

## Temporary Code Enforcement Penalty Relief Program

### Fact Sheet

#### **What is the Temporary Code Enforcement Penalty Relief Program?**

The Program adopted by the Board on May 23, 2017, is generally intended to allow certain cannabis businesses to continue to operate and not be subject to land use fines while their permit applications are being reviewed, while they find a new location for their operation, or otherwise work to bring their operations into compliance with the Cannabis Land Use Ordinance.

#### **What is required to qualify?**

In order to qualify for the transition period and penalty relief, operators must show that they fall into one of the categories below, operate in compliance with the operating requirements listed, and submit initial and/or complete applications by the applicable due date.

Operator status	Existing Operators (Non-permit-eligible)	Existing Operators (Permit-eligible)	Current Operators (Permit-eligible)*
<b>Operator start</b>	Prior to January 1, 2016	Prior to January 1, 2016	Prior to July 1, 2017
<b>Initial application requirements</b>	None	All permit requirements except: <ul style="list-style-type: none"><li>• Biotic assessment</li><li>• Hydro-geologic study</li><li>• Issued Regional Water Board (RWB) permit</li></ul>	All permit requirements due, unless applicant can show that biotic assessment, hydro-geologic study, or issued RWB permit were infeasible.
<b>Initial application due date</b>	N/A	August 31, 2017	August 31, 2017
<b>Complete application due date (with biotic assessment, hydro-geologic study &amp; RWB permit)</b>	N/A	January 1, 2018	
<b>Operating requirements</b>	<ul style="list-style-type: none"><li>• No increase in cultivation area</li><li>• Operating standards</li><li>• Best Management Practices</li></ul>	<ul style="list-style-type: none"><li>• No increase in cultivation area</li><li>• Operating standards</li><li>• Best Management Practices</li></ul>	<ul style="list-style-type: none"><li>• Cultivation area in compliance with permit type</li><li>• Site development standards</li><li>• Operating standards</li><li>• Best Management Practices</li></ul>

#### **Which cannabis operations does this cover?**

The Program applies to all cannabis businesses except dispensaries, including cultivation, nurseries, manufacturing, distribution, transportation, and labs.



### **What is required to show proof of start date?**

As part of the permit process or a code enforcement complaint, operators may be required to show proof of start date as part of showing that they qualify for the transition period and penalty relief. Below are some examples of the types of documentation to verify existence of operation. Documentation is not limited to this list and items should be used in combination to provide clear proof.

- a) Aerial photography that is time stamped (google earth or other service)
- b) Incorporation documents of a collective or cooperative
- c) Tax Receipts
- d) Invoice or sales documentation
- e) Energy Bills

### **What if an “existing” or “current operation” moves to a different location?**

Operations may relocate in order to prepare for the permit process, and will still qualify for the transition period and penalty relief. The cultivation area for existing operators must not increase in size from the prior location, and the cultivation area for current operators must be consistent with the permit application size.

### **Which operating standards must be met?**

Operators must be able to provide evidence that they are operating in compliance with the Agricultural Commissioner’s Best Management Practices available at [sonomacounty.ca.gov/cannabis](http://sonomacounty.ca.gov/cannabis) and the operating standards listed in Exhibit A-2 of the Cannabis Land Use Ordinance, including:

- a) Air Quality and Odor
- b) Energy Use
- c) Hazardous Materials
- d) Hours of Operation
- e) Noise Limits
- f) Occupational Safety
- g) Waste Management
- h) Waste Water Discharge
- i) Water Supply
- j) Groundwater Monitoring

### **Other Requirements**

**Site Plan:** Operators must be able to provide a Site Plan showing the property boundaries, all structures, the cultivation area, and any other features associated with the cultivation operation or other cannabis business.

**Property Permission:** Operators must be able to show proof of ownership or written consent by the landlord with contact information indicating authorization to conduct a cannabis business at the subject property.