Resolution No. 06014, and finds adoption of the General Plan amendment and rezone ordinance does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162; and
11. At least 10 days before the public hearing before the Planning Commission, notices of the hearing were published in the Monterey County Weekly, provided to all those who requested notice, and were also posted on and near the project site.

DECISION

Based on the above recitals, the written and documentary evidence, the staff reports, oral testimony, and the administrative record as a whole, the Planning Commission does hereby recommend that the Board of Supervisors:

- 1) Find that the project is consistent with the adopted Mitigated Negative Declaration, together with an Addendum prepared for HCD Planning File No. PLN060078, and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162;
- 2) Adopted a Resolution to amend the 2010 General Plan to reclassify the land use designation of four 5-acre parcels, as shown in the Lockwood Detail of the South County Area Plan Figure LU9, from Light Commercial to Residential – Low Density 5-1 Acres/Unit, as attached hereto as Attachment 1; and
- 3) Adopt an Ordinance amending Sectional District Maps 79 of Title 21 section 21.08.060 to amend the zoning classification of four 5-acre parcels from Light Commercial to Low Density Residential, 1 acre per unit [LDR/1], as attached hereto as Attachment 2.

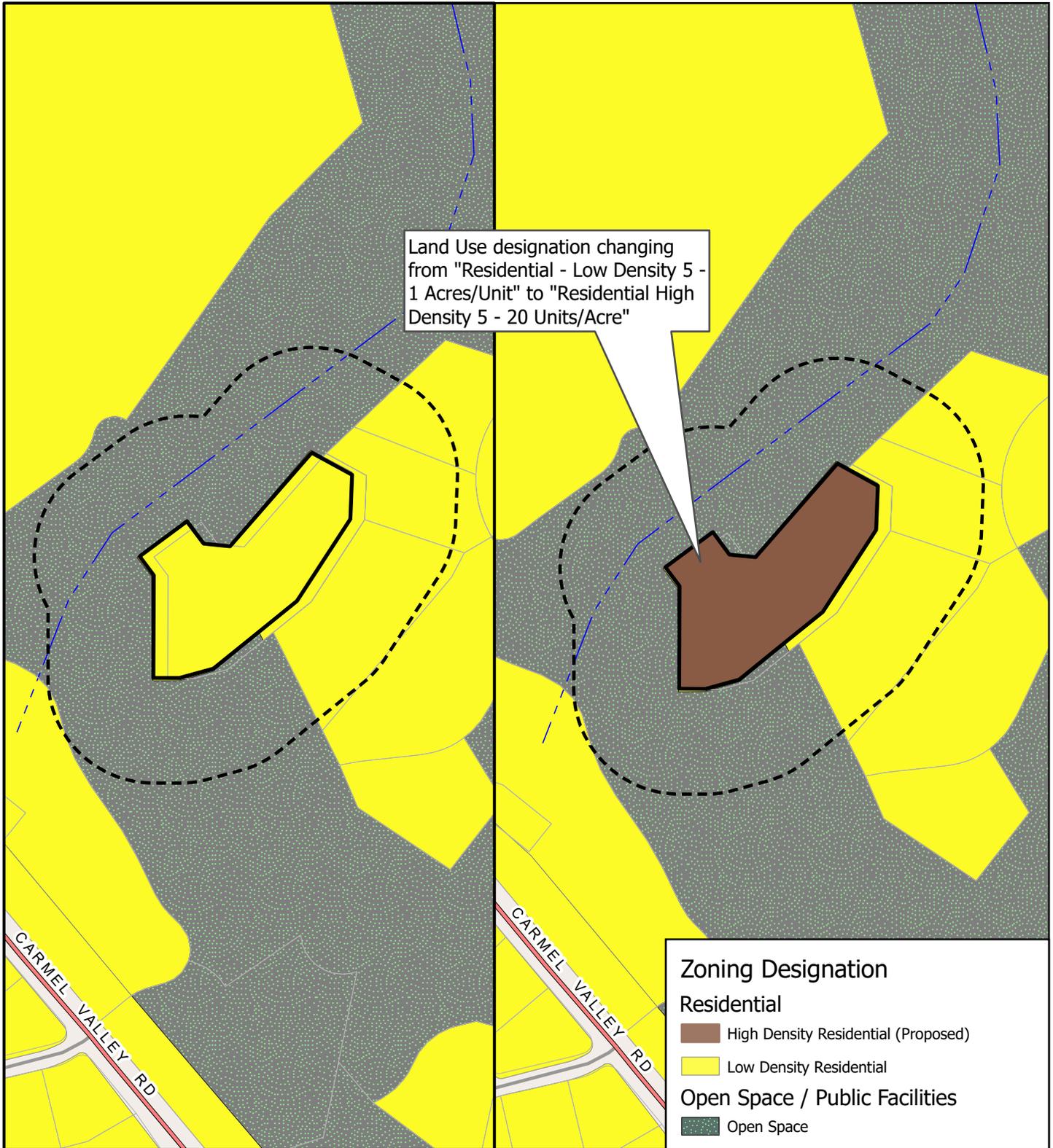
PASSED AND ADOPTED on this 25th day of February 2026, upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Melanie Beretti, AICP
Planning Commission Secretary

USREY TIMOTHY D & PAULA C AND
CAMACHO IGNACIO AND MARTINEZ
RAFAEL AND MARTINEZ RAFAEL
AMADOR ET AL. (PLN250139-DEP)

2010 GENERAL PLAN AMENDMENT (CARMEL VALLEY MASTER PLAN)



Land Use designation changing from "Residential - Low Density 5 - 1 Acres/Unit" to "Residential High Density 5 - 20 Units/Acre"

Zoning Designation

Residential

- High Density Residential (Proposed)
- Low Density Residential

Open Space / Public Facilities

- Open Space

APPLICANT: Carmel Reserve LLC	
APN 015-171-019-000	FILE # PLN110173-AMD1 / PLN230256
 Project Site	 300 FT Buffer

N

0 200
Feet



ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTIONAL DISTRICT MAP 79 OF SECTION 21.08.060 OF THE
MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF
CERTAIN PROPERTIES IN THE COUNTY OF MONTEREY**

County Counsel Summary

This ordinance amends Section 79 of the Sectional District Maps of Section 21.08.060 of Title 21 (Sectional District Maps) of the Monterey County Code to amend the zoning classification of four 5-acre parcels from Light Commercial [LC] to Low Density Residential, 1 unit per acre [LDR/1]. These properties are located at 68202, 68210, 68226, and 68218 Interlake Road, Bradley (Assessor's Parcel Numbers 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000), South County Area Plan. This change is to correct an error in the 2010 General Plan and to allow for residential uses.

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

SECTION 1. Findings and declarations.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. The purpose of this ordinance is to change the zoning of four properties within the Lockwood Area Plan to allow for residential uses. To effectuate this change, Section 79 (near Lockwood) of the Sectional District Maps of Section 21.08.60 needs to be amended to reclassify four 5-acre parcels from Light Commercial [LC] to Low Density Residential, 1 unit per acre [LDR/1].

C. In 1976, the subject properties (APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000) were zoned Rural Districts, which allowed for low-density residential uses and limited commercial agricultural uses. In 1993, the subject properties were rezoned to Light Commercial. In 2006, the 20-acre remainder parcel was subdivided into four 5-acre parcels ("Subject Properties") (Planning Commission Resolution No. 06014). Although Section 79 of the Sectional District maps in effect at that time illustrate the Subject Properties as being zoned Light Commercial, Planning Commission Resolution No. 06014 recognized the newly created parcels as LDR/1, not LC; this appears to be an error. Further, the adopted Mitigated Negative Declaration, prepared for the Fitzharris Minor Subdivision (HCD-Planning File No. PLN030415, consisting of the subdivision of 40 acres into four residential parcels and a 20-acre remainder parcel) and subsequently considered with an addendum by the Planning Commission (Resolution No. 06014) analyzed foreseeable impacts from developing these parcels with residential uses.

D. Subdivision of the Subject Properties also resulted in the creation of a homeowner’s association that enforces its covenants, conditions, and restrictions, which describe the primary use of the properties as being “*for residential and agricultural purposes only*”. Although these properties were created for residential purposes and subsequently advertised and sold as residential properties, the subject properties’ zoning (LC) remained the same with the adoption and implementation of the 2010 General Plan.

E. The Board of Supervisors has considered the addendum together with the Mitigated Negative Declaration (“MND”) for the Fitzharris Minor Subdivision (HCD-Planning File No. PLN030415) and finds adoption of this Ordinance does not warrant a subsequent MND pursuant to CEQA Guidelines Section 15162.

SECTION 2. ZONING DISTRICT MAP. Section 79 of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended to change the zoning of the following, as shown on the maps attached hereto as **Exhibit 1** and incorporated by this reference:

- A. Four 5-acre parcels from Light Commercial [LC] to Low Density Residential, 1 unit per acre [LDR/1]. These properties are located at 68202, 68210, 68226, and 68218 Interlake Road, Bradley (Assessor's Parcel Numbers 423-381-006-000, 423-381-007-000, 423-381-008-000, and 423-381-009-000), South County Area Plan.

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. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this _____ day of _____ 2026, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Chair, Wendy Root-Askew
Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM BY:



Kelly L. Donlon
Chief Assistant County Counsel

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LOCKWOOD RD

Lockwood

LOCKWOOD JOLON RD

GILLETT RD

JOLON RD

Proposed Rezoning From "Light Commercial [LC]" to "Low Density Residential 1 acres per unit [LDR/1]"

Proposed Rezoning From "Light Commercial [LC]" to "Low Density Residential 1 acres per unit [LDR/1]"

Proposed Rezoning From "Light Commercial [LC]" to "Low Density Residential 1 acres per unit [LDR/1]"

Proposed Rezoning From "Light Commercial [LC]" to "Low Density Residential 1 acres per unit [LDR/1]"

423381006000
423381007000
423381008000
423381009000

INTERLAKE RD

ADOBE PL

Proposed Rezoning of Sectional District Map 21-79
of The Zoning Ordinance of the County of Monterey

 Subject Parcel  Parcel

APN: 423-381-006-000 & -007, -008, -009 and 423-041-069-000

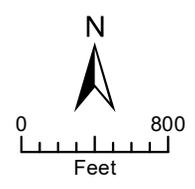


Exhibit C

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DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

SEPTEMBER RANCH PARTNERS (CARMEL RESERVE LLC) (PLN110173-AMD1)

RESOLUTION NO. 26-

Resolution of the County of Monterey Planning Commission recommending that the Board of Supervisors:

- 1) Find that the project is consistent with the Certified Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project and that the adoption of this project does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162;
- 2) Adopted a Resolution to amend the 2010 General Plan to reclassify the land use designation of a 4.47-acre parcel, as shown on Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5-1 Acres/Unit to Residential – High Density 5-20 Acres/Unit, as attached hereto as Attachment 1; and
- 3) Adopt an Ordinance amending Sectional District Maps 17C of Title 21 section 21.08.060 to amend the zoning classification of a 4.47 acre parcel from Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay [LDR/2.5-D-S-RAZ] to High Density Residential, 5 units per acre, Building Site 6 zoning overlay, Design Control zoning overlay, and Site Plan Review zoning overlay [HDR/5-B-6-D-S], as attached hereto as Attachment 2.

The SEPTEMBER RANCH PARTNERS (CARMEL RESERVE LLC) (REF260001) application came before the County of Monterey Planning Commission on February 25, 2026, at a public hearing. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby makes a recommendation to the Monterey County Board of Supervisors with reference to the following facts and findings:

SEPTEMBER RANCH PARTNERS
(CARMEL RESERVE LLC) (PLN110173-AMD1)

RECITALS

1. On November 9, 2010, the Board of Supervisors adopted Resolution No. 10-312 approving a Combined Development Permit for the September Ranch Subdivision Project consisting of: (1) a Vesting Tentative Map (VTM) for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed restricted workforce housing lots) for a total of 95 residential lots; (2) a 20.2 acre existing equestrian facility and accessory structures related to that use; (3) 300.5 acres of common open space; 242.9 acres of public open space for donation/dedication; (4) 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; and (5) 6.9 acres of open space reserved for future public facilities.
2. On December 8, 2020, the Board of Supervisors approved the Final Map for Phase 1 of the September Ranch Subdivision, which included dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming lots to be developed with market-rate homes, a parcel for inclusionary housing (Parcel F), the equestrian parcel (Parcel E), public use parcel (Parcel B), open space parcels (Parcel A & D), park parcel (Parcel C), and a parcel for Future Phase 2, which may be used for a portion of the inclusionary housing and the remaining 50 market rate residential parcels (Parcel G). (Vol. 24 Cities & Towns page 70)
3. On March 21, 2023, the Board of Supervisors adopted Ordinance No. 5400 and Resolution No. 23-102 to rezone and reclassify certain parcels and lots of Vol. 24 C&T Pg 70 to reflect their intended uses, and as required by Condition of Approval Numbers 30 and 37, as adopted by Board of Supervisors Resolution No.10-312 for the September Ranch Subdivision Project. Pursuant to Condition of Approval 30, Parcels A, B, C, and D were rezoned to Open Space, Design Control zoning overlay, and Site Plan Review zoning overlay. Pursuant to Condition No. 37, Lots 22 through 33 were rezoned to Rural Density Residential, Building Site 6 overlay, Design Control zoning overlay, and Site Plan Review zoning overlay, and Lots 1-22, 39, 40, and 73 were rezoned and reclassified to Low Density Residential, Building Site 6 overlay, Design Control zoning overlay, and Site Plan Review zoning overlay. However, Parcel F (APN:015-171-019-000) and Parcel G were not considered in Ordinance No. 5400 and Resolution No. 23-102, as the developer had yet to decide if the required inclusionary housing would be constructed on Parcel F and a part of Parcel G, or just Parcel F, and this decision would affect the land use density of Parcel F.
4. As specified in and approved by the September Ranch Combined Development Permit, Parcel F was intended for inclusionary housing. In compliance with Condition of Approval No. 37 of Board of Supervisors Resolution 10-312, the Applicant/Owner requested on January 26, 2018 to rezone Parcel F (APN: 015-171-019-000) from *Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay (LDR/2.5-D-S-RAZ)* to *Low Density Residential with Building Site, Design Control and Site Plan Review overlay (“LDR/B-6-D-S”)*. However, the current land use designation (*Residential – Low Density 5-1 Acres/Unit*) and zoning (*Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay*), only allows the construction of 1 unit, which conflicts with the September Ranch

Subdivision Project's requirement of 22 inclusionary housing units. Therefore, Parcel F (APN: 015-171-019-000) shall be designated and zoned with a compatible density.

5. In order to achieve consistency between the Land Use Designation and Zoning of Parcel F and its intended use/density, the Planning Commission considers and recommends that the Board of Supervisors approve modify Figure LU3 of the Carmel Area Master Plan to redesignate the 4.47-acre parcel to *Residential - High Density 5-20 Units/Acre; and rezone the parcel*, and rezone the 4.47 acre parcel to *High Density Residential, 5 units per acre, with Building Site, Design Control and Site Plan Review overlay* ("HDR/5-B-6-D-S"). At 5 units per acre, the 4.47 acre parcel could be developed with 22 inclusionary housing units, subject to appropriate permitting; and
6. On February 25, 2026, in accordance with Government Code sections 65358 and 65854 – 65857, as well as Monterey County Code Chapter 21.91, the Planning Commission held a duly noticed hearing to consider recommending to the Board of Supervisors on the following:
 - a. A resolution to redesignate Parcel F (Attachment 1);
 - b. An ordinance to rezone Parcel F (Attachment 2); and
7. On November 9, 2010, the Board of Supervisors certified the Final Revised Environmental Impact Report (FREIR) (SCH No. 19950803033) for the September Ranch Subdivision Project as memorialized in Board of Supervisors Resolution No. 10-312. Change of land use designation and zoning were anticipated and analyzed in this FREIR; and
8. The Board of Supervisors has considered the Certified Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project and finds adoption of the General Plan amendment and rezone ordinance does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162; and
9. At least 10 days before the public hearing before the Planning Commission, notices of the hearing were published in the Monterey County Weekly, provided to all those who requested notice, and were also posted on and near the project site.

DECISION

Based on the above recitals, the written and documentary evidence, the staff reports, oral testimony, and the administrative record as a whole, that the Planning Commission does hereby recommend that the Board of Supervisors:

- 1) Consider the Certified Final Revised Environmental Impact Report (SCH No. 1995083033) for the September Ranch Subdivision Project and find adoption of the General Plan Amendment and rezone ordinance does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162;
- 2) Adopted a Resolution to amend the 2010 General Plan to reclassify the land use designation of a 4.47-acre parcel, as shown on Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5-1 Acres/Unit to Residential – High Density 5-20 Acres/Unit, as attached hereto as Attachment 1; and
- 3) Adopt an Ordinance amending Sectional District Maps 17C of Title 21 section 21.08.060 to amend the zoning classification of a 4.47 acre parcel from Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay [LDR/2.5-D-S-RAZ] to High Density Residential, 5 units per acre, Building Site 6 zoning overlay, Design Control zoning overlay, and Site Plan Review zoning overlay [HDR/5-B-6-D-S], as attached hereto as Attachment 2.

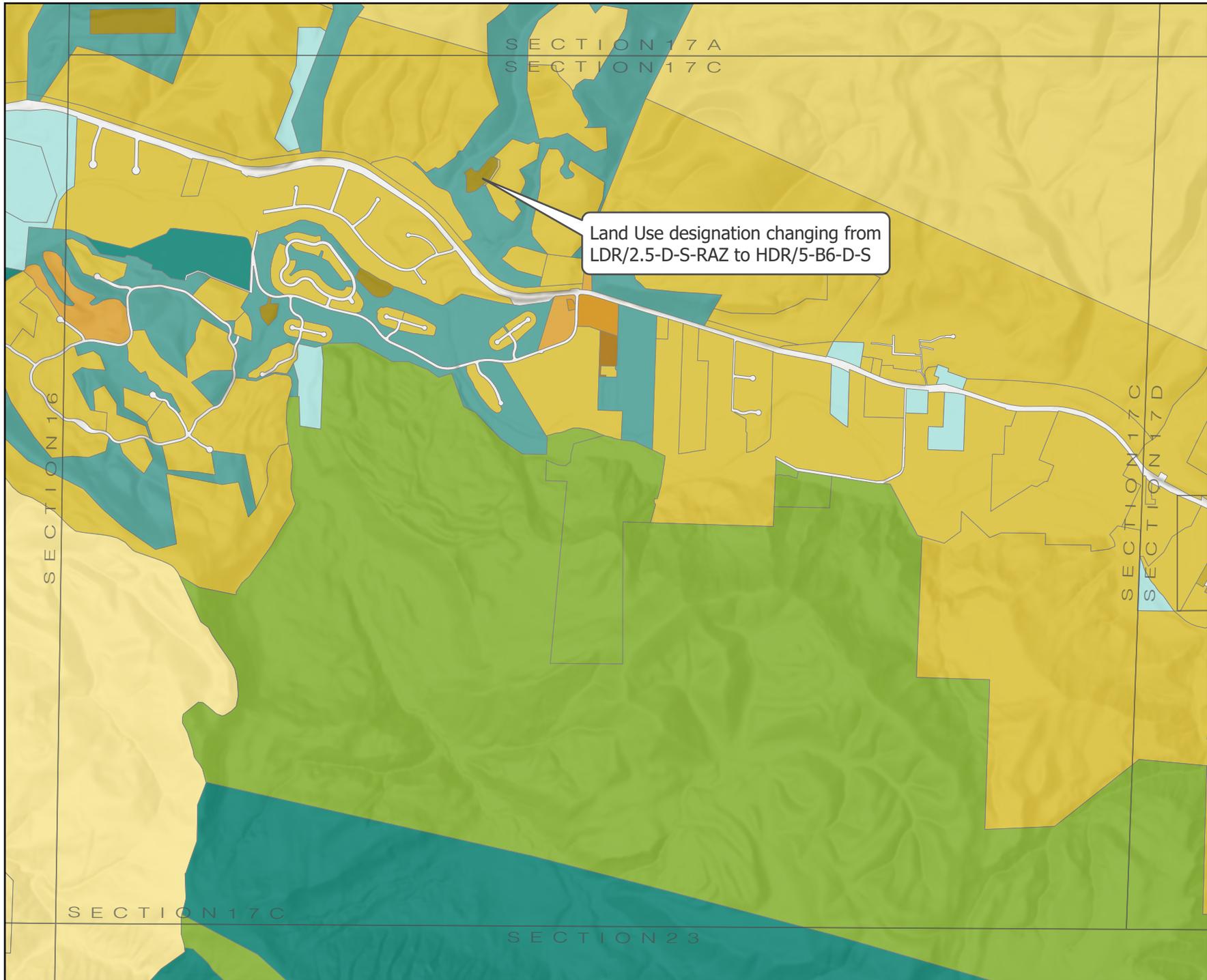
PASSED AND ADOPTED on this 25th day of February 2026, upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Melanie Beretti, AICP
Planning Commission Secretary

-DRAFT- SECTION 17C OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

ADOPTED		AMENDED	
Date	Ord No.	Date	Ord No.
12/8/92	3648	2/2/93	3661
		7/20/93	3647
		7/26/94	3695
		8/24/93	3697
		3/15/94	3754
		2/14/95	3775
		8/22/95	3812
		3/19/96	3864
		9/24/96	3832
		10/1/96	3887
		12/10/96	3888
		10/27/98	3903
		11/13/02	3995
		11/14/06	02-066
		12/19/06	5047
		3/27/07	5055
		7/27/21	5062
		3/21/23	5360

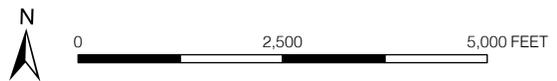


Land Use designation changing from LDR/2.5-D-S-RAZ to HDR/5-B6-D-S

Zoning Designation

- Residential**
 - High Density Residential
 - Medium Density Residential
 - Low Density Residential
 - Rural Density Residential
 - Watershed and Scenic Conservation Residential
- Commercial**
 - Heavy Commercial
 - Light Commercial
 - Visitor Serving/Office
- Agricultural**
 - Rural Grazing
- Open Space / Public Facilities**
 - Resource Conservation
 - Open Space
 - Public/Quasi-Public

MAP PREPARED:
1/27/2026



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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTIONAL DISTRICT MAP 17C OF SECTION 21.08.060 OF THE
MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF
CERTAIN PROPERTIES IN THE COUNTY OF MONTEREY**

County Counsel Summary

This ordinance amends Section 17C of the Sectional District Maps of Section 21.08.060 of Title 21 (Sectional District Maps) of the Monterey County Code to amend the zoning classification of a 4.47 acre parcel from Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay [LDR/2.5-D-S-RAZ] to High Density Residential, 5 units per acre, Building Site 6 zoning overlay, Design Control zoning overlay, and Site Plan Review zoning overlay [HDR/5-B-6-D-S]. This Property is located 0.15 miles north of Carmel Valley Road, between Canada Way & Valley Greens Drive, [No Address Assigned to Parcel] (Assessor's Parcel Number 015-171-019-000), Carmel Valley Master Plan. This change is to facilitate the construction of inclusionary housing units, as required by the September Ranch Subdivision Project.

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

SECTION 1. Findings and declarations.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. On November 9, 2010, the Board of Supervisors (“Board”) adopted Resolution No. 10-312 approving a Combined Development Permit for the September Ranch Subdivision Project (“September Ranch”) consisting of: (1) a Vesting Tentative Map (VTM) for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed restricted workforce housing lots) for a total of 95 residential lots; (2) a 20.2 acre existing equestrian facility and accessory structures related to that use; (3) 300.5 acres of common open space; 242.9 acres of public open space for donation/dedication; (4) 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; and (5) 6.9 acres of open space reserved for future public facilities.

C. On December 8, 2020, the Board approved the Final Map for Phase 1 of September Ranch, which included dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming lots to be developed with market-rate homes; a parcel for inclusionary housing (Parcel F); the equestrian parcel (Parcel E); public use parcel (Parcel B);

open space parcels (Parcel A & D); park parcel (Parcel C); and a parcel for Future Phase 2, which may be used for inclusionary housing (Parcel G).

D. On March 21, 2023, the Board adopted Ordinance No. 5400 and Resolution No. 23-102 to rezone and reclassify certain parcels and lots to reflect their intended uses, and as required by Condition of Approval Numbers 30 and 37, as adopted by Resolution No. 10-312. Pursuant to Condition of Approval 30, Parcels A, B, C, and D were rezoned to Open Space, Design Control zoning overlay, and Site Plan Review zoning overlay. Pursuant to Condition No. 37, Lots 22 and 33 were rezoned to Rural Density Residential, Building Site 6 overlay, Design Control zoning overlay, and Site Plan Review zoning overlay, and Lots 1-22, 39, 40, and 73 were rezoned and reclassified to Low Density Residential, Building Site 6 overlay, Design Control zoning overlay, and Site Plan Review zoning overlay. Condition 37 also requires Parcel F (a 4.47-acre parcel, APN:015-171-019-000) to be rezoned, but it was not considered in Ordinance No. 5400 or Resolution No. 23-102.

E. The subject property, Parcel F, is intended for inclusionary housing. The current zoning, per Sectional District Map 17C, is Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay, which only allows the construction of 1 unit on Parcel F, and thus conflicts with September Ranch's requirement of 22 inclusionary housing units. Despite being intended for inclusionary housing, Condition 37 also incorrectly required Parcel F to be rezoned to Low Density Residential, Building Site 6 overlay, Design Control zoning overlay, and Site Plan Review zoning overlay, which also would not allow 22 inclusionary housing units.

F. To facilitate the construction of these inclusionary housing units and comply with Condition 37 as intended, the Board adopted a resolution currently with this Ordinance to redesignate Parcel F from Residential – Low Density 5-1 acres/unit to Residential – High Density 5-20 units/acre. To ensure compliance with this updated land use designation, this Ordinance rezones Parcel F from LDR/2.5-D-S-RAZ to High Density Residential, 5 units per acre, Building Site 6 zoning overlay, Design Control zoning overlay, and Site Plan Review zoning overlay [HDR/5-B-6-D-S].

G. The Board of Supervisors has considered the Certified Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project and finds that the adoption of this Ordinance does not warrant a subsequent Environmental Impact Report pursuant to CEQA Guidelines Section 15162.

SECTION 2. ZONING DISTRICT MAP. Section 17C of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended to change the zoning of the following, as shown on the maps attached hereto as **Exhibits 1** and incorporated by this reference:

- A. A 4.47-acre parcel from Low Density Residential, 2.5 acres per unit, Design Control zoning overlay, Site Plan Review zoning overlay, and Residential Allocation Zoning overlay [LDR/2.5-D-S-RAZ] to High Density Residential, 5 units per acre, Building Site 6 zoning overlay, Design Control zoning overlay, and Site Plan Review zoning

overlay [HDR/5-B-6-D-S]. This Property is located 0.15 miles north of Carmel Valley Road, between Canada Way & Valley Greens Drive, [No Address Assigned to Parcel] (Assessor's Parcel Number 015-171-019-000), Carmel Valley Master Plan.

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. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this _____ day of _____ 2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chair, Wendy Root-Askew
Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board

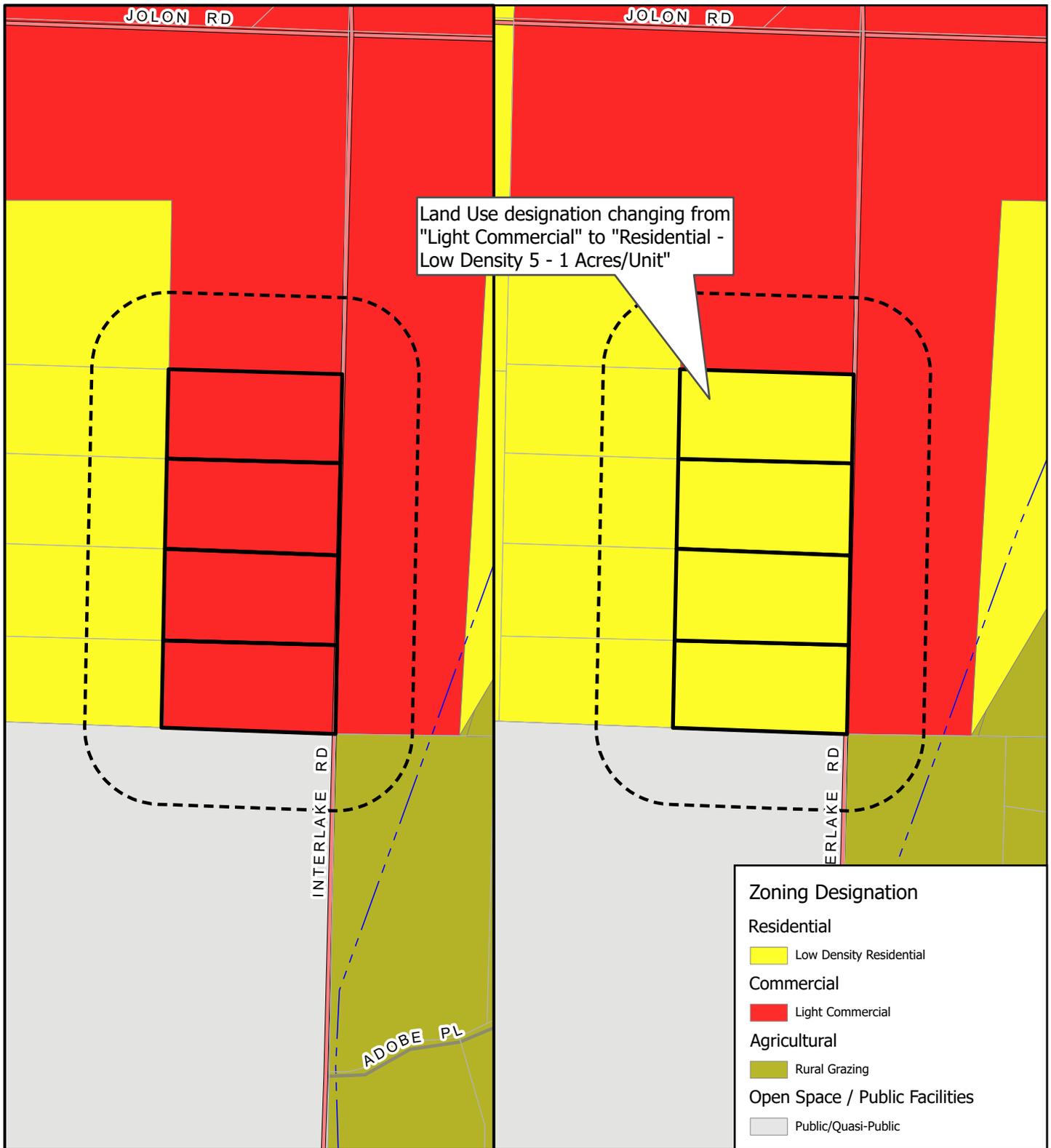
By: _____
Deputy

APPROVED AS TO FORM BY:



Kelly L. Donlon
Chief Assistant County Counsel

2010 GENERAL PLAN AMENDMENT (SOUTH COUNTY AREA PLAN)



APPLICANT: Usrey, Camacho and Martinez

APNs: 423-381-006-000, 423-381-007-000, 423-381-008-000, 423-381-009-000 **FILE #** PLN250139

Project Site 300 FT Buffer



Exhibit D

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DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

**CUMMING JOHN HANSEN & MARIE TRS
ET AL (PLN190243)**

RESOLUTION NO. 26-

Resolution of the County of Monterey Planning
Commission recommending that the Board of
Supervisors:

- 1) Find that the project is Categorically Exempt pursuant to CEQA Guidelines section 15304, and that none of the exceptions apply pursuant to Section 15300.2;
- 2) Adopted a Resolution to amend the 2010 General Plan, adding Policy CSV-1.8 to the Central Salinas Valley Area Plan, attached hereto as Attachment 1.

The CUMMING JOHN HANSEN & MARIE TRS (PLN190243) application came before the County of Monterey Planning Commission on February 25, 2026, at a public hearing. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby makes a recommendation to the Monterey County Board of Supervisors with reference to the following facts and findings:

RECITALS

1. On June 18, 2019, the Board of Supervisors adopted Chapters 20.69 and 21.69 of the Monterey County Code (coastal and inland) and created a pilot program (Program) for limited outdoor commercial cannabis cultivation in the Big Sur, Carmel Valley, and Cachagua plan areas.
2. Mr. Cumming's property (APN: 420-063-014-000) is within the Central Salinas Valley Area Plan and is thus not subject to the Outdoor Cannabis Cultivation Pilot Program. Although Mr. Cumming's outdoor cannabis cultivation operation would comply with the requirements of County Code Chapter 21.69, except for the location, there are no existing regulations that would allow Mr. Cumming to legally establish an outdoor cannabis cultivation site.
3. On February 25, 2026, in accordance with Government Code section 65854 – 65857, as well as Monterey County Code Chapter 21.91, the Planning Commission held a duly noticed hearing to consider recommending that the Board of Supervisors amend the Central Salinas Valley Area Plan (text) by adding Policy CSV-1.8, which would create a Special Treatment Area over the Cumming's Ranch (APN: 420-063-014-000), and allow the

CUMMING JOHN HANSEN
& MARIE TRS ET AL (PLN190243)

Applicant/Owner to cultivate up to 20,000 square feet, require that the operator submit compliance testing information to the County upon demand, and require the operator to implement best management practices to prevent incompatibility issues.

4. The proposed General Plan amendment would amend the text of the Central Salinas Valley Area Plan by adding Policy CSV-1.8: *“Special Treatment Area: The Cumming’s Ranch shall be designated as a “special treatment area” to allow up to 20,000 square feet of outdoor cannabis cultivation, provided the operator obtains a commercial cannabis business permit pursuant to Chapter 7.90 of the Monterey County Code, and the operation complies with the requirements of the Outdoor Cannabis Cultivation Pilot Program pursuant to Chapter 21.29 of the Monterey County Code, except for location. The operator agrees to inform nearby off-site agricultural operations of the on-site cannabis operations and implement best management practices to prevent incompatibility issues. Upon request by the County, the operator agrees to provide testing and compliance information to help better inform appropriate setbacks between on-site cannabis operations and off-site agricultural operations. (APN: 420-063-014-000)”*.
5. The creation of the STA better meets the goals, policies, and text of the General Plan by promoting economic development, allowing the subject property to increase its agricultural viability. Further the STA reflects a change in circumstances being that the Pilot Program is set to expire in June 2026, research to better determine whether the Program should be amended to include the Central Salinas Valley Area Plan have yet to occur, no cultivators have taken advantage of the Program, and the subject property meets all Program requirements but is excluded simply due to location within the Central Salinas Valley Area Plan.
6. The Board of Supervisors finds that adoption of the General Plan amendment is Categorically Exempt pursuant to CEQA Guidelines section 15304, as the site has already been utilized for cannabis cultivation between 2014 and 2020, the use would not remove healthy, mature, scenic trees, and none of the exceptions of Section 15300.2 apply; and
7. At least 10 days before the public hearing before the Planning Commission, notices of the hearing were published in the Monterey County Weekly, provided to all those who requested notice, and were also posted on and near the project site; and
8. The Planning Commission consists of ten members, and accordingly, a motion to recommend approval of the amendment requires an affirmative vote of at least six members of the Commission to pass and otherwise fails.

DECISION

Based on the above recitals, the written and documentary evidence, the staff reports, oral testimony, and the administrative record as a whole, that the Planning Commission does hereby recommend that the Board of Supervisors:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines section 15304, and that none of the exceptions apply pursuant to Section 15300.2;
2. Adopted a Resolution to amend the 2010 General Plan, adding Policy CSV-1.8 to the Central Salinas Valley Area Plan, attached hereto as Attachment 1.

PASSED AND ADOPTED on this 25th day of February 2026, upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Melanie Beretti, AICP
Planning Commission Secretary

CENTRAL SALINAS VALLEY AREA PLAN

SUPPLEMENTAL POLICIES

1.0 - Land Use

- CSV-1.8 Special Treatment Area: Cummings Ranch - The Cumming's Ranch shall be designated as a "special treatment area" to allow up to 20,000 square feet of outdoor cannabis cultivation, provided the operator obtains a commercial cannabis business permit pursuant to Chapter 7.90 of the Monterey County Code, and the operation complies with the requirements of the Outdoor Cannabis Cultivation Pilot Program pursuant to Chapter 21.29 of the Monterey County Code, except for location. The operator agrees to inform nearby off-site agricultural operations of the on-site cannabis operations and implement best management practices to prevent incompatibility issues. Upon request by the County, the operator agrees to provide testing and compliance information to help better inform appropriate setbacks between on-site cannabis operations and off-site agricultural operations. (APN: 420-063-014-000).

Exhibit E

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DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

**CHAPIN DONALD D & BARBARA A CHAPIN
TRS & TANIMURA LAND COMPANY
(PLN170296)**

RESOLUTION NO. 26-

Resolution of the County of Monterey Planning
Commission recommending that the Board of
Supervisors:

- 1) Find that the project is Categorical Exempt pursuant to CEQA Guidelines section 15301, and that none of the exceptions apply pursuant to Section 15300.2;
- 2) Adopted a Resolution to amend the 2010 General Plan, adding Policy GS-1.15 to the Greater Salinas Area Plan, attached hereto as Attachment 1.

The CHAPIN DONALD D & BARBARA A CHAPIN TRS & TANIMURA LAND COMPANY (PLN170296) application came before the County of Monterey Planning Commission on February 25, 2026, at a public hearing. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby makes a recommendation to the Monterey County Board of Supervisors with reference to the following facts and findings:

RECITALS

1. The subject properties located at 111/115/117 Monterey Salinas Highway (APNs: 207-131-004-000 and 207-131-005-000, 207-121-014-000) have historically been designated and zoned Farmland, but have been occupied by commercial uses since the 1980s.
2. In 2017, the property owner submitted PLN170296, which originally proposed to amend a General Development Plan (PLN090138) and Use Permit PLN050366 (as amended by PLN060174) that were previously approved for the property located at 115/117 Monterey Salinas Highway (APNs: 207-131-004-000 and 207-131-005-000). The original application requested to allow commercial cannabis retail activities, commercial cannabis non-volatile manufacturing activities, and cannabis cultivation within the existing greenhouse and associated buildings. Chapter 21.67 of the County Code does not allow for cannabis retail sales in the Farmland Zoning District. The subject property is designated and zoned Farmland. Therefore, on August 12, 2020, the Planning Commission denied this application due to inconsistencies with the Zoning Ordinance.

CHAPIN DONALD D & BARBARA A
CHAPIN TRS & TANIMURA
LAND COMPANY (PLN170296)

3. In January 2021, the Board of Supervisors considered the appeal, remanded the item back to the Planning Commission, and directed staff to proceed with processing a Special Treatment Area (STA) over 115/117 Monterey Salinas Highway. Following that decision, Chapin Trust modified the application to remove the proposed cannabis retail and only sought legalization of the existing commercial uses. Adjacent to the Chapin property is a Farmland zoned and designated property (111 Monterey Salinas Highway) that is primarily used for agricultural purposes, but also has a small legal non-conforming tattoo parlor on the southwest corner of the property that has existed since the 1980s/1990s. Tanimura Land Company agreed to be included in the STA in 2025.
4. On February 25, 2026, in accordance with Government Code section 65854 – 65857, as well as Monterey County Code Chapter 21.91, the Planning Commission held a duly noticed hearing to consider recommending that the Board of Supervisors amend the Central Salinas Valley Area Plan (text) by adding Policy GS-1.15, which would create a Special Treatment Area over the Chapin and Tanimura properties (APNs: 207-131-004-000 and 207-131-005-000, 207-121-014-000), and allow the historic and ongoing commercial uses to continue but not expand.
5. The proposed General Plan amendment would amend the text of the Greater Salinas Area Plan by adding Policy GS-1.15: *“Special Treatment Area: Chapin and Tanimura- The Chapin and Tanimura properties located at 111/115/117 Monterey Salinas Highway shall be designated a Special Treatment Area. The Special Treatment Area recognizes the historic and ongoing commercial use of the properties despite the agricultural land use designations. On APNs: 207-131-004-000 and 207-131-005-000, the historical existing retail and commercial uses include: 1) the sale of aggregate materials, landscaping, and associated products, 2) rental of agricultural support equipment, 3) hosting of seasonal/promotional events, 4) storage of vehicles, 5) a small concrete batch plant, 5) sale of limited food and drink within the existing market building, and 6) on-site landscaping and other site improvements, and these uses shall be allowed but may not be expanded to occupy a greater area than the existing use. On APN: 207-121-014-000, the tattoo parlor shall be allowed within the existing structure but shall not be expanded. This Special Treatment Area allows all uses of a similar intensity, density, and character as those listed in this Policy, subject to the granting of a Use Permit.”*
6. When the 2010 General Plan was adopted, these properties continued to be designated and zoned Farmland despite the historical commercial uses that continue to exist today. Therefore, the Board of Supervisors recognizes an error or oversight in the adopted General Plan and modifies the Greater Salinas Area Plan to add Policy GS-1.15.
7. The Board of Supervisors finds that adoption of the General Plan amendment is Categorical Exempt pursuant to CEQA Guidelines section 15301, as the STA only recognizes the existing legal non-conforming commercial uses and limits future expansion, and none of the exceptions of Section 15300.2 apply; and

CHAPIN DONALD D & BARBARA A
CHAPIN TRS & TANIMURA
LAND COMPANY (PLN170296)

8. At least 10 days before the public hearing before the Planning Commission, notices of the hearing were published in the Monterey County Weekly, provided to all those who requested notice, and were also posted on and near the project site; and
9. The Planning Commission consists of ten members, and accordingly, a motion to recommend approval of the amendment requires an affirmative vote of at least six members of the Commission to pass and otherwise fails.

DECISION

Based on the above recitals, the written and documentary evidence, the staff reports, oral testimony, and the administrative record as a whole, that the Planning Commission does hereby recommend that the Board of Supervisors:

1. Find that the project is Categorical Exempt pursuant to CEQA Guidelines section 15301, and that none of the exceptions apply pursuant to Section 15300.2;
2. Adopted a Resolution to amend the 2010 General Plan, adding Policy GS-1.15 to the Greater Salinas Area Plan, attached hereto as Attachment 1.

PASSED AND ADOPTED on this 25th day of February 2026, upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Melanie Beretti, AICP
Planning Commission Secretary

CHAPIN DONALD D & BARBARA A
CHAPIN TRS & TANIMURA
LAND COMPANY (PLN170296)

GREATER SALINAS VALLEY AREA PLAN

SUPPLEMENTAL POLICIES

1.0 - Land Use

- GS-1.15 Special Treatment Area: Chapin and Tanimura - The Chapin and Tanimura properties located at 111/115/117 Monterey Salinas Highway shall be designated a Special Treatment Area. The Special Treatment Area recognizes the historic and ongoing commercial use of the properties despite the agricultural land use designations. On APNs: 207-131-004-000 and 207-131-005-000, the historical existing retail and commercial uses include: 1) the sale of aggregate materials, landscaping, and associated products; 2) rental of agricultural support equipment; 3) hosting of seasonal/promotional events; 4) storage of vehicles; 5) a small concrete batch plant; 5) sale of limited food and drink within the existing market building; and 6) onsite landscaping and other site improvements. These enumerated uses shall be allowed but may not be expanded to occupy a greater area than the existing use. On APN: 207-121-014-000, the tattoo parlor shall be allowed within the existing structure but shall not be expanded. This Special Treatment Area allows all uses of a similar intensity, density, and character as those listed in this Policy, subject to the granting of a Use Permit.

Exhibit F

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TO: Monterey Housing and Community Development
 1441 Schilling Pl
 Salinas, CA 93901

FROM: Tim and Paula Usrey, Ignacio Camacho, Rafael Martinez and Rosio Doniz

RE: Project File Number: **PLN250139-DEP**

We are collectively requesting to have the overlay zone designation of Light Commercial dropped from the four parcels named in the application. Currently, the overlay designation renders all listed property unusable, and they will remain that way until the designation is changed.

In 2005, approximately 40 acres were subdivided into four, 5-acre parcels (1-4) and one 20-acre lot. In October 2006, the remaining 20-acre lot was subdivided into four additional parcels (5-8). The intended purpose of the land was to be a residential subdivision. In 2005/2006, all parcels were recorded as Low Density Residential-1, according to county records, and remained so designated until 2010. During that year, the county completed the general plan for all of Monterey County. The result was a change in the map overlay of parcels 423381006000, 423381007000, 423381008000, and 423381009000 to Light Commercial and each was given the land use designation "Commercial." However, the LDR-1 designation also appears on the parcel report on the county's website, which has led to numerous complications for all parties, including the county planning office.

On December 20, 2005, the original owner of all parcels filed the Covenants, Conditions and Restrictions (CC&R's) with Monterey County. The covenant covered the initial parcels (1-4), and the remaining lot, should it be subdivided. When the remaining 20-acre lot was divided into four additional parcels (5-8,) they too fell under the CC&R's. The declaration laid out the primary use of the properties in a binding legal document as follows:

"...intends to distribute and/or sell the parcels to separate owners and restrict the property and of the parcels and the remainder Parcel, in accordance with a common plan for the express purpose of enhancing and protecting the **residential value** of the land..."

The declaration also states under section IV paragraph 3,

"The parcels shall be used for **residential and agricultural purposes only**. All other trade, business and commercial uses, incidental or otherwise, whether or not obtrusive, including, without limitation, uses involving the production, storage or sale of goods, non-agricultural products or materials, or rendering of services, are prohibited."

Furthermore, the declaration prohibits the use of commercial storage buildings, unless they can be screened from public view. The original intention for the use of the property is clearly outlined in no uncertain terms for all owners, present and future.

The current zoning and the restrictions placed on the property are clearly in conflict. In addition, the types of business required to meet the county's current zoning requirements are also not in line with the current population and potential growth of Rural South Monterey County. It is highly

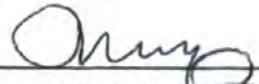
unlikely that a bookstore, barber shop, florist, or any of the other businesses named in the zoning ordinance would be a good fit for the community. It is also highly unlikely that a single business, not to mention four businesses, would survive, let alone flourish, given the sparse population and remoteness of the location. We have been told that the population of the area will continue to grow, and this may be true. But given that the much of the land has already been subdivided, that lot sizes in most areas are 40 acres or larger, and that, to support its goal of preserving agricultural and grazing land, the county will not allow subdivisions that result in parcels smaller than 40 acres in most cases, it is unlikely that there will ever be a population growth large enough to support multiple businesses such as those required by the zoning ordinance.

When parcel #423381006000 was purchased in 2023, the MLS listing showed that it was in an LDR-1 zone. We believe that the listing agent, who has been representing properties in Lockwood for more than 40 years, performed her due diligence by verifying the zone with Housing and Community Development (HCD) prior to listing the property. The eventual buyers, Tim and Paula Usrey, also contacted HCD prior to making the purchase. They, too, were told that the parcel was in an LDR-1 zone. However, when the Usreys contacted HCD to inquire about a building permit, they were told that the property was designated as Light Commercial. In total, three different HCD representatives told the Usreys that the parcel was in an LDR-1 zone before coming to an agreement that it was actually in a Light Commercial zone. The other owners had varying experiences when contacting HCD about zoning.

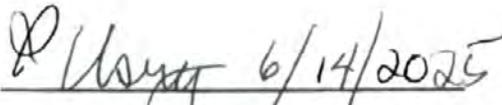
We understand that the county has no interest in the established CC&R's because they constitute a private agreement between landowners. However, the CC&R's clearly state the parcels cannot be used for business purposes other than those that are agricultural in nature. Moreover, the CC&R's require a 100 percent vote to change the current restrictions. Although we do not believe that any business would be able to survive in the area, to hold such a vote is to ask each owner of parcels 1-4 and 5-8 to submit to the inevitable downside of commercial business operations: increased traffic, litter, noise, and strangers driving into what they thought would be a residential area.

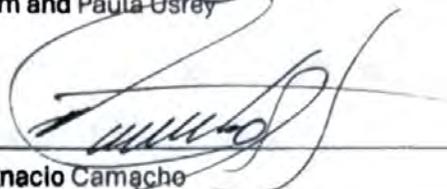
Once again, the parcels listed in the Development Project Application are currently unusable. Every owner intends to build a home if and when the zoning is changed to LDR-1. Until that happens, the county will continue to receive taxes at the rate for undeveloped land and the landowners will continue to feel as though they wasted their money by buying it.

Respectfully,


6/14/25

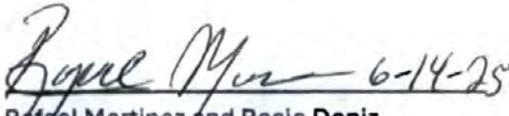
Tim and Paula Usrey


6/14/2025



Ignacio Camacho

6/24/2025


6-14-25

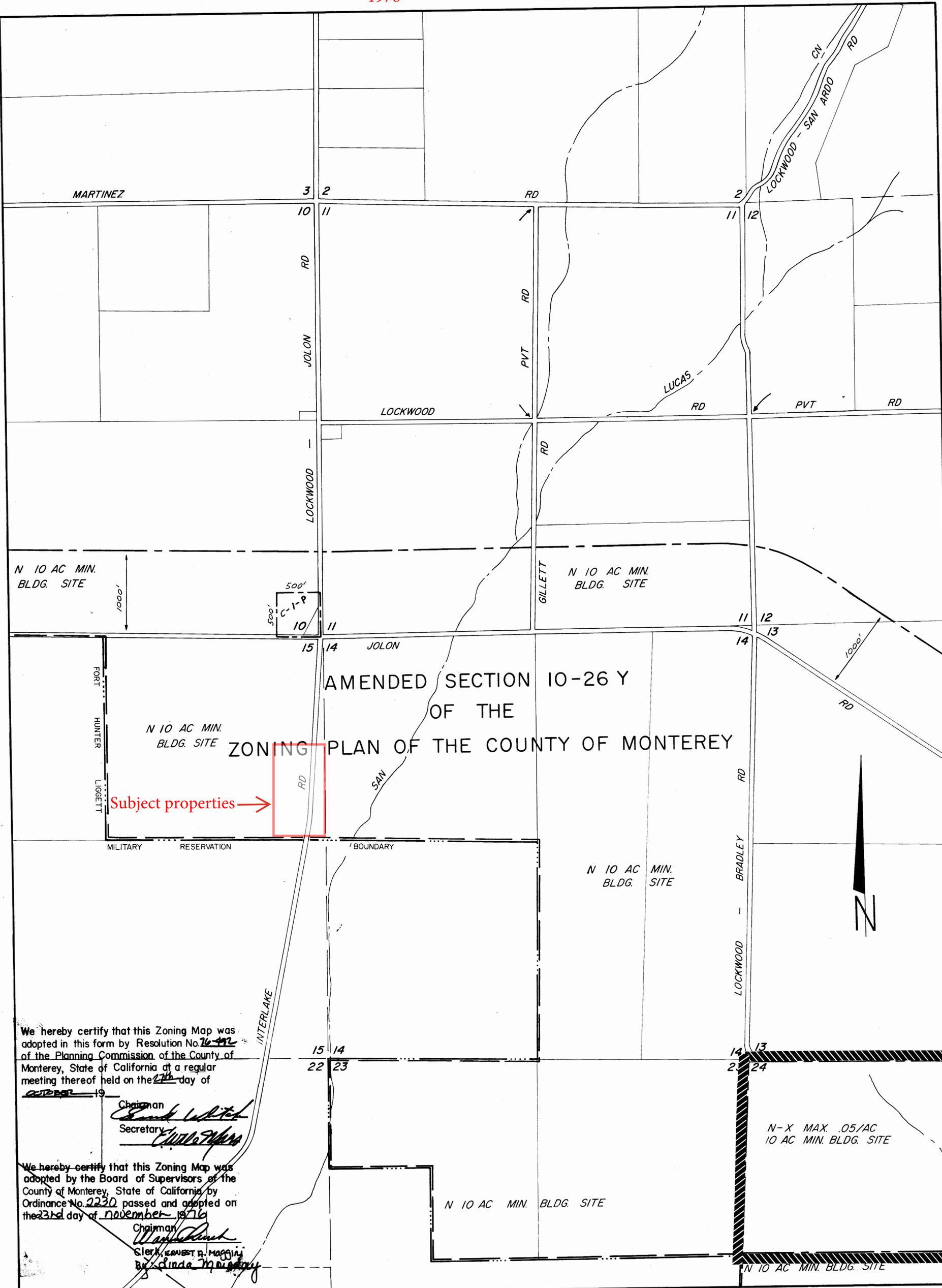
Rafael Martinez and Rosio Doniz


6/14/25

1976

AMENDED

DATE 1, Nov 23, 1976 ORD. NO. 2230



AMENDED SECTION 10-26 Y
OF THE
ZONING PLAN OF THE COUNTY OF MONTEREY

Subject properties →

We hereby certify that this Zoning Map was adopted in this form by Resolution No. 76-92 of the Planning Commission of the County of Monterey, State of California at a regular meeting thereof held on the 17th day of October, 1976.

Chairman Frank White
Secretary Clara Phipps

We hereby certify that this Zoning Map was adopted by the Board of Supervisors of the County of Monterey, State of California by Ordinance No. 2230 passed and adopted on the 23rd day of November, 1976.

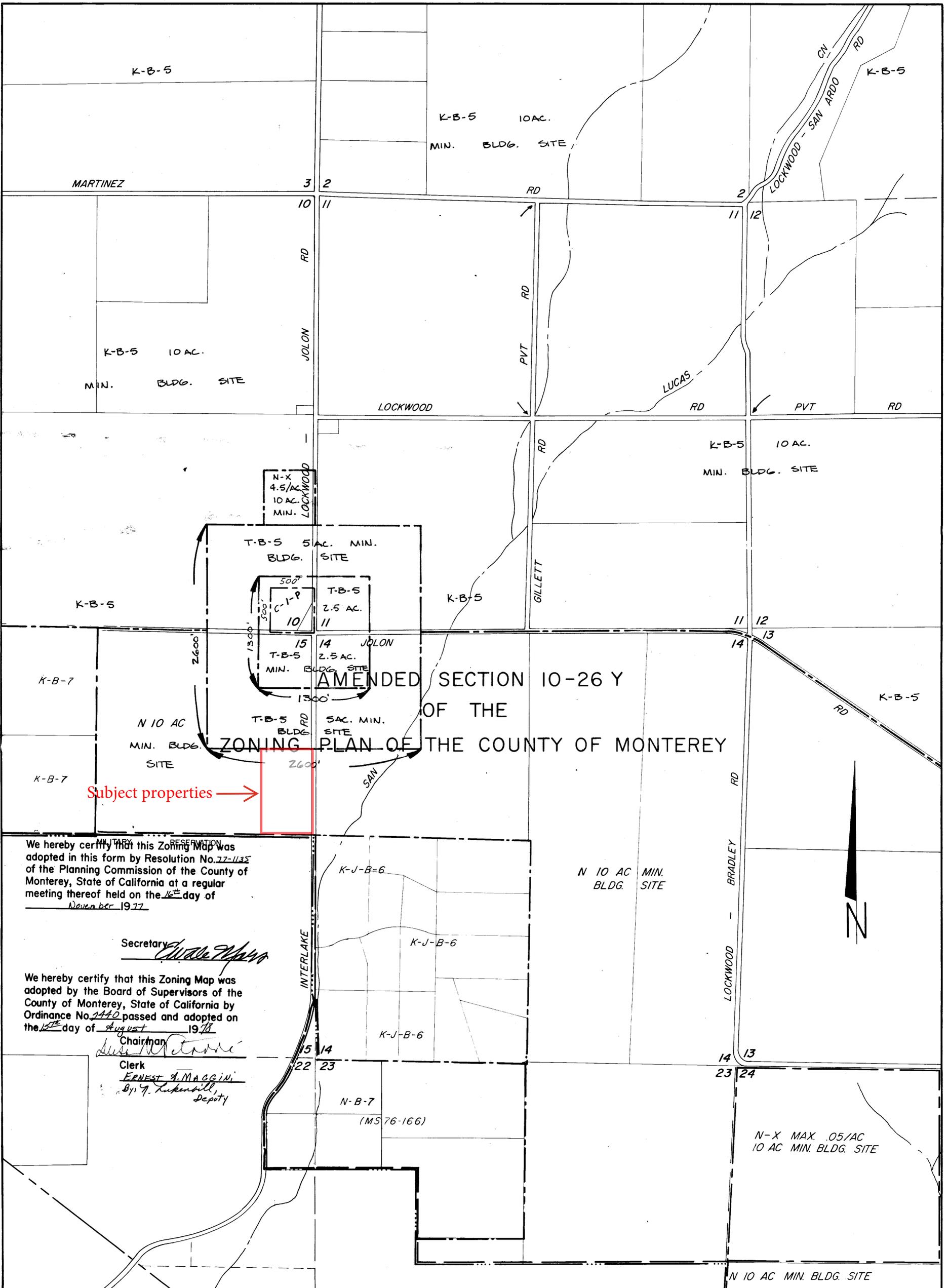
Chairman Walter Smith
S clerk Robert P. Maggini
By Cinda Maggini

SECTION 10-26 Y

1978

AMENDED

DATE	ORD. NO.
1. Nov 23, 1976	2230
2. May 3, 1977	2288
3. Jan. 31, 1978	2387
4. April 4, 1978	2406



AMENDED SECTION 10-26 Y
OF THE
ZONING PLAN OF THE COUNTY OF MONTEREY

Subject properties →

We hereby certify that this Zoning Map was adopted in this form by Resolution No. 77-1135 of the Planning Commission of the County of Monterey, State of California at a regular meeting thereof held on the 16th day of November 1977.

Secretary *[Signature]*

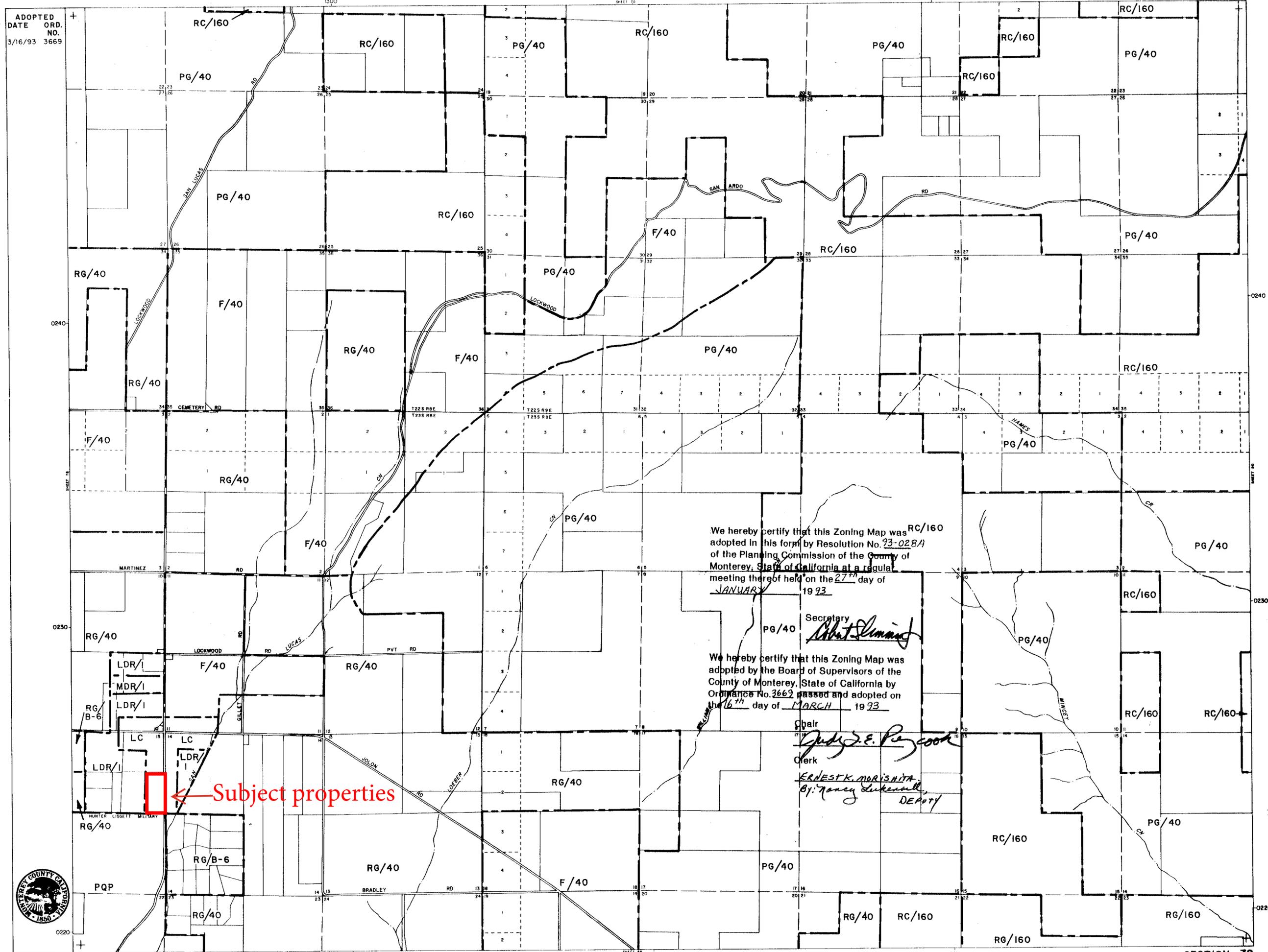
We hereby certify that this Zoning Map was adopted by the Board of Supervisors of the County of Monterey, State of California by Ordinance No. 2440 passed and adopted on the 15th day of August 1978.

Chairman *[Signature]*
Clerk ERNEST A. MAGGINI
By: G. Lukensill, Deputy

SECTION 10-26 Y

1993 SECTION 79 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

ADOPTED DATE 3/16/93
ORD. NO. 3669

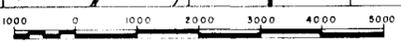


We hereby certify that this Zoning Map was adopted in this form by Resolution No. 93-0284 of the Planning Commission of the County of Monterey, State of California at a regular meeting thereof held on the 27th day of JANUARY 1993.

Secretary
Robert L. ...

We hereby certify that this Zoning Map was adopted by the Board of Supervisors of the County of Monterey, State of California by Ordinance No. 3662 passed and adopted on the 16th day of MARCH 1993.

Chair
Judy E. ...
Clerk
Ernest K. Morishita
By: *Nancy ...* DEPUTY



SN 00027741

N 1864896

E 5944216

Vol. 22 Par. Pg. 15

OWNERS' STATEMENT

We hereby state that we are the owners of, or have some right, title or interest in and to, the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and we consent to the preparation and recordation of said map and subdivision as shown within the subdivision boundary lines.

We also hereby dedicate for public use easements for public utilities including but not limited to electricity, gas, communication, water and their necessary appurtenances on, over and under those certain strips of land designated as "Public Utilities Easements" (PUE) as shown on said map within said subdivision; such strips of land are to be kept open and free from buildings and structures not serving the purposes of the easements.

SCOTT TROMPETER ENTERPRISES, INC., a California Corporation

Signature of Scott Trompeter, SCOTT TROMPETER

FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee under Deed of Trust recorded January 23, 2004, in Recorder's Series No. 2004006699.

Signature of Michael Jung, (Assistant Secretary)

The signatures of the holders of the following interests may be omitted inasmuch as their interests are such that it cannot ripen into a fee and if their names and nature of their respective interests are stated on the map and upon compliance with or pursuant to Section 66436(3)(A) of Title 7 of Division 2 of the Government Code:

PACIFIC GAS AND ELECTRIC COMPANY, a California Corporation and PACIFIC TELEPHONE and TELEGRAPH COMPANY, a California Corporation, as holder of a utilities easement. See Reel 1105 of Official Records, at Page 200.

Adelaide M. Smidt, et al, as holder of an oil and gas lease. See Book 370 of Official Records, at Page 60.

STATE OF CALIFORNIA COUNTY OF SAN LUIS OBISPO } SS

On 11-22-05 before me, Shari Urban, a Notary Public in and for said County and State, personally appeared Scott Trompeter

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Shari Urban, EXP: 10-17-09

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of

SCOTT TROMPETER ENTERPRISES, INC

on June, 2005 I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

I also state that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before June 30, 2005, and that the monuments are or will be, sufficient to enable the survey to be retraced.

(Signed) Michael K. Goetz

P.L.S. No. 5667



COUNTY SURVEYOR'S STATEMENT

I, Ron Lundquist, County Surveyor of Monterey County, hereby state that I have examined this map; that the subdivision as shown hereon is substantially the same as it appeared on the Tentative Map, and any approved alterations thereof as approved by the Monterey County Minor Subdivision Committee, on May 26, 2005 that all the provisions of the California "Subdivision Map Act," as amended, and all local ordinances have been complied with, and that I am satisfied that this map is technically correct.

Dated: November 22, 2005

County Surveyor (Signature)

Deputy County Surveyor (Signature)



RECORDER'S STATEMENT

Filed this 12th day of December, 2005

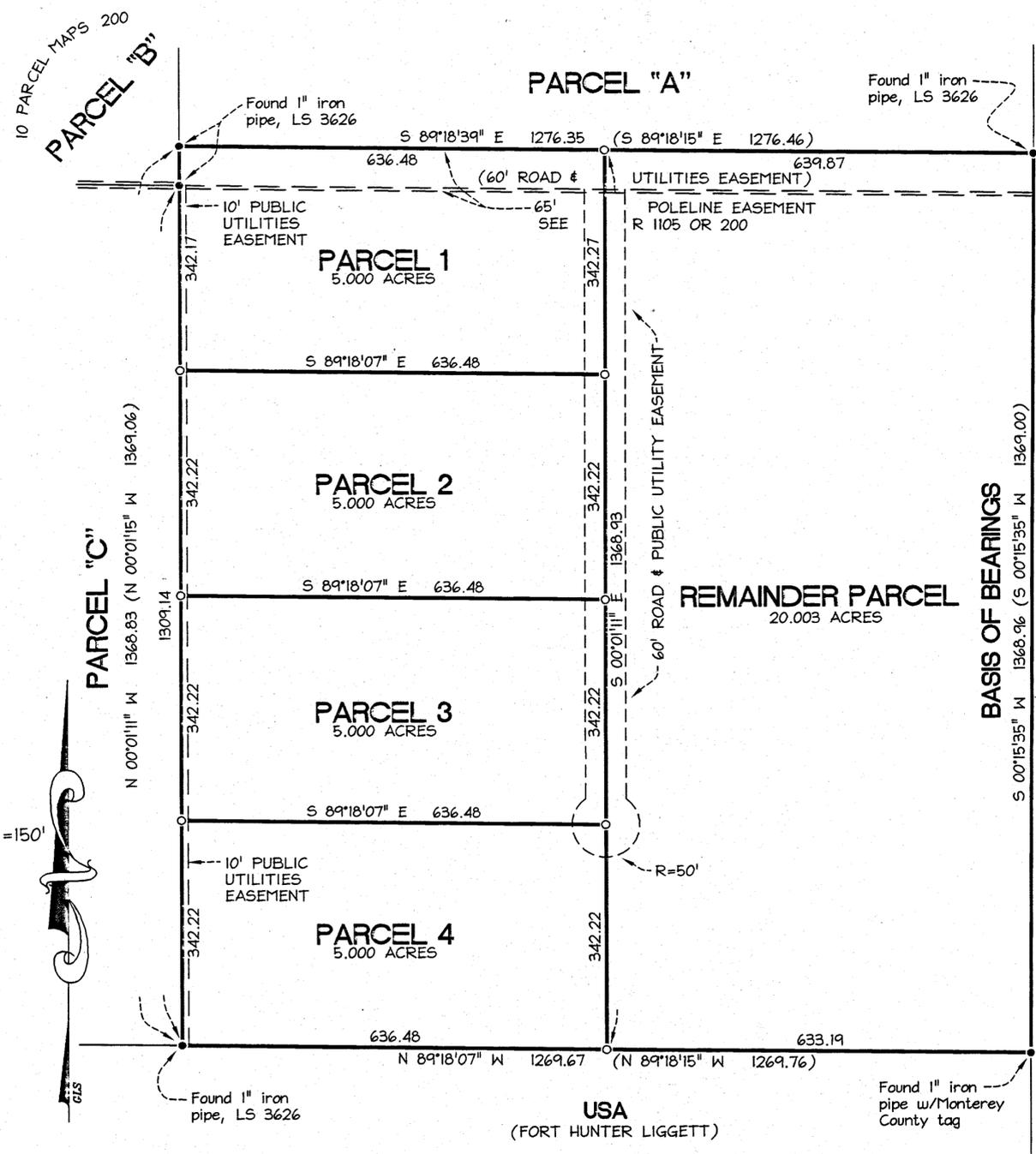
at 1:50 pm. in Volume 22 of Parcel Maps at Page 15

at the request of GOETZ LAND SURVEYORS.

Stephen L. Vagnini, County Recorder

By (Signature) Deputy

Serial No. 2005130714 Fee \$900



STATE OF CALIFORNIA COUNTY OF MONTEREY } SS

On 11-22-05 before me, Sandra Betancourt, a Notary Public in and for said County and State, personally appeared Michael Jung and Douglas O'Mar

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Sandra Betancourt

exp. 8-28-09

BASIS OF BEARINGS

The bearing of the east line of Parcel "D" (N 00°15'35" E), as shown on map filed in Volume 10 of Parcel Maps, at Page 200, as found monumented, was taken as Basis of Bearings shown upon this map.

LEGEND

Distances are expressed in feet and decimals thereof. (----) Record data per 10 Parcel Maps 200. o Set 3/4" iron pipe, PLS 5667 unless otherwise shown

STATEMENT OF CLERK OF BOARD OF SUPERVISORS

I, LEW C. BAUMAN, Clerk of the Board of Supervisors of Monterey County, hereby state that said Board approved the within map on the 10th day of DECEMBER, 2005, and accepted on behalf of the public, all offers of dedication for public use, in conformity with the terms of the offer of dedication.

Signature of Cynthia Juarez, Clerk of the Board of Supervisors of the County of Monterey, State of California

By CYNTHIA JUAREZ Deputy

PARCEL MAP

PLN030415

OF PARCEL "D" AS SHOWN ON MAP FILED IN VOLUME 10 OF PARCEL MAPS, AT PAGE 200, IN SECTION 15, TOWNSHIP 23 SOUTH, RANGE 8 EAST, M.D.M., MONTEREY COUNTY, CALIFORNIA

PREPARED FOR

SCOTT TROMPETER ENTERPRISES, INC.

APN 423-041-067 JUNE 2005

JOB NO. 60-03 SHEET ONE OF TWO

MJG M J GOETZ AND ASSOCIATES 1605 COMMERCE WAY, SUITE E | 141 AUBURN STREET PASO ROBLES, CA 93446 | SALINAS, CA 93901 (805) 237-9177 | (831) 424-4114

OWNERS' STATEMENT

We hereby state that we are the owners of, or have some right, title or interest in and to, the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and we consent to the preparation and recordation of said map and subdivision as shown within the subdivision boundary lines.

SCOTT TROMPETER ENTERPRISES, INC. a California Corporation

Scott Trompeter
SCOTT TROMPETER

The signatures of the holders of the following interests may be omitted inasmuch as there are no dedications or offers of dedications:

FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee under Deed of Trust recorded December 12, 2005, in Recorder's Series No. 2005130780.

The signatures of the holders of the following interests may be omitted inasmuch as their interests are such that it cannot ripen into a fee and if their names and nature of their respective interests are stated on the map and upon compliance with or pursuant to Section 66436(3)(A) of Title 7 of Division 2 of the Government Code:

PACIFIC GAS AND ELECTRIC COMPANY, a California Corporation and PACIFIC TELEPHONE and TELEGRAPH COMPANY, a California Corporation, as holder of a utilities easement. See Reel 1105 of Official Records, at Page 200.

Adelaide M. Smidt, et al, as holder of an oil and gas lease. See Book 370 of Official Records, at Page 60.

Karyn L. Planett, as holder of a 60' Road and Utilities Easement. See Doc. No. 2005136210 of Official Records.

STATE OF CALIFORNIA }
COUNTY OF SAN LUIS OBISPO } SS

On 9/28/2006 before me, Kim D. Sampson-McKibben
a Notary Public in and for said County and State, personally appeared
Scott Trompeter

_____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kim D. Sampson-McKibben
Commission No. 1559581
Expires 3/15/2009

BASIS OF BEARINGS

The bearing of the east line of the Remainder Parcel (N 00°15'35" E), as shown on map filed in Volume 22 of Parcel Maps, at Page 15, as found monumented, was taken as Basis of Bearings shown upon this map.

LEGEND

- Distances are expressed in feet and decimals thereof.
- (---) Record data per 22 Parcel Maps 15
- o Set 3/4" iron pipe, LS 5667 unless otherwise shown
- Found 3/4" iron pipe, LS 5667 unless otherwise shown

SURVEYOR'S STATEMENT

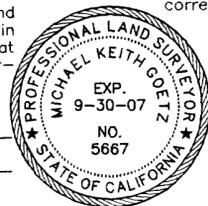
This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of

SCOTT TROMPETER ENTERPRISES, INC

on August, 2006 I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

I also state that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before December 31, 2006, and that the monuments are or will be, sufficient to enable the survey to be retraced.

(Signed) *Michael Keith Goetz*
P.L.S. No. 5667



COUNTY SURVEYOR'S STATEMENT

I, Ron Lundquist, County Surveyor of Monterey County, hereby state that I have examined this map; that the subdivision as shown hereon is substantially the same as it appeared on the Tentative Map, and any approved alterations thereof as approved by the Monterey County Minor Subdivision Committee, on June 8, 2006, that all the provisions of the California "Subdivision Map Act," as amended, and all local ordinances have been complied with, and that I am satisfied that this map is technically correct.

Dated: October 12, 2006

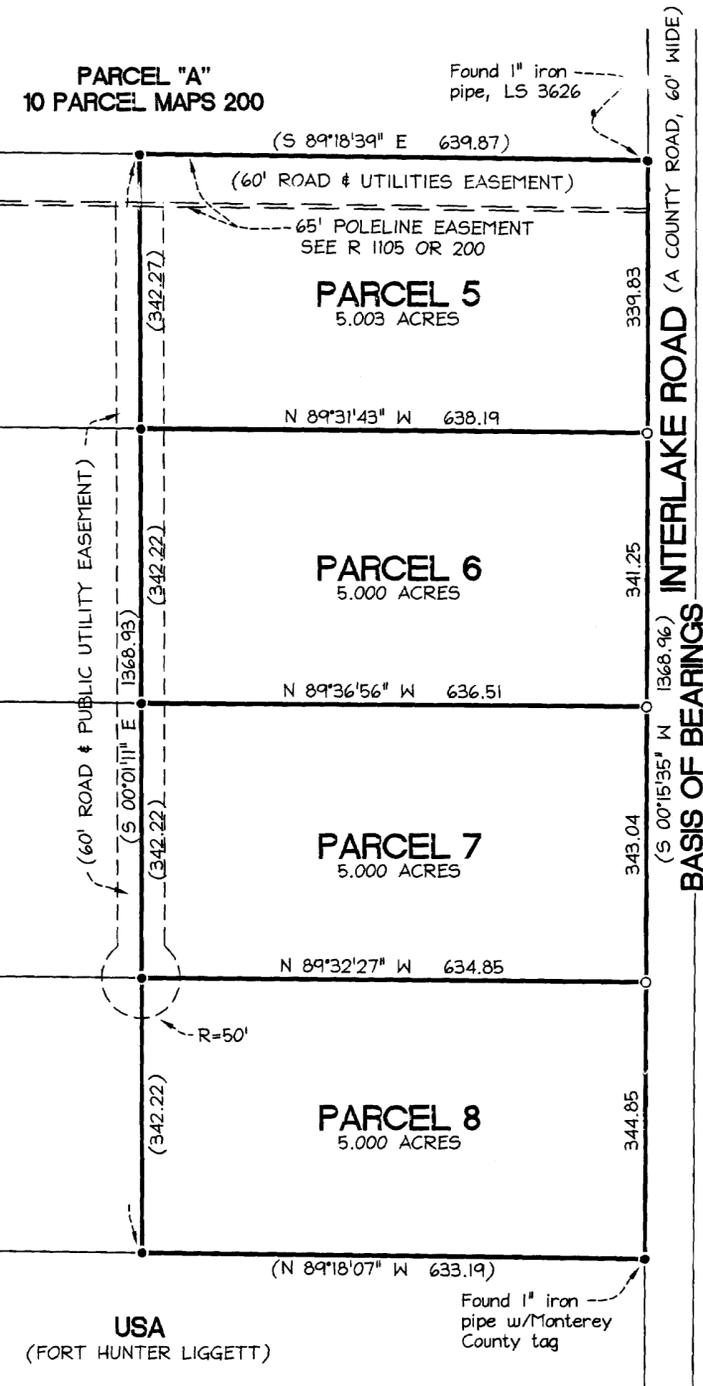
County Surveyor *Ron Lundquist*
Deputy County Surveyor _____



RECORDER'S STATEMENT

Filed this 21st day of October, 2006
at 2:48 ^{pm} in Volume 22 of Parcel Maps at Page 47
at the request of M J GOETZ & ASSOCIATES.

Stephen Vagnini - County Recorder
By *Lupe Moreno* Deputy
Serial No. 2006044913 Fee 9.⁰⁰



SCALE 1"=150'



PARCEL MAP

PLN060078

OF THE REMAINDER PARCEL AS SHOWN ON MAP FILED IN VOLUME 22 OF PARCEL MAPS, AT PAGE 15, IN SECTION 15, TOWNSHIP 23 SOUTH, RANGE 8 EAST, M.D.M., MONTEREY COUNTY, CALIFORNIA

PREPARED FOR
SCOTT TROMPETER ENTERPRISES, INC.
APN 423-391-005 JOB NO. 60-03
AUGUST 2006 SHEET ONE OF TWO

MJG M J GOETZ AND ASSOCIATES
1495 CRESTON ROAD #160 131B AUBURN STREET
PASO ROBLES, CA 93446 SALINAS, CA 93901
(805) 237-9177 (831) 424-4114

Exhibit G

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Special Treatment Area PLN190243

Amendment to the 2010 General Plan (South County Area Plan) to create a Special Treatment Area that would allow outdoor commercial cannabis cultivation (20,000 square foot canopy). The property is located at 50700 Thompson Canyon Road (PRIVATE ROAD), King City (Assessor's Parcel Number 420-063-014-000), Central Salinas Valley Area Plan.

SPECIAL TREATMENT AREA PLN190243

OPERATION PLAN

Order starter plants during the Fall months from a registered / legal nursery. Early springtime pick up the starter from the nursery. Self-transport with my California Transportation License.

Transplant the starter plants to the designated grow area. The starter plants will be transplanted from the nursery pots directly into the ground.

Cultivate the plants till full maturity generally to the months of October or November depending on Mother Nature.

Mature plants are then self-harvested and self-transported to a third party registered / legal processing facility.

The end finished product is to be sold to a third party registered / legal distributor.

- Full compliance with Title 21 Section 21.69060.
- Since this is a self-operated endeavor on my private property the operation days and hours are non-restrictive.
- Floor Plan = Reference the Site Plan.
- Waste Disposal = All waste will be taken off site and properly disposed of. It is important to note that my operation is 100% organic / natural. Therefore any "waste" would be empty organic fertilizer containers, etc.
- Water Management = The main water source is a natural spring. The spring water is collected into two 4,900 gallon water tanks. One of these water tanks has a 5 horse power submersible pump installed in it. An 11,000 watt gas operated generator activates the pump. It is important to note that the generator is located well over one mile from the grow site and on a different parcel. The water is then pumped approximately one and a half miles to an elevation increase of

485 feet to a series of 8 4,900 gallon holding tanks (aka...The Tank Farm). The water from the Tank Farm then gravities back down to the grow site. This action creates an approximate psi. at the grow site of 30+/- psi. which is ideal to operate the micro-sprinklers irrigation system at the grow site,

In addition to the natural spring water there is an artesian well near the “spring and pumping area”. The artesian well is 175 feet deep with a six inch schedule 40 pvc casing. It is important to note that this pipe / well was already on the property when I purchased the ranch. After some analysis I “necked it down” to a 1 ½ inch schedule 40 pvc dimension and soon realized that it was indeed “artesian”. Even though it is only “trickles” I have calculated that it generates approximately 420 gallons of water weekly. This artesian water is collected into a 1,500 gallon water tank. This tank has a solar powered submersible pump in it that transfer the water up to the 4,900 gallon tank with the 5 horse power submersible pump. There will be NO grading for water tanks since the water tanks have been in place for many years as part of the “ranch improvements” that I developed after purchasing the property in 2003.

At full maturity growth the proposed 378 plants require approximately 12 gallons per plant every other week. In other words...The starter plants would require far less than 12 gallons per plant every other week...But as they mature they naturally require more water. It is very important to note that the use of highly efficient micro-sprinklers is the absolute most efficient system of irrigation.

I use Highly Efficient Micro-Sprinklers for my irrigation as stated above, A standard grow season is a 6 month period = May through October...May and June = 378 plants x 6 gallons per plant every other week (4 weeks) = 9,072 gallons...July and August = 378 plants x 9 gallons per plant every other week (4 weeks) = 13,608 gallons...September and October = 378 plants x 12 gallons per plant every other week (4 weeks) = 18,144 gallons. Total Annual estimated irrigation water used for a standard growing season assuming 100% plant growth from start to finish = 40,824 gallons.

As time and economic conditions allow. It is my plan to increase the Tank Farm tanks from 8 tanks to a total of 24 tanks. This would allow me to collect enough water during the winter months to cover the full growing season...May to October.

In conclusion...The blessing of natural spring water and artesian well water along with the use of a highly efficient micro-sprinkler irrigation system has allowed me to undertake my growing project.

The processing and manufacturing will be off-site with a registered / legal third party operator.

- Track and Trace Measures = As shown on the Site Plan / Map each individual plant will have a designated identification number.
- Sustainability Measures = In addition to the highly efficient irrigation system noted above. The cultivation practices are 100% natural / organic. Also it is very important to understand that I treat my ranch as if it were a “Nature Preserve”. As the land owner I am the “Ultimate Land And Nature Steward”. The abundance and variety of wildlife due to my habitat improvements over the years is a true testament to my focus on sustainability.

I will transport the harvested product to a third party off-site licensed processor on an immediate basis as the harvest occurs. There will be NO cannabis storage.

- Employees = None

NO structures within 1,500 feet of the cannabis site.

- Parking = I will park my personal vehicle at my site during all aspects of the grow season.
- Landscaping Plan = Natural ranchland flora. NO composting will occur on site. The post-harvest cannabis waste (stalks, branches, etc.) will be placed outside of the actual grow area and placed there to naturally dry thus creating “wildlife habitat”.
- Hazardous Materials = As stated above...My operation is 100% organic with NO hazardous materials used. Fertilizer products are “Bat Guano based” with NO potassium and nitrogen salts and NO EDTA or EDDHA (potassium based chelators) and are 100% safe for the environment. My project will not generate any “waste” beyond empty organic based fertilizer containers. But for the purpose of the exercise I can assure the County that these containers will be taken completely off the project parcel and properly disposed of.

Transporting “starter plants” from the “off-site nursery” to my ranch property = If I use my gooseneck livestock trailer and the “starter plant” pots are 11 inches in diameter, then it would take approximately 4 trips. If I use my gooseneck livestock trailer and the “starter plant” pots are 7 inches in diameter, then it would take approximately 2 trips. If I use my utility trailer and the “starter plant” pots are 11 inches in diameter, then it would take approximately 7 trips. If I use my utility trailer and the “starter plant” pots are 7 inches in diameter, then it would take approximately 3 trips.

Seasonal Cultivation Trips = This all depends on many factors such as weather conditions, plant care, etc., etc. These trips would range from 3 to 6 trips per week during the six month cultivation season.

Geo Positioning System (GPS) Coordinates for the boundaries of the cannabis site.

N 36 degrees 11.387 W 121 degrees 13.998
N 36 degrees 11.436 W 121 degrees 13.997
N 36 degrees 11.437 W 121 degrees 13.977
N 36 degrees 11.436 W 121 degrees 14.037

SECURITY PLAN

The “grow site” parcel is completely surrounded by my other ranch parcels (my ranch is composed of 14 parcels). My ranch is located on Thompson Canyon Road as the Private Road portion from where the County Road portion ends. There are two private properties between that location and where my ranch property line begins. There is a “locked gate” and “restricted access” where the County road portion ends. There is also a “locked gate” and “highly restricted access” at the gate past my two neighbors at the entrance to my ranch property. There is also a “locked gate” up to my grow site on my ranch property. In addition it is important to note that the “locked gates” also have Cal Fire locks which were given to me by a Cal Fire Chief years ago when I took him on a tour of my ranch and offered Cal Fire the use and access to my water storage tanks in the event that they needed my water for a firefighting operation.

In addition to the above. I have numerous “game cameras” on my ranch that can be addressed if the need arises.

Lastly, my neighbor out at the first “locked gate” keeps a Very Close Eye on who comes and goes through the gate.

GROW SITE ASSESSOR’S PARCEL NUMBER 420-063-014-000

In 2014 when I first started to cultivate medical grade cannabis under the California Medical Marijuana Initiative. I knew that my desired “grow site” was near the corner point of two of my separate APNs. So I studied two topographical maps of the 14 APNs of my ranch and decided from that analysis the location of my grow site.

When the time came in 2020 (which was the last year of my cannabis production) for me upon applying for the County Outdoor Cannabis Cultivation Pilot Program I ordered as one of the Pilot Program requirements a “Site Plan / Map” from Whitson Engineering. During the professional surveying of my grow site the head engineer informed me that I had “missed the corner of the two APNs by about 12 feet!”. So when it came time to update my Site Plan / Map for the Special Treatment Area I instructed Whitson Engineering to clearly designate the one grow plot split by the two parcels as “NO CANNABIS CULTIVATION IN PLOT 2”. I made this decision based on the fact that I wanted the Special Treatment Area to only apply to one of my APNs = 420-063-014-000.

As I move forward with my project my intention is to cultivate Milkweed in the one non-cannabis plot for the benefit of the wild monarch butterflies on my ranch that use Milkweed as a host plant.

SPECIAL TREATMENT AREA PLN190243

TITLE 21 SECTION 21.69.060

C. “Outdoor ...setback requirements.”

1. The nearest school is King City High School which is 5.7 miles due east of the site.
2. The nearest public road is the end of Thompson Canyon Road as a county road 2.5 miles northeast of the site.
3. There are no offsite structures within 250 feet of the site.

4. Statement per Denise Duffy & Associates, Inc. (Biological Assessment Firm)

“The project site is not located within 150 feet of any stream or river. The closest water body is an ephemeral stream mapped as riverine by the National Wetland Inventory and as ephemeral stream by the National Hydrography Dataset located approximately 250 feet north of the project site (USFWS, 2025a,

USGS, 2025). This ephemeral stream is not a perennial water source and only conveys water immediately following precipitation events.”

D. “Exceptions to setbacks.”

No exceptions applicable to the site.

E. “Outdoor cultivation...provisions of the General Plan.”

Cultivation occurred at the site from 2014 through the Fall of 2020.

H. "In no case shall a building...onsite."

No dwelling(s) on the site.

I. "No visual indications...cannabis activities."

The cultivation site is located on a parcel completely surrounded by private parcels as a whole.

J. "The canopy of outdoor cultivation...one lot."

The cultivation site of 20,000 square feet is within a parcel of 120 acres = 0.004%.

K. "Security measures...criteria for the site."

The site is located 2.5 miles from the nearest public road with three locked gates with highly restrictive access and completely surrounded by private property.

L. "Pesticides and fertilizers...as applicable."

Cultivation is natural (organic) with the use of no pesticides, herbicides, fungicides, and insecticides. No organically based fertilizers are stored at the site.

N. "All necessary fire prevention...maintained onsite."

All locked gates have Cal Fire padlocks and Cal Fire has access to water storage tanks if needed.

O. "Adequate water supply...supply source."

The ranch property including the cultivation site irrigation water source is a natural year round spring. Natural ranchland springs flows vary with the seasons. As of October 2025, the spring is generating 1,560 gallons of water per day. In addition to the natural spring there is an artesian water source that generates

an additional 60 gallons of water per day. Total daily water generated is 1,620 gallons.

P. "All necessary waste water...shall be provided."

The cultivation site does not generate waste water with the use of highly water efficient micro-sprinklers.

Q. "The following additional plans...during operation."

1. "A water management plan...water offset."

Highly efficient micro-sprinklers are utilized for cultivation irrigation on a once-every-other-week basis. The cultivation period generally is May through October.

May and June = 378 plants x 6 gallons per plant = 2,268 gallons x 4 weeks = 9,072 gallons (151 average gallons per day).

July and August = 378 plants x 9 gallons per plant = 3,402 gallons x 4 weeks = 13,608 gallons (226 average gallons per day).

September and October = 378 plants x 12 gallons per plant = 4,536 gallons x 4 weeks = 18,144 gallons (302 average gallons per day).

In addition to the cultivation irrigation requirements the ranch sustains a vibrant and diverse wildlife population. Personal records indicate that the wildlife population requires approximately 123 gallons daily.

Recap:

May and June = cannabis irrigation = 151 gallons daily
wildlife sustainability = 123 gallons daily

total = 274 gallons daily
July and August =cannabis irrigation = 226 gallons daily
wildlife sustainability = 123 gallons daily
total = 349 gallons daily
September and October = cannabis irrigation = 302 gallons daily
wildlife sustainability = 123 gallons daily
total = 425 gallons daily

Note: The natural spring and artesian water sources generate approximately 1,620 gallons per day.

Note: The ranch property has a total water tank storage capacity of 83,200 gallons.

2. "Information regarding storm water...offsite."

The site is located well above any stormwater events. The use of highly efficient micro-sprinklers eliminates any waste water concerns.

3. "A storage and hazardous response...on site."

No hazardous materials used on site.

4. "All power...power source."

Cultivation is naturally sun-grown with no power sources on site.

5. "A cannabis waste...composting facility."

No composting on site.

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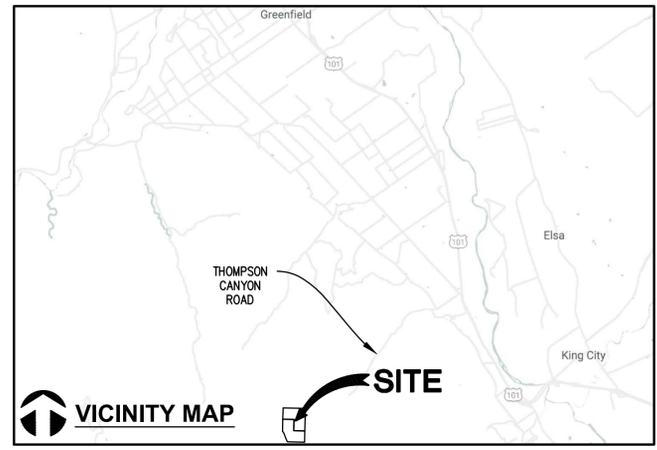
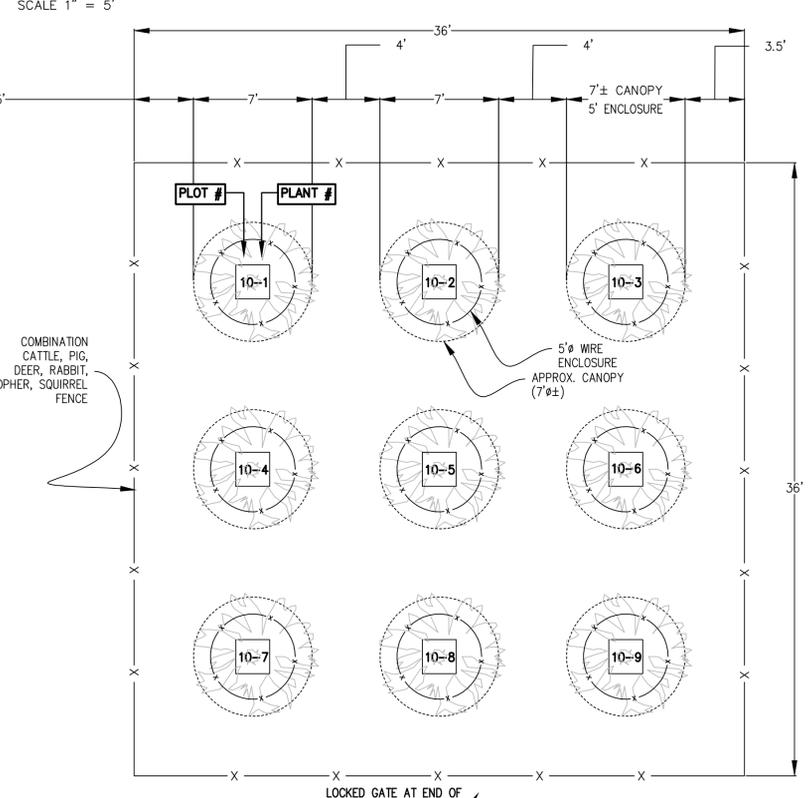
PROJECT DATA SUMMARY :

1. PARCEL SIZE: APN 420-063-014 120 AC±
2. GENERAL PLAN LAND USE DESIGNATION: PERMANENT GRAZING 10-160 AC MIN.
3. ZONING DESIGNATION: PG/40
4. LOT COVERAGE: NA
5. REQUIRED AND PROPOSED PARKING COUNTS: NA
6. 10 EXISTING GROW SITES (CANOPY AREA*) = 3,600± SQ. FT. (6-3x3 AND 3-3x4 SITES)
(A) PROPOSED GROW SITE (CANOPY AREA) = 14,112± SQ. FT. (288 SITES)
TOTAL GROW AREA (CANOPY AREA) = 18,522± SQ. FT.
* BASED UPON 7± DIAMETER CANOPY AREA - 49 SQ. FT. PER PLANT
7. ESTIMATED WATER USE: 108,864 GALLONS SEASON MAY-NOV (24 WEEKS) (378 PLANTS AT 12 GALLONS/PLANT/WEEK AT FULL MATURITY).
IRRIGATION SYSTEM SHALL BE WATER EFFICIENT MICROSPRINKLERS.
8. WATER SUPPLY: NATURAL SPRING AND ARTESIAN WELL.
9. 3 LOCKED GATES BETWEEN COUNTY ROAD AND SITE. ALL EQUIPPED WITH CALFIRE LOCKS.

LEGEND

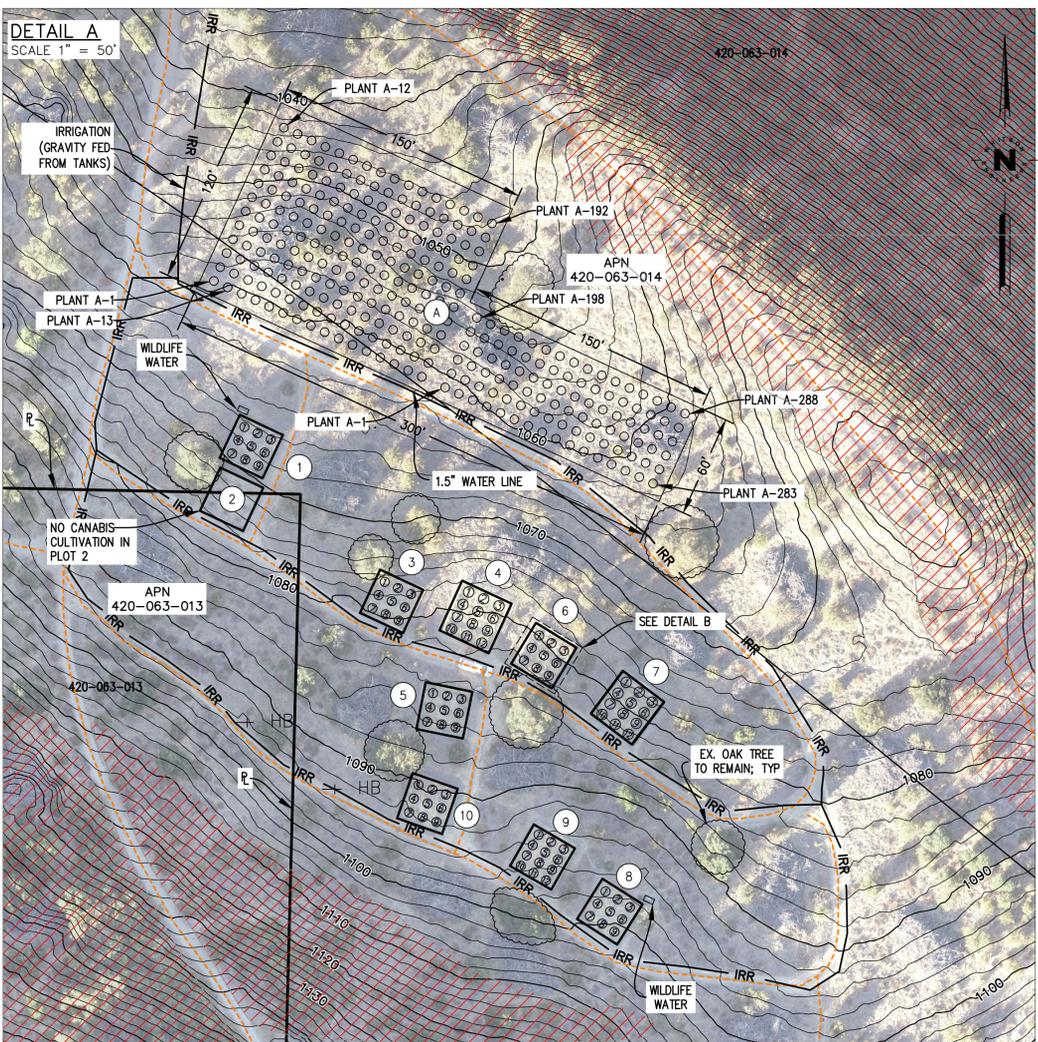
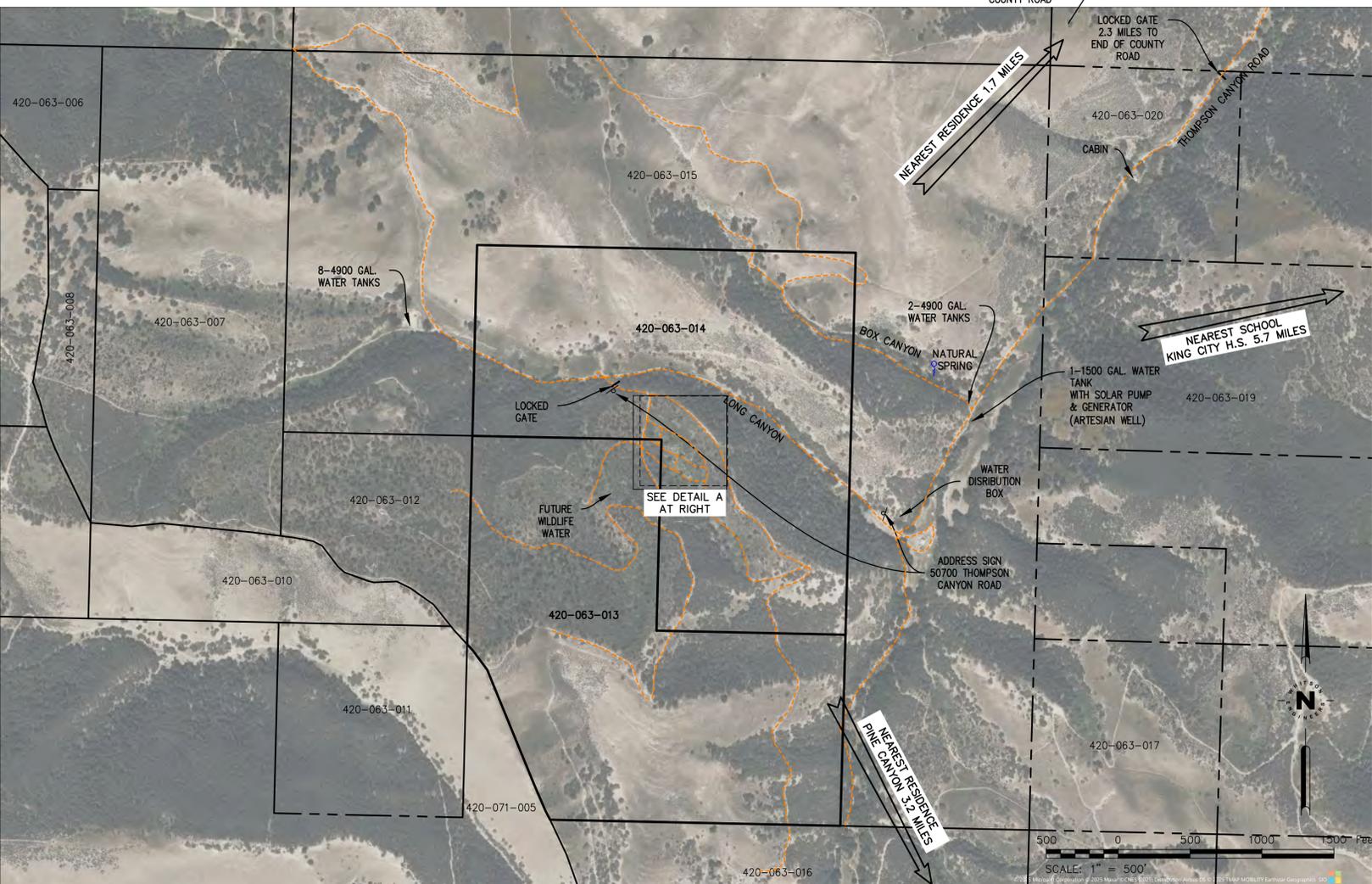
- 100 GROUND CONTOUR
- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING DIRT RANCH ROAD (PRIVATE ROADS)
- + HB HOSEBIB
- IRR IRRIGATION LINE
- WATER TANKS
- LOCKED GATE
- 7 PLANT PLOT NUMBER
- TREE DRIP LINE
- AREAS OF 25%+ SLOPE

DETAIL B TYPICAL PLANT PLOT & TRACKING IDENTIFICATION



Civil Engineering
Land Surveying
4 Hazel Court
Menlo Park, California
831.649.9225
whitsonengineers.com

REGISTERED PROFESSIONAL ENGINEER
RICHARD P. WEEFER
No. 59219
STATE OF CALIFORNIA



DATE	DESCRIPTION
1/27/2020	COUNTY APPLICATION
6/5/2025	COUNTY APPLICATION
6/5/2025	RPW
6/5/2025	RPW

APPLICATION MAP - SPECIAL TREATMENT AREA
OUTDOOR CANNABIS CULTIVATION
50700 THOMPSON CANYON ROAD, KING CITY, CA
APN 420-063-014

SCALE: AS SHOWN
DRAWN: RPW
JOB No.: 4132.00
SHEET 1 OF 1

I:\MonteCarlo\Projects\4132 - Cannabis\4132 - APPLICATION MAP.dwg Jun 06, 2025 - 4:00pm

Exhibit H

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**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No: 10 – 312

- a. Certify the Final Revised Environmental Impact Report including the Final Revised Water Demand Analysis for the September Ranch Subdivision Project;)
 - b. Reaffirm the Board of Supervisor's 2006 passing score for the Project, based on the Findings and Evidence;)
 - c. Approve the Combined Development Permit for the September Ranch Subdivision Project consisting of 73 market-rate and 22 affordable lots (15 inclusionary and 7 deed-restricted workforce lots) based on the Findings and Evidence and subject to the recommended conditions of approval; and)
 - d. Adopt the Mitigation Monitoring and Reporting Plan.)
- (September Ranch - PC95062 / PLN050001, September Ranch Partners, Carmel Valley Road, Carmel Valley, Carmel Valley Master Plan))

The Final Revised Environmental Impact Report including the Final Revised Water Demand Analysis (EIR SCH# 1995083033) for the September Ranch Subdivision project application (PC95062 / PLN050001), scoring for the Project, and the September Ranch Combined Development Permit came on for public hearing before the Monterey County Board of Supervisors on November 9, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. FINDING:

PROJECT BACKGROUND. The September Ranch Partners Combined Development Permit, as described in Condition #1 in **Exhibit 1**, attached, consists of: 1) a Preliminary Project Review Map and Vesting Tentative Map (**Exhibit 2**) for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for sewage disposal; 2) a Use Permit for the public/commercial use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; 4) a Use Permit for removal of a maximum of 819

protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention areas; 6) a Use Permit to allow development on slopes greater than 30 percent for affordable housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and 7) an Administrative Permit for affordable housing, equestrian center caretaker unit/public office, a tract sales office and a security gatehouse (hereafter "the Project"). The Project comes before the Board of Supervisors following the preparation of the Final Revised Water Demand Analysis, as described below.

- EVIDENCE:**
- a) On June 16, 1995, September Ranch Partners filed an application for a Combined Development Permit (PC95062, September Ranch Partners) consisting of a preliminary Project Review Map, a Vesting Tentative Map to allow the division of 902 acres creating 100 market rate units, 17 inclusionary housing units, a lot for the existing equestrian facility, and open space. The application was deemed completed on July 13, 1995. The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
 - b) On December 1, 1998, the Board of Supervisors approved the Combined Development Permit (PC95062, September Ranch Partners) consisting of a preliminary Project Review Map, a Vesting Tentative Map to allow the division of an 891-acre parcel creating 94 market rate units, 15 inclusionary housing units, a 20.2 acre lot for the existing equestrian facility (with one employee unit), and 791 acres of open space. The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
 - c) The approval was challenged in court by *Save Our Peninsula Committee et al.* and *Sierra Club et al.* The Superior Court of Monterey County (Nos. M42412 and M42485) held that the EIR was legally inadequate under the California Environmental Quality Act (CEQA), Public Resources Code §21000 *et seq.* In 2001, the Sixth District Court of Appeal affirmed a Superior Court determination that additional analysis was needed with respect to water supply baseline, water rights, water-related mitigation, and growth-inducing impacts. In Resolution No. 01-374, the Board of Supervisors vacated its December 1998 certification and approval.
 - d) The County took a fresh look at the Project and all potential impacts and prepared a Revised EIR. On December 12, 2006, the County Board of Supervisors adopted Resolution No. 06-363 certifying a Revised Environmental Impact Report on the September Ranch

Subdivision (“Revised EIR”), adopting a passing score, approving a Combined Development Permit for the September Ranch Subdivision Project, and adopting the associated Mitigation Monitoring and Reporting Plan. The project approved under the Combined Development Permit consisted of the 73/22 Alternative as identified in the Revised EIR as modified by the Board following public hearing. The Combined Development Permit included approval of a Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots, 15 inclusionary housing lots and 7 workforce housing lots. (Board of Supervisors’ Resolution No. 06-363). A copy of Board of Supervisors’ Resolution No. 06-363 (without the conditions of approval which were Exhibit B-1 to that resolution) is attached to this resolution as **Exhibit 3** and incorporated herein by reference.

- e) The approval was challenged in court by *Sierra Club et al.* and *Helping Our Peninsula’s Environment*. (Monterey County Superior Court Case Nos. M82632 and M82643.) In September 2008, the Superior Court of Monterey County entered judgment finding that the EIR was legally sufficient under the California Environmental Quality Act (CEQA), Public Resources Code §21000 *et seq.* except as to issues of water demand, water cap, and cumulative impacts as to water demand. A Peremptory Writ of Mandate, signed by the judge on December 23, 2008 and signed by the Court’s Clerk on January 23, 2009, was issued requiring the County to vacate the certification of the Revised EIR, void the approvals of the Project, and take no further action on the Project “without the preparation, circulation, and consideration under CEQA of a legally adequate document adopted in compliance with CEQA which properly analyzes water demand, water cap, and cumulative impacts as to water demand.” (Peremptory Writ of Mandate (Nos. M82632 and M82643).) A copy of the Peremptory Writ of Mandate is attached hereto as **Exhibit 4** and incorporated herein by reference.
- f) In compliance with the Judgments Granting Peremptory Writs of Mandate, issued by the court on September 16, 2008 and September 30, 2008 (Monterey County Superior Court Case Nos. M82632 and M82643), the Board of Supervisors rescinded Resolution No. 06-363, thereby vacating the certification of the Final Revised EIR and voiding the approval of permits and entitlements for the September Ranch Project (Board of Supervisors’ Resolution No. 09-356.).
- g) The County has prepared the Revised Water Demand Analysis, fulfilling the Court’s direction for analysis of water demand, water cap, and cumulative impacts as to water demand. The Revised Water Demand Analysis makes the following changes to the Revised EIR:
- Replaces the Revised EIR’s water demand analysis, which consists of the two full paragraphs and table (Table 4.3-5) immediately following the heading “Less than Significant Impact – Substantially Degrade Groundwater or Interfere with Groundwater

Recharge” within the Water Supply and Availability Chapter on pages 4.3-41 to 4.3-42 of the Recirculated Portion of the Draft Revised EIR;

- Replaces Master Response 17 in the July 2006 Final EIR on pages 3-15 to 3-19.
- Updates Table 5-1 and some accompanying text within the Cumulative Impacts Analysis Section (Section 5.1.1) on pages 5-2 and 5-3 of the Recirculated Portion of the Draft Revised EIR.

The document entitled “Revised Water Demand Analysis: 2009 Recirculated Portion of the Final Revised Environmental Impact Report” was circulated for public comment from August 11, 2009 through September 28, 2009. The Final Revised Water Demand Analysis, which contains responses to comments on the Revised Water Demand Analysis, was released to the public on August 27, 2010. Additional Errata to the Final Revised Water Demand Analysis were distributed on October 29, 2010 and are made a part of the Final Revised Water Demand Analysis. The Final Revised Water Demand Analysis, together with the Final Revised EIR which the court has held contains a legally sufficient discussion on all other issues, provides the environmental review of the Project.

- h) The application filed in 1995 remains on file; the proposed project is substantially consistent with the application deemed complete in 1995. The Project analyzed in the Revised Water Demand Analysis is the 73/22 Alternative that was approved by the Board in 2006; the applicant is no longer pursuing the larger version of the project.

2. FINDING:

CONSISTENCY. The Project, as conditioned, is consistent with applicable provisions of the Monterey County General Plan, Carmel Valley Master Plan, Monterey County Zoning Ordinance (Title 21 of the Monterey County Code), Monterey County Subdivision Ordinance (Title 19 of the Monterey County Code), Monterey County Code 18.46.040, Monterey County Inclusionary Housing Ordinance, Air Quality Management Plan and Transportation Plans & Policies.

- EVIDENCE:**
- a) The project site is located on Carmel Valley Road (Assessor’s Parcel Numbers 015-171-010-000, 015-171-012-000, 015-361-013-000, and 015-361-014-000), Carmel Valley in the County of Monterey.
- b) The evidence from Finding 1 (Consistency) in Resolution 06-363 is incorporated herein by reference except as amplified and/or revised herein.
- c) The County of Monterey adopted a new General Plan for the inland unincorporated area of the County on October 26, 2010 that will take effect 31 days after its adoption. However, pursuant to Government Code Section 66474.2, the County is applying those ordinances, policies, and standards as of the date the application for the vesting tentative map was deemed complete (July 13, 1995). Therefore the 1982 General Plan and the ordinances in effect as of the completeness date apply.

- d) Nothing in the Final Revised Water Demand Analysis or Additional Errata changes the consistency analysis and conclusions contained in Finding 1 of Resolution No. 06-363.
- e) Administrative record including material in Planning Department files PC95062 and PLN050001.

3. FINDING: **NO VIOLATIONS.** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:**
- a) Staff reviewed Monterey County Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted site visits on March 16, 2005 and July 25, 2006 to verify that the project on the subject parcel conforms to the plans submitted under PLN050001.
 - c) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

4. FINDING: **HEALTH AND SAFETY.** The establishment, maintenance or operation of the project applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.

- EVIDENCE:**
- a) The proposed development has been reviewed by the Monterey County RMA – Planning Department, Water Resources Agency, Public Works Department, Environmental Health Bureau, Parks Department, Housing and Redevelopment Agency, Sheriff's Office and the Carmel Valley Fire Protection District as part of the project design and environmental review process. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood or in the County in general.
 - b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
 - c) In order to construct internal access roads, the project proposes grading over slopes in excess of 30 percent. Therefore, the project requires the granting of a Use Permit to allow development on slopes of 30 percent or more (Monterey County Code Section 21.64.230).

See Finding 6.

- d) Up to approximately 34.90 acres of Monterey pine/Coast live oak forest habitat will be impacted for construction of roads, utilities, and building pads. Therefore, the project requires a Use Permit for tree removal (Monterey County Code Section 21.64.260.D). See Finding 5.
- e) Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, and Final Revised EIR dated July 2006, Final Revised Water Demand Analysis dated August 2010, and Additional Errata dated October 2010.
- f) Preceding and following Findings and supporting evidence.

5. FINDING:

TREE REMOVAL. The tree removal is the minimum required under the circumstances of the case. The removal will not involve a risk of adverse environmental impacts, as fully described in Monterey County Code Section 21.64.260.D.5, such as soil erosion, impacts to water quality, ecological impacts, increases in noise pollution, reductions in the ability of vegetation to reduce wind velocities, or significant reductions in available habitat.

EVIDENCE:

- a) The evidence from Finding 3 (Tree Removal) in Resolution 06-363 is incorporated herein by reference except as amplified and/or revised herein.
- b) In place of the 8th evidence of Finding 3 (Tree Removal) in Resolution 06-363, the Board finds as follows: "The tree removal under the Proposed Project, the 73/22 Alternative, involves five percent of the oak trees and two percent of the Monterey pine trees found on the project site."

6. FINDING:

30 PERCENT SLOPES. The proposed development on over 30 percent slopes better achieves the goals, policies, and objectives of the Monterey County General Plan and Carmel Valley Master Plan than other development alternatives consistent with CVMP Policy 26.1.10.1. There is no feasible alternative which would allow development to occur on slopes of less than 30 percent.

EVIDENCE:

The evidence from Finding 5 (30 Percent Slopes) in Resolution 06-363 is incorporated herein by reference.

7. FINDING:

TENTATIVE MAP – None of the findings in Section 19.05.055.B of the Monterey County Code Title 19 (Subdivision Ordinance) can be made.

EVIDENCE:

- a) The evidence from Finding 6 (Tentative Map) in Resolution 06-363 is incorporated herein by reference except as amplified by the Final Revised Water Demand Analysis dated August 2010 and Additional Errata dated October 2010.

8. FINDING:

- a) **INCLUSIONARY HOUSING.** In approving the vesting tentative map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available

- fiscal and environmental resources. The applicant is required to comply with provisions of Monterey County's Inclusionary Housing Ordinance.
- EVIDENCE:** The evidence from Finding 8 (Inclusionary Housing) in Resolution 06-363 is incorporated herein by reference.
9. **FINDING:** **RECREATIONAL REQUIREMENTS.** The applicant will be required to comply with the recreational requirements of Title 19, Section 19.12.010.
- EVIDENCE:** The evidence from Finding 9 (Recreational Requirements) in Resolution 06-363 is incorporated herein by reference.
10. **FINDING:** **SITE SUITABILITY.** The site is physically suitable for the proposed development.
- EVIDENCE:** The evidence from Finding 10 (Site Suitability) in Resolution 06-363 is incorporated herein by reference.
11. **FINDING:** **PRELIMINARY PROJECT REVIEW MAP.** The Board of Supervisors finds based on substantial evidence that Project complies with the requirements of Monterey County Code Section 19.07.025.H.
- EVIDENCE:**
- a) See Findings 7 and 12 and associated evidence.
 - b) Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, and Final Revised EIR dated July 2006, Final Revised Water Demand Analysis dated August 2010, and Additional Errata dated October 2010.
12. **FINDING:** **SCORING.** The final score of 708.8 out of 970 possible points, with a score of greater than 50% for each category, is based upon the project consisting of 73 market rate and 22 affordable units. No modifications to the project have been made since December 2006. The changes to conditions of approval and new conditions of approval reinforce the limitations on water used for landscaping; therefore, the Board of Supervisors reaffirms the score.
- EVIDENCE:**
- a) This hearing on the scoring has been duly noticed in accordance with County regulations.
 - b) In compliance with the Peremptory Writ, the Board rescinded Resolution 06-363 (Board Resolution 09-356), thereby resulting in voiding all approvals including the scoring.
 - c) The evidence from Findings 11-11j (Scoring) in Resolution 06-363 is incorporated herein by reference except as amplified and/or revised herein.
 - d) The analysis in the Final Revised Water Demand Analysis dated August 2010 and Additional Errata dated October 2010 confirms the scoring because the analysis supports the conclusion that the project will live within its projected water demand of 57.21 acre-feet per year.
 - e) Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and the Final Revised EIR dated July 2006, Final Revised Water Demand Analysis dated August 2010, and

Additional Errata dated October 2010 for PC95062 and PLN050001.

- f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
- g) The overall score is based on the scores set forth in the following Scoring Results Summary Table:

Category	Possible Score	1998 LUAC Score	50% of Possible Points Met? (Y/N)	Score Recommended by Staff	Modified Score	50% of Possible Points Met? (Y/N)
1. Land Use	200	156	Y	194	156	Y
2. Rural/Visual	210	186	Y	205	186	Y
3. Water/Hydrology	85	36	N	45	45	Y
4. Traffic	210	141.8	Y	172	141.8	Y
5. Noise	10	10	Y	10	10	Y
6. Geology	90	49	Y	90	49	Y
7. Ecology	105	66	Y	90	66	Y
8. Cultural Resources	10	0	N	10	10	Y
9. Public Services	20	17	Y	20	20	Y
10. Hazards	30	23	Y	25	25	Y
Totals	970	684.8	2 NO	861	708.8	0 YES

13. FINDING:

DRAFT REVISED WATER DEMAND ANALYSIS CIRCULATED. A Revised Water Demand Analysis on the Recirculated Portion of the Final Revised Environmental Impact Report, dated August 2009, was distributed to responsible agencies, trustee agencies, other departments and agencies, and interested parties including the State Clearinghouse (SCH#1995083033) in accordance with the California Environmental Quality Act. The public comment period for this document was from August 11, 2009 to September 28, 2009.

- EVIDENCE:**
- a) A Notice of Completion, dated August 10, 2009, was sent to the State Clearinghouse, along with copies of the Draft Revised Water Demand Analysis, which were circulated to State agencies.
- b) A Notice of Availability was published, mailed to interested parties and property owners within 300 feet of the project boundaries, and was provided to the Carmel Valley Library and the City of Carmel-by-the-Sea Library.
- c) Administrative record including material in Planning Department files PC95062 and PLN050001.
- d) This finding supplements Finding 16 (Draft Revised EIR Circulated) in Board of Supervisors Resolution No. 06-363.

14. FINDING:

DRAFT REVISED WATER DEMAND ANALYSIS COMMENTS. Comments on the Draft Revised Water Demand Analysis were received from agencies and interested parties.

- EVIDENCE:** Administrative record including material in Planning Department files

PC95062 and PLN050001.

15. **FINDING:** **FINAL REVISED EIR RELEASED.** On August 27, 2010, the Final Revised Water Demand Analysis was released to the public, responsible agencies, trustee agencies, other departments and agencies, and interested parties which responded to significant environmental issues raised in the comments. The Final Revised Water Demand Analysis responds to all significant environmental issues raised in the comments on the Revised Water Demand Analysis and includes a list of commenters, all comment letters, and minor revisions to the Final Revised Water Demand Analysis made in response to the comments. Additional Errata to the Final Revised Water Demand Analysis were released to the public on October 29, 2010. The Additional Errata document is incorporated into and made a part of the Final Revised Water Demand Analysis.
- EVIDENCE:** Administrative record including material in Planning Department files PC95062 and PLN050001.
16. **FINDING:** **BOARD OF SUPERVISORS RESOLUTION 06-363.** The Findings and the associated Evidence in Board of Supervisors Resolution No. 06-363 in relation to the environmental review conducted under the California Environmental Quality Act (CEQA) and the findings under CEQA, specifically Findings 12 through 32 and associated evidence of Resolution No. 06-363, are incorporated herein by reference, except as amplified and revised by the findings in this resolution relating to water demand, water cap and cumulative impacts as to water demand.
- EVIDENCE:** The Judgments entered in Case No. M82632 and Case No. M82643 declare that the revised EIR certified by the Board of Supervisors in 2006 contains a legally adequate discussion on all issues other than water demand, water cap, and cumulative impacts as to water demand.
17. **FINDING:** **ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT - WATER DEMAND AND WATER CAP.** The County has systematically reanalyzed the water demand for the Project in light of the Superior Court writ issued in *Sierra Club, Save Our Carmel River, Patricia Bernardi v. County of Monterey Board of Supervisors* and *Helping Our Peninsula's Environment v. County of Monterey* (Monterey County Superior Court Case Nos. M82632 and M82643). To conduct the analysis, the County computed the estimated indoor and outdoor water use for three hypothetical homes/lots within September Ranch, taking into account (a) conditions of approval formulated specifically to reduce each lot's water consumption, (b) County and District ordinances concerning water use, and (c) the new Model Water Efficient Landscape Ordinance prepared by the State Department of Water Resources, Cal. Code Regs., tit. 23, § 490 et seq. The County compared the resulting demand figures against consumption within neighboring large-lot subdivisions in the

Carmel Valley, and evaluated the County and District enforcement capabilities for ensuring the subdivision will remain within a fixed annual quantity of no more than 57.21 acre-feet per year (AFY). The Revised Water Demand Analysis and other documents in the record demonstrate to the Board of Supervisors' satisfaction that, subject to the recommended conditions of approval, the September Ranch Project will consume no more than 57.21 AFY. This finding supplements Finding 25b (Water Supply and Availability (REIR Chapter 4.3)), Finding 25b (ii) (Water Demand), and Finding 25b (iii) (Treatment Water) in Board of Supervisors Resolution No. 06-363.

- EVIDENCE:**
- a) In Resolution 06-363, Finding 25b (iv) (c) (Impact Conclusions – The project will not use water in a wasteful manner) shall be revised to read "...Relevant Conditions of Approval include but are not limited to Conditions 33, 40, 41, 45, 46, 107, 108, 110-112, 120, 122-124, 146, and 148, and 188-190."
 - b) In Resolution 06-363, Finding 25b (v) (Project Elements/Mitigations/Conditions – Mitigation Measure 4.3-1) shall be revised to add the following text at the end of the paragraph: "In addition to meeting all reporting requirements of MPWMD, the reports will separately detail the number of active connections of employee, inclusionary and market-rate houses, the monthly water use (interior, exterior and combined) for each connection, the permitted water amount for the lot, based on the fixture unit count, identification of whether the home at each connection is under construction or has completed construction and is accepting routine water service. Upon request of RMA – Planning Department or MPWMD, the applicant, per the water system operator, shall make available the name and address information for any connection exceeding its permitted water limit; such disclosures will be made pursuant to a public nondisclosure agreement consistent with State constitutional privacy guarantees. If the quarterly water use reporting shows that the subdivision is exceeding its Pro Rata Expansion Capacity or a total of 57.21 AFY, RMA Planning will review individual water use to determine which lots are exceeding their permitted water amounts and will direct an enforcement action or actions as appropriate to correct the overuse. Such actions may be initiated against the applicant, the water system operator, the lot owners, or each of them."
 - c) In Resolution 06-363, Finding 25b (v) (Project Elements/Mitigations/Conditions – Mitigation Measure 4.3-2) shall be revised in the second paragraph to read: "Related Conditions of Approval include but are not limited to Conditions 33, 45, 46, 108, 111, 112, 120, 122-124, 146, and 147, and 188-190."
 - d) Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, Final Revised EIR dated July 2006, Final Revised Water Demand Analysis dated August 2010, and Additional Errata dated October 2010.

- e) Administrative record including material in Planning Department files PC95062 and PLN050001.
- 17a. **FINDING:** **Interior Water Use.** The interior water use estimates were made pursuant to the Monterey Peninsula Water Management District (MPWMD) fixture count, using water-saving fixtures as required by recommended conditions of approval for the Project. The number of fixtures for the market-rate lots was estimated high (5 to 6 bathrooms) even though all homes would be single-family dwellings. To ensure that the homeowner will not cause an exceedance of the subdivision's water cap, no additional fixtures may be installed unless the property owner first obtains a water permit amendment approved by MPWMD (see Condition No. 189 in **Exhibit 1**).
- 17b. **FINDING:** **Exterior Water Use.** Exterior water use was estimated using the Maximum Applied Water Allowance as described in the Model Ordinance, which relies primarily on regional evapotranspiration rates and the square footage of landscaping and water features. This method is reliable for September Ranch lots because the square footage of landscaping and exterior water features for all types of lots is limited by a condition of approval. Further, the estimates are conservative because the Model Ordinance assumes medium water-use plants, while the Project is required to use drought-tolerant / low water-use plants. The exterior water demand will be accurate even taking into account individual watering habits because under the Model Ordinance, water efficient irrigation systems will be designed for each lot, with certification that they were installed as designed. For market-rate lots, the irrigation system must have controllers equipped with soil moisture sensors to avoid overwatering. In addition, no changes in type or location of landscaping or changes to the irrigation system can be made absent evidence demonstrating that the modifications will not result in either an increase in annual water use or a reduction in water use efficiency, and the landowner first obtains written concurrence from the RMA – Planning Department and MPWMD (see Condition Nos. 188-189 in **Exhibit 1**).
- 17c. **FINDING:** **Equestrian Center Water Use.** Water use for the equestrian center was based on demonstrated historical usage (3 AFY) and may not be increased (see Condition No. 45 in **Exhibit 1**).
- 17d. **FINDING:** **Water Treatment Loss.** The water treatment loss is estimated at a maximum of 10% of total water deliveries based on a condition requiring the lowest losses feasible, from 0 to 10%. Applicants submitted Kennedy/Jenks Consultants, Technical Memorandum No. 8, which discusses several treatment options capable of achieving the required loss percentage.
- 17e. **FINDING:** **Water Conveyance Loss.** The estimated conveyance loss percentage (7%) is higher than the standard loss estimated by MPWMD (5%), and is comparable to losses in neighboring subdivisions.
- 17f. **FINDING:** **Computation of Water Treatment and Conveyance Loss.** The

treatment and conveyance losses were computed as a function of total subdivision water deliveries according to MPWMD's standard formula.

17g. **FINDING:**

MPWMD Rule 11. Pursuant to MPWMD regulations (Rule 11), if the lots' proportional share of the overall Project water limit is exceeded when more than half of the total allowed connections have been installed, MPWMD will not process new individual water permits until the system is brought back into compliance and credible expert analysis demonstrates that the system can and will remain in compliance into the future. Before the County will approve the final map for each phase, the applicant must demonstrate the subdivision water use is within MPWMD Rule 11 (see Condition No. 45 in **Exhibit 1**).

17h. **FINDING:**

Demand Data by Subdivision. The market-rate homes in other large-lot subdivisions in the Carmel Valley have used, on average, somewhat more water than the average use estimated for market-rate homes in September Ranch (0.535 AFY)—i.e., Monterra Ranch (0.58 to 0.78 AFY including caretaker units), Tehama (0.48 to 0.76 AFY including caretaker units), Santa Lucia Preserve (0.43 to 0.66 AFY). Unlike September Ranch, however, these subdivisions have no maximum limits on area for irrigated landscaping and exterior water features other than the building envelope, which averages 1.3 acres or more. At September Ranch, the outside area for water use will be limited to less than 1/10 of an acre (4,275 square feet). This difference is substantial given that outside water use is often two to three times as much as interior use. Additional subdivision-specific conditions limit September Ranch water use relative to other subdivisions—e.g., Model Ordinance compliance, specific low-water fixture limits, limitations on the landscaped acreage (see Condition Nos. 20, 33, 123, 188, 189, and 190 in **Exhibit 1**).

17i. **FINDING:**

Enforcement. The County will have sufficient means of enforcement to ensure water use at September Ranch remains at or below 57.21 AFY, including installing flow restrictors at homeowner cost if unauthorized fixture or landscaping changes are made; administrative citations; hearings; fines; and legal actions. These are in addition to the means available to MPWMD, which has committed to collaborating with the County on enforcement at September Ranch (see Condition Nos. 45, 146, 188, and 189 in **Exhibit 1**).

17j. **FINDING:**

Cumulative Impacts. The court ordered the Board of Supervisors to not take "further action approving the project without the preparation, circulation, and consideration under CEQA of a legally adequate document adopted in compliance with CEQA which properly analyzes . . . cumulative impacts as to water demand." The Revised Water Demand Analysis affirms the cumulative impacts analysis in the Revised EIR based on (1) a determination that water use will be at or below 57.21 AFY, which was the measure of Project water demand in

the Revised EIR, and (2) there is no increase in water consumed by recently built and proposed future projects.

EVIDENCE: The following evidence supports Findings 17a through 17j inclusive:

- Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, Final Revised EIR dated July 2006, Final Revised Water Demand Analysis dated August 2010, and Additional Errata dated October 2010.
- Administrative record including material in Planning Department files PC95062 and PLN050001.

18. FINDING:

FINDINGS PURSUANT TO CEQA GUIDELINES §15091. The Board certifies that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final Revised EIR. No new impacts have been identified.

- EVIDENCE:**
- a) The Administrative Record which includes the application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development found in Project Files PC95062 and PLN050001.
 - b) See Findings 16 and 17-17j inclusive.
 - c) The Final EIR as supplemented by the Final Revised Water Demand Analysis evaluates the potential environmental impacts of the Project and recommends feasible mitigation measures to reduce impacts to a less than significant level. These measures are included as conditions of project approval as described in the record, in these findings, in Resolution No. 06-363, and as set forth in **Exhibit 1**.
 - d) The Compliance or Monitoring Action in Mitigation Measure 4.3-1 (Condition No. 146 in **Exhibit 1**) was modified in the Final Revised Water Demand Analysis and the Additional Errata dated October 2010. The mitigation measure, as modified, is equivalent or more effective in mitigating or avoiding the potential environmental impacts because the modifications clarify the specific reporting requirements for compliance with the water cap and provide enforcement actions to correct overuse.
 - e) In accordance with CEQA and the CEQA Guidelines, a Mitigation Monitoring and Reporting Plan (**Exhibit 1**) has been prepared for the Project. The Board is adopting a Mitigation Monitoring Reporting Plan as part of its action herein. See Finding 22.
 - f) Various documents and other materials constitute the record upon which the Planning Commission bases its findings and its recommendations. The location and custodian of these documents and materials is the Monterey County Resource Management Agency – Planning Department, 168 West Alisal Street, Salinas, California.

19. FINDING:

PLANNING COMMISSION HEARINGS. The Planning Commission conducted a duly noticed public hearing on the Project on September 8, 2010 to consider the Final Revised EIR and the Project. Written and verbal public comment and staff input was received and

considered. The Planning Commission, by a vote of 6 to 4, recommended that the Board of Supervisors certify the Final Revised EIR, approve the Project, and adopt the Mitigation Monitoring and Reporting Plan.

- EVIDENCE:**
- a) A public notice for the hearing on the Project was published in the *Monterey County Herald* on August 29, 2010.
 - b) Public notices were mailed to the property owners within 300 feet of the project site and interested parties on August 25, 2010.
 - c) Public notices were posted in three different public places on and near the property at 10:30 a.m. on August 27, 2010. The notices were posted:
 - On the property entry gate;
 - On the address marker for the property on Carmel Valley Road;
 - On the fence next to the bus stop near Brookdale Road.
 - d) Administrative record including material in Planning Department files PC95062 and PLN050001.

20. FINDING:

CERTIFICATION OF THE REVISED EIR. The Board certifies that it has been presented with the Final Revised EIR as supplemented by the Final Revised Water Demand Analysis and that it has reviewed and considered the information prior to approving the Project and prior to making the findings and approvals contained herein. Pursuant to 14 Cal. Code Regs. §15090, the Board certifies that the Final Revised EIR as supplemented by the Final Revised Water Demand Analysis has been completed in accordance with the California Environmental Quality Act and the CEQA Guidelines contained at Title 14, California Code of Regulations. The Board certifies the Final Revised EIR as supplemented by the Final Revised Water Demand Analysis for the actions described in these findings. The Board further certifies that the Final Revised EIR as supplemented by the Final Revised Water Demand Analysis reflects its independent judgment and analysis.

- EVIDENCE:**
- a) The Final Revised Water Demand Analysis, which includes the Final Revised Water Demand Analysis dated August 2010 and Additional Errata dated October 2010, analyzes the issues of water demand, water cap, and cumulative impacts as to water demand. The Final Revised Water Demand Analysis, together with the Final Revised EIR dated July 2006 which has been held by the Monterey County Superior Court to contain a legally sufficient discussion on all other issues, comprises the Final EIR for the Project.
 - b) Various documents and other materials constitute the record upon which the Planning Commission bases its findings and its recommendations. The location and custodian of these documents and materials is the Monterey County Resource Management Agency – Planning Department, 168 West Alisal Street, Salinas, California.

21. FINDING:

RECIRCULATION NOT REQUIRED. The Board of Supervisors has assessed all changes and new information identified from public

comments and staff investigation since circulation of the Revised Water Demand Analysis in August-September 2009, and based on the record as a whole finds that recirculation is not required.

- EVIDENCE:** a) Recirculation is generally not required when the only additional information clarifies or amplifies or makes insignificant modifications to the EIR, while recirculation would be required if there were significant new information showing a new significant environmental impact, a substantial increase in the severity of a previously identified environmental impact, a mitigation measure considerably different from others previously analyzed that would clearly lessen the project's environmental impacts but has not been adopted, or the draft was so fundamentally inadequate and cursory that it precluded meaningful public comment.
- b) Minor changes and edits have been made to the text, tables and figures of the Revised Water Demand Analysis, as set forth in the Errata (pages 67-71 of the Final Revised Water Demand Analysis dated August 2010) and the Additional Errata dated October 2010. Most of the changes involved tightening the conditions of approval to provide further assurance that water use at September Ranch will remain within the forecasted estimates. These changes are principally requiring more details in the required water use reporting, further requirements for irrigation equipment and water-saving interior fixtures, prohibiting subdivision phase approval absent compliance with MPWMD's Pro Rata Expansion Capacity policy, ensuring County and MPWMD entry onto individual lots for monitoring and enforcement, prohibiting changes in installed landscaping or irrigation system absent evidence that the changes will not increase water use, and limiting the total area that may be used on each lot for irrigated landscaping and exterior water features. These changes reinforce the conclusion that water demand at September Ranch will not exceed 57.21 AFY, and thereby clarify or amplify the adequate analysis in the Revised Water Demand Analysis.
- c) Additional data on water use in neighboring subdivisions has also been added to reflect acquisition of water use reports released since preparation of the Revised Water Demand Analysis, as well as correcting numerical errors and making minor adjustments to the data. This information is included in The Final Revised Water Demand Analysis dated August 2010 and the Additional Errata dated October 2010. The Board of Supervisors finds that these changes are of a minor, non-substantive nature and do not require recirculation of the Revised EIR.
- d) Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, Final Revised EIR dated July 2006, Final Revised Water Demand Analysis dated August 2010, and Additional Errata dated October 2010.
- e) Administrative record including material in Planning Department files PC95062 and PLN050001.

22. **FINDING:** **MITIGATION MONITORING REPORTING PLAN.** In accordance with CEQA and the CEQA Guidelines, the Board must adopt a mitigation monitoring and reporting plan to ensure that the mitigation measures adopted herein are implemented in the implementation of the approved project. By this resolution, the Board is adopting the Mitigation Monitoring and Reporting Plan attached to these findings as **Exhibit 1**.
23. **FINDING:** **BOARD OF SUPERVISORS HEARING.** On November 9, 2010, the Board of Supervisors conducted a duly noticed public hearing on the Project and the Final EIR as supplemented by the Final Revised Water Demand Analysis.
- EVIDENCE:** a) A public notice for the hearing on the Project was published in the Monterey County Herald on October 24, 2010.
- b) Public notices were mailed to the property owners within 300 feet of the project site and interested parties on October 22, 2010.
- c) Public notices were posted in three different public places on and near the property at on October 22, 2010. The notices were posted:
- On the "September Ranch" sign;
 - On the fence west of the Ranch entry;
 - On the fence next to the bus stop.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that having independently reviewed and analyzed the Final Revised EIR as supplemented by the Final Revised Water Demand Analysis and other evidence in the record, the Board of Supervisors hereby:

- a) Certifies the Final Revised Environmental Impact Report including the Final Revised Water Demand Analysis for the September Ranch Subdivision Project;
- b) Adopts as conditions of approval all mitigation measures and other conditions set forth in attached **Exhibit 1**;
- c) Reaffirms the Board of Supervisor's 2006 passing score for the Project;
- d) Adopts these findings in their entirety as findings for these actions and approvals pursuant to CEQA Guidelines, 14 Cal. Code Regs. §15091 and other requirements;
- e) Approves the Combined Development Permit for the September Ranch Subdivision Project consisting of 73 market-rate and 22 affordable lots (15 inclusionary and 7 deed-restricted workforce lots) subject to the recommended conditions of approval attached hereto as Exhibit 1. The Combined Development Permit encompasses the following permits and approvals: 1) a Preliminary Project Review Map and Vesting Tentative Map (**Exhibit 2**) for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area

Wastewater District for sewage disposal; 2) a Use Permit for the public/commercial use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; 4) a Use Permit for removal of a maximum of 819 protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention areas; 6) a Use Permit to allow development on slopes greater than 30 percent for affordable housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and 7) an Administrative Permit for affordable housing, equestrian center caretaker unit/public office, a tract sales office and a security gatehouse; and

f) Approves the Mitigation Monitoring and Reporting Plan set forth in **Exhibit 1** attached.

PASSED AND ADOPTED on this 9th day of November, 2010, upon motion of Supervisor Armenta, seconded by Supervisor Calcagno, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas

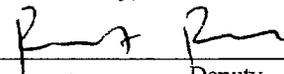
NOES: Supervisors Parker, Potter

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on November 9, 2010.

Dated: December 2, 2010

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By  Deputy

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<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
30.		PBDSP014 – OPEN SPACE (NON-STANDARD CONDITION) Prior to the filing of the final map, the applicant shall request, in writing, that Parcels A, B, and C be rezoned to Open Space (“O”). (RMA - Planning Department)	Applicant shall submit an application to the County of Monterey to rezone the property and receive approval from the Board of Supervisors for the rezoning.	Engineer/ Owner/ Applicant	Prior to filing of Final Map(s)	
31.		PBDSP015 – DEVELOPMENT IN CONSERVATION AND SCENIC EASEMENTS (NON-STANDARD CONDITION) Development within conservation and scenic easements shall be limited to biological resource conservation, environmental mitigation, driveways and compatible common open space uses as determined by the Director of Planning prior to the issuance of building permits. (RMA - Planning Department)	Submit appropriate conservation and scenic easement deed to the Planning Department for review and approval by the Director of Planning. Record easement	Owner/ Applicant	Prior to recordation of the final map. Concurrent with final map	
32.		PBDSP016 – NON-NATIVE INVASIVES (NON-STANDARD CONDITION) Prior to filing the final map applicant shall submit CC&Rs for review and approval of the Director of Planning which prohibit introduction of nonnative invasive plant species within any portion of proposed lots (such as acacia, French or Scotch broom, pampas grass), and prohibit introduction of any nonnative species outside the development/building envelope. (RMA - Planning Department)	The terms of this condition shall be included on an additional sheet of the final map and in the CC&Rs. Submit CC&Rs to the Planning Department for review and approval.	Owner/ Applicant	Prior to recordation of final map.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
36.		<p>PBDSP020 – PHASING (NON-STANDARD CONDITION)</p> <p>Phasing of the project shall be in conformance with the policies in the Carmel Valley Master Plan. Construction of the first half of the inclusionary and workforce units shall be completed prior to the issuance of the 12th building permit being issued for market rate units. Construction of the second half of the inclusionary and workforce units shall be completed prior to the issuance of the 41st building permit being issued for market rate units. (RMA - Planning Department)</p>	<p>The Applicant shall submit the final maps in accordance with the policies in the Carmel Valley Master Plan and phased according to the condition.</p> <p>The applicant shall submit documentation to demonstrate that the inclusionary and workforce units are constructed prior to the issuance of the 12th and 41st building permits for market-rate homes.</p>	Owner/ Applicant	<p>Prior to recordation of final map.</p> <p>Prior to the issuance of building permits for market rate homes</p>	
37.		<p>PBDSP021 – “B-6” COMBINING DISTRICT (NON-STANDARD CONDITION)</p> <p>Prior to the filing of the final map, the applicant shall request in writing that the northerly 494 acres currently zoned "RDR/10-D-S-RAZ" be rezoned to "RDR/B-6-D-S-RAZ" and that the southerly 393 acres zoned LDR/2.5-D-S-RAZ be rezoned to LDR/B-6-D-S-RAZ. (RMA - Planning Department)</p>	<p>Applicant shall submit an application to the County of Monterey to rezone the property and receive approval from the Board of Supervisors for the rezoning.</p>	Engineer/ Owner/ Applicant	Concurrent with each final map approval	
38.		<p>PBDSP022 – FENCING PARCELS (NON-STANDARD CONDITION)</p> <p>Prior to filing the final map, applicant shall submit CC&Rs for review and approval of the Director of Planning which limit use of fencing to designated development envelopes, and prohibit fencing of parcel boundaries in order to maintain areas for wildlife movement. (RMA - Planning Department)</p>	<p>The terms of this condition shall be included on an additional sheet of the final map and in the CC&Rs.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p>	Owner/ Applicant	Prior to recordation of the final map.	

*Before the Board of Supervisors
County of Monterey, State of California*

In the matter of the application of:

SEPTEMBER RANCH PARTNERS (CARMEL RESERVE LLC) (PLN110173)

RESOLUTION NO. 23-102

Resolution by the Monterey County Board of Supervisors:

1. Considering the Certified Final Revised Environmental Impact Report (SCH No. 1995083033) for the September Ranch Subdivision Project and find adoption of the General Plan amendment and rezone ordinance does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162;
2. Adopting a resolution amending the Monterey County 2010 General Plan to reclassify the land use designation of:
 - a. The northerly portion of Parcel A (APN: 015-172-013-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Rural Density 5+ Acres/Unit to Open Space;
 - b. The southerly portion of Parcel A (APN: 015-172-013-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 - Acres/Unit to Open Space;
 - c. All of Parcel B (APN: 015-172-015-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 - 1 Acres/Unit to Open Space;
 - d. All of Parcel C (APN: 015-172-016-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 - 1 Acres/Unit to Open Space;
 - e. The northerly portion of Parcel D (APN: 015-172-017-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Rural Density 5+ Acres/Unit to Open Space;

- f. The southerly portion of Parcel D (APN: 015-172-017-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 – 1 Acres/Unit to Open Space;
- g. The northerly portion of Lot 22 (APN: 015-172-042-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Rural Density 5+ Acres/Unit to Residential – Low Density 5 - Acres/Unit; and
- h. The southerly portion of Lot 29 (APN: 015-172-049-000) and Lot 30 (APN: 015-172-050-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 - 1 Acres/Unit to Residential – Rural Density 5+ Acres/Unit.

[Approximately 2.5 miles east of Highway 1 on the north side of Carmel Valley Road, between Canada Way and Valley Greens Drive, Carmel Valley (Assessor's Parcel Numbers: 015-172-017-000, 015-172-042-000, 015-172-049-000, and 015-172-050-000), Carmel Valley Master Plan.]

The SEPTEMBER RANCH PARTNERS (CARMEL RESERVE LLC) General Plan amendment and rezone (PLN110173) came on for a public hearing before the Monterey County Board of Supervisors on March 21, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors finds and decides as follows:

RECITALS

WHEREAS, on November 9, 2010, by Resolution Number 10-312, the Board approved a Combined Development Permit (CDP) for the September Ranch Subdivision Project consisting of: (1) a Vesting Tentative Map (VTM) for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed restricted workforce housing lots) for a total of 95 residential lots; (2) a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); (3) 300.5 acres of common open space (Parcels A & C); (4) 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; and (5) 6.9 acres of open space reserved for future public facilities (Parcel B); and

WHEREAS, on December 8, 2020, by Board Order, the Board of Supervisors approved the Final Map for Phase 1 of the September Ranch Subdivision which includes a dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming lots to be developed with

market-rate homes, a parcel for inclusionary housing (Parcel F), the equestrian parcel (Parcel E), public use parcel (Parcel B), open space parcels (Parcel A & D), park parcel (Parcel C), and a parcel for future Phase 2 which may be used for inclusionary housing (Parcel G); and

WHEREAS, in compliance with Monterey County Code Chapter 21.91 and Condition of Approval No. 30 of Board of Supervisors Resolution 10-312, the agent for the owner, Carmel Reserve LLC, filed a formal request to proceed with the General Plan amendment to redesignate Parcels A, B, C and D to “Open Space”; and

WHEREAS, as specified in, and approved by the September Ranch CDP, Parcels A and C are intended for common open space, Parcel B is intended for open space reserved for future public facilities and Parcel D is intended for public open space for donation/dedication. The current Land Use Designation of these parcels, as illustrated in Carmel Valley Master Plan Figure LU3, are *Residential – Rural Density 5+ Acres/Unit* and/or *Residential – Low Density 5 - Acres/Unit*; and

WHEREAS, in order to achieve consistency between the Land Use Designation of Parcels A, B, C and D to be consistent with the intended use, a General Plan amendment shall be approved to reclassify their Land Use Designation to *Open Space*; and

WHEREAS, as illustrated in Carmel Valley Master Plan Figure LU3, the Land Use Designation for Lots 22, 29 and 30 are *Residential – Rural Density 5+ Acres/Unit* and *Residential – Low Density 5 - Acres/Unit*. To avoid confusion during future development of these lots, the General Plan amendment includes cleaning up the designation so that each lot is wholly within a single land use designation; and

WHEREAS, on February 22, 2023, in accordance with Government Code sections 65358 and 65854 – 65857, as well as Monterey County Code Chapter 21.91, the Planning Commission held a duly noticed hearing to consider recommending to the Board of Supervisors on the following:

1. A resolution to redesignate Parcels A-D and Lots 22, 29 and 30 (Attachment 1);
and
2. An ordinance (Attachment 2) to rezone Parcels A-E and Lots 1-33, 39, 40 and 73;
and

WHEREAS, on November 9, 2010, the Board of Supervisors certified the Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project as memorialized in Board of Supervisors Resolution No. 10-312. Change of use, designation and zoning were anticipated and analyzed in this FEIR; and

WHEREAS, the Board of Supervisors has considered the Certified Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project and finds adoption of the General Plan amendment and rezone ordinance does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162; and

WHEREAS, at least 10 days before the public hearing before the Board of Supervisors, notices of the hearing were published in the Monterey County Weekly, provided to all those who requested notice, and were also posted on and near the project site.

NOW, THEREFORE, be it resolved, based on the above recitals, the written and documentary evidence, the staff reports, oral testimony, and the administrative record as a whole, that the Board of Supervisors:

- a. Considers the Certified Final Revised Environmental Impact Report (SCH No. 1995083033) for the September Ranch Subdivision Project and find adoption of the General Plan Amendment and rezone ordinance does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162;
- b. Adopts a resolution amending the Monterey County 2010 General Plan to reclassify the land use designation of:
 - a. The northerly portion of Parcel A (APN: 015-172-013-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Rural Density 5+ Acres/Unit to Open Space;
 - b. The southerly portion of Parcel A (APN: 015-172-013-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 - Acres/Unit to Open Space;
 - c. All of Parcel B (APN: 015-172-015-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 - 1 Acres/Unit to Open Space;
 - d. All of Parcel C (APN: 015-172-016-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 - 1 Acres/Unit to Open Space;
 - e. The northerly portion of Parcel D (APN: 015-172-017-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Rural Density 5+ Acres/Unit to Open Space;
 - f. The southerly portion of Parcel D (APN: 015-172-017-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 – 1 Acres/Unit to Open Space;
 - g. The northerly portion of Lot 22 (APN: 015-172-042-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Rural Density 5+ Acres/Unit to Residential – Low Density 5 - Acres/Unit; and
 - h. The southerly portion of Lot 29 (APN: 015-172-049-000) and Lot 30 (APN: 015-172-050-000), as shown in Carmel Valley Master Plan Figure LU3, from Residential – Low Density 5 - 1 Acres/Unit to Residential – Rural Density 5+ Acres/Unit.

All in substantial conformance with the attached documents (**Exhibit 1**).

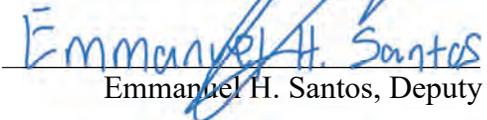
PASSED AND ADOPTED on this 21st day of March 2023, by roll call vote:

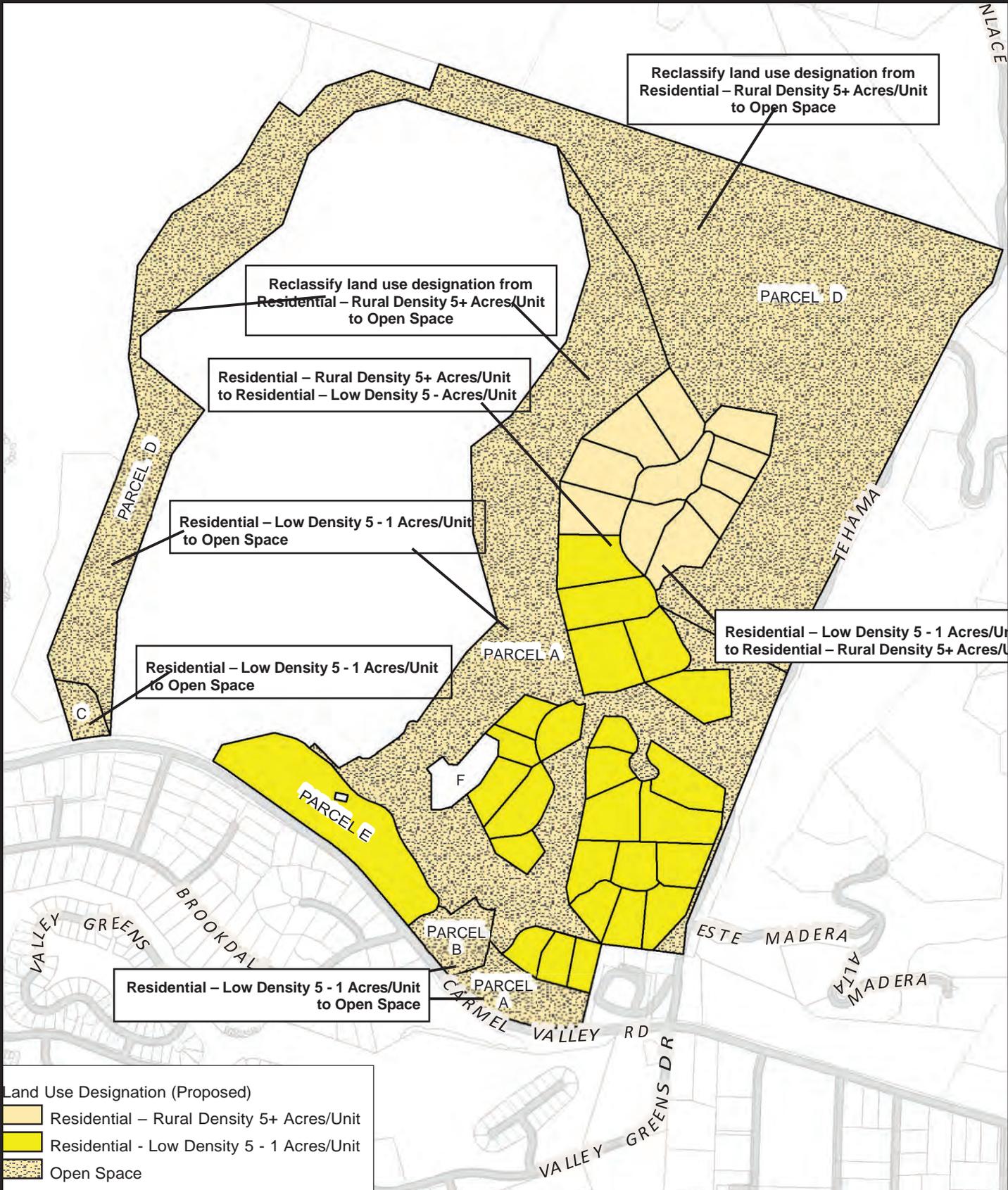
AYES: Supervisors Alejo, Church, Lopez, Askew, and Adams
NOES: None
ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on March 21, 2023.

Dated: March 24, 2023
File ID: A 23-044
Agenda Item No. 8

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Emmanuel H. Santos, Deputy

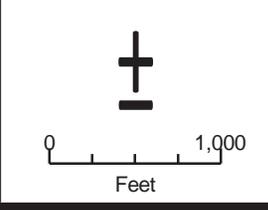


Land Use Designation (Proposed)	
	Residential – Rural Density 5+ Acres/Unit
	Residential - Low Density 5 - 1 Acres/Unit
	Open Space

Monterey County 2010 General Plan Amendment

PROJECT: PLN110173 SEPTEMBER RANCH PARTNERS

APN: 015-172-013-000, 015-172-015-000, 015-172-016-000, 015-172-017-000,
015-172-042-000, and 015-172-049-000



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Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066
www.co.monterey.ca.us

Board Order

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to:

- a. Approve the Final Map for Phase 1 of the September Ranch Subdivision which includes dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming lots to be developed with market rate homes, a parcel for inclusionary housing (Parcel F), the equestrian parcel (Parcel E), public use parcel (Parcel B), open space parcels (Parcels A & D), park parcel (Parcel C), and a parcel for future Phase 2 which may be used for inclusionary housing (Parcel G);
- b. Approve and accept a Conservation & Scenic Easement Deed conveyed to the County over Parcel "B" restricting that parcel to open space for future public facilities as required by Condition of Approval #3 of Combined Development Permit for the September Ranch Subdivision Project, and authorize the Chair to sign the Acceptance and Consent to Recordation;
- c. Approve and accept a Conservation & Scenic Easement Deed conveyed to the County over those portions of the property outside of the building and/or development envelopes as required by Condition of Approval #3 of Combined Development Permit for the September Ranch Subdivision Project, and authorize the Chair to sign the Acceptance and Consent to Recordation;
- d. Approve and accept an Irrevocable Offer to Dedicate to Monterey County and authorize the Chair to sign the Acceptance and Consent to Recordation for:
 1. "Parcel C" for park and recreational purposes (Condition #100);
 2. A twenty (20) foot public recreational trail easement over the westerly boundary of the September Ranch Subdivision to provide public access from Carmel Valley Road to Jacks Peak County Park (Condition #101); and
 3. "Parcel D" to be managed as part of Jacks Peak County Park in perpetuity (Condition #106);
- e. Approve the Subdivision Improvement Agreement for Phase 1 of the September Ranch Subdivision and authorize the Chair to execute the Agreement and authorize the Chair to sign bank instructions for the \$6.5M deposit made by Carmel Reserve LLC for Financial Security for the Subdivision Improvement Agreement;
- f. Accept the Tax Clearance Letter;
- g. Accept the Subdivision Map Guarantee;
- h. Approve the Inclusionary Housing Agreement and Authorize the Director of County Housing and Community Development to execute the agreement; and
- i. Direct the Clerk of the Board to submit the Final Map and other associated documents to the County Recorder for filing for record upon satisfactory proof of deposit of the financial security for the Subdivision Improvement Agreement, subject to the collection from the applicant of the applicable recording fees.

PASSED AND ADOPTED on this 8th day of December 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

(Government Code 54953)

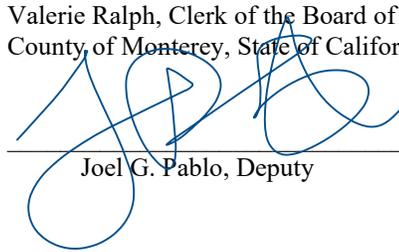
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting December 8, 2020.

Dated: January 8, 2020

File ID: A 20-512

Agenda Item No.: 76

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Joel G. Pablo, Deputy

Exhibit I

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FENTON & KELLER

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ALEX J. LORCA

June 5, 2025

ALorca@fentonkeller.com
ext. 258

VIA EMAIL (JENSENF1@COUNTYOFMONTEREY.GOV) AND US MAIL

Fionna Jensen
Principal Planner
County of Monterey Housing & Community Development
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901

Re: 115/117 Monterey Salinas Highway
Our File: 30386.26927

Dear Fionna:

Thank you again for our virtual meeting last Friday to discuss our client's property located at 115/117 Monterey Salinas Highway ("Property"), and the language to be used in designating it as a Special Treatment Area in the Central Salinas Valley Area Plan.

As discussed, to facilitate the County's desire to use streamlined language to describe allowed uses and operations at the Property in the Special Treatment Area, we write to more fully memorialize the historic and ongoing uses of the Property so that they may be principally permitted and allowed at the Property going forward. To that end, please find enclosed photographs of the Property and the current uses and operations at the Property.

Also, historic uses at the Property can be generally described as: retail and commercial nursery and associated uses; landscape and landscaping materials (including ornamental) sales and supply; erosion control, soils amendments, property improvement materials sales and rentals; various prepackaged material sales; delivery operations; cultivation and agricultural related services and supplies; retail fruit and vegetable sales; related industry and seasonal events and sales such as Christmas trees; tree and gardening maintenance supplies; delivery truck and vehicle storage and parking; small scale ready mixed concrete batch plant and facility; associated administrative uses, including employee and customer parking.

Fionna Jensen
June 5, 2025
Page 2

Our client kindly requests this letter and its attachments be placed in County files related to the Property and the Special Treatment Area for reference in the future, if necessary.

Sincerely,

FENTON & KELLER
A Professional Corporation

A handwritten signature in blue ink, appearing to read 'Alex J. Lorca', with a long horizontal stroke extending to the right.

Alex J. Lorca

AJL:moi
Enclosure: Photographs
cc: Don Chapin

115/117 Monterey Salians Highway
Enclosure to June 5, 2025 letter





































Exhibit J

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COUNTY OF MONTEREY



AGRICULTURAL COMMISSIONER'S OFFICE
JUAN HIDALGO, AGRICULTURAL COMMISSIONER/SEALER
1428 ABBOTT STREET – SALINAS, CALIFORNIA 93901
PHONE: (831) 759-7325 FAX: (831) 422-5003
countyofmonterey.gov/agcomm

MEMORANDUM

Date: February 12, 2026
To: Mary Israel, Supervising Planner, County of Monterey, HCD- Planning
Fionna Jensen, Principal Planner, County of Monterey, HCD- Planning
From: Nadia Ochoa, Agricultural Resources and Policy Manager, Agricultural Commissioner's Office
Subject: Planning Project File No. PLN190243- Cumming (APN 420-063-014)- Special Treatment Area application for outdoor cannabis production

Thank you for the opportunity to review and comment on Planning Project File No. PLN190243. The project description is as follows:

Amendment to the 2010 General Plan (South County Area Plan) to create a Special Treatment Area that would allow outdoor commercial cannabis cultivation (20,000 square foot canopy). The property is located at 50700 Thompson Canyon Road (PRIVATE ROAD), King City (Assessor's Parcel Number 420-063-014-000), Central Salinas Valley Area Plan.

The Agricultural Commissioner's Offices throughout California are often consulted with on establishment of proposed cannabis grows (indoor and outdoor grows) and any issues of incompatibility with other types of agricultural operations, such as row crops and vineyards. These potential conflicts include pesticide drift onto the cannabis plants from conventional farming, or cannabis taint onto the neighboring conventional farming operation. Cannabis is particularly sensitive because no pesticides are federally registered for use on cannabis, and in California, there is strict testing for pesticide residues on cannabis; with limited exceptions, any finding of pesticide residue on cannabis would render the cannabis contaminated and invalid for sale. The Agricultural Commissioner's Office, when consulted on proposed land use applications for cannabis grows, provides a case-by-case analysis with suggested protection measures, such as integrating field management and spatial strategies.

The following is the analysis for the subject planning application (PLN190243) with recommended considerations:

The applicant proposes a total of approximately 20,000 square feet (less than 0.5 of an acre) of canopy area in an outdoor cannabis grow operation on a property of approximately 120 acres designated as Permanent Grazing. In reviewing the subject site and surrounding registered agricultural operations, we find the nearest row crop operation to the northwest is approximately two miles away and a vineyard operation is approximately three miles away to the east of the subject site. It is the opinion of this office that the location of the proposed cannabis grow is relatively isolated, due to topography and distance from conventional farming operations, reducing the potential risk of pesticide drift. Our office has no

additional recommendations at this time. However, it is important to remember that agricultural operations in the area may change in the future and additional protective measures should be considered at that time by both the cannabis operator and neighboring agricultural operations to prevent incompatibility issues. Below is a list of preventive measures to consider:

- Vegetation and/or fencing screening.
- Implementation of planting setbacks between cannabis and other conventional commodities to increase proximity distances.
- If applicable, for indoor grows, closing vents of cannabis greenhouses/buildings during conventional agricultural neighbor's application of chemicals.
- Careful consideration should be given to the type of pesticide application equipment used to reduce drift potential, including proper equipment calibration and appropriate nozzle size.
- Environmental factors must be taken into account prior and during a pesticide application, including proximity to neighboring crops, wind speed, and wind direction.
- Chemistries that aid in reducing drift should be considered such as drift retardants and adjuvant stickers.

Constant communication with agricultural neighbors is extremely important to stay informed of practices and activities that may have an impact on operations.

If you have any questions, please contact me directly at 831-759-7384 or by email at OchoaN1@countyofmonterey.gov

Exhibit K

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Introduction - Light Commercial Zones.

Multiple studies and industry reports provide insights into the sizes of commercial centers in the United States. Towns and villages often have populations under 5,000, as noted in US Census Bureau analyses, which influences the scale of such centers. Key sources include classifications from the International Council of Shopping Centers (ICSC) and historical planning reports from the American Planning Association (APA).

These typically express sizes in gross leasable area (GLA) in square feet, land area in acres, and trade area population or radius. Below are findings on actual and recommended/ideal sizes, including estimates in acres per 1,000 inhabitants where available.

National Results.

Data on actual sizes are derived from surveys of existing developments, often aggregated at a national or regional level rather than isolated to rural areas. The ICSC's U.S. Shopping Center Classification (2017, with ongoing relevance) categorizes smaller centers as follows, based on a survey of over 115,000 centers nationwide:

- **Convenience/Strip Centers:** These are the smallest, typically serving immediate local needs (e.g., gas stations, small stores). Average GLA: 13,218 square feet; typical range: under 30,000 square feet; land area: under 3 acres. Trade area: less than 1 mile, often supporting populations of 1,000 – 5,000 in low-density areas.
- **Neighborhood Centers:** Common in small towns, anchored by a supermarket or similar. Average GLA: 71,827 square feet; typical range: 30,000 – 125,000 square feet; land area: 3 – 5 acres. Trade area: 3 miles, typically supporting 15,000–20,000 people (based on 6,000–8,000 households at 2.5 persons per household).

A 1952 APA report on market analysis for shopping centers provides historical context, noting neighborhood centers in smaller communities served 1,000–4,000 families (approximately 2,500 – 10,000 people) within a 2/3-mile diameter area, with *GLA ranging from 2.9 to 37.6 square feet per person*.

More recent U.S. Energy Information Administration data (2012) indicate the average commercial building size in rural areas is around 16,300–19,000 square feet, though this is per building and not per center. Nationally, the U.S. has about 24 square feet of shopping center GLA per capita, but this includes larger urban malls and is lower in rural areas (e.g., *10 – 15 square feet per capita in small towns*, based on trade area extrapolations).

In terms of land area per 1,000 inhabitants: for a neighborhood center serving 15,000 – 20,000 people on 3–5 acres, this equates to approximately 0.15 – 0.33 acres per 1,000 inhabitants (calculated as total acres divided by population in thousands).

Recommendations emphasize sustainability, fiscal impact, and alignment with population density, as outlined in planning guidelines. The ICSC classifications serve as de facto standards for ideal sizes, promoting efficient land use:

- *Convenience/Strip Centers: Ideal for villages under 5,000 people; recommended land area under 3 acres for trade areas of 1,000 – 5,000 people (approximately 0.6 – 3 acres per 1,000 inhabitants).*

- Neighborhood Centers: Suitable for small towns of 5,000–20,000; recommended 3 – 5 acres for 15,000–20,000 people (0.15 – 0.33 acres per 1,000 inhabitants). GLA should be 4 – 6 square feet per person to avoid overbuilding.

The APA's 1952 report suggests an *ideal GLA of 20 – 30 square feet per person for neighborhood centers in low-density areas, translating to 3 – 10 acres total (including parking at 40% site coverage) for 5,000 – 10,000 people (0.3 – 2 acres per 1,000 inhabitants).*

U.S. Environmental Protection Agency guidelines for rural smart growth recommend clustering commercial development in existing town centers or hamlets, without specific per capita metrics, to preserve rural character and limit sprawl to nodes rather than highways.

Local Results - Table 1.

See Appendix 1 for Monterey County GIS maps of each location.

Location	LC, Acres (~sqft) [^]	Population, CDP 2020 Census	LC Acres / 1,000 Residents	Normalized* LC Range, Acres	Notes
Bradley	2.6 (114,000)	69	37.7	0.04-0.21	LC is over 10X bigger than the nationwide largest average area of 3 / 1,000
Lockwood	142 (6,180,000)	368	385.9	0.22-1.10	LC is over 125X bigger than the nationwide largest average area of 3 / 1,000
Pleyto	139 (6,050,000)	150	926.7	0.09-0.45	LC is over 300X bigger than the nationwide largest average area of 3 / 1,000. Pleyto pop. estimated, has not been on Census since 1965 when the village was flooded by nearby lake
San Ardo	0.6 (28,000)	392	1.5	0.24-1.18	LC is approx. 0.5X the size of the nationwide largest average area of 3 / 1,000
San Lucas	4.5 (195,000)	324	13.9	0.19-0.97	LC is approx. 5X the size of the nationwide largest average area of 3 / 1,000
Spreckels	9.5 (416,000)	692	13.7	0.42-2.08	LC is approx. 5X the size of the nationwide largest average area of 3 / 1,000
	[^] 1 acre is 43,560 sqft			* LC acres at the national average of 0.6–3 acres per 1,000 inhabitants	

Challenges in Rural Zoning for Mixed-Use Development.

Rural zoning for mixed-use development in the United States refers to land-use regulations that permit the integration of residential, commercial, agricultural, and sometimes institutional or recreational uses within

rural areas, which are typically characterized by low population densities, agricultural lands, and open spaces.

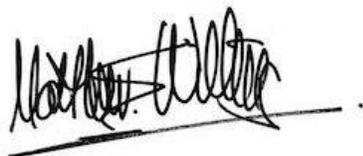
Unlike urban or suburban zoning, rural frameworks often prioritize the preservation of farmland, natural resources, and community character while addressing economic needs such as revitalizing main streets or providing housing options. This approach contrasts with traditional single-use zoning, which separates functions to minimize conflicts but can lead to sprawl and inefficiencies in rural contexts. Below, I outline key aspects, challenges, benefits, and implementation strategies based on established planning guidelines and reforms.

Rural zoning codes frequently stem from outdated models that emphasize large-lot requirements and strict separation of uses, originating from early 20th-century efforts to protect communities from industrial nuisances. These can hinder mixed-use projects by:

- Promoting sprawl and blight, which pushes development to community outskirts, increasing costs for roads, utilities, and services while eroding historic main streets as economic and social hubs.
- Contributing to farmland loss, as uncoordinated growth encroaches on agricultural lands essential for rural economies and identities.
- Limiting housing diversity, often favoring single-family homes on large lots, which restricts affordable options for families, seniors, and young professionals, accelerating population decline in rural areas.
- Creating regulatory barriers, such as inflexible codes that do not accommodate blended uses, leading to higher development costs and delays in obtaining variances or special permits.

Summary & Recommendations.

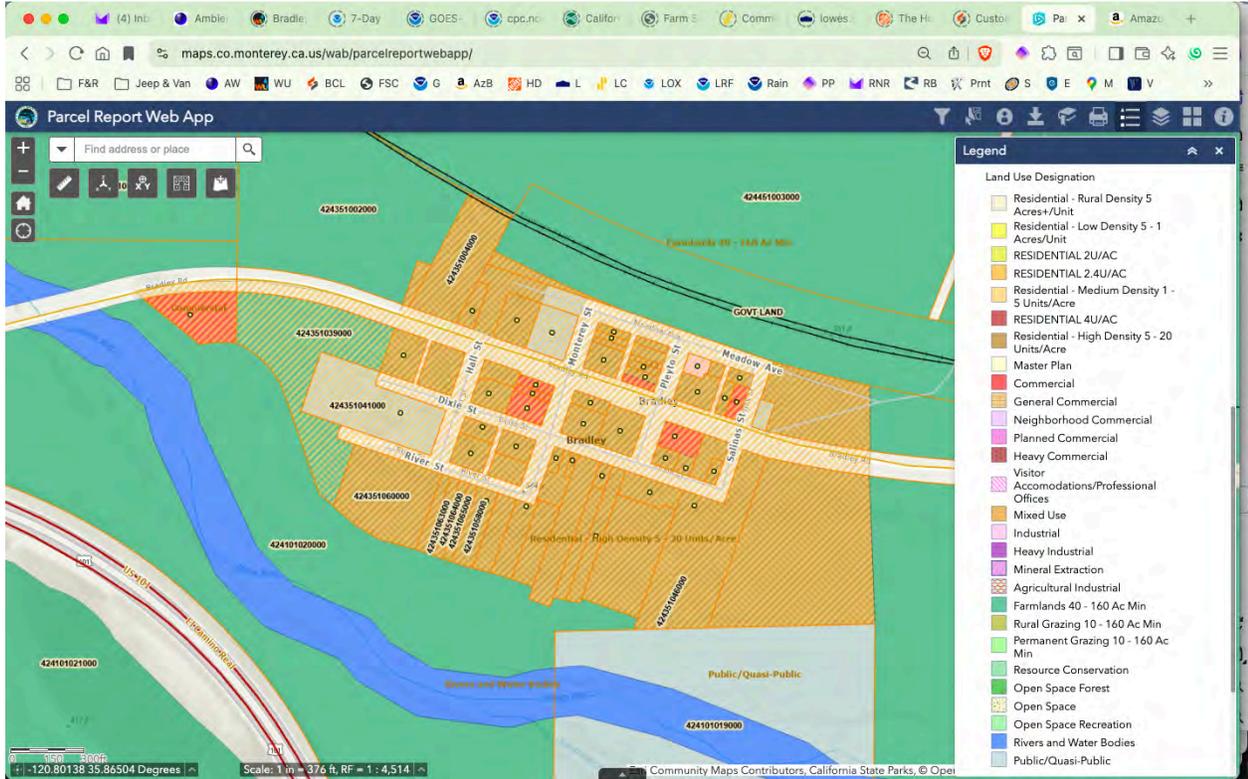
1. The size of the Lockwood LC Zone and the area of the Rural Center are vastly out of all proportion to the current and any future requirements of the local population.
2. Existing LC Zones in the South County are often far larger than needed, and when combined with the adjacent Industrial Zones are so extensive that they are subject to extended vacancy and blight.
3. The LC Zoning itself is antiquated. Rural zoning for mixed-use development offers a pathway to economically viable communities, but requires thoughtful reforms to overcome historical rigidities.
4. The LC Zone in Lockwood could be removed in its entirety and replaced with up to one acre of rural mixed-use zoning, which would be in line with the actual population and with national trends. This would be more than adequate, given that the only part of the LC Zone in the area that is developed for public use is entirely vacant and has been empty for some time.



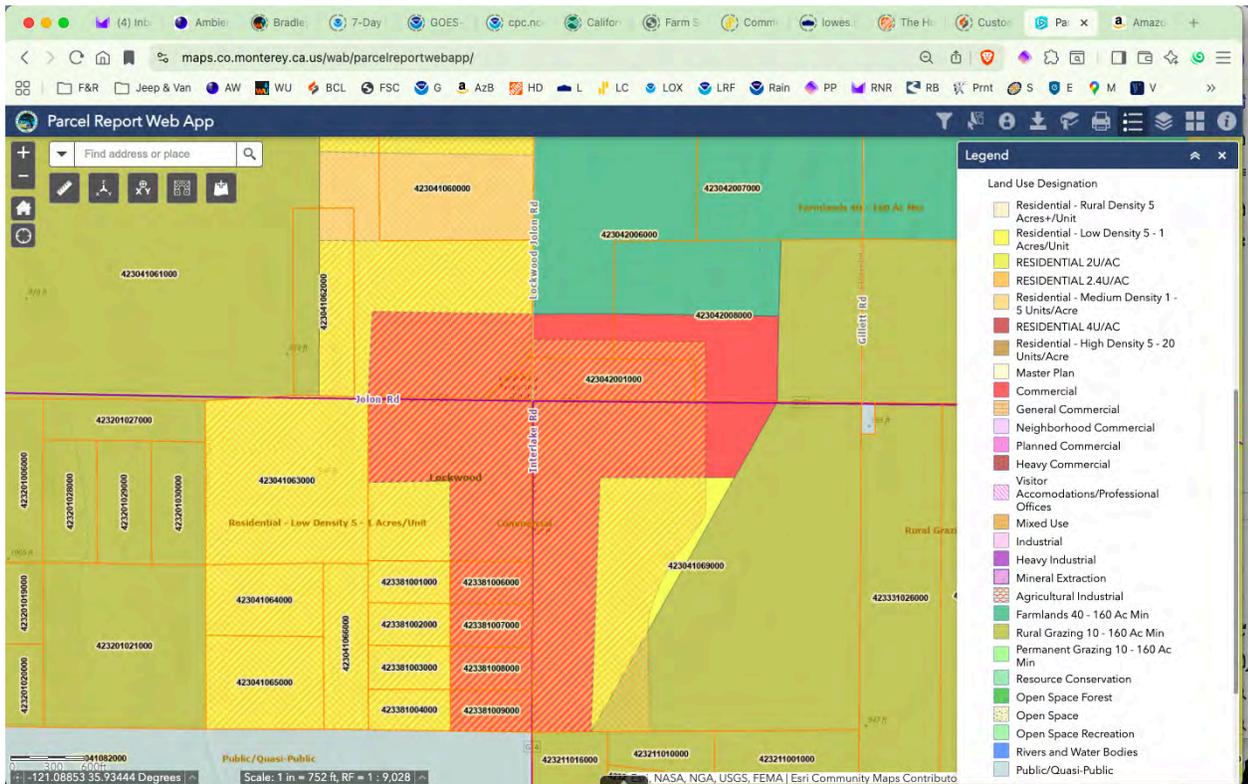
Matthew G. Willis, PhD. Lockwood, CA. February 08, 2026

Appendix 1. Map scales vary.

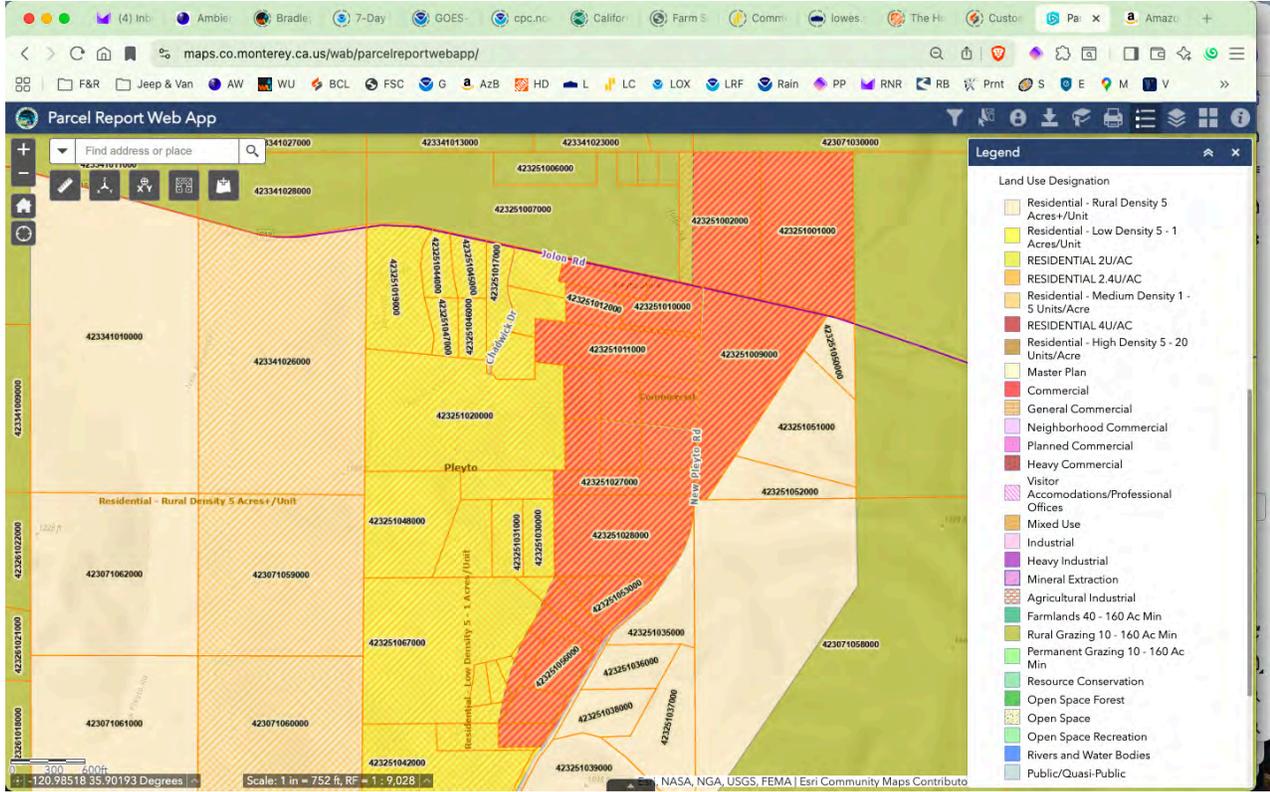
Bradley



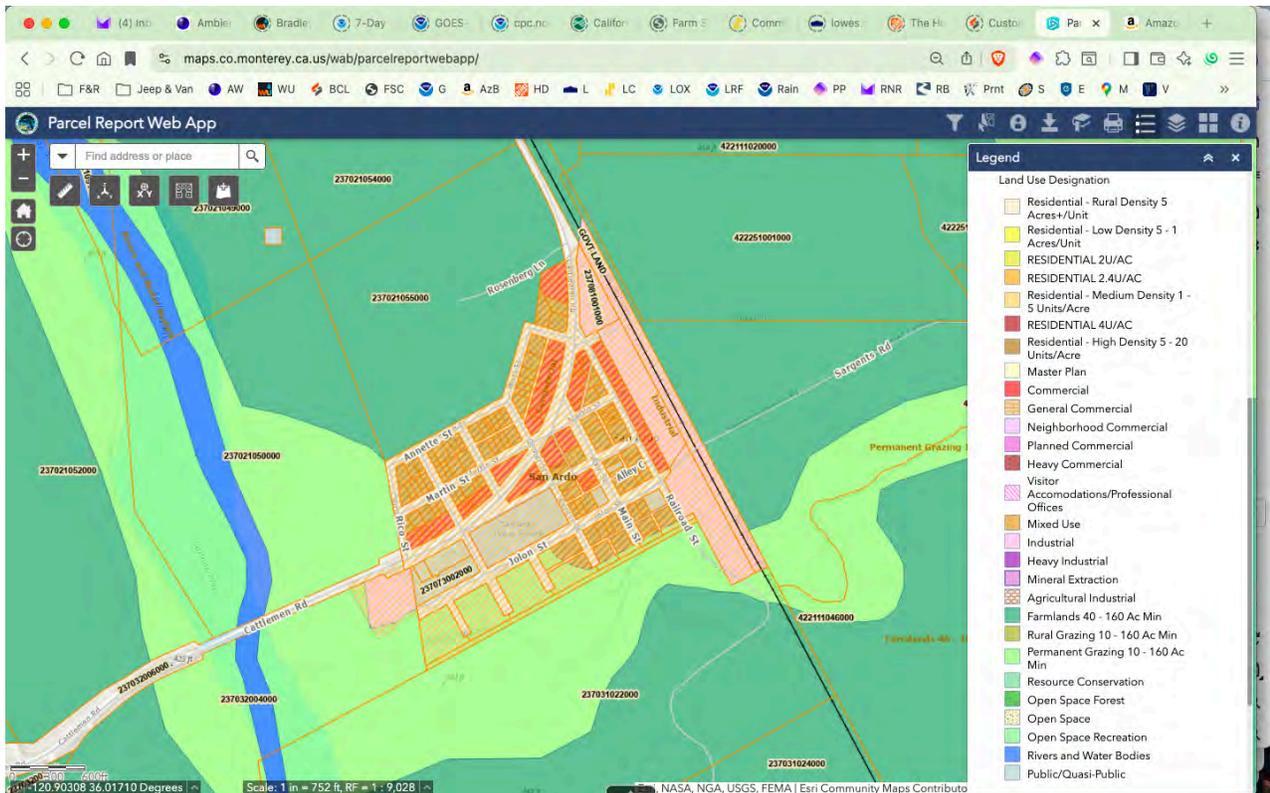
Lockwood



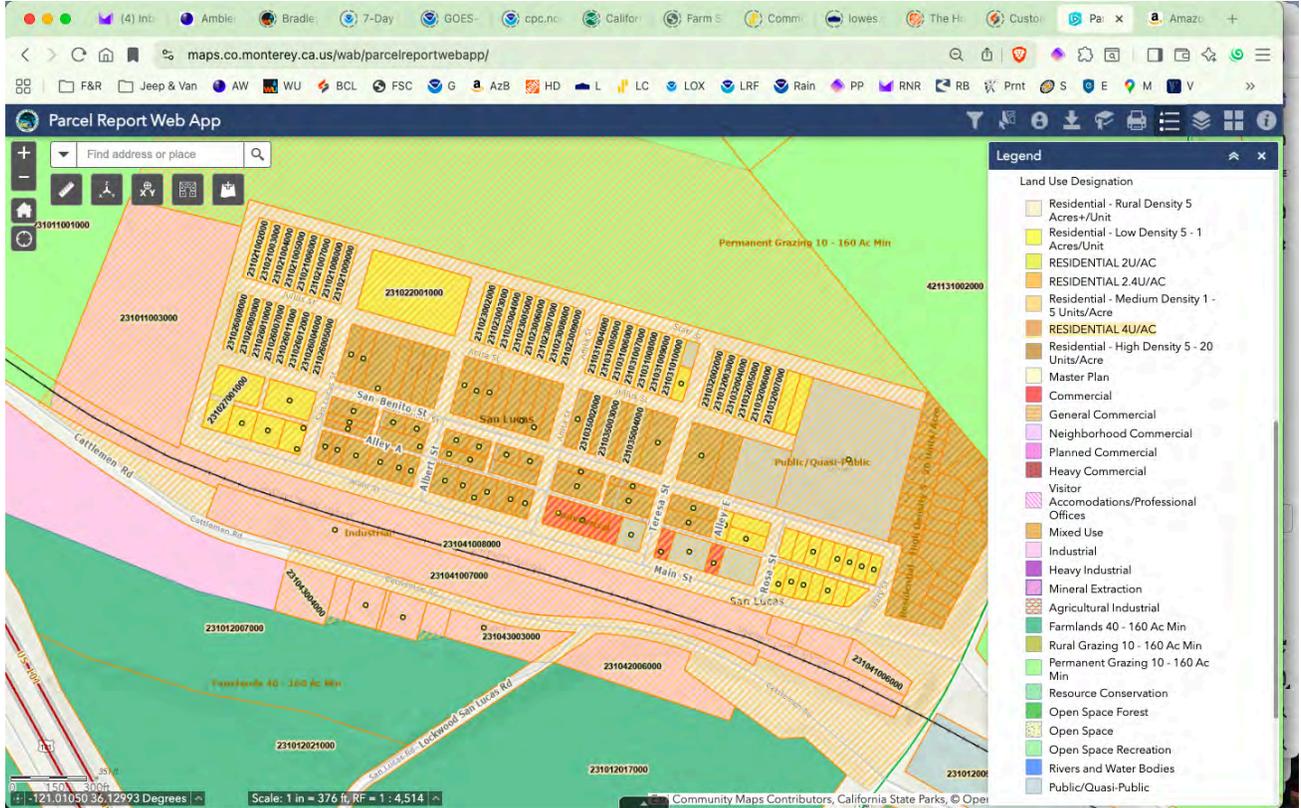
Pleyto



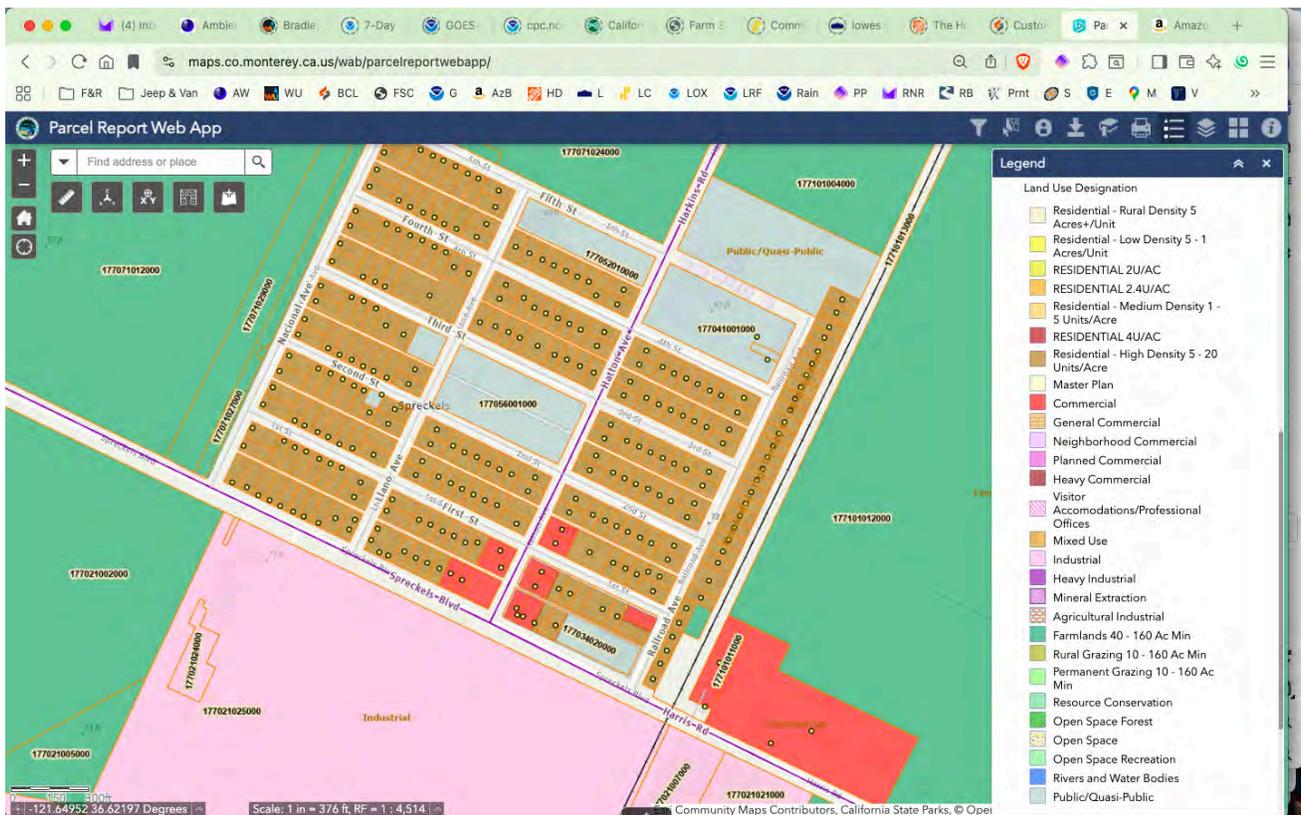
San Ardo



San Lucas



Spreckles





County of Monterey

Item No.7

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 26-032

February 25, 2026

Introduced: 2/19/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLANNING COMMISSION REFERRALS



**County of Monterey
Planning Commission**

Agenda Item No.7

Legistar File Number: PC 26-032

Item No.7

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

February 25, 2026

Introduced: 2/19/2026

Version: 1

Current Status: Agenda Ready

Matter Type: Planning Item

PLANNING COMMISSION REFERRALS

Exhibit A

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County of Monterey Planning Commission Referrals

MEETING:	2/25/2026	
SUBJECT:	Planning Commission Referrals	
DEPARTMENT:	Housing & Community Development Department	

Item #	PC Ref #	Assignment Date	Referred By	Planner	Item	Report	Status
1	18.08	7/25/18	Diehl/Daniels	TBD	Request for an update on Tiny Homes. Referral revised 09/08/2021 by Commissioner Diehl requested the matter be revisited in light of recent State and local policy direction on ADUs	A report was be provided to the Planning Commission January 11, 2022 on the Inland ADU Ordinance and EHB Policies. A report on tiny homes was presented at a meeting in April 2022. The Planning Commission requested a follow up based upon further analysis by staff. During the October 26, 2022 meeting the Planning Commission requested informtation on approved and pending ADU applications. Staff presented additional ADU information in conjunction with the periodic housing pipeline report on December 7, 2022. Staff will return to the Planning Commission in the first half of 2026 to discuss the County's policy on tiny homes/tiny homes on wheels for use as temporary and/or permanent housing. Staff recently responded to a related public inquiry from Big Sur, and staff's response was provided to the Commission at it's 9/24/2025 meeting.	Pending
2	26.01	10/31/2018, 3.29.2023, updated 01.18.2026	Diehl & Mendoza	Gonzales/Fowler (EHB)	Disaster Recovery Efforts, Status, and Process improvements - This referral combines prior referrals 18.11 (Wildfire Rebuilds) and 22.7 (Pajaro Disaster Recovery) to provide a more comprehensive periodic update on disaster recovery efforts, determining where hurdles exist, and brainstorming ways to improve. Response will include wildfire recovery 2015 to date and major flood recovery including Pajaro.	<p>Staff proposes to merge 2 referrals and provide one comprehensive recurring annual spring/summer update report and discussion at the Planning Commission regarding disaster recovery efforts, status, and process improvements. Staff anticipates returning to the Commission in spring 2026.</p> <p>>Wildfire rebuild update reports Reports were provided to the Planning Commission on April 24, 2024 and September 25, 2024.</p> <p>>Monthly updates are presented to the Pajaro Regional Flood Management Agency regarding Pajaro River at Watsonville Project, including a project map, and can be accessed at https://www.prfma.org/meeting-agendas.</p> <p>>The County of Monterey Department of Emergency Services maintains the Pajaro Recover webpage, and updated information on recovery efforts can be accessed at https://www.readymontereycounty.org/recover/pajaro-recovery.</p>	Ongoing (Annual)

Item #	PC Ref #	Assignment Date	Referred By	Planner	Item	Report	Status
3	19.01	11/13/19	Diehl	Marshall	Request Staff to return with a semi-annual status report regarding any workforce housing or affordable housing applications within the County.	This semi-annual report "housing pipeline" report was presented to the Planning Commission at its April 9, 2025 meeting, combined with the annual housing element report. A subsequent mid-year status update was provided at the December 10, 2025 meeting.	Ongoing (Semi-Annual)
4	21.1	9/8/21	Getzelman	Wikle	Request for update to the Wireless Telecommunication Ordinance and establish objective design standards	Planning staff worked with the Planning Commission Ad Hoc committee on an update to the ordinance and the objective design criteria. An Ad Hoc meeting to discuss the draft ordinance was conducted on December 20, 2021. Per Ad Hoc direction, certain sections of the draft ordinance are to be revised and brought back for further Ad Hoc review. The Wireless Telecommunications Ordinance remains on the Long-Range Planning Work Program for FY 2025-26, however, it is not yet assigned and active. A status update was presented to the Planning Commission on April 9, 2025 as part of the General Plan/Housing Element Annual Report and Long-Range Planning Work Program.	Ongoing
5	22.2(b)	3/9/22	Diehl	Sanchez	Request for a semi-annual status update on the required Community Plans for all Community Areas designated in the 2010 General Plan plus Coastal Land Use Plans updates.	Semi-Annual status updates to be provided January and July each year. First quarterly of 2025 presented January 8, 2025 and mid-year update provided September 2025. The next semi-annual update will be provided to the Commission during the first quarter of 2026, and will be presented in tandem with the Commission's consideration of the Annual General Plan Implementation Report and Long-Range Work Program priorities for 2026-27.	Ongoing (Semi-Annual)

Item #	PC Ref #	Assignment Date	Referred By	Planner	Item	Report	Status
6	22.3	3/30/22	Diehl	Sanchez	Request for semi-annual progress on drafting a Development Evaluation System as directed by General Plan policy. **Respond with Referral 22.2(b)	<p>The Development Evaluation System (DES) remains a high priority item on the Long-Range Planning Work Program for the current Year 2024-2025. A status update was presented to the Planning Commission on April 24, 2024 as part of the General Plan/Housing Element Annual Report and Long-Range Planning Work Program, then again on June 26, 2024 and September 25, 2024. At the 9/25/24 meeting, PC requested staff include with each quarterly update a list of projects that processed/are in process that would have used DES if it were in place.</p> <p>As of September 24, 2025, there has been no activity related to DES, and it remains a priority project via the General Plan/Housing Element Implementation and Long-Range Planning Work Program for Years 25-26 and staff anticipates merging this effort with Housing Element Sixth Cycle implementation moving forward. At its 9/10/25 meeting, the Commission requested that updates regarding DES be integrated and included in the updates for Referral 22.2(b) regarding community and land use plans status. This referral will be next updated with the first 2026 report to the Commission for Referral 22.2(b).</p>	Ongoing (Semi-Annual)
7	22.5	9/14/22	Diehl	Guthrie	Request status and process for updating the Housing Element including opportunities for public involvement.	<p>The Draft Housing Element Sixth Cycle Update (Draft HEU6) was submitted to the California Department of Housing and Community Development (CA HCD) on August 29, 2024 for CA HCD's 90-day review period ending November 19, 2024. A status update was presented to Planning Commission on January 8, 2025 and staff received Board of Supervisors direction at its March 11, 2025 meeting and an updated Draft HEU6 was resubmitted for 2nd 60-day State HCD review on June 26, 2025. Staff received CA HCD's findings letter on August 25, 2025 and on 2/17/2026 County HCD released the third draft HEU6 for a seven-day public comment period through Tuesday, February 23, 2026 accessible at https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development/planning-services/advance-planning/ordinances-plans-under-development/general-plan-elements-updates.</p>	Ongoing

Item #	PC Ref #	Assignment Date	Referred By	Planner	Item	Report	Status
8	22.6	9/14/22	Diehl	Beretti	Request to consider a draft zoning code amendment providing flexibility for open framework structures to exceed lot coverage and revisit the regulations related to structural connections between primary and accessory structures.	Planning staff will present at future meeting. Any interested party may request an interpretation related to these matters in the interim.	Pending
9	23.1	11/8/23	Shaw	TBD	Request to consider revising County Code to increase public notice requirements for actions requiring public hearings to all owners of real property within three hundred (300) feet of the real property that is the subject of the public hearing for properties, to five hundred (500) feet.	Planning staff will present at a future meeting, in combination with PC Referral 24.3.	Pending
10	24.1	5/29/24	Mendoza/Work	Alameda	Request presentation regarding rebuild status of property in Pajaro just one bridge along Porter Drive; Updated 1/29/2025 for staff to inform the Commission when there are major activities/status changes regarding demolition and redevelopment of the property.	Demolition of the burned structures is complete. Proposed rebuild project redesign underway (PLN200234).	On-Going (As Appropriate)

Item #	PC Ref #	Assignment Date	Referred By	Planner	Item	Report	Status
11	24.2	6/1/24	Work	Beretti	Request to have semi-annual reports regarding the San Lucas drinking water supply issue and history.	<p>Planning staff provided a status update report at the December 11, 2024 Planning Commission meeting. At that meeting the Commission requested to receive on-going updates regarding this matter. Resolution of the San Lucas community drinking water supply is being driven by the State Water Resources Control Board, and the matter is a 2026 priority for legislative and funding advocacy for the Board of Supervisor via its Legislative Committee. Moving forward staff intends to provide links to relevant agendas/reports pertaining to San Lucas as means to provide updates to the Planning Commission. At the 12.08.2025 Legislative Committee, agenda items no. 5 & 6 included update and prioritization of San Lucas Clean Drinking Water program. Reports and updates can be accessed at https://monterey.legistar.com/MeetingDetail.aspx?ID=1362693&GUID=195B9DEC-7C60-4C6E-933A-A0041EC7C7B5&Options=info &Search= . The Board of Supervisors will adopt its 2026 Legislative Platform and 2025-26 Strategic Grant Services Program in January 2026, and will hold it's annual legislative workshop February 13, 2026.</p>	Ongoing (As Appropriate)
12	24.3	6/5/24	Shaw	TBD	Request to receive information regarding HCD's public outreach and notification procedures for various planning matters, and consider opportunities to improve public engagement and outreach.	Planning staff will present at a future meeting, in combination with PC Referral 23.1.	Pending

Item #	PC Ref #	Assignment Date	Referred By	Planner	Item	Report	Status
13	24.8	10/25/2024	Mendoza	Scariot/Gonzalez (EHB)	Provide information and status regarding regulations and enforcement efforts to curb unpermitted food vendors.	<p>At its June 25, 2025 meeting, the Planning Commission emphasized the high priority of this matter; the Planning Commission will prepare a letter to the Board (to be on future PC agenda, when drafted) with recommendation to support increasing resources toward enforcement efforts to curb unpermitted food vendors. EHB staff presented an update and request for direction including a request for funding to the Board of Supervisors at its February 3, 2026 meeting for unpermitted food vendor enforcement and coordination</p> <p>https://monterey.legistar.com/LegislationDetail.aspx?ID=7829705&GUID=21A65371-E750-41FD-AB1C-D23C1656634F&Options=&Search=.</p> <p>Generally, the Board action supported unpermitted food vendor enforcement being re-prioritized for enforcement by EHB, funding for law enforcement to provide support to EHB's enforcement efforts, supporting k-rails or other barrier at 499 Salinas Road and Board letter to Union Pacific (property owner) for coordination/maintenance, continued education and outreach, and coordination/follow up between EHB, HCD code compliance, and District Attorney to develop program needs/approach and return to the Board at a future date. Separately, HCD has determined that a Mobile Food Vendor interpretation is not appropriate and will instead coordinate with EHB and other partners to consider a programmatic approach to curbing unpermitted food vendors as directed by the Boad at its 2/3/26 meeting.</p>	On-going

Item #	PC Ref #	Assignment Date	Referred By	Planner	Item	Report	Status
14	24.9	9/25/2024	Diehl	Cappi (EHB)/J.Bowling	Review and provide a report regarding use/permissibility of composing toilets and other self-containment units given new technologies.	Staff anticipates providing a report to the Planning Commission in winter 2026.	Pending
15							
16							

Item #	PC Ref #	Assignment Date	Referred By	Planner	Item	Report	Status
17							
18							