

Commercial Cannabis Cultivation in Napa County

Summary

The Napa Valley Cannabis Regulation Initiative

May 2019

The Napa County Cannabis Association worked with local land use attorneys in drafting a ballot initiative allowing commercial cannabis cultivation and production activities in Napa County. The initiative was submitted to the Napa County Registrar of Voters on March 26th, 2019, to qualify for the March 2020 election.

This initiative allows the implementation and thoughtful regulation of the type of activities that Napa voters supported when they voted to pass Proposition 64 in 2016. In Napa County, 61 percent voted to support Prop 64. Proper implementation of Proposition 64 will allow a legitimate industry in Napa County and usher in a new wave of personal freedom, safe usage, and economic growth.

This Initiative permits and regulates cannabis activities, including the commercial cultivation of cannabis in the agricultural zones of Napa County, and the operation of delivery service dispensaries, distributors, and manufacturers in the industrial zone near the Napa Airport. The proposed ordinance is similar to regulations that many local jurisdictions in California have already passed for the growing and distribution of cannabis.

This initiative will help move cannabis sales from the "black market", which is illegal and unsafe for consumption (because of pesticides and other chemicals used in a growing process that is environmentally unsound, damaging to the environment and threatening to public health), to a "green market" producing legal, safe, lab-tested cannabis that is grown using proper environmental practices.

Adopting enforceable regulations and permit conditions makes it possible to foster a positive impact from local cannabis businesses. The ordinance requires that all gardens be set back from public roads ensuring that we preserve the viewshed. And, it requires that all gardens be at least 1000' from any youth activity. The initiative has safety protections for our youth and residents to ensure that no negative impacts are felt from the implementation of Prop 64.

This Initiative would also impose a tax on commercial cannabis activity within the County. The revenue from the increased business activity is projected to result in significant annual increases in other tax revenue for Napa County. That's money to balance our budget, strengthen our economy, bolster our workforce, and improve our schools.

Items in the initiative that are underlined are proposed new regulations and areas that are struck-out are changes to existing laws.

This Initiative would authorize the following commercial cannabis cultivation uses in the **AP and AW zoning districts**:

- Types of cannabis allowed under the ordinance: Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis. It does not provide a regulatory framework for hemp.
- Cannabis outdoor cultivation (in ground or in an existing greenhouse) up to 1 acre of canopy would be a permitted use in the AP and AW zoning districts;
- Cannabis mixed light cultivation in an existing greenhouse using a combination of natural and artificial light up to 1 acre of canopy would be a permitted use in the AP and AW zoning districts;
- Cannabis nursery in an existing greenhouse up to 1 acre of canopy would be a permitted use in the AP and AW zoning districts;
- Cannabis nursery accessory to outdoor or mixed light cultivation in a new greenhouse less than 2,500 square feet would require an administrative permit;
- Accessory cannabis processing in an existing structure less than 2,500 square feet would be a permitted use;
- Accessory cannabis processing in a new structure less than 2,500 square feet would require an administrative permit; and
- Accessory cannabis processing in an existing or new structure 2,500 square feet and larger would require a use permit.

This Initiative would impose numerous conditions on commercial cannabis cultivation uses in the **AP and AW zoning districts**:

- The minimum lot size for cannabis cultivation is 10 acres and maximum cultivation area is one acre.
- All cannabis cultivation sites would be setback at least 500 feet from private residences, 1000 feet from schools and parks, and various distances from roads (similar to winery road setbacks).
- All cannabis cultivation would be subject to conservation, grading, tree protection, water and other minimization and mitigation measures. Trucked in water would only be allowed in emergencies and growers will report on water use annually.
- No timber conversion or timber harvest permits shall be issued in conjunction with cannabis cultivation.
- No cultivation shall be allowed on the same parcel where a licensed winery is operating.
- Cannabis may be designated with the Napa Appellation only if 100% of the cannabis grown outdoors in Napa.

- Fencing and security plans must be submitted to showcase ample security and screening. Fencing shall include: details, location, type, height and viewshed protection and include a plan for wildlife corridors. No razor wire may be used. All gates must be lockable and no signage identifying a cannabis garden shall be permitted.
- The initiative lists administrative and civil penalties for non-compliance.

This Initiative would authorize the following commercial cannabis activity uses in the **AV zoning district**:

- Cannabis distribution uses would require a use permit;
- Cannabis manufacturing uses would require a use permit;
- Cannabis microbusiness uses, excepting cultivation and storefront retail uses, would require an administrative permit;
- Cannabis non-storefront retail uses (i.e., cannabis delivery) would require a use permit.
- Cannabis testing laboratory uses would require an administrative permit;

Tax: This Initiative would also impose a tax on commercial cannabis activity within the County.

Personal cultivation: This section was finalized and passed by the Board of Supervisors. Minor changes were made for consistency.

The people of the County of Napa do hereby ordain as follows:

SECTION 1. *Name*

- A. This measure shall be known as the Napa County Cannabis Regulation Initiative.

SECTION 2. *Purpose and Findings.*

- A. In 2015, the Medical Cannabis Regulation and Safety Act ("MCRSA"), established a comprehensive framework for the regulation of medical cannabis in California. The 2016 voter-approved initiative, Adult Use of Marijuana Act ("AUMA"), legalized the possession, use, and cultivation of a limited quantity of non-medical marijuana for those 21 years of age or older and provided a framework for state and local regulation of commercial cannabis activity. In 2017, Senate Bill 94 ("SB 94") repealed MCRSA and incorporated certain provisions of MCRSA into the provisions of AUMA to create one regulatory framework in the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA").
- B. MAUCRSA and its implementing regulations adopted by the Bureau of Cannabis Control, the Department of Food and Agriculture, the Department of Fish and Wildlife, the Department of Public Health, the Department of Pesticide Regulation, the Department of Tax and Fee Administration, the State Water Resources Control Board and other State agencies establish a comprehensive State regulatory program for licensing commercial cannabis cultivation, nursery, distribution, laboratory testing, manufacturing, retail, and other activities.
- C. Pursuant to its police powers, AUMA and MAUCRSA, Napa County may enact laws or regulations pertaining to cannabis cultivation, distribution, manufacturing, transportation, dispensing and testing within its jurisdiction. Napa County has adopted regulations allowing for the cultivation of cannabis for personal and medical use only. Napa County has not authorized commercial cannabis activity.
- D. This Initiative will define the local zoning and other land use conditions for commercial cannabis activity within the unincorporated parts of the County. This Initiative will also impose a tax on commercial cannabis activity within the County. The comprehensive State law licensing rules will regulate other aspects of commercial cannabis activity within the County.
- E. This Initiative is necessary and desirable to: protect the public health, safety, and environmental resources, ensure safe access to cannabis for adults 18 and over for medical purposes and those 21 and over for all uses, provide a regulatory path to end the existing underground industry, foster a healthy, diverse and economically viable cannabis industry that contributes to the local economy, provide opportunity to help stabilize farm incomes, enhance enforcement methods for unpermitted and trespass

cannabis cultivation, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.

- F. Nothing in this Initiative is intended, nor shall be construed to: (i) allow persons to engage in conduct that endangers others or causes a public nuisance; (ii) exempt commercial cannabis activity from compliance with all applicable County Codes and ordinances including, but not limited to, zoning and land use regulation; or (iii) exempt commercial cannabis activity from compliance with all State laws.
- G. The provisions of this Initiative shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law.

SECTION 3. *Napa County Cannabis Regulation Initiative*

Title 5, Business Taxes, Licenses and Regulations, of the Napa County Municipal Code is hereby amended to add new Chapter 5.80, Cannabis Regulations, to read as follows:

Chapter 5.80 – CANNABIS REGULATIONS

5.80.010. Purpose and applicability.

- A. Purpose. This Chapter establishes standards that are designed to protect the public health, safety, and welfare, and enact strong and effective regulatory and enforcement controls, as a result of an effort to combat the illegal cannabis market while putting the County of Napa in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities and the environment, by establishing local regulatory oversight for medicinal and adult-use cannabis activities including cultivation, processing, manufacturing, distribution, and other commercial cannabis uses licensed by California.
- B. Applicability. The standards of this Chapter shall apply to all commercial cannabis activities in unincorporated portions of the County of Napa, as defined in this Chapter and Chapter 18.08 (Definitions), and as may be permitted in the AP, AW, and AV zoning districts in compliance with Title 18 (Zoning Districts). Commercial cannabis activities shall also comply with the following:
 - 1. All commercial cannabis activities shall comply with the provisions of this Chapter, as well as all applicable State laws.
 - 2. Nothing in this Chapter is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance.
 - 3. Nothing in this Chapter is intended, nor shall it be construed, to exempt commercial cannabis activity from compliance with all other applicable County zoning and land

use regulations, as well as other applicable provisions of the County Code, or compliance with any applicable State laws.

4. The provisions of this Chapter shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law. Moreover, cultivation, sale, possession, distribution, and use of cannabis remain violations of Federal law as of the date of adoption of the ordinance creating this Chapter, and this Chapter is not intended to and does not authorize conduct or acts that violate Federal law.
- C. Persons engaged in cannabis activities assume all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, and use of cannabis and/or any other cannabis activity. All persons engaging in commercial cannabis activity under this Chapter agree to waive any claims of liability for damages against the County of Napa and its contractors and agree to indemnify the County of Napa and its contractors from and against any claims, suits, or liabilities, arising out of activities undertaken based on the issuance of any permit, clearance, or permitted activity under this Chapter in accordance with Chapter 1.30.

5.80.020 - Definitions.

For purposes of this Chapter the following definitions shall apply. All references to state law are intended to also incorporate by reference any subsequent amendments to state law.

"Cannabis" shall have the same definition as set forth in California Business and Professions Code Section 26001.

"Cannabis distribution" means the procurement, sale, and transport of cannabis and cannabis products between cannabis licensees pursuant to a distributor cannabis license under Business and Professions Code section 26000, et seq.

"Cannabis license" means a license under Business and Professions Code section 26001.

"Cannabis licensee" means a person holding a license issued under Business and Professions Code Section 26000, et seq.

"Cannabis manufacturing" means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels pursuant to a manufacturing cannabis license issued under Business and Professions Code section 26000, et seq.

“Cannabis microbusiness” means “microbusiness” as defined in California Business and Professions Code Section 26070 conducted pursuant to a microbusiness cannabis license issued under Business and Professions Code section 26000, et seq., except that it shall not include cannabis cultivation and shall not include retail sale of cannabis or cannabis products from a public storefront.

“Cannabis non-storefront retail” means the retail sale by delivery of cannabis or cannabis products to customers that is operated out of a licensed premises that is closed to the public pursuant to a retailer cannabis license issued under Business and Professions Code section 26000, et seq. Cannabis retail at a public storefront is not authorized by this Chapter.

“Cannabis nursery” means the production of only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis pursuant to a nursery cannabis license issued under Business and Professions Code section 26000, et seq.

“Cannabis processing” means all activities associated with drying, curing, trimming, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products.

“Cannabis testing laboratory” means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products pursuant to a testing laboratory cannabis license issued under Business and Professions Code section 26000, et seq.

“Canopy” means the designated area(s) at a premises that will contain mature plants at any point in time, as follows:

1. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all areas that will contain mature plants, including all of the space(s) within the boundaries;
2. Canopy may be non-contiguous, but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that may include, but is not limited to: interior walls, shelves, greenhouse walls, hoop structure walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
3. If mature plants are being cultivated using a shelving technique, the surface area of each shelf level shall be included in the calculation of total canopy.

“Commercial cannabis activity” includes the recreational or medicinal cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided in this Chapter. Commercial cannabis activity does not include cultivation and processing of cannabis for personal use, as provided under Title 8, Chapter 8.10.

“Commercial cannabis business” means an entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

“Commercial cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis. Commercial cannabis cultivation includes the terms “commercial cannabis outdoor cultivation,” “commercial cannabis mixed light cultivation” and “cannabis nursery” defined in this Chapter.

“Commercial cannabis indoor cultivation” means cannabis cultivation indoors using exclusively artificial lighting.

“Commercial cannabis mixed light cultivation” means any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures pursuant to a mixed light cultivation cannabis license issued under Business and Professions Code section 26000, et seq.

“Commercial cannabis outdoor cultivation” means cannabis cultivation conducted in the ground or in containers outdoors and using no artificial lighting pursuant to an outdoor cultivation cannabis license issued under Business and Professions Code section 26000, et seq.

“Greenhouse” means a permanent structure, including glasshouses, conservatories, hothouses, or other similar structures for the covered propagation and growing of plants, constructed with a translucent roof and/or walls.

“Hoop structures” means a structure with structural members that are made of flexible and somewhat rigid construction materials, typically PVC pipe or similar materials. The ends of the structure may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently.

“Indoor” or “indoors” means within a fully enclosed and secure structure.

“Legal parcel” shall have the same meaning as set forth in Section 17.02.320 of this code.

“Outdoor” or “outdoors” means any location that is not within a fully enclosed and secure structure. For the purposes of this Chapter, cultivation within a “greenhouse” or “hoop structure” shall be considered outdoor cultivation.

“Park” means an area of land used for community recreation owned or operated by a public entity. This definition does not include any state or federal park or forestland.

“Premises” means the designated structure or structures and land specified in the cannabis license application that is owned, leased, or otherwise held under the control of the applicant or cannabis licensee where the commercial cannabis activity will be or is conducted. The

premises shall be a contiguous area and shall only be occupied by one licensee. A property may include more than one premises.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any preschool facility. This definition includes a nursery school, preschool, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, or day care centers or youth centers.

5.80.030. Allowed uses and permit requirements.

A. Allowed uses for commercial cannabis activities.

1. Commercial cannabis activities shall only be permitted in zoning districts in which such activities are specifically designated in Title 18 as an allowed use and only to the extent authorized in the applicable provisions of this chapter and Title 18.
2. All commercial cannabis activity shall comply with applicable state laws and regulations, as may be amended, including all license, approval, inspection, reporting and operational requirements imposed by the State and its regulatory agencies having jurisdiction over commercial cannabis activity, including but not limited to the Bureau of Cannabis Control, the Department of Fish and Wildlife, the Department of Food and Agriculture, the Department of Public Health, the Department of Pesticide Regulation, the Department of Tax and Fee Administration, and the State Water Resources Control Board.
3. State law requires dual licensing at the state and local level for all commercial cannabis activity. All commercial cannabis businesses shall be required to diligently pursue and obtain a state cannabis license, and shall comply at all times with the applicable state licensing requirements and conditions.
4. Commercial cannabis activities for which a permit is required, according to the applicable zoning restrictions for the premises on which they are proposed, shall only occur in compliance with the approval of the applicable permit. The required permit shall be obtained prior to the commencement of the cannabis activity. All conditions of the permit for the cannabis activity shall be satisfied prior to the commencement of the cannabis activity or as otherwise specified in the conditions of the permit.

B. Permit requirements for commercial cannabis activities. Commercial cannabis activities are permitted within the following land use categories subject to both the requisite State

license required to establish the use and local use permit or administrative permit, where required by this section.

1. Outdoor Cultivation. Commercial cannabis outdoor cultivation uses not exceeding one acre of total canopy shall be permitted on a legal parcel in the AP and AW zoning districts as provided in Chapters 18.16 and 18.20, respectively, subject to both the requisite State license and the conditions required by this section:
 - a. Outdoor cultivation of up to one acre of total canopy on a legal parcel, including outdoor cultivation in an existing greenhouse, shall be a permitted use.
 - b. A legal parcel may have multiple premises of outdoor cultivation provided that the total canopy on the parcel does not exceed one acre.
 - c. The minimum parcel size shall be ten acres.
 - d. Hoop structures for cultivation may be erected for no more than ten weeks during germination.
 - e. No artificial lighting is permissible for commercial cannabis outdoor cultivation, including within greenhouses and hoop structures.
2. Mixed Light Cultivation. Commercial cannabis mixed light cultivation uses shall be permitted on a legal parcel in the AP and AW zoning districts as provided in Chapters 18.16 and 18.20, respectively, subject to both the requisite State license and the conditions required by this section:
 - a. Commercial cannabis mixed light cultivation up to one acre of total canopy on a legal parcel in an existing greenhouse shall be a permitted use.
 - b. A legal parcel may have multiple premises of commercial cannabis mixed light cultivation provided that the total canopy on the parcel does not exceed one acre.
 - c. The minimum parcel size shall be ten acres.
 - d. Artificial lighting may be used between 6:00 a.m. and 9:00 p.m. only.
3. Nursery. Cannabis nursery uses are permitted within the AP and AW zoning districts as provided in Chapters 18.16 and 18.20, respectively, subject to both the requisite State license and the conditions required by this section:
 - a. Cannabis nursery up to one acre of total canopy in an existing greenhouse on a legal parcel shall be a permitted use.

- b. Cannabis nursery in a new greenhouse less than 2,500 square feet in size shall be permitted upon grant of an administrative permit in accordance with Chapter 18.126 and the issuance of a building permit.
 - c. A legal parcel may have multiple premises of cannabis nursery uses provided that the total canopy on the parcel does not exceed one acre.
 - d. The minimum parcel size shall be ten acres.
- 4. Accessory Processing. Commercial cannabis processing uses shall be permitted within the AP and AW zoning districts as provided in Chapters 18.16 and 18.20, respectively, subject to both the requisite State license and the conditions required by this section:
 - a. Accessory processing on a parcel with commercial cannabis outdoor cultivation, commercial cannabis mixed light cultivation, or cannabis nursery uses in an existing structure less than 2,500 square feet in size, shall be a permitted use.
 - b. Accessory processing on a parcel with commercial cannabis outdoor cultivation, commercial cannabis mixed light cultivation, or cannabis nursery uses in a new structure less than 2,500 square feet in size shall be permitted upon grant of an administrative permit in accordance with Chapter 18.126 and the issuance of a building permit.
 - c. Accessory processing in connection with commercial cannabis outdoor cultivation commercial cannabis mixed light cultivation, or cannabis nursery uses in an existing or new structure 2,500 square feet and larger in size shall be permitted in the AP and AW zones upon grant of a use permit in accordance with Chapter 18.124 and the issuance of a building permit.
 - d. Processing must be accessory to cultivation on the parcel. Processing structures may only be used for seasonal processing of cannabis grown on the premises and storage of farm equipment.
- 5. Distribution. Commercial cannabis distribution uses are permitted in the AV zoning district as provided in Chapter 18.24, subject to both the requisite State license and upon grant of a use permit in accordance with Chapter 18.124.
- 6. Manufacturing. Commercial cannabis manufacturing uses are permitted in the AV zoning district as provided in Chapter 18.24, subject to both the requisite State license and upon grant of a use permit in accordance with Chapter 18.124.
- 7. Microbusiness. Cannabis microbusiness uses are permitted in the AV zoning district as provided in Chapter 18.24, subject to both the requisite State license and upon grant of an administrative permit in accordance with Chapter 18.126.

8. Non-storefront Retail. Cannabis non-storefront retail uses are permitted in the AV zoning district as provided in Chapter 18.24, subject to both the requisite State license and upon grant of a use permit in accordance with Chapter 18.124.
9. Testing. Cannabis testing laboratory uses shall be permitted in the AV zoning district as provided in Chapter 18.24, subject to both the requisite State license and upon grant of an administrative permit in accordance with Chapter 18.126.

5.80.040 General commercial cannabis activities development standards.

- A. Parks, Schools and Private Residences. The premises shall be setback a minimum of 1,000 feet from a park or school and a minimum of 500 feet from a private residence on adjacent parcels. The distance specified in this section shall be the horizontal distance measured in a straight line from the premises to the property line of the parcel on which the park, school or private residence is located.
- B. Road Setbacks. Commercial cannabis cultivation shall comply with Chapter 18.112, Road Setbacks. Commercial cannabis outdoor cultivation premises, except for cultivation in existing greenhouses, shall be subject to the following additional setback requirements:
 1. 600 feet from any State highways described in Section 18.112.040, Stanly Lane as described in Section 18.112.050, and Silverado Trail described in Section 18.112.060; and
 2. 300 feet from any arterial County road described in Section 18.112.070, any collector County road described in Section 18.112.080, and any other public road described in Section 18.112.090.
- C. Timber Conversion/Timber Harvest Plans. No commercial cannabis activity shall rely on the granting of timber conversion or timber harvest permits. Commercial cannabis activity shall not be allowed on any parcel where timber conversion or timber harvest permits are necessary to implement the commercial cannabis activity.
- D. Tree removal. No commercial cannabis cultivation shall rely on the removal of any living tree of any species that is five inches or more in diameter, measured at four feet six inches above mean natural grade.
- E. Wineries. Commercial cannabis activity shall not be allowed on any legal lot where a licensed winery is operating.
- F. Non-agricultural lands. Commercial cannabis cultivation is prohibited on lands not designated as agricultural.
- G. Water Standards.

1. Water source. All water used in connection with cannabis cultivation shall be obtained from a legal source and shall be applied in accordance with all applicable ordinances, laws, and regulations.
 2. Any new water system or improvement of an existing water system that is proposed to supply groundwater for commercial cannabis activity shall comply with Chapter 13.15, Groundwater Conservation.
 3. All water used in connection with commercial cannabis cultivation shall use an on-site water supply source adequate to meet all on-site water uses on a sustainable basis. Water use includes, but may not be limited to, irrigation water, and a permanent potable water supply for all employees. Trucked water shall not be allowed, except for emergencies requiring immediate action, as determined by the Board of Supervisors.
 4. Commercial cannabis cultivators regulated under this chapter must provide an annual report to the County documenting water use for cultivation on a date determined by the Board of Supervisors.
- H. Commercial cannabis cultivation shall comply with Chapter 18.106, Viewshed Protection Program.
- I. Commercial cannabis cultivation shall comply with Chapter 18.108, Conservation Regulations.
- J. Commercial cannabis cultivation shall comply with all Agricultural Best Practices, as may be developed by the Agriculture Commissioner from time to time.
- K. Commercial cannabis cultivation shall comply with all Cultivation Best Management Practices as developed by the California Department of Food and Agriculture.
- L. All commercial cannabis activity will comply with local regulations and State law, including laws relating to resource conservation.
- M. The commercial cannabis activities authorized by this Chapter shall also comply with all State requirements for the applicable State cannabis license.
- N. Pursuant to Subdivision (c) of section 26200 of the Business and Professions Code, the County shall notify the California Bureau of Cannabis Control upon the revocation of any permit of a commercial cannabis licensee to engage in commercial cannabis activity within the County of Napa.

5.80.050 Napa Designations.

- A. Use of “Napa”: The term “Napa” shall only be used on or in association with cannabis and/or cannabis products grown, manufactured, produced or sold pursuant to this Chapter under the following circumstances:
1. Pursuant to California state law provided the cannabis is also one-hundred percent grown outdoors in natural sunlight;
 2. To designate the address of a licensed property located in the city of Napa, provided such use of “Napa” as part of the address occurs in the informational panel for the label for the cannabis or cannabis product required under California state law and the term “Napa” appears no larger than the minimum font size required under California state law;
 3. As part of a brand name for cannabis or cannabis products, or as part of a trade name for businesses related thereto, provided the cannabis or cannabis product grown, manufactured, produced or sold in association with such brand or name complies with the state of California requirements for use of the name Napa County and the cannabis is also one-hundred percent grown outdoors in natural sunlight;

In the event that the state of California creates a cannabis appellation encompassing the term “Napa,” such appellation may only be used pursuant to California state law provided the cannabis is also one-hundred percent grown outdoors in natural sunlight.

5.80.060 Administrative Remedies. This section is not intended to, and does not, establish any criminal liability. This section provides administrative remedies for any violation of this Chapter related to all cannabis uses. A violation of this Chapter shall be subject to all civil enforcement and abatement methods, including the administrative procedure set forth in Chapter 1.20 of the County Code. The remedies provided for in this Section shall be cumulative and not exclusive.

- A. Administrative Citations. In addition to all other legal remedies, criminal or civil, which may be pursued by the county to address any violation of the County Code, this subsection provides for administrative citations, adopted pursuant to the authority conferred by the Government Code, including Section 53069.4. Violations of any provision of the County Code, permit, license or approvals are subject to administrative citation. Each act, omission, or condition may be cited as a separate violation and each violation that continues, exists, or occurs on more than one day may constitute a separate violation on each day, at the discretion of the agency having jurisdiction.
- B. Civil Penalties.
1. In addition to any and all other costs, fees, penalties and expenses which may be assessed or imposed as a result of violation of this Chapter, any person who violates

any provision of this Chapter shall be liable and responsible for, and shall pay to the County the following penalties, as determined by the agency having jurisdiction.

- a. For each unpermitted cannabis use, no more than ten thousand dollars (\$10,000) for the first violation; no more than twenty-five thousand dollars (\$25,000) for the second violation within two (2) years; and no more than fifty thousand dollars (\$50,000) for the third violation within three (3) years.
 - b. No more than one thousand dollars (\$1,000) per day for the first violation; no more than two thousand dollars (\$2,000) per day for a second violation within two (2) years; and no more than five thousand dollars (\$5,000) per day for each additional violation within two (2) years for each day that the violation exists after the date of mailing or hand delivery of a notice of violation or a notice and order through to its abatement by whatever means; or
 - c. No more than twenty dollars (\$20) per square foot of cultivation or cannabis use area for the first offense; no more than thirty dollars (\$30) per square foot of the cultivation or cannabis use area for the second offense; and no more than fifty dollars (\$50) per square foot of the cultivation or cannabis use area for the third offense.
 - d. In the event that the use or structure in violation may be permitted with an appropriate permit, up to a maximum of fifty (50) times the amount of the standard fee for every required approval, review, and permit.
 - e. The penalty may be imposed under the administrative process set forth in this Section, as provided in Government Code section 53069.4, or may be imposed by the court, if the violation requires court enforcement without an administrative process. Acts, omissions, or conditions in violation of this Section that continue, exist, or occur on more than one day constitute separate violations on each day.
2. Removal of Violation. The penalties imposed by this Section may not apply if the agency having jurisdiction establishes that within five (5) days after the date of mailing or hand delivery of notice of the existence of the violation, the person removed from the property the cannabis, the cannabis equipment, the use, or structure which constituted that violation.
 3. Liability for Costs and Fees. In any enforcement action brought pursuant to this Section, whether by administrative or judicial proceedings, each person who causes, permits, suffers, or maintains the unlawful cannabis use shall be liable for all costs incurred by the County, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible person to undertake, any abatement action in compliance with the requirements of this

Section. In any action by the agency having jurisdiction to abate unlawful cannabis uses under this Section, whether by administrative or judicial proceedings, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorneys' fees under this subdivision shall be limited to those actions or proceedings in which the County elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the County in the action or proceeding.

5.80.070 Taxes.

- A. General Tax. The taxes imposed by this section are a general tax as defined by paragraph (a) of section 1 of Article XIII C of the California Constitution. The taxes imposed by this section are enacted solely for general governmental purposes and not for specific purposes. All of the proceeds from the taxes imposed by this section shall be placed in the County's general fund and used for general governmental purposes.
- B. Tax Rate Imposed on Commercial Cannabis Cultivation. In addition to any requirements imposed by Chapter 5.80, each person engaged in commercial cannabis cultivation within the unincorporated area of the County shall pay an annual tax of one dollar (\$1.00) per square foot of canopy of a commercial cannabis outdoor cultivation or cannabis nursery premises, and two dollars (\$2.00) per square foot of canopy of a commercial cannabis mixed light cultivation premises. This tax shall be adjusted on January 1, 2022, and the first of January of each succeeding year based on the Consumer Price Index (CPI) for all urban consumers as published by the United States Government Bureau of Labor Statistics.
- C. Tax Rate Imposed on Other Commercial Cannabis Activity. In addition to any requirements imposed by Chapter 5.80, each person engaged in commercial cannabis activity authorized by this Chapter within the unincorporated area of the County, other than commercial cannabis cultivation subject to the tax in subsection B of this Section, shall pay an annual tax of three and one-half percent (3.5%) of gross receipts of the commercial cannabis businesses.
- D. Tax Exemption. No tax shall be imposed for cannabis cultivated strictly for personal use in accordance with Chapter 8.10.
- E. Manner of Collection. The tax imposed by this Chapter shall be collected by the Napa County Treasurer-Tax Collector biannually in the same manner as other taxes fixed and collected by Napa County. For purposes of this Chapter, taxes shall begin to accrue on the date on which a person becomes engaged in legally-authorized commercial cannabis activity in accordance with the applicable provisions of the Napa County Code and all other applicable state and federal laws and regulations.

- F. Penalties. Any person who fails to pay the tax required by this Chapter within thirty (30) days after the due date shall pay, in addition to the tax, a penalty for nonpayment in a sum equal to twenty-five percent (25%) of the total amount due. Receipt of the tax payment by the Napa County Treasurer-Tax Collector's Office shall govern the determination of whether the tax is delinquent. Postmarks will not be accepted as adequate proof of a timely payment.
- G. Examination of Records. The administration of the provisions of this Chapter shall include, but shall not be limited to, the authority of the County to examine the books and records, including tax returns, of any person subject to the provisions of this Chapter. Any such examination shall occur at a reasonable and upon reasonable advance notice thereof.
- H. Payment of Tax Does Not Authorize Unlawful Business. The payment of the tax imposed pursuant to this Chapter, and its acceptance by the County, shall not entitle any person to carry on commercial cannabis activity unless the person has complied with all applicable requirements of this Code and all other applicable laws. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful cultivation in violation of any County ordinance.
- I. Modification, Repeal, or Amendment. The Board of Supervisors may repeal this Section, or amend it in a manner which does not result in an increase in the amount of the tax or broaden the scope of the tax imposed herein without further voter approval. Voter approval is required for any amendment of this section that would increase the rate of tax imposed pursuant to this section. The board is authorized to implement such procedures as may be appropriate to accomplish the purposes of this section provided such procedures are reasonably consistent with the imposition of similar taxes and would not frustrate the purpose of the Napa County Cannabis Regulation Initiative.

Chapter 8.10 of Title 8, Health and Safety, of the Napa County Municipal Code is hereby amended to read as follows:

Chapter 8.10 - PERSONAL CANNABIS CULTIVATION

8.10.010 - Purpose and intent.

- A. It is the intent of the board of supervisors to ~~prohibit the large scale cultivation of cannabis in the unincorporated area of the county, while regulating~~ regulate the cultivation of limited amounts of cannabis for personal use as allowed by state law or for medical purposes to accommodate the needs of persons with an identification card and/or their primary caregivers, in order to protect Napa County's unique and sensitive environment, and to preserve the public peace, health, safety and general welfare of the citizens of, and visitors to the county.
- B. It is also the intent of the board that nothing in this chapter shall be construed to:

1. Allow persons to engage in conduct that endangers others or causes a public nuisance.
- ~~2. Allow any form of commercial cannabis activity.~~
- ~~2.3.~~ 2. Allow the use or diversion of cannabis for purposes in violation of State or local law, except as provided in Title 5, Chapter 5.80.
3. 4. Allow the cultivation or use or allow any activity relating to the cultivation or use of cannabis that is otherwise illegal under State law.

8.10.020 - Definitions.

For purposes of this chapter, the following definitions shall apply:

"Cannabis" shall have the same definition as set forth in California Business and Professions Code Section 26001.

"Commercial cannabis activity" shall have the same definition as set forth in California Business and Professions Code Section 26001.

"Cultivation" or "cultivate" means any activity involving the planting, growing, harvesting, drying, curing, processing or storage of cannabis in any location, indoor or outdoor, including within a fully enclosed and secure structure.

"Front yard" shall have the same meaning as set forth in subsection (A) of Section 18.08.650 of this code.

"Fully enclosed and secure structure" means a space within a building or other structure that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure shall: 1) be adequately secure to prevent unauthorized entry; 2) include a secure locking mechanism consisting of at least a deadbolt lock that shall remain locked at all times when a person with an identification card or primary caregiver is not present within the cultivation area; and 3) provide complete visual screening of the cultivation.

"Indoor" or "indoors" means within a fully enclosed and secure structure.

"Legal parcel" shall have the same meaning as set forth in Section 17.02.320 of this code.

"Outdoor" or "outdoors" means any location that is not within a fully enclosed and secure structure. For the purposes of this chapter, cultivation within a greenhouse or "hoop structure" shall be considered outdoor cultivation.

"Park" means an area of land used for community recreation owned or operated by a public entity. This definition does not include any state or federal park or forestland.

"Person with an identification card" shall have the same definition as set forth in subsection (c) of California Health and Safety Code Section 11362.7.

"Personal cannabis cultivation" shall mean the cultivation of cannabis for medical or adult use in accordance with State law and this chapter. Personal cannabis cultivation does not include commercial cannabis activity, as provided under Title 5, Chapter 5.80.

"Premises" means a single legal parcel or, where there are contiguous legal parcels under common ownership or control, such contiguous legal parcels shall constitute the "premises" for purposes of this chapter.

"Primary caregiver" shall have the same definition as set forth in subsection (d) of California Health and Safety Code section 11362.7.

"Private residence" shall have the same definition as set forth in California Health and Safety Code Section 11362.2.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any preschool facility. This definition includes a nursery school, preschool, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, or day care centers or youth centers.

8.10.030 - General regulations for ~~all~~ personal cannabis cultivation.

A. General Provisions.

1. It is unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the unincorporated area of the county to cause or allow such parcel to be used for ~~the cultivation of~~ personal cannabis cultivation, except as provided for and in strict compliance with all applicable provisions of this chapter. Commercial cannabis activity is governed by Chapter 5.80 of Title 5.
2. Cultivation of cannabis pursuant to this chapter is allowed only on premises with private residences.
3. Subject to the provisions of section 8.10.040 and 8.10.050, not more than the quantity of cannabis plants set forth in California Health and Safety Code Section 11362.2 may

be cultivated, whether indoors, outdoors, or any combination thereof, within a single private residence or upon the grounds of that private residence at one time. The limitation set forth in this subsection shall apply regardless of the number of persons authorized to cultivate cannabis pursuant to subsection (B) of Section 8.10.030 residing at the private residence.

4. Personal Cannabis cultivation shall not cause a public nuisance to or adversely affect the health, safety, or general welfare of persons at the cultivation premises, in any public right-of-way adjacent to the cultivation premises, or at any nearby residence or nearby property or areas open to the public, including, but not limited to, by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, or vibration, or by the use or storage of hazardous materials, processes, products or wastes.
5. All of the following in connection with personal cannabis cultivation are prohibited:
 - a. The use of any volatile chemical or gas product, including but not limited to carbon dioxide (CO₂) and butane.
 - b. The use of any fossil fuel-powered electrical generator.
 - c. Any use or storage of pesticide or fertilizer products inconsistent with State law and regulations, including but not limited to, regulations promulgated by Department of Pesticide Regulation rulemaking action number DPR 16-004.
6. Any structure or electrical device used in connection with cannabis cultivation shall comply with the California Building, Electrical and Fire Codes as adopted by the county.
7. All water used in connection with personal cannabis cultivation shall be obtained from a legal source and shall be applied in accordance with all applicable ordinances, laws, and regulations.
8. It shall be unlawful for any person, after receiving written notice by the owner or landlord of a premises that personal cannabis cultivation is prohibited, to begin or continue to cultivate cannabis on that premises or in any common area of that premises if the premises exists on a multi-family or multi-unit parcel.
9. It shall be unlawful for any person cultivating cannabis pursuant to this chapter to sell, offer for sale, furnish, administer, or donate the cannabis allowed to be grown under this chapter in any manner inconsistent with California Health and Safety Code Section 11362.1. A primary caregiver that receives compensation for cultivation services, or monies in advance or reimbursement for actual expenses incurred to cultivate cannabis, such as the costs of starter plants or seed, soil, containers, and utilities, from a person with an identification card to enable that person to use cannabis, shall not, on the sole basis of those payments, be deemed to be a seller of cannabis for the purposes of this chapter.

B. Persons Authorized to Cultivate Personal Cannabis. The following persons may engage in the personal cultivation of cannabis:

1. A person twenty-one years of age or older, so long as the person resides at the residence where the cultivation of cannabis occurs.
2. A person with an identification card, so long as the person resides at the residence where the cultivation of cannabis occurs.
3. A primary caregiver, so long as the primary caregiver and/or the person for whom the primary caregiver is cultivating resides at the residence where the cultivation of cannabis occurs.

8.10.040 - Additional regulations for outdoor personal cannabis cultivation.

In addition to the regulations specified in Section 8.10.030, the following regulations shall apply to any personal outdoor cultivation:

A. Outdoor Personal Cultivation Standards. Outdoor cultivation shall conform to the following standards:

1. Outdoor cultivation of cannabis is prohibited:
 - a. In the front yard of any parcel.
 - b. In any location visible from a public right-of-way.
 - c. Within ten feet of any property line of any parcel owned by any person or entity other than the person engaging in the outdoor cultivation.
2. The maximum number of cannabis plants allowed to be cultivated outdoors shall be as follows:
 - a. On parcels within three hundred feet of any school or park, up to two cannabis plants may be cultivated outdoors in strict compliance with all other applicable provisions of this chapter. The limitation set forth in this subsection shall apply regardless of the number of persons authorized to cultivate cannabis pursuant to subsection (B) of Section 8.10.030 residing at the private residence. For the purposes of this subsection, a parcel shall be deemed to be within three hundred feet of a school or park if the distance, as measured in a straight line, from any point along the property line of the parcel where cultivation is to occur is three hundred feet or fewer from any point along the property line of any parcel containing a school, portion of a school, park, or portion of a park.

- b. On all parcels not within three hundred feet of any school or park as measured by subsection (A)(2)(a) of Section 8.10.040, up to six cannabis plants may be cultivated outdoors at a residence in strict compliance with all other applicable provisions of this chapter. The limitation set forth in this subsection shall apply regardless of the number of persons authorized to cultivate cannabis pursuant to subsection (B) of Section 8.10.030 residing at the private residence.
3. Outdoor cultivation shall be enclosed by a solid fence or physical barrier at least six feet in height with a locking gate sufficient to prevent unauthorized access. Any such fence or physical barrier shall be constructed in accordance with the applicable provisions of this code.
4. The use of any electric light for the purpose of stimulating plant growth is prohibited.

8.10.050 - Additional regulations for indoor personal cannabis cultivation.

In addition to the regulations specified in Section 8.10.030, the following regulations shall apply to any indoor cultivation:

- A. Indoor Personal Cultivation Standards. Indoor cultivation shall conform to the following standards:
 1. Indoor cultivation of cannabis is allowed only within a fully enclosed and secure structure.
 2. Any fully enclosed and secure structure used for the cultivation of cannabis that is separate from the private residence on a premises shall maintain a minimum ten-foot setback from any property line.
 3. Any structure used for indoor cannabis cultivation shall be secured in a manner that prevents unauthorized entry.
 4. Any structure used for indoor cannabis cultivation shall have proper ventilation and odor control filtration to prevent mold damage and prevent cannabis plant odors or particles from becoming a public nuisance to surrounding properties or the public. The cultivation of cannabis shall not subject residents of neighboring parcels who are of normal sensitivity to reasonably objectionable odors. A public nuisance may be deemed to exist if the cultivation produces odors that are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public.

Chapter 18.08 of Title 18, Zoning, of the Napa County Municipal Code is hereby amended to read as follows:

Chapter 18.08 - DEFINITIONS

18.08.040 - Agriculture.

"Agriculture" means the raising of crops or livestock and includes the following:

- A. Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops, and commercial cannabis cultivation as provided in Chapter 5.80;
- B. Grazing of livestock and feeding incidental thereto;
- C. Animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry and egg production, except as provided in subsection (G) of this section;
- D. Farmworker housing as defined in Section 18.08.294 and is also consistent with the California Employee Housing Act;
- E. Sale of agricultural products grown, raised or produced on the premises;
- F. Farm management uses meeting all of the standards in subsections (F)(1) through (F)(6) of this section. Farm management shall mean the operation, maintenance and storage of farm machinery, equipment, vehicles and supplies used exclusively for agricultural cultivation and harvesting where all machinery, equipment, vehicles and supplies are leased or owned and operated by the farm manager whether that manager is an owner, tenant, or agricultural contractor, and regardless of whether properties managed are contiguous or under similar ownership, provided that at least seventy-five percent of the managed acres are within Napa County. Farm management shall not include manufacturing for sale or retail sales of any kind and shall not include businesses devoted to equipment storage, rental or repair rather than farming. Farm management shall not include the operation, maintenance or storage of equipment used for construction of structures, even if those structures are in support of agriculture;
 - 1. Offices used for farm management shall meet the definition of accessory uses in Section 18.08.020;
 - 2. Farm management activities established or expanded after June 30, 2006, alone or in combination with any wineries subject to Section 18.104.220 shall not occupy more than fifteen acres or twenty-five percent of the parcel size, whichever is less;
 - 3. No single farm management building or structure newly constructed or expanded after June 30, 2006 shall exceed five thousand gross square feet. Multiple smaller

buildings are permitted as long as they conform to the lot coverage standard in subsection (F)(2) above;

4. Uncovered storage areas shall be screened from preexisting residences on adjacent parcels and from designated public roads defined in Chapter 18.106. Screening shall generally consist of evergreen landscape buffers;
 5. Farm managers shall possess all applicable local, state and federal permits and licenses;
 6. All exterior lighting, including landscape lighting, for farm management uses shall be shielded and directed downward, located as low to the ground as possible, and the minimum necessary for security, safety, or operations. Additionally, motion detection sensors must be incorporated to the greatest extent practical. No flood-lighting or sodium lighting of buildings is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction, two copies of a separate detailed lighting plan shall accompany building plans showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for department review and approval.
- G. Agriculture shall not include the raising and keeping of more than twenty-five roosters per acre, up to a maximum of one hundred roosters per legal parcel, except as may be permitted pursuant to Chapter 6.18.
- H. Agriculture shall include the following, but only upon grant of a use permit pursuant to Section 18.124.010, or unless previously issued a small winery certificate of exemption pursuant to subsection (H) of Section 18.16.020 and subsection (I) of Section 18.20.020, or legal existence as a winery prior to July 31, 1974 as provided in subsection (G) of Section 18.16.020 and subsection (H) of Section 18.20.020:
1. Production and processing of agricultural products, including agricultural processing facilities, except cannabis processing accessory to commercial cannabis cultivation in a structure less than 2,500 square feet in size as provided in Sections 18.16.020, 18.16.024, 18.20.020 and 18.20.024 and Chapter 5.80; and
 2. Marketing, sales, and other accessory uses that are related, incidental and subordinate to the main agricultural processing use.

18.08.119 - Commercial Cannabis

“Commercial Cannabis” includes the following terms:

A. Cannabis Distribution

“Cannabis Distribution” means the procurement, sale, and transport of cannabis and cannabis products as provided in Chapter 5.80.

B. Cannabis Microbusiness

“Cannabis microbusiness” means a “Microbusiness” under California Business and Professions Code Section 26070, except that it shall not include cannabis retail sales, as provided in Chapter 5.80.

C. Cannabis Nursery.

“Cannabis Nursery” means the production of only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of commercial cannabis as provided in Chapter 5.80.

D. Cannabis Processing.

“Cannabis Processing” means all activities associated with drying, curing, trimming, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products as provided in Chapter 5.80.

E. Cannabis Testing Laboratory.

“Cannabis testing laboratory” means a laboratory, facility, or entity in the state that offers or performs test of cannabis or cannabis products as provided in Chapter 5.80.

F. Commercial Cannabis Cultivation.

“Commercial Cannabis Outdoor Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis, including “commercial cannabis outdoor cultivation,” “commercial cannabis mixed light cultivation,” and “cannabis nursery,” as provided in Chapter 5.80.

G. Commercial Cannabis Outdoor Cultivation.

“Commercial cannabis outdoor cultivation” means cannabis cultivation conducted in the ground or in containers outdoors and using no artificial lighting as provided in Chapter 5.80.

H. Commercial Cannabis Mixed Light Cultivation.

“Commercial cannabis mixed light cultivation” means any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures, as provided in Chapter 5.80.

Chapter 18.16 of Title 18, Zoning, of the Napa County Municipal Code is hereby amended to read as follows:

Chapter 18.16 - AP AGRICULTURAL PRESERVE DISTRICT

18.16.020 - Uses allowed without a use permit.

The following uses shall be allowed in all AP districts without use permits:

- A. Agriculture;
- B. One single-family dwelling unit per legal lot;
- C. Residential care facilities (small);
- D. Family day care homes (small);
- E. Family day care homes (large), subject to Section 18.104.070;
- F. One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met;
- G. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;
- H. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this section, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this section in conformance with the applicable certificate of exemption, Section 18.08.600 of this code, and any resolution adopted pursuant thereto;
- I. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this section shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;
- J. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;

- K. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140; and
- L. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable.
- M. Commercial cannabis outdoor cultivation of up to one acre of total canopy, including outdoor cultivation in an existing greenhouse, as provided in Chapter 5.80.
- N. Commercial cannabis mixed light cultivation of up to one acre of total canopy in an existing greenhouse as provided in Chapter 5.80.
- O. Cannabis nursery of up to one acre of total canopy in an existing greenhouse as provided in Chapter 5.80.
- P. Accessory cannabis processing in connection with commercial cannabis cultivation in an existing structure of less than 2,500 square feet in size as provided in Chapter 5.80.

18.16.024 - Uses permitted upon grant of an administrative permit.

The following uses shall be permitted in all AP districts upon grant of an administrative permit pursuant to Chapter 18.126:

- A. Cannabis nursery in connection with cannabis cultivation in a new greenhouse of less than 2,500 square feet in size as provided in Chapter 5.80.
- B. Accessory cannabis processing in connection with commercial cannabis cultivation in a new structure of less than 2,500 square feet in size as provided in Chapter 5.80.

18.16.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all AP districts, but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (M) of Section 18.16.020;

- B. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership, except accessory cannabis processing in connection with cannabis cultivation in an existing or new structure of less than 2,500 square feet in size as provided in Sections 18.16.020 and 18.16.024 and Chapter 5.80;
- C. Kennels and veterinary facilities;
- D. Feed lots;
- E. Noncommercial wind energy and conversion systems;
- F. Wineries, as defined in Section 18.08.640;
- G. The following uses in connection with a winery:
 - 1. Crushing of grapes outside or within a structure,
 - 2. On-site aboveground disposal of wastewater generated by the winery,
 - 3. Aging, processing and storage of wine in bulk,
 - 4. Bottling and storage of bottled wine and shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,
 - 5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
 - a. Office and laboratory uses,
 - b. Marketing of wine as defined in Section 18.08.370,
 - c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;
- H. The following uses, when accessory to a winery:
 - 1. Tours and tastings, as defined in Section 18.08.620,
 - 2. Display, but not sale, of art,

- 3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
- 4. Sale of wine-related products,
- 5. Child day care centers limited to caring for children of employees of the winery;
- I. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
- J. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;
- K. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility;
- L. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040.

Chapter 18.20 of Title 18, Zoning, of the Napa County Municipal Code is hereby amended to read as follows:

Chapter 18.20 - AW AGRICULTURAL WATERSHED DISTRICT

18.20.020 - Uses allowed without a use permit.

The following uses shall be allowed in all AW districts without use permits:

- A. Agriculture;
- B. One single-family dwelling unit per legal lot;
- C. A second unit, either attached to or detached from an existing legal residential dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- D. Residential care facilities (small);
- E. Family day care homes (small);
- F. Family day care homes (large), subject to Section 18.104.070;

- G. One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met;
- H. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;
- I. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this chapter, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this chapter, in conformance with the applicable certificate of exemption, Section 18.08.600, and any resolution adopted pursuant thereto;
- J. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this chapter shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;
- K. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- L. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140;
- M. Hunting clubs (small) as defined in Chapter 18.08;
- N. Overnight lodging in public parks or in structures, at the density and intensity of use (number of units) lawfully developed for such purpose prior to October 13, 1977, provided that such use has a currently-valid certificate of the extent of legal nonconformity pursuant to Section 18.132.050;
- O. Any recreational vehicle park or campground and their accessory and related uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided that no expansion of uses or structures beyond those which were specifically authorized by a use permit or modification of a use permit issued prior to May 10, 1996, shall be permitted except as may be authorized by a subsequent permit issued pursuant to this title;
- P. Floating dock which complies with all of the following:

1. Is accessory to a residential or agricultural use otherwise permitted by this chapter without a use permit,
 2. Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows, and
 3. In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock;
- Q. Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code;
- R. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and
- S. Quasi-private recreation uses and facilities, as defined in Section 18.08.494, conforming to the standards in Section 18.104.350, and provided that they do not adversely impact adjacent agriculture.
- T. Grading and paving contractors, including offices, equipment storage and repair, and materials storage, so long as the following conditions are met:
1. The grading and paving business has been conducted in the same location since July 1, 1968 or earlier;
 2. The number of buildings used for the grading and paving business, and the total square footage of the building used for the grading and paving business, does not exceed that in existence as of January 1, 2015;
 3. The days and hours of operation of the grading and paving business do not exceed the average of the years 2013 through 2015;
 4. The grading and paving business is located within one mile of the city limits of an incorporated city;
 5. The grading and paving business is located on a parcel no smaller than five acres and no larger than ten acres;
 6. Uncovered storage areas shall be screened from pre-existing residences on adjacent parcels. Screening shall generally consist of evergreen landscape buffers and fences;

7. All exterior lighting, including landscape lighting, shall be shielded and directed downward, located as low to the ground as possible, and the minimum necessary for security, safety, or operations.
- U. Commercial cannabis outdoor cultivation of up to one acre of total canopy, including outdoor cultivation in an existing greenhouse, as provided in Chapter 5.80.
- V. Commercial cannabis mixed light cultivation of up to one acre of total canopy in an existing greenhouse as provided in Chapter 5.80.
- W. Cannabis nursery of up to one acre of total canopy in an existing greenhouse as provided in Chapter 5.80.
- X. Accessory cannabis processing in connection with commercial cannabis cultivation, in an existing structure of less than 2,500 square feet in size as provided in Chapter 5.80.

18.20.024 - Uses permitted upon grant of an administrative permit.

The following uses shall be permitted in all AW districts upon grant of an administrative permit pursuant to Chapter 18.126:

- A. Cannabis nursery in connection with cannabis cultivation in a new greenhouse of less than 2,500 square feet in size as provided in Chapter 5.80.
- B. Accessory cannabis processing in connection with commercial cannabis cultivation in a new structure of less than 2,500 square feet in size as provided in Chapter 5.80.

18.20.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all AW districts, but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Parks and rural recreation uses and facilities as defined in Chapter 18.08, conforming to the standards in Chapter 18.104;
- B. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (R) of Section 18.20.020;
- C. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership, except accessory cannabis processing in connection with commercial cannabis cultivation in an existing or

new structure of less than 2,500 square feet in size as provided in Sections 18.20.020 and 18.20.024 and Chapter 5.80;

- D. Kennels, horse boarding and/or training stables, veterinary facilities, and wildlife rescue centers;
- E. Feed lots;
- F. Sanitary landfill sites;
- G. Noncommercial wind energy and conversion systems;
- H. Wineries, as defined in Section 18.08.640;
- I. The following uses in connection with a winery:
 - 1. Crushing of grapes outside or within a structure,
 - 2. On-site, aboveground disposal of wastewater generated by the winery,
 - 3. Aging, processing and storage of wine in bulk,
 - 4. Bottling and storage of bottled wine; shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,
 - 5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
 - a. Office and laboratory uses,
 - b. Marketing of wine as defined in Section 18.08.370,
 - c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;
- J. The following uses, when accessory to a winery:
 - 1. Tours and tastings, as defined in Section 18.08.620,
 - 2. Display, but not sale, of art,

3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
 4. Sale of wine-related products,
 5. Child day care centers limited to caring for children of employees of the winery;
- K. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
 - L. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;
 - M. Campgrounds on public lands conforming to the standards in Chapter 18.104;
 - N. Hunting clubs (large) as defined in Chapter 18.08 and subject to the standards in Chapter 18.104;
 - O. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility; and
 - P. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040.

Chapter 18.24 of Title 18, Zoning, of the Napa County Municipal Code is hereby amended to read as follows:

Chapter 18.24 - AV AIRPORT DISTRICT

18.24.020 - Uses allowed without a use permit.

The following uses shall be allowed in all AV districts without a use permit:

- A. Agriculture, but not including commercial cannabis cultivation;
- B. The following uses at the Napa County airport, when in conformance with the airport master plan approved on December 1, 1976, and as amended by the county:
 1. Paved runways, taxiways and parking aprons,
 2. Lighting, (radar and radio) navigation and communication facilities,

3. Hangars for aircraft storage, service, and repair,
 4. Limited passenger and freight terminal facilities within the existing airport terminal,
 5. Aircraft rentals and charter services,
 6. Avionics sales, service and repair,
 7. Aircraft upholstery services,
 8. Aviation insurance services,
 9. Aircraft maintenance and repair services,
 10. Emergency fire protection and crash/fire/rescue services;
- C. The following uses at Parrett Field (Angwin Airport) when in conformance with the airport layout plan included in the Napa County airport land use compatibility plan approved on April 22, 1991, and as duly amended thereafter:
1. Paved runways, taxiways and parking aprons;
 2. Lighting, (radar and radio) navigation and communication facilities;
 3. Hangars for aircraft storage, service and repair;
 4. Aircraft rentals and charter services;
 5. Aircraft maintenance and repair services;
 6. Emergency fire protection and crash/fire/rescue services;
- D. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- E. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140.

18.24.024 - Uses permitted upon grant of an administrative permit.

The following uses shall be permitted in all AV districts upon grant of an administrative permit pursuant to Chapter 18.126:

A. Cannabis microbusiness as provided in Chapter 5.80.

B. Cannabis testing laboratory as provided in Chapter 5.80.

18.24.030 - Uses permitted upon grant of a use permit.

The following uses shall be permitted in all AV districts upon grant of a use permit pursuant to Section 18.124.010:

- A. Airports;
- B. Aircraft manufacturing and painting;
- C. Aircraft fueling facilities;
- D. Commercial and service structures and uses at Napa County Airport, related to aviation or the functioning of that facility:
 - 1. Aviation schools, flight instruction and flying clubs;
 - 2. Aerial survey mapping and photography services,
 - 3. Retail sales (not to exceed five hundred square feet per shop or lease area) within passenger terminal building,
 - 4. Administration or business offices related to aviation,
 - 5. Aerial advertising services,
 - 6. Aerial agricultural chemical application services,
 - 7. Air patrol firefighting and suppression services,
 - 8. Scheduled air passenger and freight services,
 - 9. Car rental services;
- E. The following structures and uses at Parrett Field (Angwin Airport) related to a public use airport open for general aviation:

1. Aviation schools, flight instruction, and flying clubs;
2. Administrative or business offices related to general aviation activities or aircraft based at Parrett Field;
- F. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
- G. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district.
- H. Cannabis distribution as provided in Chapter 5.80.
- I. Cannabis manufacturing as provided in Chapter 5.80.
- J. Cannabis non-storefront retail as provided in Chapter 5.80.

Chapter 18.126 of Title 18, Zoning, of the Napa County Municipal Code is hereby amended to read as follows:

Chapter 18.126 - ADMINISTRATIVE PERMITS

18.126.030 - Issuance.

Subject to the provisions of this chapter, an administrative permit may be issued by the director, or zoning administrator as provided by subsection (A) of Section 18.10.020, for any of the following:

- A. A temporary event;
- B. A home occupation;
- C. An entry structure;
- D. Directional, identification, temporary off-site and/or agricultural signs, and comprehensive sign plans;
- E. A temporary trailer;
- F. Very minor modifications to use permits as described in subsections (C)(1) through (5) of Section 18.124.130;
- G. Hot air balloon launching sites involving fifty or fewer days of launches or attempted launches at the same site per year. For purposes of this chapter, anytime the permittee

stages or sets up balloon equipment in anticipation of a launch at the same site, the site shall be deemed used and it shall count towards the maximum fifty launching days allowed per year regardless of whether an actual launch occurs;

- H. (Reserved);
- I. Small wind energy systems pursuant to the requirements of Chapter 18.117 of this Code; and/or
- J. Cottage food operation.
- K. Cannabis nursery in connection with cannabis cultivation in a new greenhouse less than 2,500 square feet in size as provided in Chapter 5.80.
- L. Accessory cannabis processing in connection with commercial cannabis cultivation in a new structure of less than 2,500 square feet in size as provided in Chapter 5.80.
- M. Cannabis microbusiness as provided in Chapter 5.80.
- N. Cannabis testing laboratory as provided in Chapter 5.80.

18.126.060 - Permit—Issuance prerequisites.

Issuance of an administrative permit is subject to the following standards:

- A. An administrative permit for a temporary event shall not be issued unless the application complies with Chapter 5.36 and the standards set forth in the Temporary Events Manual.
- B. An administrative permit for a home occupation shall not be issued unless the application complies with the standards contained in Section 18.104.090.
- C. An administrative permit for certain entry structures and fences shall not be issued unless the application complies with the standards contained in Section 18.104.270 or Section 18.104.275.
- D. An administrative permit for a directional sign shall not be issued unless the application complies with the standards contained in subsections (A) and (B) of Section 18.116.030.
- E. An administrative permit for an identification sign shall not be issued unless the application complies with the standards contained in Section 18.116.035.
- F. An administrative permit for a comprehensive sign plan shall not be issued unless the application complies with the standards contained in Section 18.116.035.
- G. An administrative permit for an agricultural sign shall not be issued unless the application complies with the standards contained in subsection (C) of Section 18.116.030.

- H. An administrative permit for a temporary off-site sign shall not be issued unless the application complies with the standards contained in subsection (G) of Section 18.116.030.
- I. An administrative permit for a construction trailer shall not be issued unless the application complies with the following standards:
 - 1. A building permit for a residential use has been issued for the property upon which the trailer will be located;
 - 2. The trailer is for use by the owner/builder;
 - 3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 - 4. The trailer meets applicable county setback requirements.
- J. An administrative permit for a medical or caregiver trailer shall not be issued unless the application complies with the following standards:
 - 1. The property owner or occupant of the property has provided written documentation from a licensed physician indicating the property owner's or occupant's need for twenty-four-hour, in-home medical care;
 - 2. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 - 3. The trailer meets applicable county setback requirements.
- K. An administrative permit for an office trailer shall not be issued unless the application complies with the following standards:
 - 1. A use permit has been granted for the property upon which the trailer will be located and a building permit for the office is either in process for issuance or has been issued;
 - 2. The trailer will be used during the daytime for business purposes only and no overnight lodging will occur;
 - 3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 - 4. The trailer meets applicable county setback requirements.
- L. An administrative permit for a watchman trailer shall not be issued unless the application complies with the following standards:
 - 1. A use permit has been granted and a building permit (if required) is either in process for issuance or has been issued for the property upon which the trailer will be located;

2. There is a need for security on-site because the property is located in an isolated area or there is a risk of theft, vandalism, burglary, or unauthorized entry upon the property;
 3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 4. The trailer meets applicable county setback requirements.
- M. Except as provided in Section 18.104.295, a permit for a farm labor trailer shall not be issued unless the application complies with the following standards:
1. A use permit has been granted for the property upon which the trailer will be located;
 2. A building permit for a permanent structure is either in process for issuance or has been issued;
 3. There is a demonstrated need for a temporary trailer to be onsite prior to completion of construction of the permanent structure;
 4. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 5. The trailer meets applicable county setback requirements.
- N. An extension of time for an administrative permit for any temporary trailer shall not be issued unless the director determines that the original findings identified in Section 18.126.060 have not changed.
- O. A permit for hot air balloon launchings shall not be issued unless the application complies with the following standards:
1. The proposed launch site is located more than five hundred feet from any off-site residence or if the launch site is proposed within five hundred feet of any off-site residence, the permittee has submitted written consent to the planning department from the property owners or residents of any off-site residences within five hundred feet stating that they have no objection to the proposed launch site;
 2. The permittee has submitted a signed statement which acknowledges that the permittee: (a) has read the county's adopted code of conduct; (b) agrees that all users of the launch site will be bound by the county's adopted code of conduct; and (c) certifies that all activities within the last year at any other sites operated by the permittee have complied with the county's adopted code of conduct;
 3. The permittee has provided written authorization from either the property owner where the launch site is proposed or the property owner's authorized agent together

with a statement from the property owner or the property owner's authorized agent confirming that balloon launchings will not interfere or conflict with any existing or planned agricultural uses on the property;

4. The site is proposed for use only between the hours of five-thirty a.m. and nine-thirty a.m.;
 5. The permittee has provided the planning department with a certificate of insurance naming the county and the property owner as additional insureds on the personal injury/property damage insurance in an amount acceptable to the county's risk manager which is consistent with the county's corporation yard license requirements currently existing or as amended;
 6. The permittee has provided a list of intended landing areas that are both reasonable given the launch location and prevailing winds and permitted or allowed;
 7. The permittee and each balloon operator utilizing the permittee's launch site agree to conduct their operations so as to remain in good standing with the county. For purposes of this section, "in good standing with the county" means that within the last twelve-month period, the county has not received more than three verified complaints or a number of verified complaints equivalent to three percent of the total number of launches, whichever is greater. All complaints must be: (a) submitted on a form provided by the planning department for verification; and (b) submitted by a property owner or resident who has certified that the permittee or a balloon operator using the launch site has landed on the property owner's or resident's property without permission; and
 8. Notice of the tentative approval of a hot air balloon launching site pursuant to this chapter shall be given by the director of planning in accordance with subsection (B)(4) of Section 18.136.040. All notices under this section shall inform the persons notified of their right to appeal the decision under Section 18.126.060, including the time within which any such appeal must be filed.
- P. An administrative permit for agriculture association signs and American viticulture area signs shall not be issued unless the application complies with the standards contained in subsection (F) of Section 18.116.030.
- Q. (Reserved.)
- R. An administrative permit for off-site sign(s) identifying a hospital with emergency room facilities shall not be issued unless the application and proposed signage complies with the standards contained in subsection (H) of Section 18.116.030.
- S. An administrative permit for a cottage food operation shall not be issued unless the application complies with all of the standards contained in Section 18.104.095.

- T. An administrative permit for a cannabis nursery in connection with cannabis cultivation in a new greenhouse less than 2,500 square feet in size shall not be issued unless the application complies with all of the standards contained in Chapter 5.80 and State requirements for the cannabis license that are applicable to the commercial cannabis activity.
- U. An administrative permit for accessory cannabis processing in connection with commercial cannabis cultivation in a new structure of less than 2,500 square feet in size shall not be issued unless the application complies with all of the standards contained in Chapter 5.80 and State requirements for the cannabis license that are applicable to the commercial cannabis activity.
- V. An administrative permit for a cannabis microbusiness shall not be issued unless the application complies with all of the standards contained in Chapter 5.80 and State requirements for the cannabis license that are applicable to the commercial cannabis activity.
- W. An administrative permit for a cannabis testing laboratory shall not be issued unless the application complies with all of the standards contained in Chapter 5.80 and State requirements for the cannabis license that are applicable to the commercial cannabis activity.

SECTION 4. *Severability*

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Voters of the County of Napa declare that they would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. *Amendment*

The Board of Supervisors may amend this ordinance by majority vote to further the purposes of the ordinance regarding the following matters:

1. Expand the Zoning Districts where commercial cannabis activity is permitted.
2. Expand the maximum cultivation area for commercial cannabis outdoor cultivation, commercial cannabis mixed light cultivation and mixed light cultivation and cannabis nurseries as contained in Section 5.80.030.
3. Expand allowances for greenhouses and commercial cannabis mixed light cultivation.
4. Allow additional commercial cannabis activities contained in Section 5.80.030(B).
5. Reduce the taxes imposed in Section 5.80.070.

6. Reduce the required minimum parcel sizes for commercial cannabis outdoor cultivation, commercial cannabis mixed light cultivation and mixed light cultivation and cannabis nurseries as contain in Section 5.80.030.
7. Reduce the requirements for road setbacks as contained in Section 5.80.030(B).
8. Allow commercial cannabis activities contained in Section 5.80.030(B) on non-agricultural land or indoors.
9. Add additional security and other compliance requirements as long as they are not more burdensome than the security or compliance requirements applicable to comparable non-commercial cannabis activities.