



County of Monterey

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

Board Report

File #: PC 18-077, **Version:** 1

PLN170215 - BROWN BULB RANCH, LTD

Public hearing to consider allowing commercial cannabis cultivation, manufacturing, and distribution uses within an Agricultural Conservation Zoning District.

Project Location: 3060 Hilltop Road, Moss Landing, North County Land Use Plan Area

Proposed CEQA action: Categorically Exempt per Section 15303 of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Find that a change of use within existing greenhouse and warehouse facilities is not an expansion of use beyond what existed at the time of the lead agency's determination, which qualifies as a Class 1 Categorical Exemption per Section 15301 of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
- b. Approve a Coastal Development Permit to allow:
 - a. Approximately 160,000 square feet square feet of canopy area for mixed-light commercial cannabis cultivation; and,
 - b. Approximately 38,000 square feet square feet of canopy area for Indoor commercial cannabis cultivation; and,
 - c. Non-Volatile Manufacturing and processing operations; and,
 - d. Self-distribution

Within existing greenhouses, warehouses and office space at 3060 Hilltop Road, Moss Landing. The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 11 conditions of approval, including 6 conditions with mandatory requirements per the Code.

PROJECT INFORMATION:

Agent: Jennifer Rosenthal

Property Owner: Andrea Rivers, Brown Bulb Ranch, LTD

APN: 117-052-018-000

Parcel Size: 16.2 acres

Zoning: AC (CZ)

Plan Area: North County Land Use Plan

Flagged and Staked: N/A

SUMMARY/DISCUSSION:

Golden State Bulb Growers, on behalf of the property owner Andrea Rivers, has requested a Coastal Development Permit to allow a medical cannabis cultivation, manufacturing, and self-distribution uses within existing greenhouses, warehouses and office space located at 3060 Hilltop Road. The site is zoned Agricultural Conservation. A Coastal Development Permit is required for the commercial medical cannabis operation.

Staff reviewed the proposed application and determined, as proposed, the findings required to grant a Use Permit for a medical cannabis cultivation, manufacturing, and self-distribution uses can be made in this case. Based on the application materials submitted, staff also finds that this application meets the regulations/standards for this use (zoning, setbacks, security, operations). An Operations Plan (**Exhibit C-2**) submitted as part of the application describes the hours of operation, security protocols, patient verification, youth restriction procedures, product safety, packaging, supply chain information, record keeping policies including track and trace programs, odor prevention measures, contact information for nuisance complaints, and other site information addressing operational standards including fire, health, and safety.

Currently, there are no commercial cannabis operations taking place at this site. Approval of this Coastal Development Permit would authorize the use of the property for Commercial cannabis cultivation, manufacturing, and self-distribution. Prior to beginning operation, the business operator would also need to obtain and maintain a Commercial Cannabis Permit and a Business License from the County. After that, they would also be required to obtain a State License. Condition of Approval No. 6 requires that appropriate licenses are obtained and maintained.

Below is a summary of the applicable criteria for commercial cannabis cultivation in Chapter 20.67, and how the project meets each one:

- **Location of operations within the Farmland, Agricultural Conservation or Industrial zoning districts -**
 - The site is zoned Agricultural Conservation (AC)
- **Location within a greenhouse or industrial building legally established prior to January 1, 2016 -**
 - The greenhouses shown on site plans are permitted on the property.
- **Location more than 600 feet from a school public park, or drug recovery facility -**
 - The nearest school is Ohlone Elementary on Bardin Rd, over 3,000 feet away. There are no schools, parks, or drug recovery facilities in the vicinity.
- **Improvements for security to prevent theft and trespass -**
 - 24-hour on-site security from a contracted security service, restricted interior access, video surveillance at strategic locations throughout the facility, integrated alarm systems, and emergency response plans. The security plan has been reviewed by the Resource Management Agency. The Security plan has been redacted from the Operations Plan (**Exhibit C**) for confidentiality.
- **Installation of water conservation measures -**
 - Use of drip and micro-sprinkler systems
 - Collection of all runoff
 - Use of soil moisture sensing devices
 - Use of Argus environmental computer system to regulate greenhouse environment to minimize plant transpiration and plant water uptake
- **On-site renewable energy -**
 - Drying room heated by using 'by-product' heat from refrigeration system
 - Computerized control of climates for less waste
 - Solar Panels conditions for installation on the roofs of two warehouse buildings (surface area of approx. 1.5 acres)
- **Operating Standards -**
 - The project adheres to all required operating standards including unique identifiers, quality assurance, track and trace programs, pesticide and fertilizer storage, odor prevention, record

keeping, and waste management policies in compliance with County requirements and State law. (Note: These items are also required to be addressed as part of the required Commercial Cannabis Business Permit pursuant to Chapter 7.90 of the Monterey County Code.)

The subject Use Permit would authorize use of the property for commercial cannabis activities. The Use Permit runs with the land and not the business or property owner. Pursuant to Chapter 7.90 of the Monterey County Code, prior to beginning any cannabis operations, the business operator(s) would additionally need to obtain and maintain the appropriate Commercial Cannabis Permits (“Business Permit”) through the Resource Management Agency. Due to the square footage limits of each license type. This could be done through various combinations of mixed-light cultivation license types (i.e. 1B, 2B, and/or 3B licenses), corresponding to the total area of canopy cultivated requested onsite [For example, 97,000 square feet could be compromised of: 1 - type 3B permit (up to 22,000 sq. ft.); 7 - type 2B permits (up to 10,000 sq. ft. each); and 1-type 1B permit (up to 5,000 sq. ft.) to achieve the total canopy cultivated]. Nursery permit (type 4) have no size limits associated. The “Cannabis Business Permits” are ministerial, and will not require a discretionary hearing. Also prior to beginning any operations, a Business License must be obtained from the Treasure/Tax Collector. State Licenses will also be required. A condition of approval (Condition No. 8) has been incorporated to require all applicable licenses for the cannabis operations are obtained prior to operation.

CEQA

Section 15301 of the California Environmental Quality Act (CEQA) guidelines categorically exempts the operation, permitting, and licensing of existing structures and facilities involving negligible or no expansion of the use beyond the existing operations. The project entails only a change in agricultural plant types within existing structures on the site. The change in plant types would involve no material expansion of the existing use. Physical improvements to the site are limited to minor upgrades to existing structures. No grading or development outside of existing building footprints will be taking place, and therefore no new runoff will be created as an impact to adjacent roadways. Since this site was previously used for a plant cultivation operation, the amount of traffic generated by staff will not increase over historical use, so no new impacts are will occur with regard to traffic volumes in the area. The applicant anticipates having less than 25 employees on site for the operation of the business. This means the water service would not qualify as a Public Water System. The project has been conditioned (Condition No. 11) to ensure that if at some time the number of employees expands to more than 25 employees, the owner/applicant will apply for and obtain a State Public Water System permit.

DISCUSSION:

Detailed discussion is provided in **Exhibit A**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- Monterey County Sheriff's Office
- Monterey Regional Fire Protection District
- North County Land Use Advisory Committee
- Treasurer Tax Collector

The proposed project was reviewed by the North County Land Use Advisory Committee (LUAC) on April 4,

2018. The LUAC recommended approval of the project as proposed, by a vote of 8 ayes and 0 noes (**Exhibit B**).

Prepared by: Craig Spencer, Senior Planner, ext. 5233

Reviewed by: Brandon Swanson, RMA Services Manager, ext. 5334

Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Development Services

The following attachments are on file with the RMA:

Exhibit A - Discussion

Exhibit B - North County LUAC Minutes

Exhibit C - Draft Resolution including:

- Conditions of approval
- Site Plans, Floor Plans, and Operations Plans

Exhibit D - Vicinity Map

cc: Front Counter Copy; Planning Commission; Brandon Swanson, RMA Services Manager; Jennifer Rosenthal, Agent; Aram Stoney and John DeFloria, Applicant's; Richard Catlin, Owner; Dale Ellis; Trinh Retterer; Aaron Johnson; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Dale Elis; Aaron Johnson; Project File PLN170215