



Outdoor Personal Cannabis Cultivation Ordinance

Napa County Planning Commission – 4/18/18

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Today's Item

- Discussion of draft ordinance allowing outdoor cultivation of cannabis for personal use
 - Review of draft ordinance
 - Potential edits or feedback
 - Recommendation to Board of Supervisors



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Current County Ordinances

- Napa County Code Chapter 8.10 adopted prior Proposition 64
 - Regulations for indoor cultivation applicable to personal use
- Ordinance 1425 and 1426 –
Temporary moratoriums on outdoor cultivation and commercial activities



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Draft Ordinance

- Amends Ch. 8.10 relating to personal cultivation to:
 - Update provisions relating to indoor cultivation for consistency with new state law; and
 - Allow and regulate outdoor cultivation of cannabis.



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Board and Commission Goals



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- Public Safety and Environmental Protection
- Access for medical patients
- Consistency with neighboring jurisdictions
- Avoidance of over-regulation that would push outdoor cultivation indoors
- Enforceability through nuisance/complaints similar to code enforcement matters

Updates to Existing Regulations

- Updated language to match state law
- Changed limitation on plants from canopy measurement to number of plants
- Redefined residency restrictions for consistency with state law



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Goals of Outdoor Regulations

- No prohibition
- Limited near children to:
 - Reduce exposure
 - Reduce detectability
 - Reduce collateral harms
- Enforceability
- Notice to residents



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Outdoor Cultivation Regulations

- General provisions
 - Most areas: 6 plants total, in any combination of indoor/outdoor
 - Locking fence or similar physical barrier
 - 10-foot setback from property line
 - No lights, generators, or dangerous chemicals
- If within 300 feet of “school” or “park,” can only grow up to 2 plants outdoors
 - Still can have 6 total including indoor



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Outdoor Cultivation Regulations



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Number of Plants Allowed Outdoors	
City of Napa	6
City of Calistoga	2 generally; none if 300 ft of specific uses
City of Santa Rosa	2 generally; 0 if adjacent to school
Sonoma County	6
Solano County	6
Napa County	6 generally; 2 if 300 ft of school or park

Outdoor Cultivation Regulations

- “School” – any public or private, from nursery/preschool to high school
 - Does not include colleges or post-high school vocational schools
 - Does not include private businesses offering other classes
- “Park” – any city, county, or regional park
 - Does not include state or federal



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Outdoor Cultivation Regulations

- Measurement
 - Measure in straight line
 - From property line of any parcel with school or park (or portion)
 - To property line of parcel cultivating cannabis



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Outdoor Cultivation Regulations

- Parcels affected out of 10,079 total residential parcels
 - Staff report included database estimation without alignment to measurement standard in ordinance:
 - 537 in school setback (5.3%)
 - 806 in park setback (8%)
 - 1,510 total (15%)
 - After further staff review and realignment:
 - 390 in school setback (3.8%)
 - 354 in park setback (3.5%)
 - 729 total (7.2%)



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Outdoor Cultivation Regulations

- Number of parcels affected can change depending on measurement and evaluation
 - GIS layers do not immediately line up with ordinance definitions
 - GIS data must be refined by staff
 - Getting final determination will require staff review to reconcile layers and measure from consistent points
- Staff will determine actual affected parcels prior to final Board approval



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Coordination and Feedback

- Circulated among internal County stakeholders
- Received feedback from the public:
 - Visibility restrictions – concern about neighboring residences of differing heights



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Potential Amendments

- Refine definitions of:
 - Parks/schools setbacks
 - Measurement of setbacks
 - Visibility and neighboring parcels
- Clarify which regulations apply to all cultivation and which apply to indoor or outdoor only
- Further amendments as desired by Planning Commission or Board



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Next Steps Following Discussion

- Staff will continue to amend draft ordinance based on direction and feedback
- Ordinance ultimately will go to Board
 - First reading and discussion
 - Further amendments, as desired by Board
 - Final reading and implementation



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Questions?