



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To: Board of Supervisors	From: Charlene Gallina, Supervising Planner
Date: June 19, 2018	Re: Personal Cannabis Cultivation Ordinance Categorical Exemption Determination County-Wide

Background

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Personal Cannabis Cultivation Ordinance.

Project Request

In February 2016, the Board of Supervisors adopted an ordinance banning the outdoor cultivation of cannabis in the unincorporated area and only allowing indoor cultivation of cannabis. In November 2016, California voters passed Proposition 64, which legalized the personal cultivation, possession, and use of small amounts of cannabis by persons age 21 or older. Proposition 64 granted California residents age 21 and older the right to cultivate up to six cannabis plants for personal use indoors and authorized local jurisdictions like the County to determine how many - if any - of those six plants could be grown outdoors by local residents. Following Proposition 64's passage, the California Legislature has passed and continues to consider additional legislation relating to cannabis cultivation, possession, and use.

As a result of this massive overhaul of state law, the Napa County Board of Supervisors decided to re-evaluate its existing cannabis ordinances and explore potential policy changes consistent with Napa County voters' approval of Proposition 64.

The County of Napa is considering the adoption of an Ordinance of the Napa County Board of Supervisors, State of California, amending Chapter 8.10 (Medical Marijuana Cultivation) to ensure consistency with state law and to allow outdoor cultivation of cannabis for personal use. Specifically, the proposed ordinance seeks to address the following goals below relating to outdoor cannabis cultivation by balancing access to cannabis and outdoor cultivation for County residents with minimizing the potential harms that could result.

- Prioritizing public safety and environmental protection;
- Ensuring access to cannabis for Napa County's residents who use cannabis for medical purposes;

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

- Ensuring consistency with neighboring jurisdictions, particularly regarding unincorporated County islands within city boundaries;
- Establishing regulations that are not so unduly burdensome as to push cultivation indoors; and
- Enforcing the ordinance through nuisance- and complaint-based approach similar to code enforcement matters

Napa County Code Section 8.10.040, which previously prohibited outdoor cultivation, would be amended to allow all residents to cultivate at least some of their state-permitted six cannabis plants outdoors, so long as the total number of plants cultivated at a residence for personal use does not exceed six. Residents residing within 300 feet of a school or park - as defined in the ordinance - would be allowed to cultivate up to two of their six total plants outdoors. All other residents could grow six plants in any combination of indoor or outdoor, or cultivate all six plants outdoors subject to proposed ordinance provisions

Existing Setting

Countywide – Applicable to parcels with private residences only.

CEQA General Rule, Exemption Criteria and Analysis

General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the California Environmental Quality Act (CEQA) is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

Furthermore, the proposed ordinance will not have a significant effect on the environment and is exempt from CEQA under Section 15301 [See Class 1 (“Existing Facilities”)], Section 15303 [See Class 3 (“New Construction or Conversion of Small Structures”) and Section 15304 [See Class 4 (“Minor Alterations to Land”)]. See also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B.

Under CEQA Guidelines Section 15300.2, Categorical Exemptions cannot be used if certain environmental sensitivities exist at the site or if there will be cumulative impacts. It has been determined that environmental sensitivities, scenic resources, hazardous waste sites, historic resources or cumulative impacts do not exist with the enactment or the provisions of this ordinance.

Therefore, these exemptions are appropriate and this proposal meets the requirements for the Categorical Exemptions as discussed above.