

## **Sonoma County Temporary Code Enforcement Penalty Relief Program**

The application period for the Sonoma County Temporary Code Enforcement Penalty Relief Program for land use permits for cannabis operations expired on October 31, 2017. To remain eligible for the Penalty Relief Program, current operators on-permit eligible parcels must have also submitted a complete land use application by June 1, 2018.

Current operators that filed a Penalty Relief Program application by October 31, 2017, but that did not file a complete land use application by June 1, 2018, or any other operator engaged in unpermitted commercial cannabis activity not in compliance with the Penalty Relief Program, are operating in violation of the Sonoma County Cannabis Ordinance, subject to land use fines for operating without a permit, and barred from continuing to operate until a land use application for the operation is granted.

### Penalty Relief Program Requirements

Current operators on permit-eligible parcels for which a Penalty Relief Application was filed by October 31, 2017, and for which a complete land use application was on file with the county by June 1, 2018, will not be subject to fines and penalties for their cannabis land use, and may continue to operate until a final determination is issued on their land use permit application, provided:

- (1) they do not cultivate more cannabis than would be allowed under the permit type indicated in their Penalty Relief Program application;
- (2) they follow the Medical Cannabis Land Use Ordinance Development Criteria and Operating Standards, and the Cannabis Best Management Practices adopted by the Agricultural Commissioner;
- (3) they are in full compliance with the Sonoma County Cannabis Business Tax Ordinance; and
- (4) they continue to pursue, with diligence and in good faith, approval of their land use application by the county.

### Diligent and Good Faith Pursuit of a Land Use Application

The review authority (Permit Sonoma or the Department of Agriculture/Weights and Measures) will inform the applicant in writing if additional information is required to process the land use permit application. The writing will specify what information is required from the applicant.

If the applicant fails to provide the information specified in the review authority's letter within 30 days of the date of the writing, the review authority will inform the applicant in writing that they no longer qualify for the Penalty Relief Program. In determining whether any written response from the applicant complies with this requirement, the review authority will consider the applicant's responsiveness to the review authority, compliance with direction from the review authority, completeness of the response, and good faith efforts to pursue approval of their land use application.

The Permit Sonoma Director or the Agricultural Commissioner may grant one 30 day extension, if the applicant files a written request showing good cause for the extension with the review authority before expiration of the original 30-day period.

### Non-Compliance with Program Requirements

Current operators who, at any time, fail to comply with the requirements of the Program no longer qualify for the Penalty Relief Program and will be subject to penalties for land use violations pursuant to Section 26-88-252 and/or Chapter 1 of the Sonoma County Code.

Disqualification from the Penalty Relief Program does not affect processing of the applicant's land use permit application. The land use permit application will continue to be processed by the review authority—though the operator must immediately cease any and all commercial cannabis activity that is not being conducted under a valid permit. The County may refuse to issue a permit where the property upon which the use is proposed is in violation of the Sonoma County Code.

### Final Determination

An applicant operating in compliance with the Penalty Relief Program, as described above, qualifies for the Penalty Relief Program until a final determination is made on its land use application. For purposes of the Penalty Relief Program, a final determination includes, but is not limited to, the following:

- 1) The date a permit application is withdrawn;
- 2) The 11th day following the date of an approval, denial, or conditional approval by Permit Sonoma or the Board of Zoning Adjustments, provided that no appeal has been filed or direct review requested;
- 3) The date of an approval or denial by the Agricultural Commissioner;
- 4) The date an appeal is withdrawn; or
- 5) The date of a decision by the Board of Supervisors on a direct review or appeal.