



MONTEREY COUNTY

County Administrative Office

Joann Iwamoto
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Intergovernmental & Legislative Affairs

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ADMINISTRATIVE POLICY MEMORANDUM

Date: June 8, 2023
To: Monterey County Cannabis Industry
From: Joann Iwamoto, Cannabis Program Manager
CC: Nicholas E. Chiulos, Assistant County Administrative Officer

Subject: Waiver of fees to modify cultivation canopy size

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PURPOSE

Fees for commercial cannabis activities are addressed in Monterey County Code (MCC) section 7.90.080. That section requires applicants and permittees to pay all relevant fees within 24 hours of submitting their application or modification request. MCC section 7.90.070 addresses the modification and renewal process for commercial cannabis permits.

While all cannabis activities must adhere to these requirements, the Program recognizes that conditions outside of operator control may sometimes necessitate canopy modification. Here, the Program is aware that certain cultivators were negatively impacted by recent winter storms and that, consequently, they must modify their canopy size. To provide appropriate relief to these operators the Program is invoking authority granted to it under MCC section 7.90.160(E) to promulgate administrative rules and procedures consistent with the purpose of intent of MCC Chapter 7.90.

MCC 7.90.030 defines the Cannabis Program Manager as the Appropriate Authority to enforce MCC 7.90. The Appropriate Authority has determined that waiving the modification fee is essential to allowing affected cultivators to recover from an unanticipated natural disaster. As such, the Appropriate Authority is exercising its authority under MCC section 7.90.160(E) to establish a procedure allowing it to waive fees to modify canopy limits under certain conditions.

This policy and any future promulgated rules will be available as a separate section of the Cannabis Program webpage.

PROCEDURE

The Appropriate Authority may waive this fee only when all three of the criteria below are satisfied:

- A. Either the Board of Supervisors has proclaimed a local state of emergency/disaster or the County Administrative Officer or authorized designee has declared a local state of emergency/disaster;
- B. Either a Provisional Permittee or Permittee has requested waiver of the canopy modification fee in writing; and
- C. The requesting Permittee proves, to the reasonable satisfaction of the Appropriate Authority, that

the need for the waiver is causally connected to the emergency/disaster that is the subject of either the Board of Supervisors proclamation or CAO declaration of a local state of emergency/disaster.