

Board of Supervisors

July 10, 2018

Outdoor cultivation

REQUESTED ACTION

- **PROVIDE DIRECTION TO STAFF**
 - Begin preparing ordinances for outdoor cannabis cultivation?
 - Initial Parameters for outdoor regulations?
 1. WSC zoning
 2. Santa Lucia Mountains Appellation
 3. Registration (pre-existing only)
 4. Open
 5. Combination of the above
 - Priority?

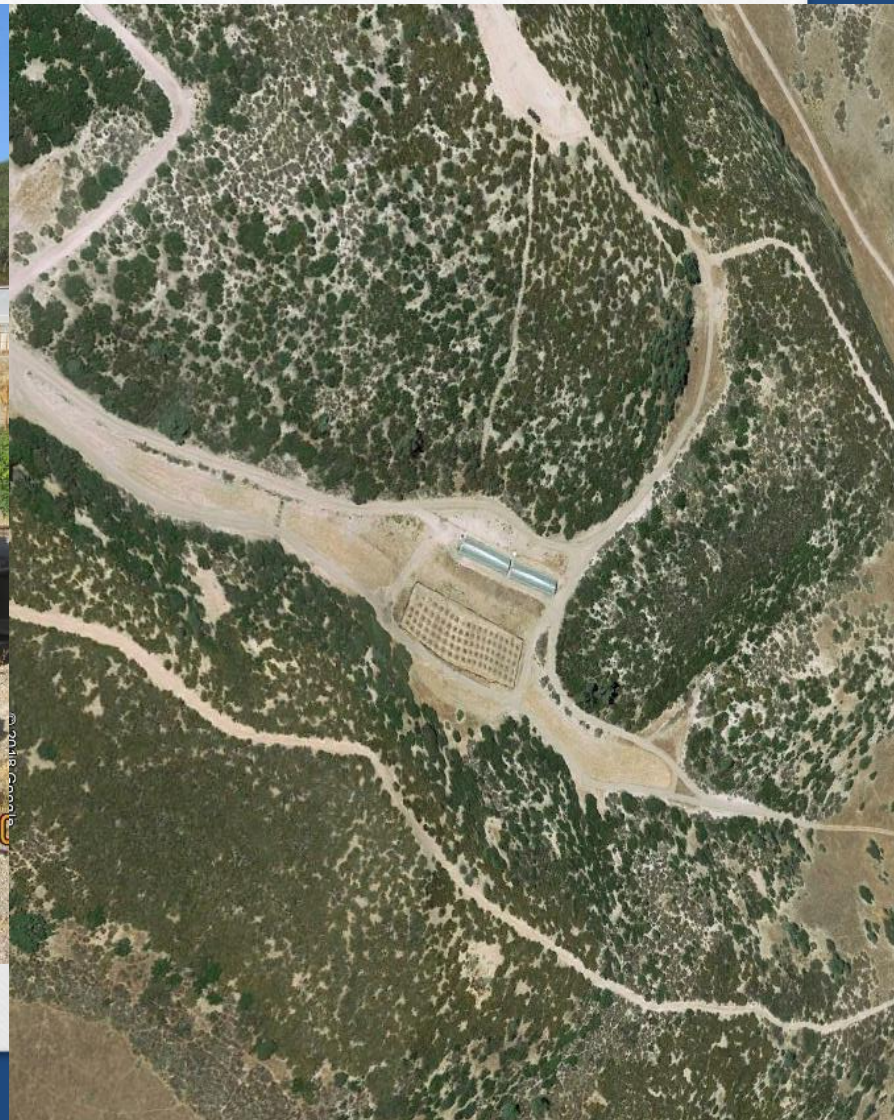
BACKGROUND

- **OUTDOOR CULTIVATION IS NOT PERMITTED IN COUNTY**
 - **EARLY AD HOC COMMITTEE DISCUSSIONS**
 - **EXPERIENCE FROM OTHER COUNTIES**
 - **ENFORCEMENT**
 - **ENVIRONMENT**
 - **SECURITY**
 - **OUTDOOR TO BE EXPLORED AT A LATER DATE**
 - **CURRENT REGULATIONS STILL REMAIN UNSETTLED**

State License Types

- Specialty Cottage
 - Up to 2,500 sq. ft. or 25 mature plants
- Specialty
 - 2,501 to 5,000 sq. ft. or 50 mature plants
- Small
 - between 5,001 and 10,000 square feet
- Medium
 - between 10,001 and 1 acre

Outdoor cultivation



Other Jurisdictions

- Many Counties have banned outdoor cultivation and/or are still developing regulations
- Santa Barbara, Santa Cruz, Calaveras - Permitted
 - Only registered grows that existed prior to MMRSA
- Mendocino - Permitted
 - Three Phases of permitting subject to zoning and resource restrictions.
 - Phase 1 – only existing, registered grows
 - Phase 2 – Indoor only in industrial zones
 - Phase 3 – beginning Jan. 2020 – all permit types

Sonoma County

- Permit outdoor grows
 - Specialty cottage (25 mature plants)
 - In Farmland zone and
 - In Rural Residential zones on lots of 2 acres or more subject to Administrative Permit
 - Specialty (50 mature plants)
 - In Farmland Zones on lots of 3 acres or more
 - Small (5,001-10,000 sq ft)
 - In Farmland Zones on lots of 5 acres or more
 - Medium
 - In Farmland Zones on lots of 10 acres or more subject to Use Permit in each case

Humboldt County

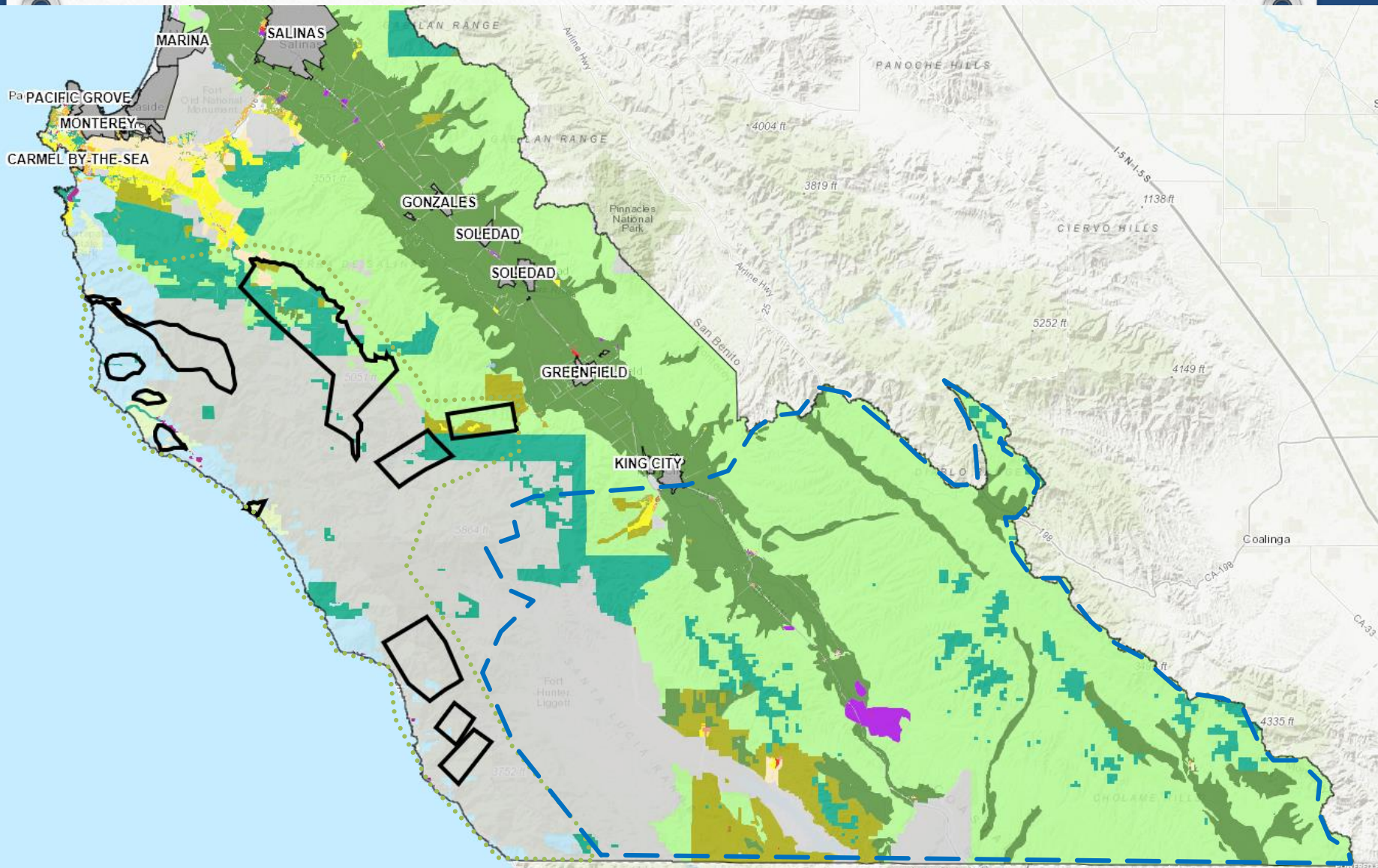
- Permit outdoor grows
 - Specialty grows on large lots permitted with ministerial zoning clearance
 - Medium grows permitted on large lots with discretionary Use Permits
 - All grows subject to eligibility criteria and siting criteria
 - Zoning Districts
 - Lot sizes
 - Water source
 - Access Roads
 - Slopes
 - Proximity to sensitive receptors
 - Cap on Permits established
 - EIR prepared for regulations

Common Challenges

- Odor
- Environmental damage
- Land Values
- Enforcement
- Over production
- Unforeseen permitting challenges
 - Limits on permits (Registration, Zoning, other)
 - Setbacks and minimum lot sizes
 - Discretionary Permit review

Public Input

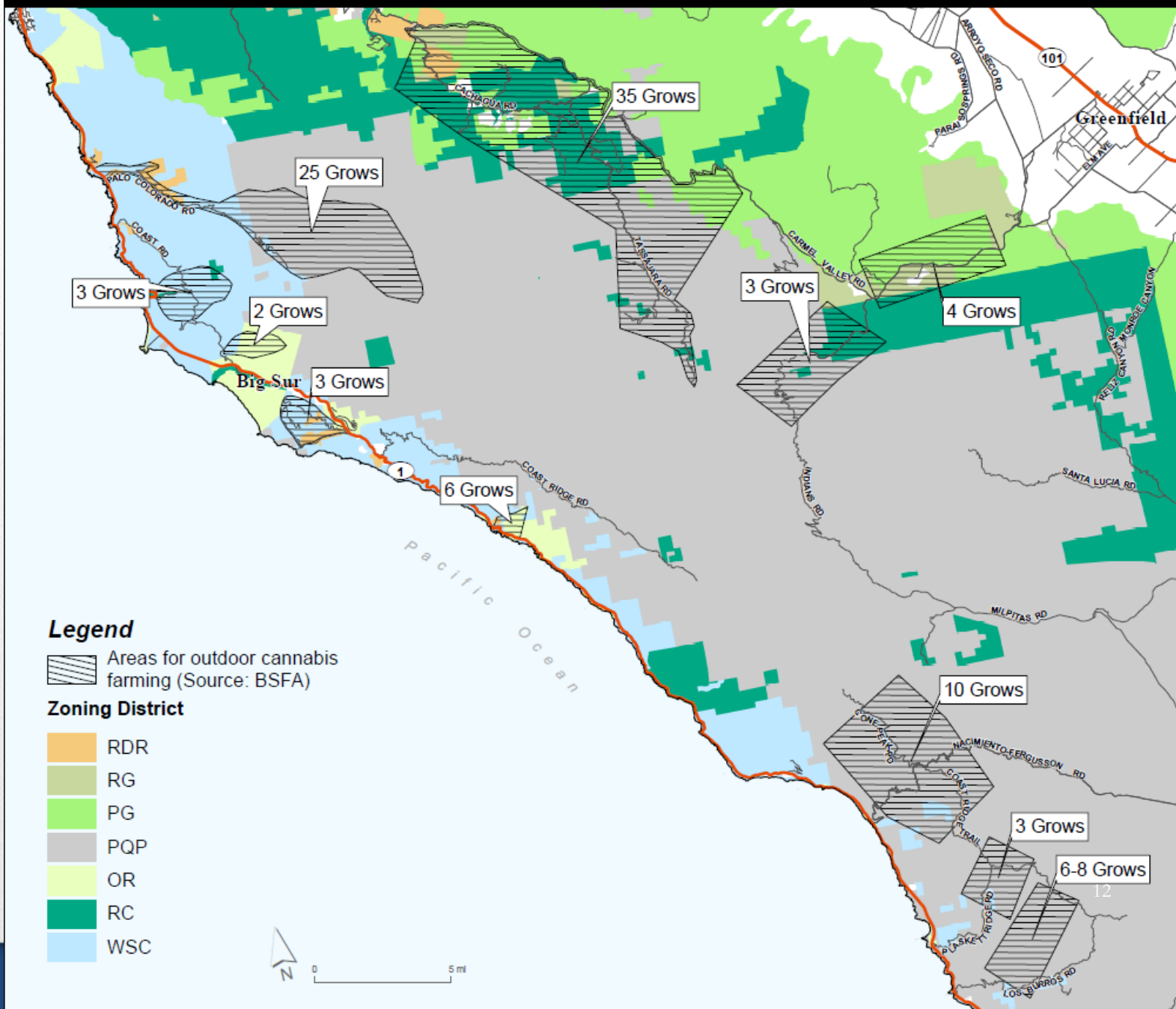
- Big Sur Farmers Association
 - Pilot Program (Big Sur and Carmel Valley)
- South County
 - Pre-existing grows with access to power and water
 - Interim allowance for existing grows while regulations are developed
- Opposition
 - Traffic, Environment, odor, and land values
- <https://arcg.is/1SeeTz>





Map of Big Sur Farmer Association Areas

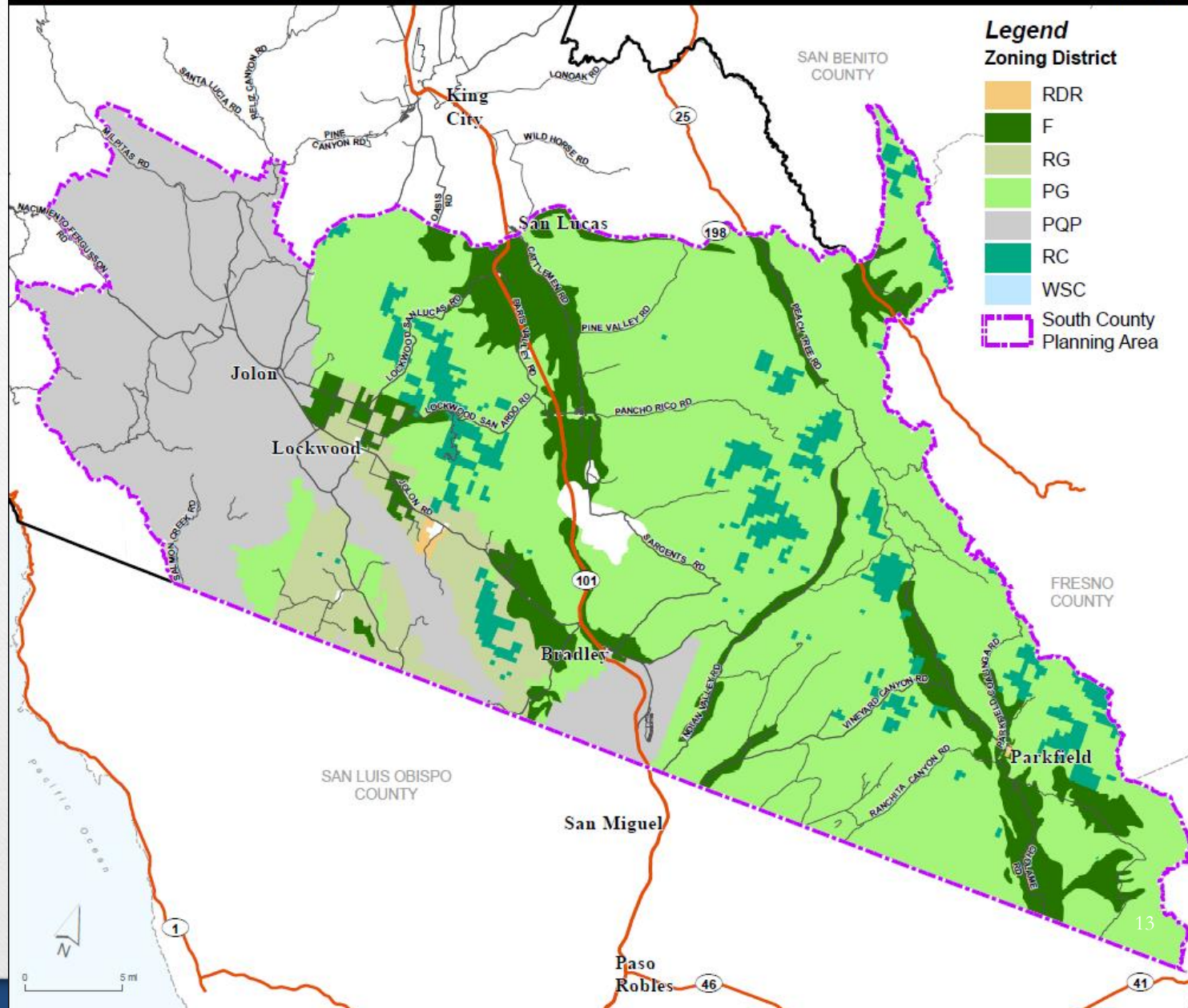
County of Monterey
Resource Management Agency
Planning Division
Date: 6/6/2018





South County

County of Monterey
Resource Management Agency
Planning Division
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Monterey County Specific Considerations

- Big Sur, Carmel Valley, South County represent large areas of county
 - Grazing Lands and Conservation Zoning Districts
 - Zoning approach would be challenging
- Limited Access to services
 - Water, Roads, Power, etc
- CEQA
 - Potential EIR – High Cost & Time
 - Statutory Exemption to expire in 1 year
- Other priorities and staffing constraints

NEXT STEPS

- **NO OUTDOOR – NO ACTION**
- **PROCEED WITH OUTDOOR -**
 - **ADDITIONAL OUTREACH REQUIRED**
 - **RETURN TO CANNABIS COMMITTEE FOR POLICY DIRECTION**
 - **CONSIDER CEQA REQUIREMENTS**
 - **DRAFT ORDINANCES**
 - **PLANNING COMMISSION WORKSHOPS AND RECOMMENDATION**
 - **BOARD CONSIDERATION**
 - **CCC CERTIFICATION**

DIRECTION

- Part 1 – Consider regulations for outdoor cultivation?
 - **Begin working on outdoor cultivation ordinances or**
 - **Wait**
- Part 2, If direction is to prepare ordinances
 - **Parameters**
 1. Zoning approach (eg: only WSC, etc.)
 2. Santa Lucia Mountains Appellation
 3. Registration (pre-existing only)
 4. Sonoma or Humboldt model
 5. Combination of the above
 - **Priority**