



Personal Cannabis Cultivation Discussion

Napa County Planning Commission - 3/7/18

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Today's Item

- Discussion of potential ordinance allowing outdoor cultivation of cannabis for personal use
 - Focused solely on outdoor personal cultivation, not commercial activity



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Legal Background

- Proposition 64 passed in 2016
 - Legalized personal possession, use and cultivation of small amounts of cannabis and establishes legal framework for commercial cannabis businesses
- State law allows residents to grow up to 6 cannabis plants for personal use
 - Counties can “reasonably regulate” indoor cultivation of 6 plants
 - Counties have broad authority to regulate or prohibit outdoor cultivation of 6 plants



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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
 - Outdoor cultivation for personal use prohibited until June 2018
 - Commercial cannabis prohibited until December 2018
 - Can be extended until December 2019 at Board's discretion



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Common Concerns

- Effect on neighbors
 - Sensory nuisances – odor, visibility, etc.
- Public safety
 - Attractive nuisance to children
 - Theft
- Environmental issues
 - Use of pesticides/fertilizers
 - Water and electrical usage
- Ancillary activities
 - Drying, curing, and manufacturing



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Board Goals

- Public Safety and Environmental Protection
- Access for medical patients
- Consistency with neighboring jurisdictions



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Three Primary Policy Questions

- Should the County regulate outdoor cultivation within a parcel?
 - E.g., fencing, number of plants, growth location, distance from property line
- Should the County regulate outdoor cultivation based on external factors?
 - E.g., proximity to schools or other uses
- Should regulations be different depending on location or other characteristics?
 - E.g., different rules depending on zoning



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Neighboring Ordinances

- City of Napa
 - All 6 plants outdoors in locked space
 - Must not be a public nuisance
- City of Santa Rosa
 - 2 plants outdoors in secure enclosure
 - No visibility; prohibited adjacent to school
 - Only residential zone
- City of Calistoga
 - 2 plants outdoors behind 6-foot fence
 - No visibility; Prohibited within 300 feet of certain uses
 - Only in specified zones



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Other County Ordinances

- Sonoma County
 - No visibility; outdoor cultivation prohibited on multi-family parcels
- Yolo County
 - Limited to 100 sq.ft. plot; prohibited within 1,000 feet of certain uses; fence; prohibited within 75 ft. of neighboring house
- Solano County (proposed)
 - 10 ft. from property line; fence



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Other County Ordinances (con't)

- Mendocino County
 - Prohibited within 100 ft. of neighboring structure and 50 ft. of property line; fence
- Monterey County
 - Limited to 100 sq.ft. and 10 ft. high; fence; prohibited within 30 ft. of property line
- Shasta County
 - Outdoor prohibited; only in greenhouse or accessory structure



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Next Steps Following Discussion

- Staff will draft recommended ordinance based on direction and feedback
 - Draft ordinance will be vetted with County stakeholders
 - Will be brought back to Planning Commission for recommendation to Board and/or further review



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Questions?