

[SOS Neighborhoods](#)

Subject: Objection letter to Cannabis Grows
Date: Thursday, April 12, 2018 9:37:29 PM

12-04-2018

Susi Eckert
Cougar In, Santa Rosa, ca
TO:
PRMD Director Tennis Wick
District 1 Supervisor Susan Gorin District 1 Director Pat Gilardi
District 2 Supervisor David Rabbitt District 2 Director David Rabbitt
District 3 Supervisor Shirlee Zane District 3 Director Michelle Whitman
District 4 Supervisor James Gore District Director Jenny Chamberlain
District 5 Supervisor Lynda Hopkins District Director Susan Upchurch
County Administrator Sheryl Bratton
Deputy County Counsel for Cannabis related Sita Kuteira
PermitResourceManagementDepartment(PRMD)
2550 Ventura Avenue, Santa Rosa, CA, 95403

Dear Board of Supervisors Sonoma County,

It is my distinct understanding that:

The following findings must be satisfied prior to securing a use permit for a Cannabis grow application

The design location size and operating characteristics of the use is considered compatible with the existing and future land uses within the vicinity. The use would not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area

I hereby object to the grow located at 2000 Los Alamos Rd The following points are in direct conflict with the county's requirements prior to securing a use permit for a cannabis grow operation:

Property Values

- Decline in Property Value
- Intrusive, and inappropriate for the setting, security apparatus - guards, fencing, dogs, lighting cameras, alarms
- Odor from huge outdoor grow can be substantial and irritating for months

Traffic

- Inadequate road access - only access is via one lane shared private driveway, no public access

Hazards due to ageing or un-scalable infrastructure

- Significant fire hazard, lack of hydrants, emergency access
- Lack of emergency services access

- Inadequate Utility Services - high energy usage

Environmental and Pollution

- Noise pollution
- Water use and impact on neighboring wells
- Water use and impact on neighboring wells

Proximity Issues

- Proximity to local park

Non Conformity with the Ordinance

NA

Crime

NA

Others

NA

I hereby submit my complete and absolute objection to the proposed grow and hereby demand that you immediately revoke any liberties permits or advantages you have advanced to this property owner and applicant.

Sincerely
Susi Eckert
Suseln@yahoo.com

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From: [SOS Neighborhoods](#)
Subject: Objection letter to Cannabis Grows
Date: Thursday, April 12, 2018 5:22:32 PM

12-04-2018

From:

Deborah Eppstein
1910 cougar lane, santa rosa ca 95409

TO:

PRMD Director Tennis Wick
District 1 Supervisor Susan Gorin District 1 Director Pat Gilardi
District 2 Supervisor David Rabbitt District 2 Director David Rabbitt
District 3 Supervisor Shirlee Zane District 3 Director Michelle Whitman
District 4 Supervisor James Gore District Director Jenny Chamberlain
District 5 Supervisor Lynda Hopkins District Director Susan Upchurch
County Administrator Sheryl Bratton
Deputy County Counsel for Cannabis related Sita Kuteira
PermitResourceManagementDepartment(PRMD)
2550 Ventura Avenue, Santa Rosa, CA, 95403

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I hereby object to the grow located at 2000 Los Alamos Rd The following points are in direct conflict with the county's requirements prior to securing a use permit for a cannabis grow operation:

Property Values

NA

Traffic

NA

Hazards due to ageing or un-scalable infrastructure

NA

Environmental and Pollution

NA

Proximity Issues

NA

Non Conformity with the Ordinance

NA

Crime

NA

Others

I attended the supervisor meeting on April 11 and am now even more concerned with how the county plans on handling the permitting process.

I hereby submit my complete and absolute objection to the proposed grow and hereby demand that you immediately revoke any liberties permits or advantages you have advanced to this property owner and applicant.

Sincerely
Deborah Eppstein
deppstein@gmail.com

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ATTORNEYS

November 30, 2018

Bruce Goldstein
County Counsel
Sonoma County Counsel's Office
575 Administration Drive
Room 105-A
Santa Rosa, CA 95403

Re: SRA Fire Safe Regulations

Dear Mr. Goldstein:

I am writing on behalf of Bennett Valley Citizens for a Ban on Commercial Marijuana Facilities, Hood Mountain Alliance for Safe Rural Development, and Palmer Creek Valley Community to confirm the applicability of state fire apparatus access road standards to all projects in state responsibility areas. The Sonoma County Fire Safety Ordinance purports to exempt certain roads that do not meet those standards. Development approvals based on those exemptions are invalid.

Cal Fire has promulgated wildland fire protection standards, known as the SRA Fire Safe Regulations (14 C.C.R. §§ 1270 *et seq.*), pursuant to Public Resources Code § 4290. They include minimum road standards necessary to ensure safe access for emergency fire equipment and civilian evacuation concurrently (Cal. Fire Regs. § 1273). All fire apparatus access roads in state responsibility areas must provide a minimum of two 10-foot traffic lanes excluding shoulders (Fire Safe Regs. § 1273.01).¹ They also set standards for grades, turns, turnouts, bridges, gates, driveways and one-way and dead-end roads (Fire Safe Regs. §§ 1273.02-1273.11).

SRA Fire Safe Regulations contain two exemptions as set forth in the enabling legislation (Pub. Res. Code § 4290(a)). First, the regulations do not apply where a building permit application was filed before January 1, 1991 (Fire Safe Regs. § 1270.02(a)). Second, the regulations do not apply to parcel and tentative subdivision maps approved before January 1, 1991 to the extent those maps depict and describe roads in accordance with the County's authority, under the Subdivision Map Act, to regulate the design and improvement of subdivisions (Fire Safe Regs. § 1270.02(b)). Attached is a copy of Attorney General Opinion No. 92-907, dated March 17, 1993, interpreting and explaining these exemptions.

¹ A "fire apparatus access road" is a road that provides fire apparatus access from a fire station to a building or facility, and includes public and private roads and access roadways (Fire Safe Regs. § 1271; SCC § 13-6).

Under SRA Fire Safe Regulations, Sonoma County retains the right to establish access road standards in local responsibility areas (“LRA”), and may set standards in state responsibility areas (“SRA”) provided its local standards are at least as stringent as state regulations (Fire Safe Regs. § 1270.03). Local standards are valid so long as they have the “same practical effect” as state standards, meaning that they provide the same degree of concurrent emergency vehicle access and civilian evacuation as the SRA Fire Safe Regulations (Fire Safe Regs. § 1271).

Sonoma County has adopted the California Fire Code with amendments (SCC § 13-15(a)), including California Fire Code §§ 503.1 and 503.2 (SCC § 13-17(b)(23)-(24)), which govern access roads. Roads must comply with local standards in the LRA and state standards in the SRA. State standards require a minimum unobstructed width of 20 feet, exclusive of shoulders (California Fire Code § 503.2.1).

Sonoma County has adopted a local Fire Safety Ordinance (“Ordinance”), codified in Chapter 13 of the County Code. Under the Ordinance, state regulations prevail in the SRA; they also prevail in the LRA over inconsistent, less restrictive local standards (SCC § 13-16, 13-22). In short, Cal Fire regulations trump the Ordinance in state responsibility areas. Development approvals based on less restrictive local standards are invalid.

For that reason, the Ordinance may not exempt more roads from coverage than SRA Fire Safe Regulations. Because state standards govern roads in state responsibility areas, local exemptions do not apply. If the rule were different, the County could effectively nullify state regulations in state responsibility areas by exempting otherwise covered roads. Development approvals based on local road exemptions are therefore invalid in the SRA.

Despite this self-evident proposition, the Sonoma County Fire Safety Ordinance contains multiple road exemptions that extend well beyond the two exemptions set forth in the Cal Fire regulations. For example, the Ordinance exempts “[a]ny existing road that provides year-round unobstructed access to conventional drive vehicles, including sedans and fire engines, which was constructed and serving a legal parcel prior to January 1, 1992 . . .” (SCC § 13-25(f)). That exemption exceeds the Cal Fire exemption because (a) it excludes from coverage roads constructed prior to January 1, 1992, whereas state regulations exclude only roads for which a construction permit was filed, or which were approved as part of a subdivision map, prior to January 1, 1991 and (b) it excludes from coverage roads that were not specified in connection with the approval of a subdivision map.

Similarly, the Ordinance exempts “[a]ny road required as a condition of any development approval granted prior to January 1, 1992 . . .” (SCC § 13-25(g)). That exemption is broader than the state exemption because it attaches to roads required as a condition of any development approval, whereas state regulations exempt only roads approved as part of a subdivision map, as well as it exempts roads prior to 1992, not 1991 as in the SRA regulations.

Bruce Goldstein
November 30, 2018
Page Three

The Ordinance exempts “[a]ny driveway serving a legally constructed residential building prior to January 1, 1992 . . .” (SCC § 13-25(h)). SRA Fire Safe Regulations apply to driveways serving residential construction approved after January 1, 1991 (SRA Fire Safe Regs. § 1270.02(a)). Thus, a driveway serving a residence built in August 1991 would be exempt under the Ordinance but not under SRA Fire Safe Regulations (SRA Fire Safe Regs. § 1273.10).

The County can resolve these inconsistencies by confirming that local road exemptions contained in the Ordinance do not apply in the SRA. Fire apparatus access roads in state responsibility areas must meet Cal Fire standards. The County may not evade those standards by purporting to exempt certain roads. The approval of projects based on such exemptions is invalid.

Were the County to apply local road exemptions in the SRA, it would be in violation of its own Fire Safety Ordinance, which provides that, in case of inconsistency, the more stringent standards (i.e., the more narrow exemptions) prevail (13-16, 13-24). The State was only able to certify more generous local road exemptions because, under the terms of the Ordinance, those exemptions do not apply in the SRA.

Please confirm that the County will apply the access road standards set forth in the SRA Fire Safe Regulations to all projects in state responsibility areas.

Sincerely,



Kevin P. Block

cc: Susan Gorin
David Rabbitt
Shirlee Zane
James Gore
Lynda Hopkins
Sheryl Bratton
Tennis Wick
James Williams

TO BE PUBLISHED THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

DANIEL E. LUNGREN
Attorney General

OPINION	:	No. 92-807
of	:	
DANIEL E. LUNGREN	:	<u>MARCH 17, 1993</u>
Attorney General	:	
GREGORY L. GONOT	:	
Deputy Attorney General	:	

THE HONORABLE JOHN F. HAHN, COUNTY COUNSEL, COUNTY OF AMADOR, has requested an opinion on the following question:

Do the fire safety standards adopted by the Board of Forestry for development on state responsibility area lands apply to the perimeters and access to buildings constructed after January 1, 1991, on parcels created by parcel or tentative maps approved prior to January 1, 1991?

CONCLUSION

The fire safety standards adopted by the Board of Forestry for development on state responsibility area lands apply to the perimeters and access to buildings constructed after January 1, 1991, on parcels created by parcel or tentative maps approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative maps.

ANALYSIS

By legislation enacted in 1987 (Stats. 1987, ch. 955, § 2), the State Board of Forestry ("Board") was directed to adopt minimum fire safety standards for state responsibility area lands^{1/}

1. On state responsibility area lands (see Pub. Resources Code, §§ 4126-4127; Cal. Code Regs., tit. 14, §§ 1220-1220.5), the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state, as opposed to local or federal agencies. (Pub. Resources Code, § 4125.)

under the authority of the Department of Forestry and Fire Protection. Public Resources Code section 4290² states:

"(a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands under the authority of the department. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991. The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. *These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance.* The regulations shall include all of the following:

- "(1) Road standards for fire equipment access.
- "(2) Standards for signs identifying streets, roads, and buildings.
- "(3) Minimum private water supply reserves for emergency fire use.
- "(4) Fuel breaks and greenbelts.

"(b) These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state." (Emphasis added.)

As indicated in the statute, the Board's regulations are to help create "defensible space"³ for the protection of state responsibility areas against wildfires.

2 . All references hereafter to the Public Resources Code prior to footnote 8 are by section number only.

3 . Defensible space is defined as:

"The area within the perimeter of a parcel, development, neighborhood or community where basic wild land fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wild fires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures." (Cal. Code Regs., tit. 14, § 1271.00.)

Originally the regulations were to be applicable with respect to all building construction approved after July 1, 1989, but by subsequent legislation (Stats. 1989, ch. 60, § 1), the threshold date was changed to January 1, 1991. The regulations (Cal. Code Regs., tit. 14, §§ 1270-1276.03)^{4/} in fact became operative on May 30, 1991.

A "grandfather clause" in the underlying statute provides that "[t]hese regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance." (§ 4290.) We are asked to determine whether the regulations apply to an application for a building permit filed *after* January 1, 1991, for a dwelling to be built on a parcel lawfully created by a parcel map or tentative map approved *prior* to January 1, 1991.

We begin by noting that the grandfather clause contains two ostensibly independent exceptions to the application of the regulations. One is directed at building permits and the other at subdivision maps.^{5/} These exceptions were apparently designed by the Legislature to exempt construction and development activity already in the "pipeline" as of January 1, 1991. According to Regulation 1270.01, it is the "*future* design and construction of structures, subdivisions and development" (emphasis added) which is to trigger application of the regulations.

Thus, although an application for a building permit is not made until after January 1, 1991, the proposed construction may garner an exemption if the parcel is covered by a parcel or tentative map approved prior to January 1, 1991 (provided that the final map for the tentative map is approved within the time prescribed by the local ordinance).^{6/} However, this raises the question of the purpose of the building permit exception since virtually any application for a building permit will be preceded by a parcel or tentative map approval for the parcel upon which the construction is proposed, even one which may have been obtained in the distant past.^{7/} A well-established rule of statutory construction holds that "[w]henver possible, effect should be given to the statute as a whole, and to its every word and clause, so that no part or provision will be useless or meaningless. . . ." (*Colombo Construction Co. v. Panama Union School Dist.* (1982) 136 Cal.App.3d 868, 876; see *Harris v. Capital Growth Investors XIV* (1991) 52 Cal.3d 1149, 1159 ["In analyzing statutory language, we seek to give meaning to every word and phrase in the statute to accomplish a result consistent with the legislative purpose, i.e., the object to be achieved and the evil to be prevented by the legislation"].)

4 . All references hereafter to title 14 of the California Code of Regulations are by regulation number only.

5 . A parcel map is filed when creating subdivisions of four or fewer parcels, while a tentative map and final map are filed when creating subdivisions of five or more parcels. (Gov. Code, §§ 66426, 66428.)

6 . The approval of a final map is a ministerial function once the tentative map has been approved and the conditions that were attached to the tentative map have been fulfilled. (Gov. Code, §§ 66458, 66473, 66474.1; *Santa Monica Pines, Ltd. v. Rent Control Board* (1984) 35 Cal.3d 858, 865; *Youngblood v. Board of Supervisors* (1978) 22 Cal.3d 644, 653.)

7 . Statutory provisions for tentative maps and final maps first appeared in 1929 (Stats. 1929, ch. 838), while parcel maps were first required in 1971 (Stats. 1971, ch. 1446). (See Cal. Subdivision Map Act Practice (Cont.Ed.Bar 1987) §§ 1.2-1.3, pp. 3-5.)

Our task then is to search for an interpretation of section 4290 which is not only consistent with the legislative purpose but also furnishes independent significance to each of the two exceptions. We believe that the answer lies in the different manner in which each exception is phrased. The first is "where an application for a building permit was filed prior to January 1, 1991," and the second is "to parcel or tentative maps or other developments approved prior to January 1, 1991" The "where" of the first exception implies a broad exemption encompassing all activity related to the building permit, whereas the "to" of the second exception implies an exemption which is limited to matters contained in the parcel or tentative map approval.

Under this reading of section 4290, only those perimeter and access conditions which were imposed during the parcel or tentative map approval process would be immune from the effect of the regulations. Typically, parcel and tentative map approvals include requirements for the improvement of the parcels within the subdivision. The Subdivision Map Act (Gov. Code, §§ 66410-66499.37; "Act")⁸ establishes general criteria for land development planning in the creation of subdivisions throughout the state. Cities and counties are given authority under the legislation to regulate the design and improvement of divisions of land in their areas through a process of approving subdivision maps required to be filed by each subdivider. (§ 66411; *Santa Monica Pines, Ltd. v. Rent Control Board*, *supra*, 35 Cal.3d 858, 869; *South Central Coast Regional Com. v. Charles A. Pratt Construction Co.* (1982) 128 Cal.App.3d 830, 844-845.) A subdivider must obtain approval of the appropriate map before the subdivided parcels are offered for sale, or lease, or are financed. (§§ 66499.30, 66499.31; *Bright v. Board of Supervisors* (1977) 66 Cal.App.3d 191, 193-194.)

The Act sets forth procedures by which cities and counties may impose a variety of specific conditions when approving the subdivision maps. Such conditions typically cover streets, public access rights, drainage, public utility easements, and parks, among other improvements. (§§ 66475-66489; see *Associated Home Builders etc., Inc. v. City of Walnut Creek* (1971) 4 Cal.3d 633, 639-647; *Ayers v. City Council of Los Angeles* (1949) 34 Cal.2d 31, 37-43.)

The Act vests cities and counties with the power to regulate and control the "design and improvement of subdivisions" (§ 66411) independent of the power to impose the specified conditions enumerated above. "Design" is defined as:

. . . (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan." (§ 66418.)

"Improvement" is defined as:

. . . any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the

8 . All references hereafter to the Business and Professions Code are by section number only.

subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

" . . . also . . . any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan." (§ 66419.)

Accordingly, we believe that when a person applies for a building permit after January 1, 1991, the Board's fire safety regulations would be inapplicable as to any matters approved prior to January 1, 1991, as part of the parcel or tentative map process.^{9/} By contrast, a person who applied for a building permit prior to January 1, 1991, would not be subject to any of the access or perimeter requirements set forth in the regulations.

In addition to preserving independent significance for the building permit exception, the aforementioned reading of Public Resources Code section 4290 comports with another principle of statutory construction, namely that "[e]xceptions to the general rule of a statute are to be strictly construed." (*Da Vinci Group v. San Francisco Residential Rent etc. Bd.* (1992) 5 Cal.App.4th 24, 28; see *Goins v. Board of Pension Commissioners* (1979) 96 Cal.App.3d 1005, 1009; see also *Board of Medical Quality Assurance v. Andrews* (1989) 211 Cal.App.3d 1346, 1355 [statutes conferring exemptions from regulatory schemes are narrowly construed].) More specifically, we have cited "the general rule that a grandfather clause, being contrary to the general rule expressed in a statute, must be narrowly construed. [Citations.]" (57 Ops.Cal.Atty.Gen. 284, 286 (1974).) A blanket exemption for all construction and development activity related to a parcel covered by an approved tentative or parcel map (provided the final map for the tentative map is approved within the time prescribed by the local ordinance) would violate these principles of statutory construction.

On the other hand, we decline to construe the grandfather clause here so narrowly that *all* of the Board's fire safety regulations become applicable when the owner of a parcel covered by a parcel or tentative map approved prior to January 1, 1991, applies for a permit to build on that parcel after January 1, 1991. To do so would mean that the exception for approved tentative or parcel maps would afford the landowner nothing at the construction and development stage. Again, we are guided by the principle that a statute should be interpreted in such a way that no part or provision will be rendered useless or meaningless. (*Colombo Construction Co. v. Panama Union School District, supra*, 136 Cal.App. 868, 876.)

Finally, we observe the rule that if more than one construction of a statute appears possible, we must adopt the one that leads to the most reasonable result. (*Industrial Indemnity Co. v. City and County of San Francisco* (1990) 218 Cal.App.3d 999, 1008.) An exemption from the regulations for those access and perimeter conditions which are included in the approval of a parcel or tentative map prior to January 1, 1991, serves to lock in reasonable entitlements while ensuring that other fire safety standards may be applied at the time a building permit is sought subsequent to January 1, 1991.

On the basis of the foregoing analysis and principles of statutory construction, we conclude that the fire safety standards adopted by the Board for development on state responsibility

9. Regulation 1270.02, for example, exempts "[r]oads required as a condition of tentative [or] parcel maps prior to the effective date of these regulations"

area lands apply to the perimeters and access to buildings constructed after January 1, 1991, on parcels created by parcel or tentative maps approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative maps.

* * * * *

**Penalty Relief Program Summary
Requirements, Ongoing Violations, and Required Actions
July 11, 2019**

This summary was prepared with input from Sonoma County residents impacted by these violations

I. Introduction

The **Temporary Penalty Relief Program (PRP)** was established by the Sonoma County Board of Supervisors (BOS) on May 23, 2017 (Resolution 17-0233), *“as an incentive to bring unpermitted cannabis operations, operating under the Transition Period or in permit-eligible locations, into compliance for the purposes of addressing potential health and safety issues,”* and extended and modified on September 12, 2017 (Resolution 17-0319) *“to allow sufficient time for unpermitted cannabis operations located in permit-eligible locations to comply with the Medical Cannabis Land Use Ordinance,”* and to *“enhance cannabis tax revenue.”*

Some relevant points from the BOS resolutions:

1. The temporary PRP expires June 1, 2018 (no new applications).
2. The PRP does not apply to building, well, grading, septic or other violations on the property. Operations *“must still meet all applicable codes currently in effect, pay all other permit and development fees, and complete all required inspections prior to a waiver of penalties being granted.”* (Resolution 17-0233, #12, and 17-0319, #3). Thus there can be no unpermitted electrical or no operations in unpermitted buildings for penalty relief to be granted.
3. The property must be on a Permit-Eligible Location as defined in the Cannabis Ordinance.
4. If an operator was on a Non-Permit Eligible Location (eg, if they were too close to a park or school or in Rural or Agricultural Residential), they had to cease all operations after Jan 1, 2018 [Resolution 17-0319, #10(a)].
5. Operators on Permit-Eligible Locations could operate under the PRP (ie, with no cannabis land-use fines) **only** if they **followed all Cannabis Ordinance Development Criteria and Operating Standards**, the Ag Commissioner’s Cannabis **Best Management Practices**, the Cannabis Business **Tax Ordinance**, submitted the initial PRP application by Oct 31, 2017, and **filed a Complete Application by June 1, 2018** (defined as having all the Required Application Materials in the application) [Resolution 17-0319, #10(b)].
6. The initial one-page PRP application required the applicant to *“declare under penalty of perjury”* that the information provided on the application is true and correct; this included **following all Development Criteria, Operating Standards and Best Management Practices**. The Required Application Materials and the Complete Application form state in bold all caps: **‘APPLICANTS PROVIDING FALSE OR MISLEADING INFORMATION IN THE PERMITTING PROCESS WILL RESULT IN REJECTION OF THE APPLICATION AND/OR NULLIFICATION OR REVOCATION OF ANY ISSUED PERMIT.’** The County has not enforced this critical provision.
7. In addition, the PRP shall not apply if the review authority determines that the land use poses a serious risk to the environment, public health or safety. (Resolution 17-0319, #11).

**Penalty Relief Program Summary
Requirements, Ongoing Violations, and Required Actions
July 11, 2019**

This summary was prepared with input from Sonoma County residents impacted by these violations

II. Ongoing Violations

Despite these clearly stated rules, there are multiple examples of PRP applications where the County, under the direction of Economic Development with support of County Counsel, has blatantly refused to follow the rules enacted by the BOS. Some of these include:

- 1. 2260 Los Alamos Road, UPC18-0037.** The following items have been presented to the county on numerous occasions over the past year, with full documentation, but nothing has been done to terminate this application:
 - a. Incomplete application as of June 1, 2018. The County gave applicant an extension (already violating terms of the PRP Resolutions) until July 29, 2018, to provide the 10 missing documents, but the applicant submitted nothing. PRMD issued a Cease and Desist letter on July 31, 2018, but Sita Kuteira (County Counsel) intervened when the applicant filed for an appeal hearing and determined that since two of his missing items, the hydro-geo report and water monitoring easement, were not needed (despite him being in water zone 4) due to his stated use only of surface water, she over-ruled the Cease and Desist letter, ignoring the other 8 required missing items in violation of the PRP Resolution requiring removal from the PRP.
 - b. Violation of Development Criteria, and Perjury on PRP application as well the application for the state license by applicant stating he was in compliance with all Development Criteria, as follows:
 - (i) Violation of Development Criterion 26-88-254(f)(3). Applicant cultivated in excess of the 43,560 sf on his application, with 46,900 sf in 2017 by satellite photo (650 plants counted), and 64,000 sf in 2018 (800 plants counted). Although Ag measured his cultivation area as 35,203 ft in 2017, this measurement was not in agreement with the criteria in the Cannabis Ordinance which clearly state that the cultivation area is the 'outermost perimeter of each separate and discrete area of cultivation'; we confirmed with the state that each separate and discrete area would need to have been shown as such on the initial site map. The applicant did not request re-measurement in 2018, and despite documentation provided to the County that his cultivation area increased to almost 1.5 acres, no new measurements were made. Thus in addition to violation of cultivation area limits and no increase in cultivation area, the applicant also underpaid taxes by a significant amount in both 2017 and 2018, depriving the county of revenues - and in violation of the PRP for underpaying the cannabis tax.

Penalty Relief Program Summary
Requirements, Ongoing Violations, and Required Actions
July 11, 2019

This summary was prepared with input from Sonoma County residents impacted by these violations

- (ii) Violation of Development Criterion 26-88-254(f)(6). Cultivation site is visible from public right-of-way, Los Alamos Road entry into Hood Mt Park (photos provided). It is again visible in 2019.
 - (iii) Violation of Development Criterion 26-88-254(f)(10). Applicant built an unpermitted building in fall of 2018 including grading, trenching, and electrical in violation of not only County codes, the PRP, and the Cannabis Ordinance, but also his application (see c and d below).
 - (iv) Violation of Development Criterion 26-88-254(f)(12). Illegal tree removal, starting in 2015, and confirmed (satellite photos) after Dec 20, 2016 as specifically prohibited in the Cannabis Ordinance.
 - (v) Violation of Development Criterion 26-88-254(f)(15). Applicant is likely in violation of the Williamson Act due to size of non-ag cannabis operations (see below under d).
 - (vi) Violation of Development Criterion 26-88-254(f)(16), as applicant did not seek or obtain a fire operational permit as required. Los Alamos Road, a 5+ mile dead-end road, one-lane for the upper mile, and does not meet County or State standards for new development in the State Responsibility Area.
- c. Violation of both his application and the PRP resolution concerning unpermitted buildings. Applicant stated in his application that he would not undertake any grading, building or any activity requiring permits unless he had the required permits, yet he built a 3000 sf processing facility in fall of 2018 (also not where shown on his site map). It was only after we provided aerial photo evidence of this that PRMD checked it for safety of wiring, but did not yet assess any fines, and he was not removed from the PRP as he should have been according to the PRP Resolutions. The PRP Resolutions clearly state that applicants cannot have penalty relief if they violate these requirements (see I(2) above). Applicant should have been fined the full land use penalty as he violated many Development Criteria in violation of the PRP yet applicant has been granted penalty relief for the 2 prior years and is continuing now into his 3rd year.
- d. Furthermore, the applicant is subject to the **Williamson Act (WA)**. His phase-out will be completed Dec 31, 2022, so he was under the WA Contract when he submitted his PRP application in 2017 and will continue through 2022. Cannabis cultivation is only allowed as a compatible use 'if allowed by the underlying zoning', and he cannot place more than 5 acres in non-ag or non-preserve use. Measurements on his site map and Google Earth show far more than 5 acres for the cannabis

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operations, show that his bee hives and vineyard have been removed, and show only ~6 acres that could be used for grazing, with most of the 40 acres covered by thick forest. Thus he appears to be in violation of the Williamson Act and also in violation of 26-88-254(f)(15), concerning abiding by the *'Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, including provisions governing the type and extent of compatible uses listed'*.

Furthermore, as RRD was not zoned for cannabis cultivation until Jan 1, 2017, he was been in violation of the Williamson Act since he started cultivating cannabis, at least for 2015-16, possibly 2 years earlier (satellite photo images). The Penalty Relief Program does not forgive violation of the WA contract. His reduced county property tax at least for 2015-16 was obtained under false information, cheating the county out of its tax revenue. Falsification of tax status is criminal.

(e) Both applicant and the County (Tim Ricard) provided false and misleading information to the state to obtain a temporary state license by stating that this application was in compliance with all Sonoma County regulations.

2. 3803 Matanzas Creek Lane UPC17-0065

(a) This property was not on a permit eligible parcel in 2017 when it entered the PRP as it did not meet park setback requirements [26-88-254(f)(6)]. According to the September 12, 2017 PRP Resolution, it was not allowed to cultivate past January 1, 2018 (point I(4) above). The county was notified of this parcel ineligibility on March 3, 2018 and numerous later occasions. On March 6, 2018, Amy Lyle agreed that "the property lies within 1,000 ft of a park and is not eligible for outdoor/mixed light cultivation," and copied this conclusion to PRMD Director Tennis Wick and Supervisor Susan Gorin. Despite this conclusion and PRMD's issuance of

1. Notice of Failure to Meet Penalty Relief Program Requirements on July 31, 2018 for, among other things, a failure to submit a complete application by June 1, 2018, and
2. Notice & Order—Unlawful Commercial Medical Cannabis Use letter by PRMD on September 10, 2018 (VCM 17-0503),

Sita Kuteira allowed the applicants to continue operating through harvest in 2018, and to continue operating in 2019. This was again brought to the attention of Bruce Goldstein on May 7, 2019 and Sheryl Bratton on May 28, 2019, yet nothing has been done. Mr. Goldstein has confirmed that he supports Ms Kuteira 100%. Although the Cannabis Ordinance was amended on Nov 15, 2018, to allow applicants on parcels at least 10 acres to apply for a park setback variance which *'may be reduced with a use permit'*, no cultivation under such allowance of a variance could occur until the CUP is issued.

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(b) Both applicant and the County (Tim Ricard) provided false and misleading information to the state to obtain a temporary state license by stating that this application was in compliance with all Sonoma County regulations.

3. 2211 London Ranch Road, UPC17-0012

(a) This property was permit ineligible in 2017 when it applied to the PRP as it did not meet park setback requirements [26-88-254(f)(6)]. Thus the outdoor and mixed light cultivation should have ceased after January 1, 2018. The applicant strongly lobbied for the park variance option amendment, which was adopted on Nov 15, 2018, along with the 10-acre parcel minimum.

(b) Thus this parcel became additionally non-permit eligible as it is ~7 acres, below the 10 acre minimum parcel size requirement approved on Nov 15, 2018. This application could not have been a pipeline project prior to Nov 15 (pipeline projects were grandfathered to allow cultivation on parcels under 10 acres) as it was on a permit-ineligible parcel. Furthermore, as stated above, no setback variance would have made the parcel permit eligible (and only if it were pipeline) unless granted with an issued CUP, which has not occurred and is not even possible due to his smaller parcel size.

(c) This application should have been shut down for outdoor and mixed light cultivation as of January 1, 2018, yet the County continues to allow him to cultivate in the PRP. As above, this information has been provided to the county on several occasions, including to Bruce Goldstein on May 7, 2019 and to Sheryl Bratton on May 28, 2019.

(d) Both applicant and the County (Tim Ricard) provided false and misleading information to the state to obtain a temporary state license by stating that this application was in compliance with all Sonoma County regulations.

4. 4050 Grange Road, Santa Rosa (UPC17-0085)

(a) This 14.6-acre parcel is ineligible because the operator, John Chen, submitted false or misleading information to PRMD in the PRP application. Mr. Chen, claimed "I do not have any felony convictions now or in process." In fact, Chen has three felony convictions for offering false instruments filed with the State of California and three felony convictions for presenting payment false claims to the State of California. The suit was brought by then-Attorney General Kamala Harris. Chen was also the executive vice president of the Tung Tai Group, Inc., which was convicted of two counts of an environmental crime (unlawful storage of hazardous waste). The county has had a copy of Chen's plea agreement since October 2018. The county could easily have required Chen to complete the request for a Live Scan Service Form (BCIA 8016) which can be found on the CalCannabis Licensing Service

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website. The state requirements for disqualification of an individual for cannabis cultivation include a ‘felony conviction involving fraud, deceit, or embezzlement.’”

For providing false or misleading information in his application, according to the PRP application requirements, this application is not only to be removed from the PRP but also removed from any further processing as a regular CUP.

(b) Chen also claimed he began the grow on June 30, 2017, just before the July 5 deadline for eligibility. The parcel was not even conveyed to Bennett Rosa LLC (which Chen owns) until August 30, 2017, almost two months after the deadline. The LLCs of the owner (Bennett Rosa LLC) and operator were registered in mid-July, after the deadline. The County has ignored suggestions to require the operator to produce ordinary business records (contracts, checks, identity of workers who can be interviewed, proof of purchase of plants, work orders, labor contracts). The County allowed the 2018 harvest to be sold despite the fact that the growers lacked State licenses and the marijuana was probably sold on the black market. On Jan 4, 2019, the County planner confirmed to Tim Ricard, who then met with County Counsel, that Chen provided false or misleading information and that this should have removed him from the PRP as well as rejected the application, yet nothing has been done about this.

(c) This grow should also be disqualified because the owner of the property is a convicted felon. Both the applicant and Tim Ricard provided false information to the state of California in a signed document that this property is in compliance with the County Cannabis Ordinance in order to facilitate the initial issuance of a temporary state license. In addition, Ricard stated that the operator is Fernando Martinez rather than John Chen. Chen is named as the operator on the application and all supporting materials, and this substitution seems intended to insure that CalCannabis does not undertake a criminal investigation of Chen. Interestingly, in recent documents of the County, the operator is listed as Sonoma Grange Farms LLC; however the Cannabis Ordinance requires a person as operator.

(d) In addition, this application was incomplete as of June 1, 2018, and was STILL INCOMPLETE on March 4, 2019, with the planner requesting multiple missing items.

5. 4065 Grange Road, Santa Rosa (UPC17-0082).

(a) This 4.9-acre property is ineligible because the operator (Brian McInerney) submitted false and misleading information to PRMD in the PRP application. The operator claimed to begin the grow on June 30, 2017, just before the July 5 deadline for eligibility. The county has had in its possession since October 2018 incontrovertible satellite imagery showing that the grow had not begun on July 9, 2017. In fact, the parcel was not even conveyed to Bennett Rosa LLC until August 30, 2017, almost two months after the deadline. The LLCs of the owner (Bennett Rosa

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LLC) and operator (CL5 LLC) were registered in mid-July, after the deadline. The County has ignored suggestions to require the operator to produce ordinary business records (contracts, checks, identity of workers who can be interviewed, proof of purchase of plants, work orders, labor contracts) to verify whether the grow began on June 30, 2017. The County allowed the 2018 harvest to be sold despite the fact that the growers lacked State licenses and the marijuana was probably sold on the black market.

(b) This grow should also be disqualified because the owner of the property, John Chen, is a convicted felon, as discussed above. Both the applicant and Tim Ricard told the state of California in a signed document on November 29, 2018, that this property is in compliance with the County Cannabis Ordinance in order to facilitate the initial issuance of a temporary state license.

6. 885 Montgomery Road, UPC 18-0001

Misty Mountain Services falsely documented their qualification for the Penalty Relief Program. They stated they had 38,484 square feet of outdoor cultivation when in fact they did not start planting any cannabis in this area until after July 5, 2017. They secretly installed two unpermitted greenhouses (2,550 total sf) in the winter of 2017-18, which were **not** included in their Sonoma County cannabis use permit application nor their PRP application. Then they expanded their cultivation **again** in the spring of 2018.

In addition to falsifying both their PRP application and their cannabis use permit application, they committed the following Cannabis Ordinance code violations *after* May 2017:

1. Sec. 26-88-256.(f)(8) Biotic Resources
2. Sec. 26-88-256.(f)(12) Grading and Access
3. Sec. 26-88-256.(f)(7) Building Requirements.

This evidence has been presented to the County on numerous occasions, with full documentation, but nothing has been done. A 14-page document of these violations, including aerial photos, was recently sent to Christina Rivera on June 14, 2019, summarized below:

(a) For almost 2 years, County officials have ignored neighbor complaints (18 families impacted) about odor, noise, night light pollution, and security cameras trained on neighboring homes [violation of 26-88-250(f)]. The County failed, neglected, and refused to verify false statements in the grower's Penalty Relief Application Form - including that his plants were in the ground by July 5, 2017- that should have removed this application from both the PRP as well as any further processing.

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(b) Eric Bell, the operator of Misty Mountain Services, stated he was cultivating 38,000 sq feet of cannabis plants prior to July 5, 2017. However, satellite images and neighbor statements provided to the county have proven this statement is false. There were no plants in the ground before July 5, 2017.

(c) The County has allowed the grower to use power circuits that were installed without permits, exposing neighbors to fire risks. The County has allowed the grower to use unpermitted buildings for its indoor cannabis cultivation operations. Both of these actions are in clear violation of the PRP Resolutions and the Cannabis Ordinance.

(d) Eric Bell built 2 greenhouses without a permit and was cited by the county. He then removed said greenhouses without a permit.

(e) The County refused to shut the grow down despite all of the violations of the PRP and Cannabis Ordinance Development Criteria including illegal grading, terracing, and tree removal. The County and applicant provided false information to the state to obtain the state license. The operator is in his 3rd year of cultivation illegally according to the County regulations; penalty relief should have been denied and his application removed from any processing had County officials verified the information provided on falsification of claims of the grower.

7. 7955 St Helena Road, UPC 17-0089

This grower joined the PRP only after being cited for his illegal construction and cannabis growing (August 31, 2017).

(a) In August 2018 the grower was removed from the PRP for failure to pay cannabis taxes in the 3rd and 4th quarter. However he entered a payment plan and was allowed to rejoin he program despite violating the PRP Resolution that *"The operation must be in compliance with Sonoma County Business Tax"*. No Reason was given to the neighbors to explain why this decision was made, which was in violation of the PRP rules.

(b) On December 12, 2018 the operator was given notice that again he was operating outside the PRP rules. Specifically that his water use *".....will result in, or is likely to cause or exacerbate, an overdraft condition inMark West Creek"*. He was given until February 1, 2019 to cease operation due to violation of the PRP Resolution requiring being in compliance with all Development Criteria and Operating Standards of the Cannabis Ordinance. Applicant appealed this decision. Rather than continuing with an appeal hearing for the PRP removal, County allowed the appeal over hydrology to be included in a future CUP hearing and applicant was allowed to continue operating under the PRP, continuing to damage the watershed. No CUP hearing has been scheduled to date.

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(c) On April 16, 2019 one of the illegal buildings caught fire and caused a massive response by Cal Fire including 4 engines, 4 support vehicles and 2 water tanker trucks. While responding to the fire, code enforcement discovered that the operator had not only continued to use the red-tagged buildings, but had also constructed more new buildings expanding his operation in complete disregard for PRP Rules on following the County building codes and that *"There is no increase in cultivation size"*. This violation was resolved not by removing the grower from PRP as the law dictates but rather by a settlement allowing continued cultivation indefinitely, which was prepared in private with no public input or oversight and in direct contradiction of PRP rules. Fines due for violations were decreased by 75% at a minimum (based on minimum daily fines for the final violations only).

8. 8373 Singing Hills Trail (2870 Leslie Rd), UPC18-0015

(a) They have been using water from a pond on their property since they began operating a few years ago. In their application, they falsely stated that they had water rights to the pond. Neighbors sent two emails to the state water board, and were able to determine that in fact, the pond is unpermitted (an on-stream pond) and there are no water rights. So, in fact, the applicants have been using water in a critically-impaired watershed that they have no rights to, for several years. Neighbors sent these findings to the project planner, who confirmed that these comments are included in the file, but there was no response about removal from the PRP or stopping their water use from the unpermitted pond. The applicants clearly are in violation of the PRP as they provided false information on their application so they should not only be removed from the PRP but their application should be removed from any consideration.

(b) The only way for the applicants to legally move forward now would need to be in a new application according to County regulations, in which they were granted water rights from the state, which is highly unlikely given current state policies, and to come up with a sustainable net-zero water use plan, which is what is required under the Cannabis Ordinance. Why are the applicants still operating under the PRP? The County is allowing continued unpermitted water use, in violation of both County and state regulations. This operation should be shut down immediately. How does the County plan to handle PRP applicants that are in clear violation of net zero water use requirements? It's one thing if there is a plan that is open to geologist interpretation and needs to be sorted out through the conditional use permit process. It's an entirely different matter if the water use is clearly not compliant with the ordinance.

9. 2815 Leslie Road; UPC17-0072

(a) Applicant received a letter from the County in December 2018 stating that applicant had failed to provide sufficient evidence that the project would not have a negative impact on streamflow and would be removed from the PRP. Applicant appealed this decision. Rather than continuing with an appeal hearing for PRP removal as per County law, the County allowed the applicant to continue operating under the PRP, and said that the appeal over hydrology will be included in the future CUP hearing. Over 6 months

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later no CUP hearing has been scheduled, and applicant is allowed to continue depleting the watershed and proceed with his 3rd growing season in violation of the PRP rules and Cannabis Ordinance.

10. 6101/6105 Cleland Ranch Road; UPC17-0037

(a) On Dec 12, 2018, PRMD notified the applicant that its use of ground water has high potential to reduce dry season stream flow in Mark West Creek/tributaries, and that all ground water extraction must cease by Feb 1, 2019, due to violation of the PRP Resolution requiring being in compliance with all Development Criteria and Operating Standards of the Cannabis Ordinance. They stated they switched to a surface pond source.

(b) Code enforcement recently (end of May 2019) found on a site visit that the applicant had five unpermitted greenhouses (listed 6/3/19 as violations). After being rudely refused entrance to the greenhouses, code enforcement watched from nearby the next morning as the applicants removed plants from the greenhouses, which code enforcement then documented as a clear violation of the PRP. So, after two recent violations of the PRP and the Cannabis Ordinance (increasing the footprint and refusing entry to code enforcement), why is the applicant still allowed to continue operating under the PRP? PRP rules dictate that this applicant should be removed from the PRP immediately, and should be fined the full penalty for unpermitted growing.

11. 3815 Calistoga Road; UPC18-0021

(a) Applicant received a letter from the County in December 2018 stating that applicant had failed to provide sufficient evidence that the project would not have a negative impact on streamflow and would be removed from the PRP. Applicant appealed this decision. Rather than continuing with an appeal hearing for the PRP removal, the County allowed the applicant allowed to continue operating under the PRP, and said that the appeal over hydrology would be included in the future CUP hearing. Over 6 months later no CUP hearing has been scheduled, and applicant is allowed to continue in his 3rd growing season, continuing depletion of a critical watershed, in violation of the PRP rules and Cannabis Ordinance.

12. 3215 Middle Two Rock Road, Petaluma, UPC 17-0095

(a) The applicant, Mr. Dripps, clearly had some kind of illegal grow in an old barn on the Nadale property, and expanded the “use” to the top of the ridge line grow he is using now. Aerial images show the expansion of use.

(b) Neighbors have images of him trucking in water. When challenged by PRMD on this, he told them that he was taking it from one place on the property to another. And, yet neighbors saw him hauling water from off site.

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(c) His hydrology report states that anticipated water use would be over 1,700,000 from their wells and need to truck in water for their livestock - this is a grave concern. His report also shows that the only way he can support the water use demand will be to build over 10,000 square feet of greenhouses (on the ridge line) and expand use further to collect rainwater for a 10,000 water tank on the ridge. So the only way he can support a grow will be to expand structures and divert more rainwater from the already impacted aquifer. Neighbors are very concerned about his impact on the watershed, and have retained a hydrologist to review the Dripps report. It has been found to be deficient and the County is asking for more info.

(d) Dripps maintains an RV on the site, and two large containers, all in violation of the Cannabis Ordinance. PRMD has not responded.

(e) This is a Williamson Act property. Has the County confirmed that his cannabis operations, including all supporting structures and land, are less than 5 acres?

13. 2000 Los Alamos Road, UPC 17-0041

The applicant is operating an indoor grow in a converted barn in remote area of high fire risk and poor road access; the electrical was done without a permit. Although at our request the County recently inspected and confirmed the wiring as sufficient, this is still a violation of the PRP rules.

The access to the property is via Los Alamos Road and then through Hood Mt Park, roads that do not meet County of State fire-safe standards for such development. Thus no fire operational permit can be obtained as required by the County.

14. There are more PRP applicants not listed above who have violated the PRP, including some who have intimidated and threatened neighbors such that the neighbors are afraid to discuss with the County except under confidentiality.

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III. Other Significant Violations of the Cannabis Ordinance and County Ordinances

1. False and Misleading Information Provided by Applicants and the County to State for State License. All of the above applicants who applied for a state license provided false and misleading information to the state to obtain a temporary state license by stating that these applications were in compliance with all Sonoma County regulations. The PRP rules state that this requires their removal from the PRP as well as no further consideration of their application. In addition County officials (Tim Ricard) tricked the State of California to initially issue the operators a temporary license by providing paperwork stating that all these applications were in compliance with all County regulations, including Development Criteria, which the County knew it was not (documented by multiple letters to the County). We have inquired to the state, who responded that they do not check but rather trust the information submitted by the County as being accurate. **Sonoma County has thus put itself in a position of liability by providing false information to the state in order to allow PRP operations to obtain temporary state licenses.**

2. Health and Safety. Many of the above PRP grows also violate a very significant section of the Cannabis Ordinance, 26-88-250(f), which states that any cannabis operation:

“shall not create a public nuisance or adversely affect the health or safety of nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibrations, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.”

This violation has harmed residents by not only deleteriously affecting their health and safety, but has also prevented them from using their yards or opening their windows, and has resulted in reduced property values. All of these deleterious effects are prohibited under the Cannabis Ordinance as well as Sonoma County Code section 26-92-070(a), yet the County has ignored the numerous complains of residents.

3. Safety Under the Sonoma County Fire Ordinance 6184.

The County Fire Ordinance has specific regulations on access roads and driveways for new development including width, length, steepness, and requirement for 2-lane roads to ensure safe concurrent civilian evacuation and fire engine access during a wildfire emergency. Many of the PRP grows are in violation of this critical ordinance, and furthermore all of the PRP grows are in violation of the requirement to have a fire operational permit prior to commencing operations [ORD 6245 26-88-254(f)(16) and ORD 6184 Chapter 1(8) (105.6.50) (11)]. Sonoma County has thus

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put itself in a position of liability by ignoring these regulations, jeopardizing the safety of residents.

IV. Summary and Action Items

The Temporary Penalty Relief Program was instituted by the Board of Supervisors in May, 2017, and modified in Sept, 2017 to extend to more recent applicants and to extend the filing deadlines, but in all cases specifically to be a TEMPORARY program, ending on June 1, 2018. As outlined above, multiple PRP applicants are in violation of the PRP, as well as the Cannabis Ordinance, the Sonoma County Fire Ordinance and the Sonoma County Code. The County appears to be conflicted in that one of its stated goals of the PRP was to increase tax revenue to the County, and it even directed that enforcement of the PRP be administered by Economic Development, supported by County Counsel. However, this is no excuse for the County to ignore its own laws.

Sonoma County residents have spent thousands of hours and thousands of dollars compiling the documentation for all the above violations over the past 14 months and providing this to the County, something that the County should have done. The County, including the Supervisors, have been notified many times of these multiple violations of the PRP that require termination of such applications, yet this has been repeatedly ignored. The County has provided false information to the state to obtain state licenses of a controlled substance to further its ability to collect County tax revenue. All of this is untenable. The lack of oversight of these activities has harmed the health and safety of residents, and has further harmed residents by lowering property values. It ultimately is the responsibility of the Supervisors to ensure that the laws of the County are upheld.

Actions:

1. Any PRP application, including all of those listed above, that has or had violations of the PRP needs to be terminated immediately.
2. The full fines for violating the land use ordinance should be collected.
3. Furthermore, any PRP application in which the applicant provided false or misleading information on their application (most of those listed above) not only needs to be **immediately terminated** but additionally their **application needs to be rejected from further evaluation**. This is the law.

All the above actions are the clear rules stated in the PRP documents and Cannabis Ordinance. To facilitate your getting up to speed, we request to meet with you to review the documentation for each of the above PRP applications without further delay. These applicants should not be allowed to continue cultivation for yet a 3rd growing season, in continued violation of County law.

Subject: For entering into the records for UPC18-0037, UPC17-0065, UPC17-0012, UPC17-0085, UPC17-0082, UPC18-0001, UPC17-0089, UPC18-0015, UPC17-0071, UPC17-0037, UPC18-0021, UPC17-0095, UPC17-0041
To: Everett Louie <elouie@migcom.com>, Scott Davidson <scottd@migcom.com>
Cc: Milan Nevajda <Milan.Nevajda@sonoma-county.org>

Dear Scott and Everett,

We were informed that we needed to submit this information directly to the planners to ensure it was entered into the file records. Accordingly, please enter the attached document (PRP summary of ongoing violations July 12, 2019), which was previously submitted to the County Administrator's Office, into the formal records for the following PRP projects:

2260 Los Alamos Road, UPC18-0037

3803 Matanzas Creek Lane UPC17-0065

2211 London Ranch Road, UPC17-0012

4050 Grange Road, Santa Rosa (UPC17-0085)

4065 Grange Road, Santa Rosa (UPC17-0082)

885 Montgomery Road, UPC 18-0001

7955 St Helena Road, UPC 17-0089

8373 Singing Hills Trail (2870 Leslie Rd), UPC18-0015

2815 Leslie Rd UPC17-0071

6101/6105 Cleland Ranch Road; UPC17-0037

3815 Calistoga Road; UPC18-0021

3215 Middle Two Rock Road, Petaluma, UPC 17-0095

2000 Los Alamos Road, UPC 17-0041

As summarized in the attached document, in addition to the numerous violations, the above applicants also provided false or misleading information in their application to the county, which according to the PRP application they signed, requires that their application be removed from further consideration. All of these applicants were not in compliance with the Land Use Development Criteria and/or Operating Standards and/or Cannabis Business Tax Ordinance, and thus provided false information to the county when they stated under penalty of perjury that they were in compliance. They also provided false information to the state to obtain their state license. The following is what the applicant certified in their application to the county:

I certify that the operation is in compliance with the Land Use Ordinance Operating standards.

I certify that the operation is in compliance with the Land Use Ordinance Development Criteria.

I certify that the operation is in compliance with the Cannabis Best Management Practices.

I understand that I am responsible to pay taxes as required in the Cannabis Business Tax ordinance.

I understand that providing false or misleading information in this Application or at any time during the permitting process will result in rejection of the application and/or nullification or revocation of any issued permit.

I, declare under penalty of perjury that the information provided on this application is true and correct to the best of my knowledge.

Thus, when their public hearing comes up, the above applications should be not only denied but are required to be removed from further consideration. I trust that you, as the planner, will include this in your write up that Permit Sonoma sends to the BZA before the public hearing. If you do not agree with the foregoing and that the above statements signed by the applicant constitute false or misleading information, can you please let me know and if so, the reason?

Thanks,
Debby

Deborah Eppstein
801-556-5004



Everett Louie <elouie@migcom.com>

For entering into the records for UPC18-0037, UPC17-0065, UPC17-0012, UPC17-0085, UPC17-0082, UPC18-0001, UPC17-0089, UPC18-0015, UPC17-0071, UPC17-0037, UPC18-0021, UPC17-0095, UPC17-0041

Deborah Eppstein <deppstein@gmail.com>
To: Everett Louie <elouie@migcom.com>, Scott Davidson <scott@d@migcom.com>
Cc: Milan Nevajda <Milan.Nevajda@sonoma-county.org>

Sat, Aug 31, 2019 at 1:29 PM

Dear Scott and Everett,

We were informed that we needed to submit this information directly to the planners to ensure it was entered into the file records. Accordingly, please enter the attached document (PRP summary of ongoing violations July 12, 2019), which was previously submitted to the County Administrator's Office, into the formal records for the following PRP projects:

- 2260 Los Alamos Road, UPC18-0037**
- 3803 Matanzas Creek Lane UPC17-0065**
- 2211 London Ranch Road, UPC17-0012**
- 4050 Grange Road, Santa Rosa (UPC17-0085)**
- 4065 Grange Road, Santa Rosa (UPC17-0082)**
- 885 Montgomery Road, UPC 18-0001**
- 7955 St Helena Road, UPC 17-0089**
- 8373 Singing Hills Trail (2870 Leslie Rd), UPC18-0015**
- 2815 Leslie Rd UPC17-0071**
- 6101/6105 Cleland Ranch Road; UPC17-0037**
- 3815 Calistoga Road; UPC18-0021**
- 3215 Middle Two Rock Road, Petaluma, UPC 17-0095**
- 2000 Los Alamos Road, UPC 17-0041**

As summarized in the attached document, in addition to the numerous violations, the above applicants also provided false or misleading information in their application to the county, which according to the PRP application they signed, requires that their application be removed from further consideration. All of these applicants were not in compliance with the Land Use Development Criteria and/or Operating Standards and/or Cannabis Business Tax Ordinance, and thus provided false information to the county when they stated under penalty of perjury that they were in compliance. They also provided false information to the state to obtain their state license. The following is what the applicant certified in their application to the county:

I certify that the operation is in compliance with the Land Use Ordinance Operating standards.

I certify that the operation is in compliance with the Land Use Ordinance Development Criteria.

I certify that the operation is in compliance with the Cannabis Best Management Practices.

I understand that I am responsible to pay taxes as required in the Cannabis Business Tax ordinance.

I understand that providing false or misleading information in this Application or at any time during the permitting process will result in rejection of the application and/or nullification or revocation of any issued permit.

I, declare under penalty of perjury that the information provided on this application is true and correct to the best of my knowledge.

Thus, when their public hearing comes up, the above applications should be not only denied but are required to be removed from further consideration. I trust that you, as the planner, will include this in your write up that Permit Sonoma sends to the BZA before the public hearing. If you do not agree with the foregoing and that the above statements signed by the applicant constitute false or misleading information, can you please let me know and if so, the reason?

Thanks,
Debby

Deborah Eppstein
801-556-5004

 **PRP summary of ongoing violations July 12, 2019 PDF.pdf**
230K

**Penalty Relief Program Summary
Requirements, Ongoing Violations, and Required Actions
July 11, 2019**

This summary was prepared with input from Sonoma County residents impacted by these violations

I. Introduction

The **Temporary Penalty Relief Program (PRP)** was established by the Sonoma County Board of Supervisors (BOS) on May 23, 2017 (Resolution 17-0233), *“as an incentive to bring unpermitted cannabis operations, operating under the Transition Period or in permit-eligible locations, into compliance for the purposes of addressing potential health and safety issues,”* and extended and modified on September 12, 2017 (Resolution 17-0319) *“to allow sufficient time for unpermitted cannabis operations located in permit-eligible locations to comply with the Medical Cannabis Land Use Ordinance,”* and to *“enhance cannabis tax revenue.”*

Some relevant points from the BOS resolutions:

1. The temporary PRP expires June 1, 2018 (no new applications).
2. The PRP does not apply to building, well, grading, septic or other violations on the property. Operations *“must still meet all applicable codes currently in effect, pay all other permit and development fees, and complete all required inspections prior to a waiver of penalties being granted.”* (Resolution 17-0233, #12, and 17-0319, #3). Thus there can be no unpermitted electrical or no operations in unpermitted buildings for penalty relief to be granted.
3. The property must be on a Permit-Eligible Location as defined in the Cannabis Ordinance.
4. If an operator was on a Non-Permit Eligible Location (eg, if they were too close to a park or school or in Rural or Agricultural Residential), they had to cease all operations after Jan 1, 2018 [Resolution 17-0319, #10(a)].
5. Operators on Permit-Eligible Locations could operate under the PRP (ie, with no cannabis land-use fines) **only** if they **followed all Cannabis Ordinance Development Criteria and Operating Standards**, the Ag Commissioner’s Cannabis **Best Management Practices**, the Cannabis Business **Tax Ordinance**, submitted the initial PRP application by Oct 31, 2017, and **filed a Complete Application by June 1, 2018** (defined as having all the Required Application Materials in the application) [Resolution 17-0319, #10(b)].
6. The initial one-page PRP application required the applicant to *“declare under penalty of perjury”* that the information provided on the application is true and correct; this included **following all Development Criteria, Operating Standards and Best Management Practices**. The Required Application Materials and the Complete Application form state in bold all caps: **‘APPLICANTS PROVIDING FALSE OR MISLEADING INFORMATION IN THE PERMITTING PROCESS WILL RESULT IN REJECTION OF THE APPLICATION AND/OR NULLIFICATION OR REVOCATION OF ANY ISSUED PERMIT.’** The County has not enforced this critical provision.
7. In addition, the PRP shall not apply if the review authority determines that the land use poses a serious risk to the environment, public health or safety. (Resolution 17-0319, #11).

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II. Ongoing Violations

Despite these clearly stated rules, there are multiple examples of PRP applications where the County, under the direction of Economic Development with support of County Counsel, has blatantly refused to follow the rules enacted by the BOS. Some of these include:

1. **2260 Los Alamos Road, UPC18-0037.** The following items have been presented to the county on numerous occasions over the past year, with full documentation, but nothing has been done to terminate this application:
 - a. Incomplete application as of June 1, 2018. The County gave applicant an extension (already violating terms of the PRP Resolutions) until July 29, 2018, to provide the 10 missing documents, but the applicant submitted nothing. PRMD issued a Cease and Desist letter on July 31, 2018, but Sita Kuteira (County Counsel) intervened when the applicant filed for an appeal hearing and determined that since two of his missing items, the hydro-geo report and water monitoring easement, were not needed (despite him being in water zone 4) due to his stated use only of surface water, she over-ruled the Cease and Desist letter, ignoring the other 8 required missing items in violation of the PRP Resolution requiring removal from the PRP.
 - b. Violation of Development Criteria, and Perjury on PRP application as well the application for the state license by applicant stating he was in compliance with all Development Criteria, as follows:
 - (i) Violation of Development Criterion 26-88-254(f)(3). Applicant cultivated in excess of the 43,560 sf on his application, with 46,900 sf in 2017 by satellite photo (650 plants counted), and 64,000 sf in 2018 (800 plants counted). Although Ag measured his cultivation area as 35,203 ft in 2017, this measurement was not in agreement with the criteria in the Cannabis Ordinance which clearly state that the cultivation area is the 'outermost perimeter of each separate and discrete area of cultivation'; we confirmed with the state that each separate and discrete area would need to have been shown as such on the initial site map. The applicant did not request re-measurement in 2018, and despite documentation provided to the County that his cultivation area increased to almost 1.5 acres, no new measurements were made. Thus in addition to violation of cultivation area limits and no increase in cultivation area, the applicant also underpaid taxes by a significant amount in both 2017 and 2018, depriving the county of revenues - and in violation of the PRP for underpaying the cannabis tax.

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- (ii) Violation of Development Criterion 26-88-254(f)(6). Cultivation site is visible from public right-of-way, Los Alamos Road entry into Hood Mt Park (photos provided). It is again visible in 2019.
 - (iii) Violation of Development Criterion 26-88-254(f)(10). Applicant built an unpermitted building in fall of 2018 including grading, trenching, and electrical in violation of not only County codes, the PRP, and the Cannabis Ordinance, but also his application (see c and d below).
 - (iv) Violation of Development Criterion 26-88-254(f)(12). Illegal tree removal, starting in 2015, and confirmed (satellite photos) after Dec 20, 2016 as specifically prohibited in the Cannabis Ordinance.
 - (v) Violation of Development Criterion 26-88-254(f)(15). Applicant is likely in violation of the Williamson Act due to size of non-ag cannabis operations (see below under d).
 - (vi) Violation of Development Criterion 26-88-254(f)(16), as applicant did not seek or obtain a fire operational permit as required. Los Alamos Road, a 5+ mile dead-end road, one-lane for the upper mile, and does not meet County or State standards for new development in the State Responsibility Area.
- c. Violation of both his application and the PRP resolution concerning unpermitted buildings. Applicant stated in his application that he would not undertake any grading, building or any activity requiring permits unless he had the required permits, yet he built a 3000 sf processing facility in fall of 2018 (also not where shown on his site map). It was only after we provided aerial photo evidence of this that PRMD checked it for safety of wiring, but did not yet assess any fines, and he was not removed from the PRP as he should have been according to the PRP Resolutions. The PRP Resolutions clearly state that applicants cannot have penalty relief if they violate these requirements (see I(2) above). Applicant should have been fined the full land use penalty as he violated many Development Criteria in violation of the PRP yet applicant has been granted penalty relief for the 2 prior years and is continuing now into his 3rd year.
- d. Furthermore, the applicant is subject to the **Williamson Act (WA)**. His phase-out will be completed Dec 31, 2022, so he was under the WA Contract when he submitted his PRP application in 2017 and will continue through 2022. Cannabis cultivation is only allowed as a compatible use 'if allowed by the underlying zoning', and he cannot place more than 5 acres in non-ag or non-preserve use. Measurements on his site map and Google Earth show far more than 5 acres for the cannabis

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operations, show that his bee hives and vineyard have been removed, and show only ~6 acres that could be used for grazing, with most of the 40 acres covered by thick forest. Thus he appears to be in violation of the Williamson Act and also in violation of 26-88-254(f)(15), concerning abiding by the *'Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, including provisions governing the type and extent of compatible uses listed'*.

Furthermore, as RRD was not zoned for cannabis cultivation until Jan 1, 2017, he was been in violation of the Williamson Act since he started cultivating cannabis, at least for 2015-16, possibly 2 years earlier (satellite photo images). The Penalty Relief Program does not forgive violation of the WA contract. His reduced county property tax at least for 2015-16 was obtained under false information, cheating the county out of its tax revenue. Falsification of tax status is criminal.

(e) Both applicant and the County (Tim Ricard) provided false and misleading information to the state to obtain a temporary state license by stating that this application was in compliance with all Sonoma County regulations.

2. 3803 Matanzas Creek Lane UPC17-0065

(a) This property was not on a permit eligible parcel in 2017 when it entered the PRP as it did not meet park setback requirements [26-88-254(f)(6)]. According to the September 12, 2017 PRP Resolution, it was not allowed to cultivate past January 1, 2018 (point I(4) above). The county was notified of this parcel ineligibility on March 3, 2018 and numerous later occasions. On March 6, 2018, Amy Lyle agreed that "the property lies within 1,000 ft of a park and is not eligible for outdoor/mixed light cultivation," and copied this conclusion to PRMD Director Tennis Wick and Supervisor Susan Gorin. Despite this conclusion and PRMD's issuance of

1. Notice of Failure to Meet Penalty Relief Program Requirements on July 31, 2018 for, among other things, a failure to submit a complete application by June 1, 2018, and
2. Notice & Order—Unlawful Commercial Medical Cannabis Use letter by PRMD on September 10, 2018 (VCM 17-0503),

Sita Kuteira allowed the applicants to continue operating through harvest in 2018, and to continue operating in 2019. This was again brought to the attention of Bruce Goldstein on May 7, 2019 and Sheryl Bratton on May 28, 2019, yet nothing has been done. Mr. Goldstein has confirmed that he supports Ms Kuteira 100%. Although the Cannabis Ordinance was amended on Nov 15, 2018, to allow applicants on parcels at least 10 acres to apply for a park setback variance which *'may be reduced with a use permit'*, no cultivation under such allowance of a variance could occur until the CUP is issued.

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(b) Both applicant and the County (Tim Ricard) provided false and misleading information to the state to obtain a temporary state license by stating that this application was in compliance with all Sonoma County regulations.

3. 2211 London Ranch Road, UPC17-0012

(a) This property was permit ineligible in 2017 when it applied to the PRP as it did not meet park setback requirements [26-88-254(f)(6)]. Thus the outdoor and mixed light cultivation should have ceased after January 1, 2018. The applicant strongly lobbied for the park variance option amendment, which was adopted on Nov 15, 2018, along with the 10-acre parcel minimum.

(b) Thus this parcel became additionally non-permit eligible as it is ~7 acres, below the 10 acre minimum parcel size requirement approved on Nov 15, 2018. This application could not have been a pipeline project prior to Nov 15 (pipeline projects were grandfathered to allow cultivation on parcels under 10 acres) as it was on a permit-ineligible parcel. Furthermore, as stated above, no setback variance would have made the parcel permit eligible (and only if it were pipeline) unless granted with an issued CUP, which has not occurred and is not even possible due to his smaller parcel size.

(c) This application should have been shut down for outdoor and mixed light cultivation as of January 1, 2018, yet the County continues to allow him to cultivate in the PRP. As above, this information has been provided to the county on several occasions, including to Bruce Goldstein on May 7, 2019 and to Sheryl Bratton on May 28, 2019.

(d) Both applicant and the County (Tim Ricard) provided false and misleading information to the state to obtain a temporary state license by stating that this application was in compliance with all Sonoma County regulations.

4. 4050 Grange Road, Santa Rosa (UPC17-0085)

(a) This 14.6-acre parcel is ineligible because the operator, John Chen, submitted false or misleading information to PRMD in the PRP application. Mr. Chen, claimed "I do not have any felony convictions now or in process." In fact, Chen has three felony convictions for offering false instruments filed with the State of California and three felony convictions for presenting payment false claims to the State of California. The suit was brought by then-Attorney General Kamala Harris. Chen was also the executive vice president of the Tung Tai Group, Inc., which was convicted of two counts of an environmental crime (unlawful storage of hazardous waste). The county has had a copy of Chen's plea agreement since October 2018. The county could easily have required Chen to complete the request for a Live Scan Service Form (BCIA 8016) which can be found on the CalCannabis Licensing Service

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website. The state requirements for disqualification of an individual for cannabis cultivation include a ‘felony conviction involving fraud, deceit, or embezzlement.’”

For providing false or misleading information in his application, according to the PRP application requirements, this application is not only to be removed from the PRP but also removed from any further processing as a regular CUP.

(b) Chen also claimed he began the grow on June 30, 2017, just before the July 5 deadline for eligibility. The parcel was not even conveyed to Bennett Rosa LLC (which Chen owns) until August 30, 2017, almost two months after the deadline. The LLCs of the owner (Bennett Rosa LLC) and operator were registered in mid-July, after the deadline. The County has ignored suggestions to require the operator to produce ordinary business records (contracts, checks, identity of workers who can be interviewed, proof of purchase of plants, work orders, labor contracts). The County allowed the 2018 harvest to be sold despite the fact that the growers lacked State licenses and the marijuana was probably sold on the black market. On Jan 4, 2019, the County planner confirmed to Tim Ricard, who then met with County Counsel, that Chen provided false or misleading information and that this should have removed him from the PRP as well as rejected the application, yet nothing has been done about this.

(c) This grow should also be disqualified because the owner of the property is a convicted felon. Both the applicant and Tim Ricard provided false information to the state of California in a signed document that this property is in compliance with the County Cannabis Ordinance in order to facilitate the initial issuance of a temporary state license. In addition, Ricard stated that the operator is Fernando Martinez rather than John Chen. Chen is named as the operator on the application and all supporting materials, and this substitution seems intended to insure that CalCannabis does not undertake a criminal investigation of Chen. Interestingly, in recent documents of the County, the operator is listed as Sonoma Grange Farms LLC; however the Cannabis Ordinance requires a person as operator.

(d) In addition, this application was incomplete as of June 1, 2018, and was STILL INCOMPLETE on March 4, 2019, with the planner requesting multiple missing items.

5. 4065 Grange Road, Santa Rosa (UPC17-0082).

(a) This 4.9-acre property is ineligible because the operator (Brian McInerney) submitted false and misleading information to PRMD in the PRP application. The operator claimed to begin the grow on June 30, 2017, just before the July 5 deadline for eligibility. The county has had in its possession since October 2018 incontrovertible satellite imagery showing that the grow had not begun on July 9, 2017. In fact, the parcel was not even conveyed to Bennett Rosa LLC until August 30, 2017, almost two months after the deadline. The LLCs of the owner (Bennett Rosa

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LLC) and operator (CL5 LLC) were registered in mid-July, after the deadline. The County has ignored suggestions to require the operator to produce ordinary business records (contracts, checks, identity of workers who can be interviewed, proof of purchase of plants, work orders, labor contracts) to verify whether the grow began on June 30, 2017. The County allowed the 2018 harvest to be sold despite the fact that the growers lacked State licenses and the marijuana was probably sold on the black market.

(b) This grow should also be disqualified because the owner of the property, John Chen, is a convicted felon, as discussed above. Both the applicant and Tim Ricard told the state of California in a signed document on November 29, 2018, that this property is in compliance with the County Cannabis Ordinance in order to facilitate the initial issuance of a temporary state license.

6. 885 Montgomery Road, UPC 18-0001

Misty Mountain Services falsely documented their qualification for the Penalty Relief Program. They stated they had 38,484 square feet of outdoor cultivation when in fact they did not start planting any cannabis in this area until after July 5, 2017. They secretly installed two unpermitted greenhouses (2,550 total sf) in the winter of 2017-18, which were **not** included in their Sonoma County cannabis use permit application nor their PRP application. Then they expanded their cultivation **again** in the spring of 2018.

In addition to falsifying both their PRP application and their cannabis use permit application, they committed the following Cannabis Ordinance code violations *after* May 2017:

1. Sec. 26-88-256.(f)(8) Biotic Resources
2. Sec. 26-88-256.(f)(12) Grading and Access
3. Sec. 26-88-256.(f)(7) Building Requirements.

This evidence has been presented to the County on numerous occasions, with full documentation, but nothing has been done. A 14-page document of these violations, including aerial photos, was recently sent to Christina Rivera on June 14, 2019, summarized below:

(a) For almost 2 years, County officials have ignored neighbor complaints (18 families impacted) about odor, noise, night light pollution, and security cameras trained on neighboring homes [violation of 26-88-250(f)]. The County failed, neglected, and refused to verify false statements in the grower's Penalty Relief Application Form - including that his plants were in the ground by July 5, 2017- that should have removed this application from both the PRP as well as any further processing.

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(b) Eric Bell, the operator of Misty Mountain Services, stated he was cultivating 38,000 sq feet of cannabis plants prior to July 5, 2017. However, satellite images and neighbor statements provided to the county have proven this statement is false. There were no plants in the ground before July 5, 2017.

(c) The County has allowed the grower to use power circuits that were installed without permits, exposing neighbors to fire risks. The County has allowed the grower to use unpermitted buildings for its indoor cannabis cultivation operations. Both of these actions are in clear violation of the PRP Resolutions and the Cannabis Ordinance.

(d) Eric Bell built 2 greenhouses without a permit and was cited by the county. He then removed said greenhouses without a permit.

(e) The County refused to shut the grow down despite all of the violations of the PRP and Cannabis Ordinance Development Criteria including illegal grading, terracing, and tree removal. The County and applicant provided false information to the state to obtain the state license. The operator is in his 3rd year of cultivation illegally according to the County regulations; penalty relief should have been denied and his application removed from any processing had County officials verified the information provided on falsification of claims of the grower.

7. 7955 St Helena Road, UPC 17-0089

This grower joined the PRP only after being cited for his illegal construction and cannabis growing (August 31, 2017).

(a) In August 2018 the grower was removed from the PRP for failure to pay cannabis taxes in the 3rd and 4th quarter. However he entered a payment plan and was allowed to rejoin he program despite violating the PRP Resolution that *"The operation must be in compliance with Sonoma County Business Tax"*. No Reason was given to the neighbors to explain why this decision was made, which was in violation of the PRP rules.

(b) On December 12, 2018 the operator was given notice that again he was operating outside the PRP rules. Specifically that his water use *".....will result in, or is likely to cause or exacerbate, an overdraft condition inMark West Creek"*. He was given until February 1, 2019 to cease operation due to violation of the PRP Resolution requiring being in compliance with all Development Criteria and Operating Standards of the Cannabis Ordinance. Applicant appealed this decision. Rather than continuing with an appeal hearing for the PRP removal, County allowed the appeal over hydrology to be included in a future CUP hearing and applicant was allowed to continue operating under the PRP, continuing to damage the watershed. No CUP hearing has been scheduled to date.

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(c) On April 16, 2019 one of the illegal buildings caught fire and caused a massive response by Cal Fire including 4 engines, 4 support vehicles and 2 water tanker trucks. While responding to the fire, code enforcement discovered that the operator had not only continued to use the red-tagged buildings, but had also constructed more new buildings expanding his operation in complete disregard for PRP Rules on following the County building codes and that *"There is no increase in cultivation size"*. This violation was resolved not by removing the grower from PRP as the law dictates but rather by a settlement allowing continued cultivation indefinitely, which was prepared in private with no public input or oversight and in direct contradiction of PRP rules. Fines due for violations were decreased by 75% at a minimum (based on minimum daily fines for the final violations only).

8. 8373 Singing Hills Trail (2870 Leslie Rd), UPC18-0015

(a) They have been using water from a pond on their property since they began operating a few years ago. In their application, they falsely stated that they had water rights to the pond. Neighbors sent two emails to the state water board, and were able to determine that in fact, the pond is unpermitted (an on-stream pond) and there are no water rights. So, in fact, the applicants have been using water in a critically-impaired watershed that they have no rights to, for several years. Neighbors sent these findings to the project planner, who confirmed that these comments are included in the file, but there was no response about removal from the PRP or stopping their water use from the unpermitted pond. The applicants clearly are in violation of the PRP as they provided false information on their application so they should not only be removed from the PRP but their application should be removed from any consideration.

(b) The only way for the applicants to legally move forward now would need to be in a new application according to County regulations, in which they were granted water rights from the state, which is highly unlikely given current state policies, and to come up with a sustainable net-zero water use plan, which is what is required under the Cannabis Ordinance. Why are the applicants still operating under the PRP? The County is allowing continued unpermitted water use, in violation of both County and state regulations. This operation should be shut down immediately. How does the County plan to handle PRP applicants that are in clear violation of net zero water use requirements? It's one thing if there is a plan that is open to geologist interpretation and needs to be sorted out through the conditional use permit process. It's an entirely different matter if the water use is clearly not compliant with the ordinance.

9. 2815 Leslie Road; UPC17-0072

(a) Applicant received a letter from the County in December 2018 stating that applicant had failed to provide sufficient evidence that the project would not have a negative impact on streamflow and would be removed from the PRP. Applicant appealed this decision. Rather than continuing with an appeal hearing for PRP removal as per County law, the County allowed the applicant to continue operating under the PRP, and said that the appeal over hydrology will be included in the future CUP hearing. Over 6 months

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later no CUP hearing has been scheduled, and applicant is allowed to continue depleting the watershed and proceed with his 3rd growing season in violation of the PRP rules and Cannabis Ordinance.

10. 6101/6105 Cleland Ranch Road; UPC17-0037

(a) On Dec 12, 2018, PRMD notified the applicant that its use of ground water has high potential to reduce dry season stream flow in Mark West Creek/tributaries, and that all ground water extraction must cease by Feb 1, 2019, due to violation of the PRP Resolution requiring being in compliance with all Development Criteria and Operating Standards of the Cannabis Ordinance. They stated they switched to a surface pond source.

(b) Code enforcement recently (end of May 2019) found on a site visit that the applicant had five unpermitted greenhouses (listed 6/3/19 as violations). After being rudely refused entrance to the greenhouses, code enforcement watched from nearby the next morning as the applicants removed plants from the greenhouses, which code enforcement then documented as a clear violation of the PRP. So, after two recent violations of the PRP and the Cannabis Ordinance (increasing the footprint and refusing entry to code enforcement), why is the applicant still allowed to continue operating under the PRP? PRP rules dictate that this applicant should be removed from the PRP immediately, and should be fined the full penalty for unpermitted growing.

11. 3815 Calistoga Road; UPC18-0021

(a) Applicant received a letter from the County in December 2018 stating that applicant had failed to provide sufficient evidence that the project would not have a negative impact on streamflow and would be removed from the PRP. Applicant appealed this decision. Rather than continuing with an appeal hearing for the PRP removal, the County allowed the applicant allowed to continue operating under the PRP, and said that the appeal over hydrology would be included in the future CUP hearing. Over 6 months later no CUP hearing has been scheduled, and applicant is allowed to continue in his 3rd growing season, continuing depletion of a critical watershed, in violation of the PRP rules and Cannabis Ordinance.

12. 3215 Middle Two Rock Road, Petaluma, UPC 17-0095

(a) The applicant, Mr. Dripps, clearly had some kind of illegal grow in an old barn on the Nadale property, and expanded the “use” to the top of the ridge line grow he is using now. Aerial images show the expansion of use.

(b) Neighbors have images of him trucking in water. When challenged by PRMD on this, he told them that he was taking it from one place on the property to another. And, yet neighbors saw him hauling water from off site.

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(c) His hydrology report states that anticipated water use would be over 1,700,000 from their wells and need to truck in water for their livestock - this is a grave concern. His report also shows that the only way he can support the water use demand will be to build over 10,000 square feet of greenhouses (on the ridge line) and expand use further to collect rainwater for a 10,000 water tank on the ridge. So the only way he can support a grow will be to expand structures and divert more rainwater from the already impacted aquifer. Neighbors are very concerned about his impact on the watershed, and have retained a hydrologist to review the Dripps report. It has been found to be deficient and the County is asking for more info.

(d) Dripps maintains an RV on the site, and two large containers, all in violation of the Cannabis Ordinance. PRMD has not responded.

(e) This is a Williamson Act property. Has the County confirmed that his cannabis operations, including all supporting structures and land, are less than 5 acres?

13. 2000 Los Alamos Road, UPC 17-0041

The applicant is operating an indoor grow in a converted barn in remote area of high fire risk and poor road access; the electrical was done without a permit. Although at our request the County recently inspected and confirmed the wiring as sufficient, this is still a violation of the PRP rules.

The access to the property is via Los Alamos Road and then through Hood Mt Park, roads that do not meet County of State fire-safe standards for such development. Thus no fire operational permit can be obtained as required by the County.

14. There are more PRP applicants not listed above who have violated the PRP, including some who have intimidated and threatened neighbors such that the neighbors are afraid to discuss with the County except under confidentiality.

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III. Other Significant Violations of the Cannabis Ordinance and County Ordinances

1. False and Misleading Information Provided by Applicants and the County to State for State License. All of the above applicants who applied for a state license provided false and misleading information to the state to obtain a temporary state license by stating that these applications were in compliance with all Sonoma County regulations. The PRP rules state that this requires their removal from the PRP as well as no further consideration of their application. In addition County officials (Tim Ricard) tricked the State of California to initially issue the operators a temporary license by providing paperwork stating that all these applications were in compliance with all County regulations, including Development Criteria, which the County knew it was not (documented by multiple letters to the County). We have inquired to the state, who responded that they do not check but rather trust the information submitted by the County as being accurate. **Sonoma County has thus put itself in a position of liability by providing false information to the state in order to allow PRP operations to obtain temporary state licenses.**

2. Health and Safety. Many of the above PRP grows also violate a very significant section of the Cannabis Ordinance, 26-88-250(f), which states that any cannabis operation:

“shall not create a public nuisance or adversely affect the health or safety of nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibrations, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.”

This violation has harmed residents by not only deleteriously affecting their health and safety, but has also prevented them from using their yards or opening their windows, and has resulted in reduced property values. All of these deleterious effects are prohibited under the Cannabis Ordinance as well as Sonoma County Code section 26-92-070(a), yet the County has ignored the numerous complains of residents.

3. Safety Under the Sonoma County Fire Ordinance 6184.

The County Fire Ordinance has specific regulations on access roads and driveways for new development including width, length, steepness, and requirement for 2-lane roads to ensure safe concurrent civilian evacuation and fire engine access during a wildfire emergency. Many of the PRP grows are in violation of this critical ordinance, and furthermore all of the PRP grows are in violation of the requirement to have a fire operational permit prior to commencing operations [ORD 6245 26-88-254(f)(16) and ORD 6184 Chapter 1(8) (105.6.50) (11)]. Sonoma County has thus

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put itself in a position of liability by ignoring these regulations, jeopardizing the safety of residents.

IV. Summary and Action Items

The Temporary Penalty Relief Program was instituted by the Board of Supervisors in May, 2017, and modified in Sept, 2017 to extend to more recent applicants and to extend the filing deadlines, but in all cases specifically to be a TEMPORARY program, ending on June 1, 2018. As outlined above, multiple PRP applicants are in violation of the PRP, as well as the Cannabis Ordinance, the Sonoma County Fire Ordinance and the Sonoma County Code. The County appears to be conflicted in that one of its stated goals of the PRP was to increase tax revenue to the County, and it even directed that enforcement of the PRP be administered by Economic Development, supported by County Counsel. However, this is no excuse for the County to ignore its own laws.

Sonoma County residents have spent thousands of hours and thousands of dollars compiling the documentation for all the above violations over the past 14 months and providing this to the County, something that the County should have done. The County, including the Supervisors, have been notified many times of these multiple violations of the PRP that require termination of such applications, yet this has been repeatedly ignored. The County has provided false information to the state to obtain state licenses of a controlled substance to further its ability to collect County tax revenue. All of this is untenable. The lack of oversight of these activities has harmed the health and safety of residents, and has further harmed residents by lowering property values. It ultimately is the responsibility of the Supervisors to ensure that the laws of the County are upheld.

Actions:

1. Any PRP application, including all of those listed above, that has or had violations of the PRP needs to be terminated immediately.
2. The full fines for violating the land use ordinance should be collected.
3. Furthermore, any PRP application in which the applicant provided false or misleading information on their application (most of those listed above) not only needs to be **immediately terminated** but additionally their **application needs to be rejected from further evaluation**. This is the law.

All the above actions are the clear rules stated in the PRP documents and Cannabis Ordinance. To facilitate your getting up to speed, we request to meet with you to review the documentation for each of the above PRP applications without further delay. These applicants should not be allowed to continue cultivation for yet a 3rd growing season, in continued violation of County law.

2000 Los Alamos Road, UPC 17-0041
Penalty Relief Program and Cannabis Ordinance Violations
July 21, 2019

1. Violation of Development Criteria 26-88-254(f)(10) and (16)

The applicant converted an old barn into an indoor cultivation and drying facility without building permits, violating Development Criterion (10), and violated Criterion (16) by operating without a fire operational permit, yet has certified both to the county and the state, and the county has certified to the state, that she has met all the county Development Criteria.

2. Violation of PRP Resolutions #17-0233, item 12 and #17-0319, item 10(b)

The PRP Resolutions state that PRP applicants must meet all applicable codes and pay all other permit fees 'prior to a waiver of penalties being granted' and that penalty relief will only be provided if they meet all the stated criteria and submit a complete application by June 1, 2018. This applicant did not meet these criteria due to unpermitted conversion of an old barn into an indoor growing and processing facility and should be charged the full land use penalties of \$10,000 per day since June 1, 2018, as well as penalties for building violations

3. No Fire-Safe Road Access

Although there are many areas of concern with this location due to it sharing the entrance road to Hood Mountain Regional Park, a bigger concern is its location in an area of extreme fire danger, at the end of a long, steep, winding dead end road which is furthermore one way for the final 1.5 miles.

You should be aware that this site should not ever be approved for commercial cannabis cultivation and processing due to fire-safe roads issues. It does not meet the Sonoma County or the State CalFire Fire-Safe Roads Regulations for new development: this site is located after the end of 5 mile dead-end Los Alamos Rd, which is one-way for the upper portions, connecting for the last 2/3 mile to the one-lane dead-end road that is the entry road into Hood Mt Park. Los Alamos Road serves ~240 residences, already a huge safety issue for concurrent evacuation and fire truck access in case of a wildfire in this very high fire-prone area; the Oct 2017 fires raged in Hood Mt Park very close to this location.