

Attachment 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) from light commercial (LC) to low-density residential (LDR/1). See **Attachment B, Attachments 1** and **Attachment C, Exhibit 1** (Draft Land Use Plan Map Amendment 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, and were located immediately south of the T District. **Exhibit 1 of Attachment H** includes the 1976, 1978, and 1993 Sectional District maps.

The zoning in the unincorporated area of Lockwood remained the same until 1993 (**Exhibit 1 of Attachment H**). The 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; **Exhibit 2 of Attachment H**). 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; **Exhibit 2 of Attachment H**). 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" (**Attachment H**). 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 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.*" (**Attachment H**). 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.*” (**Attachment H**) 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 believes 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 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. The item has been referred to the LUAC for their April 15th meeting. During this meeting, the LUAC has questions about the resulting development potential and access to the lots. A member of the public commented on the project, supporting the rezone, and requesting that the Board of Supervisors reconsider the appropriateness of the Lockwood, San Lucas, Pleyto, and San Ardo Rural Centers (**Attachment K**). The LUAC voted 5-0 to support the application as proposed, and noted in the LUAC minutes that they encourage the Board of Supervisors to reconsider rural centers in the South County Area Plan.

CEQA

Staff recommends that the Board of Supervisors 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 **Attachment D** and **Attachment E** (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 (**Attachment J**) 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, **Exhibit 1 of Attachment J**) for Phase 1 of the September Ranch Subdivision, which included dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 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 (**Exhibit 2 of Attachment J**) 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), 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. 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 (Parcel F of the subdivision) from Low Density Residential 1-5 acres/unit to High Density Residential 5-20 units/acre (**Exhibit 1 of Attachment D**); 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] (**Exhibit 1 of Attachment E**)

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 Board of Supervisors 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.”*

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, outdoor cannabis cultivation is not permitted on the property under 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). 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, the Applicant's operation plan (**Attachment I**) demonstrates that the cultivation proposal would comply with requirements of the outdoor cannabis cultivation regulations, with the exception of location in the Central Salinas Valley area:

- 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 within 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 a 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 L**). 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 February 2026, the Planning Commission raised concern about the appropriate mechanism to consider Mr. Cumming's request (General Plan Amendment vs. other land use entitlement) and the precedent the proposal may create. The Planning Commission did recognize that the proposed project could better carry out the overall goals and policies of the General Plan by increasing the agricultural viability of a permanently-grazed property. However, the Planning Commission also recognized that the introduction of cannabis cultivation has the potential to impact the viability of other off-site agricultural operations. Therefore, the Planning Commission collectively agreed that creation of the STA would provide data to the County to better determine whether a two-mile buffer is appropriate and whether the Central Salinas Valley Area Plan should be included in the Pilot Program, which is set to expire in June 2026. Allowing this property to cultivate cannabis may provide data needed to determine whether other similarly situated properties with the County can increase their agricultural viability through cannabis cultivation. The Planning Commission recommended the Board of Supervisors approve the proposal, but with an 8-year term.

Adding term limits to General Plan policies usually doesn't make sense because of how General Plans are designed to function. A General Plan is a long-term policy framework that guides land use, housing, transportation, conservation, safety, and other topics. Accordingly, General Plan policies are typically effective for the lifespan of the General Plan. Adding an 8-year term limit to a Special Treatment Area could result in the policy no longer being applicable if the 2010 General Plan is not updated before then. Further, the term limit could not be extended without an additional General Plan Amendment. Therefore, staff does not recommend that the Board of Supervisors apply a term limit to the proposed Central Salinas Valley Area Plan Special Treatment Area.

Agriculture Advisory Committee

In addition to obtaining the Agricultural Commissioner's comments, the project was heard by the Agriculture Advisory Committee on February 26, 2026. At this meeting, the AAC voted to support staff's recommendation to the Board of Supervisors to allow this amendment to the Central Salinas Valley Area Plan.

CEQA

Staff recommends the Board of Supervisors find 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.

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 shall 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). 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 (**Attachment K**). 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. 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 Board of Supervisors 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.