ELECTIONS CODE SECTION 9111 REPORT
NAPA COUNTY CANNABIS REGULATION INITIATIVE

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SUMMARY OF INITIATIVE

- County now allows personal use and cultivation but bans commercial cannabis activities
- Initiative would authorize commercial cannabis cultivation and would define commercial cannabis cultivation as “agriculture”
CULTIVATION PROVISIONS

- Allowed in AP and AW zones as permitted use
- 10-acre minimum parcel
- Not on “legal lot” containing a licensed winery
- Must be 1,000 ft from some schools and some parks; 500 ft from residences; 300 ft from most roads, 600 ft from some roads
- Three types: outdoor, mixed-light, nurseries
- One-acre max “total canopy”
  - Ambiguous regarding size of cannabis nurseries
  - ‘Accessory processing’ in addition
□ Outdoor cultivation:
  ▪ Not in fully enclosed facility except existing greenhouse of any size
  ▪ In hoop structure for 10 weeks during germination
  ▪ No artificial lighting

□ Mixed light cultivation:
  ▪ In existing greenhouse only
  ▪ Artificial lighting only between 6:00 am and 9:00 pm
CULTIVATION PROVISIONS

- **Cannabis nursery:**
  - No limits on lighting
  - Permitted in existing greenhouse
  - Admin permit for new greenhouse < 2,500 sf

- **Accessory processing:**
  - Permitted in existing greenhouse < 2,500 sf
  - Admin permit for new greenhouse < 2,500 sf
  - Use permit for any greenhouse ≥ 2,500 sf
  - *Note:* Other ag uses require use permit
OTHER COMMERCIAL CANNABIS USES

- Permitted only in AV (Airport) zone
- All property owned by County
- Leasing to cannabis activities would violate federal grant assurances and put federal funding at risk
- Uses unlikely to locate in AV zone

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MODIFICATIONS

- County Ag Commissioner could establish “best practices”
- Board could allow more cannabis activities but could not add more requirements that are more burdensome than security or compliance requirements applicable to non-commercial cannabis activities
- Penalties restricted
CONSISTENCY WITH STATE LAW

- All uses must have state license
- Both state and local requirements apply; must comply with stricter provision
  - Example: Lighting standards
RELATION TO COUNTY LAWS

- Laws applicable to other ag uses
- Odor impacts and nuisances
  - Right to Farm Act and County ordinance
- Potential future uses
In general subject to all County regulations

Conservation Regulations: slopes > 5%
- Note cultivation in pots rather than native soil

Viewshed Protection: slopes ≥ 15%, ridgelines
- All structures, including greenhouses & hoop structures

Groundwater Conservation Ordinance
- Would only apply in MST subarea; or where water serves multiple parcels where less than 80% of land used for agriculture
ODOR AND NUISANCE ISSUES

- Initiative places no controls on odors
- State Right to Farm Statute
  - May not be applicable to cannabis cultivation
- County Right to Farm Ordinance
  - Applies to “agricultural operations”
  - Likely will protect cannabis established for three years
  - Conflicts between pesticides and cannabis
  - Vineyards could be affected if modify operations or if have not been established for three years

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POTENTIAL FUTURE USES

- Likely demand for tours, tastings, “consumption lounges,” “coffee shops”
  - No data yet indicating substantial tourism industry
- Not specifically permitted by Initiative
- If proposed, would require use permit
  - County Code allows marketing, sales, and other uses accessory to agriculture if related, incidental, and subordinate to main use