From:	SOS Neighborhoods
Subject:	Objection letter to Cannabis Grows
Date:	Wednesday, April 11, 2018 1:11:56 PM

11-04-2018

From:
Amy Favia
1617 Jeffrey Dr.
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 4222 Browns Ln 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
- 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
- These are 24 hour operations

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

Proximity Issues
NA

Non Conformity with the Ordinance
- Question of conformance with Dairy Belt Area Plan

Crime
- History of crime associated with cannabis operations
- Incomplete security and background checks of employees
- Currently a Federal Class I narcotic substance

Others
Browns Lane is a known hangout for underage minors to loiter and smoke cannabis. With a likely increase in crime, our teens could become bystanders to any potential criminal activity, thus putting themselves at risk.

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
Amy Favia
aim_eb@yahoo.com

From:	SOS Neighborhoods
Subject:	Objection letter to Cannabis Grows
Date:	Monday, May 14, 2018 12:37:54 PM

14-05-2018

From:
767 HERRERIAS WAY
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 4222 Browns Ln 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
- Impact on residential character of the historic area
- 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
- On a split zoned parcel (RR / LEA), surrounded by RR parcels

Traffic
- These are 24 hour operations
- Employees, Garbage trucks
- 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
- Lighting pollution
- Waste Management - disposal of large amounts of waste
- Water use and impact on neighboring wells
- Water use and impact on neighboring wells

Proximity Issues

- Less than 1,000 feet from Schools, bus stops, churches, local parks
- Proximity to school property (ball field), bus stop
- Proximity to local park

Non Conformity with the Ordinance

- Build out of this site proceeded before permit was processed
- Question of conformance with Dairy Belt Area Plan
- Owner and lessee are out of area speculators with no connection to Rural Sonoma

Crime

- History of crime associated with cannabis operations
- Large amounts of cash handling at site
- Incomplete security and background checks of employees
- Currently a Federal Class I narcotic substance

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

carol@bokaie.com

From:	SOS Neighborhoods
Subject:	Objection letter to Cannabis Grows
Date:	Wednesday, May 16, 2018 1:35:52 PM

16-05-2018

From:
641 Herrerias Way
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,

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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

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- Decline in Property Value
- Impact on residential character of the historic area
- Odor from huge outdoor grow can be substantial and irritating for months

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
- History of crime associated with cannabis operations

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
bhandarisandeep1982@gmail.com

ELYON

September 15, 2020

Sonoma County Permit & Resource Management Department

2552 Ventura Ave

Santa Rosa CA 95403

RE: Permit UPC17-0031

Dear Permit Sonoma,

As a local business owner and operator in Sonoma County I strongly support LIG Remedies. Joseph Riccardo and the LIG Remedies Family are great producers of Sonoma County Cannabis. They have tremendous experience and always supply top tier products. They run a fair business and always treat their Customers and Vendors fairly.

Bango Distribution packages and distributes over $1,000,000 of Sonoma County Cannabis throughout the State of California each Month. It is only possible for us to sell Sonoma Branded products because of excellent business partners such as LIG Remedies.

We support LIG Remedies in the goal of supplying customers with Sonoma County Branded Cannabis!

Respectfully,

Ron Ferraro

Bango Distribution

2133 BLUEBELL DRIVE | SANTA ROSA, CA 95403
707.709.6040 | OFFICE@ELYONCANNABIS.COM
ELYONCANNABIS.COM

WEST ASSOCIATES
ENVIRONMENTAL ENGINEERS, INC.

September 16, 2020

Sonoma County Board of Supervisors
Santa Rosa

RE: LIG Remedies Cannabis Facility
4233 Browns Lane, Unincorporated Sonoma County

My name is Brian West and I am the Owner of West & Associates Engineers, Inc., a small engineering consulting firm.

I am writing this letter in support of the LIG Remedies application for expansion of their existing cannabis operation at 4233 Browns Lane.

The existing LIG Remedies cannabis operation is well run and has resulted in no problems locally or regionally. I can attest that the LIG Remedies management is committed to complying with all regulations pertaining to cannabis cultivation and processing.

Financially, the LIG Remedies cannabis facility has been a positive factor in Sonoma County and has supported small businesses, such as mine, during a challenging economic period.

The LIG Remedies operation is an asset to Sonoma County and should be supported. I hope you will vote to approve the LIG Remedies application for expansion.

Yours truly,

Brian W. West

Brian W. West
President

BWW/dlg

Mig Consultant

From: Todd Tamura <todd.tamura@gmail.com>
Sent: Tuesday, October 13, 2020 12:41 PM
To: Arielle Wright; Alexandria Sullivan
Cc: Jennifer Klein
Subject: public comment
Attachments: LIG Remedies Project Packet -- September 16, 2020.pdf; Elyon Cannabis - River Rd. Farm Impact & Sustainability Booklet.pdf; Toley Farms Project Packet -- September 16, 2020.pdf

EXTERNAL

Here is a comment I received from the public. I'm assuming that similar e-mails went out to the other commissioners, but wanted to fwd just in case they didn't, to ensure compliance with policy.

---------- Forwarded message ---------
From: **Herman Hernandez**
Date: Tue, Oct 13, 2020 at 12:23 PM
Subject: Hope You Are Well + Invite For A Tour
To: <Todd.Tamura@gmail.com>

Good Afternoon Commissioner Tamura,

I hope you are doing well and you were not impacted by these most recent fires. I would love a minute of your time and an opportunity to meet you. My name is Herman G Hernandez and I consult with 421 Group focused on cannabis permitting, community engagement and public affairs. But I also have the great privilege of serving on the Sonoma County Board of Education, representing area 5. I am working with a client who has his cannabis farm up for a hearing date plus his two partner farms: Toley Farms and LIG Remedies who will be getting a BZA hearing soon (according to PRMD). We have no idea when the hearings will make it to you because these announcements we made prior to the Walbridge Fire, and now we are dealing with the Glass Fire. Hoping for some rain soon -- the extended fire season is stressful.

Honestly, I am very concerned because my friend and now client, Ron Ferraro, owner and CEO of Elyon Cannabis and Bango Distribution has been on penalty relief (PR) with his cannabis cultivation farm on River Rd. since it was legal to be on PR. I do not understand why the County is being so difficult and prolonging the use permit for not just our client but so many other cultivators -- they are silently drowning out our local farmers who are from here and opening up the industry for well funded cannabis corp companies. Just a few weeks ago my father (he has done real estate in the Russian River area for over 40 years) told me his office sold a cultivation farm in Cazadero because the owner could not afford to continue going through the process without ever getting her use permit.

I wanted to follow up and see if it is possible to set up a meeting with myself and Ron Ferraro, owner and CEO of Elyon Cannabis and Bango Distribution. He would love to give you a tour of his farm on River Rd. or partner farms in Petaluma (Remedies Lig & Toley Farms). My goal is to open up a dialogue between Ron and the County leaders. This would be a great opportunity to hear the progress, challenges and true struggles Ron has had with working with the County. Unfortunately, his story is very similar across all cannabis cultivators in Sonoma County.

I would appreciate a minute of your time and please let me know if you would like to have a tour of any of the farms in the near future. I have attached more info on the specific farms he runs or partners with, within the County.

Thank you so much for your time and we look forward to hearing from you soon! Stay safe and have an excellent week.

Respectfully,

Herman G. Hernandez
PUBLIC AFFAIRS STRATEGIST
421 Group
c (707) 287-6698
o (707) 861-8421
herman.hernandez@421.group

SENT VIA EMAIL

Scott Knippelmeir
625 Center Street
Healdsburg, CA 95448

Permit and Resource Management Center, Sonoma County
2550 Ventura Ave,
Santa Rosa, CA 95403

RE: Cannabis Cultivation Use Permit Applications UPC17-0031

My team and I here at Agrarian Supply have been working with LIG Remedies Farms and Elyon Cannabis as cultivation consultants, guiding them in all things related to plant health and plant nutrition. We work with cannabis and hemp growers throughout the state and see many different styles of cultivation operations in different jurisdictions. The team at LIG Remedies Farms run a clean operation. We at Agrarian Supply are DPR certified Pest Control Advisors (PCA's) and Certified Crop Advisors (CCA's). Agrarian Supply and LIG Remedies Farms employ extensive soil, water and weekly leaf tissue testing to ensure the plants are receiving nutrient needs without exceeding fertilizer application, thus avoiding soil contamination and runoff issues. The data this farm provides through leaf tissue analysis is being used by cultivators state-wide to set the standards for cannabis and hemp cultivation. Pest control programs are based around Integrated Pest Management techniques that favor cultural controls and preventative biological management. This farm will set the path for how cannabis should be grown and is essential to the research and development of the cannabis cultivation industry.

We urge you to grant LIG Remedies Farms their use permit so that they may continue running clean operations and blazing the trail in cannabis cultivation advancements. Thank you.

Sincerely,

Scott Knippelmeir, PCA/ CCA
Founder, Co-CEO
Agrarian Supply

From: nrchrdsn@sonic.net
To: Haleigh Frye
Subject: BROWNS LANE VCM17-1037
Date: Wednesday, November 9, 2022 8:03:11 AM
Attachments: image001.png
image002.png
image003.png
image004.png
Scanned Decision & Order VCM17-1036 4222 4233 Browns Ln. Petaluma.pdf

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Planner Frye, Please add this email with attachment to the project materials and associated documents for UPC17-0031 before the upcoming Board of Supervisors hearing on 12/13. It is a 48-page judgement from the hearing officer. A quick read will show that:

The hearing officer denied the grower's appeal. See attached.

A quick summary:

- Kicked out of PRP
- $49K lien added to property- For hearing costs
- $283K penalties assessed - for cannabis violations for excess size and indoor
- $187 per day fine until they correct greenhouse, building and electrical violations. Fines start accruing from 2018 and 2019 dates.
- The hearing officer/judge was disgusted with the growers behavior! No attempt to follow the law, willful violations.

Thank you, Nancy Richardson

---------- Original Message ----------
From: Pam Ramirez <Pam.Ramirez@sonoma-county.org>
Cc: Tyra Harrington <Tyra.Harrington@sonoma-county.org>
Date: 11/08/2022 3:35 PM
Subject: RE: APPEAL / ABATEMENT HEARING for BROWNS LANE VCM17-1037

Good afternoon,
Attached is the Administrative Hearing Decision and Order.

Thank you,

Pam Ramirez
Secretary

www.PermitSonoma.org
County of Sonoma
Building & Safety Division/Code Enforcement
2550 Ventura Avenue, Santa Rosa, CA 95403
Direct: 707-565-1904 |
Office: 707-565-1900 | Fax: 707-565-1103

CALIFORNIA HEARING OFFICERS, LLP
P.O. Box 279560
Sacramento, CA 95827
Telephone: 916.306.0980

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT
CODE ENFORCEMENT DIVISION

In the matter of: 4222/4233 Browns Lane Petaluma, California 94954 (APN 068-010-016) Property of: The Cardinaux Trust Dated December 12, 1996, Rene L. Cardinaux and Berta Dicke-Cardinaux, Trustees Commercial Cannabis Cultivation Operator: LIG Remedies LLC	**Case Number: VCM17-1036** **ADMINISTRATIVE HEARING DECISION AND ORDER** Administrative Civil Penalties

I. INTRODUCTION

This matter was heard on July 14, 2022, via video conference before Maralee Eriksen, Hearing Officer for California Hearing Officers, LLP.[1] The purposes of this hearing were: (1) to consider abatement and civil penalties for final determinations of violations issued by the County of Sonoma (County) regarding two unappealed Notice and Orders issued on January 5, 2018 (Exhibits E, LL), and July 3, 2019 (Exhibits F, JJ, KK), for violations found on the property located at 4222/4233 Browns Lane, Petaluma, California, 94954 (Property); (2) consider the violation and civil penalties regarding the Notice and Order issued on June 16, 2021 (Exhibits O, FF); consider the violation regarding the Notice and Order issued on May 16, 2022 (Exhibit DD) and subsequent Determination of Abatement Costs and Civil Penalties issued on May 26, 2022 (Exhibits EE, NN); and (3) to consider whether to uphold the County's determination to remove the commercial cannabis cultivation on the Property from the Temporary Code Enforcement

[1] Sonoma County Code section 2-33.1 states, "[p]ursuant to the authority contained in Section 27720 of the Government Code of this state, there is hereby established the office of county hearing officer." Furthermore, per Sonoma County Code section 2-33.4, the duties of the county hearing officer may be performed by a "duly appointed hearing officer who meets the requirements of Government Code section 27724." California Hearing Officers, LLP contracts with the County of Sonoma to provide neutral hearing officers who meet the requirements of California Government Code section 27724.

Penalty Relief Program (PRP) related to the January 28, 2022, Notice of Removal – Temporary Penalty Relief Program (Notice of Removal) (Exhibits T-V, BB).[2]

II. APPEARANCES

Diana Gomez, Deputy County Counsel, Ivan Jimenez, Deputy County Counsel, Tyra Harrington, Code Enforcement Manager, Mark Franceschi, Code Enforcement Supervisor, Jesse Cablk, Senior Code Enforcement Inspector, Andrew Lee, Code Enforcement Inspector, Andrew Smith, Agricultural Commissioner/Sealer of Weights and Measures, Daniella Reagan, Deputy Agriculture Commissioner, Sue Ostrom, Assistant Agriculture Commissioner, Maggie Furlong, Department of Agriculture/Weights & Measures (AWM) Program Assistant, and McCall Miller, County Administrator's Office Cannabis Ombudsperson, appeared on behalf of the County. Attorney Martin Hirsch appeared on behalf of the commercial cannabis cultivation operator, LIG Remedies LLC (Appellant or Operator).[3] The County submitted Exhibits A-QQ, which were admitted into evidence. Appellant submitted Exhibits A-D, which were admitted into evidence.[4] Appellant submitted a pre-hearing reply brief dated July 11, 2022, and the County submitted a response brief on July 11, 2022; both were included in the record.

The record was left open until August 4, 2022, for the County to submit its hearing costs and for the parties to submit closing/supplemental briefs. After completion of the hearing, the County submitted their costs for that hearing that was marked as Exhibit QQ and admitted into evidence.[5] On August 4, 2022, the parties submitted their combined closing and supplemental briefs, which were admitted into the record. Mr. Franceschi, Ms. Harrington, Inspector Cablk, Inspector Lee, Ms. Furlong, Mr. Smith, Ms. Ostrom, Ms. Reagan, and Ms. Miller testified.

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[2] The Notice and Orders issued are as follows: January 5, 2018, Construction without Permit for 32 greenhouses "with hard-wired electrical, and electrical feeding the pump house and irrigation" (VBU180040-VBU18-0071) and "[t]he placement of a commercial coach that is being used as an office" (VBU18-0072) (Exhibit E); July 3, 2019, Construction Without Permit for unpermitted "hazardous electrical throughout grow area" (VBU19-0420), four unpermitted "land sea cargo containers" (VB19-0421 through VBU19-0424), eight nonpermitted "mobile offices" (VBU19-0425 through VBU19-0432), and 13 unpermitted hoop houses, five with electrical (VBU19-0434 through VBU19-0445) (Exhibit F); October 8, 2020, Construction Without Permit, for 10 unpermitted cargo containers with electrical (VBU20-0587 through VBU20-0596) (Exhibit K) – this violation was abated and the County closed the case without imposing civil penalties; October 8, 2020, Unlawful Commercial Cannabis Use, exceeding canopy by 13,500 square feet (VPL20-0512) (Exhibit L); June 16, 2021, Unlawful Commercial Cannabis Use, over canopy (VAC-061621-1) (Exhibit O); December 14, 2021, Unlawful Use/Zoning Violation for four occupied travel trailers (VPL21-0756) and one occupied cargo container (VPL21-0757) (Exhibit S) – this violation was abated and the County closed the case without imposing civil penalties; and May 16, 2022, Unlawful Commercial Cannabis Use, mixed-light cultivation (VAC-051622-1) (Exhibit DD).

[3] Ron Ferraro and Yoel Chetrit of Bango Distribution appeared on behalf of Appellant; however, they were not called to testify. No one appeared by or on behalf of The Cardinaux Trust Dated December 12, 1996 (Property Owner).

[4] Both parties designated their exhibits with letters. Appellant's exhibits will be referenced with the prefix "A-Exhibit."

[5] The County submitted their costs timely; however, on September 29, 2022, the Hearing Officer requested clarification on the County's calculations. The County sent a clarification that same day.

Appellant did not present any witnesses. After receiving all documentary evidence, testimony, and the parties' legal briefs, the record was closed, and the matter was submitted for decision.

III. JURISDICTION

On January 5, 2018, the Permit and Resources Management Department (Department) issued a Notice and Order – Construction without Permit (January 5, 2018, Construction Notice and Order) regarding 32 unpermitted greenhouses and a commercial coach placed on the Property without a required permit (Exhibit E). Pursuant to Sonoma County Code (SCC) section 1-7.3(a)(3), a notice and order must be served via certified mail addressed to the last known property owner as listed on the latest official equalized tax roll and a copy of the notice and order must be posted in a conspicuous location on the subject property. A copy of the Notice and Order was provided to Joe Riccardo, the cannabis cultivator,[6] during the site inspection on the Property on November 20, 2017. Also, a copy of the Notice and Order was sent by regular and certified U.S. mail to the Property Owner (Staff Rep., p. 3, Exhibit E). The Notice and Order specified the conditions the County had found in violation and advised the Property Owner of their appeal rights (*Id.*) However, neither the Property Owner nor the Operator timely appealed the January 5, 2018, Construction Notice and Order, within the time prescribed.

On July 3, 2019, the Department issued another Notice and Order – Construction without Permit (July 3, 2019, Construction Notice and Order) regarding unpermitted hazardous electrical throughout the grow area, four unpermitted land/sea cargo containers, eight unpermitted mobile offices, and 13 unpermitted hoop houses, of which five contained unpermitted electrical (Exhibits F, PP, pp. 10, 11). Mr. Riccardo and Arthur Deicke, consultant for Appellant/Operator, were present for the June 25, 2019, inspection that resulted in the July 3, 2019, Construction Notice and Order being issued (Staff Rep., p. 4). A copy of the July 3, 2019, Construction Notice and Order was posted on the Property on June 25, 2019, and was sent via USPS certified mail to the Property Owner's address of record on July 3, 2019 (Exhibit F). The July 3, 2019, Construction Notice and Order specified the conditions the County had found in violation and advised the Property Owner of their appeal rights (Exhibit F). Similarly, no one timely appealed the July 3, 2019, Construction Notice and Order.[7]

On June 16, 2021, AWM issued a Notice and Order – Unlawful Commercial Cannabis Use (June 16, 2021, Cannabis Notice and Order) regarding the cultivation of cannabis canopy

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[6] Mr. Riccardo is the CEO of LIG Remedies LLC (Exhibit P).

[7] On October 8, 2020, the Department issued a third Notice and Order – Construction Without Permit (October 8, 2020, Construction Notice and Order) regarding 10 unpermitted cargo containers with electrical (Exhibit K). No one appealed the October 8, 2020, Construction Notice and Order. The Department subsequently confirmed, though Mr. Chetrit's submission of photographs, removal of the cargo containers and electrical conduits, although no demolition permit had been obtained (Staff Rep., p. 5). The Department also issued a December 13, 2021, Notice and Order – Unlawful Use/Zoning Violation (December 13, 2021, Zoning Notice and Order) regarding unpermitted occupancy of four travel trailers and a cargo container (Exhibit S). No one appealed the December 13, 2021, Zoning Notice and Order. However, on December 21, 2021, the Department confirmed both of the occupancy violations were abated. As a result, the Department did not impose civil penalties for the unpermitted occupancy.

exceeding the amount allowed as a part of participation in the PRP (Exhibit O).[8] On June 23, 2021, AWM received a letter from Operator's compliance coordinator requesting an appeal (Exhibit P). On June 23, 2021, AWM also received an undated letter from Mr. Riccardo appealing the June 16, 2021, Cannabis Notice an Order on substantive grounds (Staff Rep., p. 6). The June 16, 2021, Cannabis Notice and Order included a notice that stated, "[a]ppeal: This constitutes final notice unless any persons having record title, or legal interest in the premises, files an appeal within ten (10) days from the date of this Notice and Order . . . ." It is undisputed that Appellant timely appealed the June 16, 2021, Cannabis Notice and Order.

On January 28, 2022, the Department sent a Notice of Removal to the Property Owner (Exhibit U), the Operator (Exhibit T), and Mr. Riccardo (Exhibit V). The Notice of Removal stated the Department had determined a standard or condition of eligibility for the PRP was violated at the Property, namely, "repeated and ongoing violations of the [SCC] and PRP requirements including: Construction without Permit . . ." of 57 structures, including five with electrical, as well as a commercial coach (Exhibits T-V).[9] The Notice of Removal also contained an appeal rights advisement, giving Appellant 10 days to appeal (Exhibits T-V). Appellant submitted to the Department a Request to Appeal, dated February 7, 2022, appealing the Department's determination to remove the Property from the PRP (Exhibit W). It is undisputed that Appellant timely appealed the Notice of Removal.

On April 15, 2022, the Appellant's counsel was sent a hearing notice. This letter advised of the name of the proposed hearing officer to provide an opportunity to file an objection (Exhibit X); no objection to the proposed hearing officer was filed. The hearing for this matter was originally scheduled for May 24, 2022 (Exhibit X). Operator's counsel asked the County to continue the hearing and requested additional information.

On May 16, 2022, AWM issued another Notice and Order – Unlawful Commercial Cannabis Use (May 16, 2022, Cannabis Notice and Order) regarding unpermitted mixed-light cannabis cultivation on the Property (Exhibit DD). The May 16, 2022, Cannabis Notice and Order was posted on the Property and on the following day (*Id.*), AWM mailed the May 16, 2022, Cannabis Notice and Order to the Property Owner, and discussed the violation with Appellant's counsel. After a follow-up inspection later on May 17, 2022, AWM confirmed abatement.

---

[8] The Department previously issued an October 8, 2020, Notice and Order – Unlawful Commercial Cannabis Use (October 8, 2020, Cannabis Notice and Order) for excess cannabis canopy (Exhibit L). Operator requested an appeal by letter dated October 1, 2020 (Exhibit M). The Department referred that appeal to AWM; AWM decided to give the Operator another opportunity to achieve compliance, did not assess penalties, and the appeal hearing was dropped (Staff Rep., p. 5).

[9] On May 18, 2022, the Department also sent a Supplemental Notice of Removal to the Property Owner, Operator, and Mr. Riccardo, clarifying the SCC violations considered prior to the determination that the Property no longer qualified for PRP (Exhibit BB). The Supplemental Notice of Removal added unpermitted electrical, unpermitted occupancy, and excess cannabis canopy violations, and referenced an unpermitted mixed-light cultivation observed after the January 28, 2022, Notice of Removal (*Id.*) The January 28, 2022, and May 18, 2022, Notices of Removal included file numbers corresponding to the SCC violations listed.

The County sent Appellant and Appellant's counsel the May 18, 2022, Supplemental Notice of Removal from the PRP setting forth the information requested by Appellant's counsel (Exhibit BB). The parties continued the hearing to July 14, 2022.

On May 26, 2022, AWM sent Property Owner and Operator a Determination of Abatement Costs and Civil Penalties for the mixed-light violation cited in the May 16, 2022, Cannabis Notice and Order (Exhibits EE, GG, NN). On May 27, 2022, Appellant's counsel submitted a letter to AWM appealing the May 16, 2022, Cannabis Notice and Order on substantive grounds (Exhibit HH).

It is undisputed that Appellant timely appealed the June 16, 2021, Cannabis Notice and Order, the January 28, 2022, Notice of Removal, and the May 16, 2022, Cannabis Notice and Order (Exhibits N, W, HH). Appellant did not object to any of the notices of violations or notice of the hearing. Accordingly, the County complied with notice requirements for the January 5, 2018, and July 3, 2019, Construction Notice and Orders, the June 16, 2021, Cannabis Notice and Order, the January 28, 2022, Notice of Removal, the May 18, 2022, Supplemental Notice of Removal, the May 16, 2022, Cannabis Notice and Order, and the notice of hearing in this matter.

IV. STANDARD OF PROOF

Per the County's Code Enforcement Hearing Procedure 7-0-16, and California Evidence Code section 115, the standard of proof at an administrative hearing is proof by a preponderance of the evidence.[10] The County's Code Enforcement Hearing Procedure 7-0-16 also states, in relevant part, that the County has the initial burden of introducing evidence to establish the following: the factual basis for its decision or action; that its actions were taken as part of staff's regular duties, following lawful procedures; the amount of County costs expended; that the amount of civil penalties assessed is appropriate; and that an issue has not been timely appealed.

[10] Per the County's Code Enforcement Hearing Procedure 7-0-16, "[t]he standard of proof is by a preponderance of the evidence." Per California Evidence Code section 115, "[e]xcept as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence."

V. ISSUES

The Notice and Orders and the Notices of Removal present the following issues:

Issue 1: **Unpermitted Construction Final Determinations**

Issue 2: **Unpermitted Cannabis Use Notice and Orders Appeals**

Issue 3: **Removal from Temporary Penalty Relief Program Appeal**

VI. BACKGROUND

The Property is an approximate 100-acre parcel in Petaluma (Exhibit C). The Property is zoned Land Extensive Agriculture (LEA). A Riparian Corridor crosses one corner of the Property (*Id.*) The Cardinaux Trust, dated December 12, 1996, owns the Property, and Rene L. Cardinaux and Berta Dicke-Cardinaux are trustees. LIG Remedies LLC (Appellant or Operator) operates a commercial-level cannabis cultivation on the Property. Joseph Riccardo is the CEO of the Operator.

The Property has been the site of a 28,000 square foot outdoor cannabis cultivation since April 1, 2017 (Exhibit MM). On May 23, 2017, the County Board of Supervisors adopted Resolution #17-0233 to establish a temporary code enforcement penalty relief program for land use permits for cannabis operations (Exhibit A). On August 29, 2017, the County received an application for a cannabis land use permit for the Property (Exhibit C). The application requested a use permit for 10,000 square feet of mixed-light cannabis cultivation and 33,560 square feet of outdoor cannabis cultivation (*Id.*)[11] The application is pending, and the County has not yet issued the use permit.

The County Board of Supervisors established the temporary penalty relief program (PRP) by Resolution #17-0233, and extended deadlines for the PRP in Resolution #17-0319 (Exhibits A, B). The PRP provided a pathway for existing and current cannabis operators[12] who met certain conditions to continue cultivation operations, without civil penalty, during the pendency of their application for a use permit to legalize cannabis cultivation on a property. In addition to the pending use permit application, the County received an application for the cannabis operator on the Property to participate in the County's PRP (Exhibit MM). Appellant's October 31, 2017, PRP application stated that the start of the cannabis operation was on April 1, 2017, and that the total existing square footage of cannabis cultivation on the Property was 28,000 square feet of outdoor cultivation. On May 23, 2018, the County issued a letter to the cannabis cultivation operator granting permission to cultivate 28,000 square feet of outdoor medical cannabis under the terms of the PRP (Exhibit D). The letter included requirements the cannabis operator had to

[11] According to SCC section 26-04-020 (C)(7), "cannabis cultivation – mixed light" is defined as: "Cannabis cultivation in a greenhouse or other similar structure using natural light, light deprivation, and/or any combination of natural and supplemental artificial lighting."

[12] Per Appellant, they are a "Current Operator." Per Table 1 in the Planning Application packet, a "Current Operator" is defined as one that started operations on or after January 1, 2016, and prior to July 1, 2017 (Exhibit C).

meet in order for the County to provide the letter. The requirements included compliance with the County's medical cannabis land use ordinance operating standards, the County's Best Management Practices for cannabis cultivation, and all applicable state and local laws (*Id.*)

Since November 2017, the County conducted a number of inspections on the Property and subsequently issued various notice and orders regarding conditions in violation on the Property. Most of the notice and orders were not appealed. The County confirmed abatement of some of the violations cited in the notice and orders, but not others. During annual cannabis operation inspections on the Property in June 2019, June 2020, September 2020, June 2021, and October 2021, the County observed outdoor cannabis canopy in excess of 28,000 square feet (Exhibits G, I, J2, O, R). Regarding the canopy size, the County issued the operator a verbal warning in 2019, another warning after an appeal of a Cannabis Notice and Order in 2020, and another Notice and Order in June 2021. The June 16, 2021, Cannabis Notice and Order is part of this appeal.

On January 28, 2022, the County sent the Property Owner and Appellant a Notice of Removal from the PRP (Exhibits T-V). That letter informed the Property Owner and Appellant that the County determined the cannabis cultivation on the Property no longer complied with the requirements of the PRP. The letter also stated that the cannabis currently under cultivation must be removed within 30 days, and that a civil penalty would be assessed on the land use application currently under review.

After the County's 2022 annual cannabis operation inspection on the Property, the County sent the Property Owner and Appellant the May 16, 2022, Cannabis Notice and Order regarding unpermitted mixed-light cannabis cultivation on the Property. On May 18, 2022, the County sent the Property Owner and Appellant a Supplemental Notice of Removal from the PRP (Exhibit BB).

This appeal ensued.

VII. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter involves four notice and orders for construction or occupancy violations, none of which were timely appealed. The County seeks an abatement order and civil penalties for two of these unappealed notice and orders, which constitute final determinations (Exhibits E, F). However, proof regarding the existence and degree of the violations is necessary to determine and weigh the respective administrative civil penalties. This matter also involves two appealed Cannabis Notice and Orders (Exhibits O, DD). The County seeks an abatement order and civil penalties for the violations cited in the June 16, 2021, Cannabis Notice and Order and the May 16, 2022, Cannabis Notice and Order. In addition, this matter involves an appeal of the County's Notices of Removal of Appellant from the PRP, based on a list of SCC violations asserted by the County. The Hearing Officer addresses each of these issues in turn below.

Issue 1: Unpermitted Construction Final Determinations

The County seeks an order of abatement regarding its final determinations of construction permit violations on the Property, according to the January 5, 2018, Construction Notice and Order (Exhibit E) and the July 3, 2019, Construction Notice and Order (Exhibit F). Per SCC section 7-5(a):

> No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert, or demolish any building or structure in the unincorporated area of this county, or cause the same to be done, without first obtaining a separate building permit for each building or structure as required by this chapter.

On November 29, 2017, Inspector Cablk, along with Mr. Riccardo, conducted a site inspection of the Property. During the inspection, Inspector Cablk observed 32 greenhouses, each 15 feet by 82 feet in size, with hard-wired electrical throughout the greenhouses. The ensuing January 5, 2018, Construction Notice and Order stated that the County Permit and Resource Management Department determined that no construction permits had been issued for the 33 structures on the Property (the placement of a commercial coach on the Property that was being used as an office and 32 greenhouses with hard-wired electrical, and electrical feeding the pump house and irrigation) (Exhibit E).

On June 25, 2019, Inspector Lee and other County personnel inspected the Property. Inspector Lee observed eight additional unpermitted hoop houses, and five additional unpermitted hoop houses with unpermitted electrical wiring and fans. Each of the 13 additional unpermitted hoop houses were 15-feet by 80-feet in size. In addition, Inspector Lee saw a high voltage wire near an electrical subpanel. The high voltage wire appeared to be under water and the sub-panel was missing cover plates for the circuit breakers. Inspector Lee characterized the unpermitted electrical as hazardous. Inspector Lee also saw four unpermitted land/sea cargo containers and eight mobile offices. The ensuing July 3, 2019, Construction Notice and Order stated that the County Permit and Resource Management Department determined that no construction permits had been issued for 25 structures and electrical construction on the Property (13 hoop houses, five of which had electrical, eight mobile offices, four land/sea cargo containers, and unpermitted hazardous electrical throughout the grow area) (Exhibit F, PP, pp. 10, 11).

No one appealed the January 5, 2018, or July 3, 2019, Construction Notice and Orders. Section 1-7.3(e)(3) of the SCC states: "[f]ailure to file a timely appeal constitutes a waiver of the right to an appeal hearing and adjudication of any administrative action." According to SCC section 1-7.3(f)(1), "[a] notice and order for which no timely appeal is filed is a final determination and conclusive evidence of the responsible party's liability for abating the violation."

Per SCC section 1-7(b), "violation" means:

i. An act, omission, or condition contrary to a provision of this code, or an ordinance, resolution, rule, proclamation, order, or regulation of the county.

ii. An act, omission, or condition contrary to a term or condition of a license, permit, or approval, including associated plans, specifications, reports, and studies, granted or issued by the county.

Thus, the Hearing Officer finds that the County has demonstrated by conclusive evidence conditions violating SCC section 7-5(a) exist on the Property. Furthermore, per SCC section 1-7(e), "[a] violation is a public nuisance." According to section 1-7(f)(4) of the SCC, "[e]ach responsible party is jointly and severally liable for abating a violation, paying associated costs and civil penalties, and otherwise complying with an order or final determination."

Per SCC section 1-7(b), "responsible party" means any of the following:

i. A person that causes, maintains, allows, or is otherwise responsible for a violation;

ii. A person with an ownership interest in real property upon which a violation is found; or

iii. A person who exercises possession or control of real property upon which a violation is found, including a tenant, agent, employee, contractor, subcontractor, or other occupant.

The Hearing Officer further finds that the Property Owner and Operator are liable for abating the unpermitted construction on the Property (45 greenhouses, five of which contained unpermitted electrical elements, hazardous electrical throughout the grow area, a commercial coach used as an office, eight mobile offices, and four land/sea cargo containers). As trustees of the trust that owns the Property, Mr. Cardinaux and Ms. Dicke-Cardinaux have ownership and control of the Property. As an operator overseeing cannabis operations on the Property, LIG Remedies LLC directly caused the violations. In sum, the Property Owner and Operator are jointly and severally liable for abating the violations on the Property.

The Hearing Officer finds that Appellant's July 2, 2019, temporary permit application for the placement of 41 temporary hoop houses measuring 960 square feet each and four temporary hoop houses measuring 480 square feet each does not amount to an effort to abate the greenhouse violations (Exhibit H). Of the 45 greenhouses cited in the January 5, 2018, and July 3, 2019, Notice and Orders, at least 41 were 1,200 square feet each (Staff Rep., pp. 3, 4, Exhibit PP, pp. 3-5). There was no evidence that the temporary hoop houses referenced in the permit application were ever constructed.

Further, the temporary hoop house permit could not apply to all of Appellant's greenhouses at the time, because some of the greenhouses were not temporary hoop houses. On

September 11, 2018, the County issued a Technical Bulletin to clarify permit requirements regarding temporary hoop houses and permanent greenhouses (Exhibit AA). According to the County's Technical Bulletin TB-45, "Membrane Structures for Group U Occupancies," C(1), "[i]n all cases, a building permit is required for the installation of any electrical, plumbing, or mechanical systems serving a membrane structure. A demolition permit is required to remove these systems." (Exhibit AA, p. 3). Thus, the temporary cannabis hoop house permit did not abate the unpermitted greenhouse violations. Therefore, the Hearing Officer will order the Property Owner and Operator to abate the violations.

Issue 2: Unpermitted Cannabis Use Notice and Orders Appeals

Appellant appealed the June 16, 2021, Cannabis Notice and Order regarding excess canopy cultivation and the May 16, 2022, Cannabis Notice and Order regarding mixed-light cultivation on the Property. The County requested the imposition of civil penalties for the violations cited in both of those Cannabis Notice and Orders.

June 16, 2021, Cannabis Notice and Order – Over Canopy

On June 16, 2021, Ms. Furlong conducted a cannabis canopy verification site visit on the Property. Mr. Riccardo, under the name LIG Remedies LLC, operated the commercial cannabis cultivation on the Property. Ms. Furlong measured the cannabis canopy on the Property and found it to be 44,433 square feet in area (Exhibit N). This was over 150 percent of the 28,000 square feet of outdoor cannabis cultivation that the County authorized for Appellant's participation in the PRP (Exhibit D). Ms. Furlong then issued the June 16, 2021, Cannabis Notice and Order citing an excess canopy violation (Exhibit O). However, this was not the first instance that AWM notified the Operator that the cannabis operation exceeded the allowed 28,000 square feet of outdoor cannabis cultivation.

During AWM's annual inspection of the cannabis operation on the Property on June 25, 2019, Mr. Smith measured the outdoor cannabis canopy on the Property and found it to be 34,248 square feet (Exhibit G).[13] Mr. Riccardo signed AWM's Cannabis Canopy Verification Site Visit form, which indicated the excess canopy (*Id.*) Mr. Smith testified that he gave the Operator a verbal warning regarding excess canopy.

On June 17, 2020, Ms. Furlong, along with the Operator, inspected the cannabis operations on the Property. Ms. Furlong determined that 4,536 square feet of mixed-light cannabis cultivation and 36,895 square feet of outdoor cannabis cultivation existed on the Property (Exhibit I). The Operator's representative signed the Cannabis Canopy Verification Site Visit form (*Id.*) Approximately three months later, on September 18, 2020, Ms. Furlong, accompanied by representatives of the cultivation management firm for the Property, again measured the amount of cannabis canopy under cultivation. She determined that 41,250 square

[13] Notably, AWM's June 25, 2019, canopy measurement also exceeded the 33,560 square feet of outdoor cultivation Appellant proposed in Appellant's August 24, 2017, application for a commercial cannabis use permit (Exhibit C). Similarly, Appellant's outdoor cannabis canopy measurements in 2020 exceeded the square footage of outdoor cultivation proposed in Appellant's application for a commercial cannabis use permit (Exhibits C, I, J2).

feet of outdoor canopy existed at that time (Exhibit J2). On the Cannabis Certificate of Inspection, Ms. Furlong noted that 28,000 square feet of cultivation was authorized under Appellant's penalty relief participation, and stated, "canopy exceeds penalty relief amount by 13,520 [square] feet." (Exhibit J1). The Operator's representative signed that inspection certificate (*Id.*) On October 8, 2020, the Department sent the Property Owner a Cannabis Notice and Order, citing "Commercial Cannabis Cultivation in Noncompliance with Penalty Relief Program/Noncompliance with a Standard or Condition," namely, "exceeding canopy by 13,500 [square] feet." (Exhibit L). Appellant submitted an appeal letter to the County asserting, in essence, that the County's failure to enforce prior excess canopy violations on the Property amounted to an estoppel (Exhibit M). Ultimately, AWM decided that it would not assess civil penalties for the violation and that it would give the Operator one final chance to come into compliance regarding the cannabis canopy. The appeal was dropped.

In short, Appellant stated in its October 27, 2017, PRP application that the pre-existing outdoor cannabis cultivation on the Property measured 28,000 square feet (Exhibit MM), and Appellant has steadily increased the amount of cannabis cultivated on the Property since that time. In 2019, Appellant exceeded its pre-existing outdoor canopy by 22 percent. Appellant exceeded its pre-existing outdoor canopy in September 2020 by 48 percent, and in June 2021 by 58 percent.

The parties disputed the amount of outdoor cannabis Appellant was allowed to cultivate. The County posited that per the County's Medical Cannabis Land Use Ordinance, Ordinance No. 6189, the PRP, and the County's consistent interpretation of the PRP, the maximum allowable cultivation is the amount of pre-existing cultivation listed in Appellant's PRP application (Exhibit MM). That is also the "allowed amount" listed in the County's letter accepting Appellant into the PRP (Exhibit D). Appellant argued that as a "current operator" in the PRP, per Resolution #17-0233, Condition 10(c), the maximum allowable cultivation under the PRP is the potentially legal amount proposed in Appellant's use permit application (Exhibit C).

Resolution #17-0233 makes a distinction between an "existing operator" and a "current operator"; on September 12, 2017, Resolution #17-0319 modified Resolution #17-0233, dropping the "existing operator" categories, stating PRP "shall only apply as follows" and defined current operators in non-permit-eligible locations (Resolution #17-0319 sections 10(a) and 10(b)). Per Resolution #17-0233, an "existing operator" meant "all cannabis operators that can show they were in existence in Sonoma County prior to January 1, 2016, based on the criteria defined by the agency having jurisdiction." However, Resolution #17-0319 defines the term "current operator" as: "cannabis operators that can show they were in existence in Sonoma County prior to July 5, 2017, based on the criteria defined by the agency having jurisdiction." According to Appellant's PRP Application, it had an existing 28,000 square-feet outdoor cannabis cultivation as of April 1, 2017 (Exhibit MM). Thus, Appellant meets the definition of "current operator" under the PRP.

According to Resolution #17-0319, Condition 10(b):

The [Penalty Relief] Program shall apply as follows: . . .

b. Current Operators in Permit Eligible Locations. Current Operators in Permit-Eligible Locations will not be subject to fines and penalties for their cannabis land use, and *may continue to operate until a final determination is issued on their cannabis land use permit application, provided: (1) they do not cultivate more cannabis than would be allowed under the permit type indicated in their permit application,* (2) they follow the Medical Cannabis Land Use Ordinance Development Criteria and Operating Standards, and the Cannabis Best Management Practices adopted by the Agricultural Commissioner, and (3) they submit a Penalty Relief Application by October 31, 2017 and submit a Complete Application by June 1, 2018.
[*Emphasis added*].

Per Resolution #17-0319, "Permit Eligible Locations" means, "parcels for which a cannabis use permit may be issued for the existing or current operations." Ms. Harrington testified that the Property is a Permit Eligible Location under the PRP.

The primary task in interpreting an ordinance is to determine the legislative body's intent, giving effect to the purpose of the law. (*John v. Superior Court* (2016) 63 Cal.4th 91, 95-96 (citations omitted).) The first step is to consider the words of the ordinance, in context, which are the most reliable indication of legislative intent (*Id.*) If the language is unambiguous, that ends the inquiry. If the language is ambiguous, or subject to more than one interpretation, then extrinsic information, such as legislative history, is considered (*Id.*)

When adopting Resolution #17-0319, the Board of Supervisors were focused on legalizing pre-existing cannabis operations. The County's intent in creating the PRP in the first place was to provide a path for pre-existing cannabis cultivators "to come into compliance with this ordinance [Medical Cannabis Land Use Ordinance], provided that there has been no increase in the size of the cultivation area and the operations are in compliance with the best management practices and the operating standards . . . ." (Exhibit B, p. 2).

The recitals of Resolution #17-0319 and Resolution #17-0233 indicate the PRP was intended to incentivize existing unpermitted medical marijuana cultivators to become permitted or move to a parcel where they could become permitted under the County's Medical Cannabis Land Use Ordinance (Exhibits A, p. 2 and B, p. 2). Thus, the key language of Resolution #17-0319, Condition 10(b) states that current operators on permit eligible parcels "may *continue* to operate . . . ." This express language does not signify an expansion of operations. The language upon which Appellant relies amounts to a reduction requirement or cap on operators that had pre-existing cultivation exceeding the permit limits for the type of permit proposed in the operator's use permit application. As Mr. Smith testified, this interpretation—the one implemented by the County—has been AWM's interpretation of the PRP resolution. Furthermore, AWM's interpretation is consistent with the County's Medical Cannabis Land Use Ordinance (Exhibit Y). The Hearing Officer finds that the local agency's interpretation in this matter is reasonable, and the Hearing Officer gives the County's interpretation the significant deference afforded under the law. (*See Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1193.)

Appellant's suggested reading of Resolution #17-0319 would let cannabis operators themselves set a new, expanded limit for their cultivation without environmental or other local agency review required in the land use permit review process. This interpretation is illogical and at odds with the County's stated policies of environmental and other public protections in the context of legalizing pre-existing cannabis land uses via the use permit process (Exhibits A, p.2, Y, pp, 3-4).

Therefore, the Hearing Officer finds that Appellant's pre-existing 28,000 square-feet outdoor cultivation area listed in Appellant's PRP application is the maximum cultivation that the County allowed Appellant to continue while participating in the PRP (Exhibits D, MM). The County has proven by a preponderance of the evidence that Appellant exceeded the maximum allowed cannabis canopy on June 16, 2021, in violation of the terms of the PRP.

Appellant also argued in its letter requesting an appeal that it has paid the County taxes for the excess cannabis cultivation, and as a result, Appellant asserts the County is estopped from enforcing the PRP cultivation limits and a legal nonconforming use has been created (Exhibit P). These arguments were not addressed in Appellant's pre-hearing or closing brief. As the County correctly points out, SCC section 35-23 regarding the commercial cannabis business tax explicitly states:

> (a) The payment of a commercial cannabis business tax required by this chapter, and its acceptance by the county shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this code and all other applicable state laws.

Further, per SCC section 35-21, nothing in the cannabis business tax chapter is deemed to change "or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or chapter of this code or any other ordinance or resolution of the county[.]" Thus, the County's acceptance of cannabis business tax payments does not change the PRP or other requirements applicable to Appellant. Further, the express language of the SCC in these sections placed Appellant on notice and precludes Appellant's argument that it relied on the County's acceptance of tax payments as a green light to continue Appellant's over canopy violations. Appellant's argument regarding legal nonconforming use is similarly unavailing. A legal nonconforming use is an existing "lawful use" that predates an ordinance making the use unlawful. (*See* SCC section 26-94-010.) Because commercial cannabis uses predating Ordinance No. 6189 were unlawful, they cannot be nonconforming uses.

In summary, the Hearing Officer finds and concludes that the County has proved by a preponderance of the evidence the violation cited in the June 16, 2021, Cannabis Notice and Order that Appellant was cultivating an amount of cannabis that exceeded the amount allowed through Appellant's participation in the PRP.

May 16, 2022, Cannabis Notice and Order – Mixed-Light

On May 16, 2022, at approximately 7:00 a.m., Ms. Furlong and Senior Inspector Cablk inspected the Property. The County had received complaints about lights being used at night in the unpermitted greenhouses on the Property. During the inspection, Ms. Furlong observed multiple white tarps with black undersides being removed from approximately 16 greenhouses at the eastern end of the cannabis cultivation on the Property. Her testimony is corroborated by photographs and videos taken during the inspection (Exhibit PP, pp. 30-38). In the cannabis industry, these types of tarps are used in a light deprivation technique, which induces the crop to flower more quickly and increases the number of harvests possible per season. Ms. Furlong also observed the use of supplemental lighting.

According to SCC section 26-04-020(C)(7), "cannabis cultivation – mixed light" is defined as: "Cannabis cultivation in a greenhouse or other similar structure using natural light, light deprivation, and/or any combination of natural and supplemental artificial lighting." Appellant did not identify any pre-existing mixed-light cultivation in its PRP application, and neither did the County's letter allowing Appellant's pre-existing outdoor cultivation for purposes of PRP participation (Exhibits D, MM). Appellant had no land use permit issued for mixed-light cannabis cultivation on the Property. Per SCC section 26-88-252, Table 1A, mixed-light cultivation over 2,500 square feet on land zoned LEA requires a use permit. The undisputed evidence indicates that the unpermitted greenhouses on the Property measured at least 15-feet by 80-feet, or 1,200 square feet each. Appellant was using light deprivation tarps on 16 greenhouses, or a total of 19,200 square feet. As a result, Ms. Furlong issued the May 16, 2022, Notice and Order – Unlawful Commercial Cannabis Use for the unpermitted mixed-light cannabis cultivation on the Property. The evidence is undisputed.

Appellant again disputed the interpretation of Resolution #17-0319, Condition 10(b). Appellant argued that the terms of the PRP allow it to engage in mixed-light cannabis cultivation because Appellant applied for a land use permit that would allow mixed-light cultivation, and Appellant's mixed-light grow falls within the allowable permit type for the Property. As discussed above, Appellant's argument is unpersuasive. Also, as discussed above, the Hearing Officer finds that the local agency's interpretation of Resolution #17-0319 in this matter is reasonable and the Hearing Officer gives the County's interpretation the significant deference afforded under the law. (*See Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1193.)

Therefore, the Hearing Officer finds and concludes that the County has proved by a preponderance of the evidence the violation cited in the May 16, 2022, Cannabis Notice and Order that Appellant was engaging in a type of cultivation, namely mixed light, that was not allowed through Appellant's participation in the PRP and was without a use permit as required under SCC section 26-88-252, Table 1A.

Issue 3: Removal from Temporary Penalty Relief Program Appeal

The Appellant appealed the January 28, 2022, Notice of Removal of the Property from the PRP (Exhibits T-V, BB). The County's position is that the Property no longer meets the requirements of the PRP due to repeated and ongoing violations of the SCC and PRP requirements at the Property. The County removed the Property from the PRP and notified the Appellant that all unpermitted cannabis operations must cease within 30 days of that notice. In challenging removal from the PRP, Appellant made a number of arguments: 1) the County is not timely or appropriately processing Appellant's commercial cannabis land use permit; 2) that the County was equitably estopped from removing the Property from the PRP; 3) that it is impossible for a PRP participant to obtain a building permit; 4) that removal from PRP results in double jeopardy prohibited by California Penal Code (Penal Code) section 654; and 5) that removal from the PRP is an unreasonable or oppressive penalty in violation of Due Process.[14]

Under California Constitution Article II, section 7, the County has the power to make and enforce all local regulations and ordinances not in conflict with general law. This "police power" includes authority over zoning, public health, safety and welfare. (*Berman v. Parker* (1954) 348 U.S. 26, 32; 75 Ops Cal. Atty Gen. 240). A county's plenary authority to govern is limited only by territory and subordinate to state law. (*Candid Ent. Inc. v. Grossmont Union High School Dist.* (1985) 39 Cal.3d 878, 885). As a part of this regulatory or police power, the County established a temporary code enforcement penalty relief program for land use permit applications, known as the PRP.

Resolution #17-0233 established, and Resolution #17-0319 extended, the PRP (Exhibits A, B). In essence, cannabis operators who met certain conditions and requirements of the PRP could continue existing cannabis cultivation operations during the land use permit application process, and, during that pendency, the County would refrain from imposing civil penalties for unlawful cannabis use of the subject property.

According to Resolution #17-0319, Condition 10(b):

The [Penalty Relief] Program shall apply as follows: . . .

b. Current Operators in Permit Eligible Locations. Current Operators in Permit-Eligible Locations will not be subject to fines and penalties for their cannabis land use, and may continue to operate until a final determination is issued on their cannabis land use permit application, provided: (1) they do not cultivate more cannabis than would be allowed under the permit type indicated in their permit application, (2) they follow the Medical Cannabis Land Use Ordinance Development Criteria and Operating Standards, and the Cannabis Best Management Practices adopted by the Agricultural Commissioner, and (3) they

[14] Appellant also submits that the County cannot remove Appellant from the PRP based on SCC violations that were pending before the County accepted Appellant into the PRP. As discussed below, this is an equitable estoppel argument.

> submit a Penalty Relief Application by October 31, 2017 and submit a Complete Application by June 1, 2018.

Per the County's commercial cannabis operating standards in SCC section 26-88-250(c)(2):

> Commercial cannabis activities shall only be allowed in compliance with all applicable county codes, including, but not limited to, grading, building, plumbing, septic, electrical, fire, hazardous materials, and public health and safety.

As discussed above, the County proved by conclusive evidence repeated and ongoing construction code violations on the Property in 2017 and 2019 (Exhibits E, F). In addition, the County presented conclusive evidence of subsequent construction code and land use/occupancy code violations in the form of unappealed final determinations of additional SCC violations on the Property in 2020 and 2021 (Exhibits K, S).

On October 8, 2020, the Department issued a third Construction Notice and Order regarding 10 unpermitted cargo containers with electrical (Exhibit K). No one appealed the October 8, 2020, Construction Notice and Order. The Department subsequently confirmed, though Mr. Chetrit's submission of photographs, removal of the cargo containers and electrical conduits, although no demolition permits had been obtained (Staff Rep., p. 5). The Department also issued a December 13, 2021, Notice and Order-Unlawful Use/Zoning Violation regarding unpermitted occupancy of four travel trailers and a cargo container (Exhibit S). No one appealed the December 13, 2021, Notice and Order. However, on December 21, 2021, the Department confirmed both of the occupancy violations abated. The abatement of the violations does not change the fact that the violations occurred.

As a result of each of those violations spanning 2017-2021, the Appellant failed to comply with the PRP requirements in Resolution #17-0319, Condition 10(b) by failing to comply with the County's commercial cannabis operating standards in SCC section 26-88-250(c)(2).

Further, as discussed above, the County has proved by a preponderance of the evidence that Appellant increased the size of its cannabis cultivation over multiple years, despite verbal and written warnings from AWM. The County has proved by a preponderance of the evidence the violation cited in the June 16, 2021, Cannabis Notice and Order that Appellant was cultivating an amount of cannabis that exceeded the amount allowed through Appellant's participation in the PRP.

In addition, as discussed above, the County has proved by a preponderance of the evidence the violation cited in the May 16, 2022, Cannabis Notice and Order that Appellant was engaging in a type of cannabis cultivation, namely mixed light, that was not allowed through Appellant's participation in the PRP and was without a use permit as required under SCC section 26-88-252, Table 1A.

Therefore, the Hearing Officer finds and concludes as follows: The County has proved by a preponderance of the evidence repeated and ongoing violations of SCC section 7-5 on the Property, from 2017 to 2019. Each of those violations amounts to a failure to comply with Resolution #17-0319, Condition 10(b). On each of those bases, the Property failed to meet the requirements of the PRP. Also, the County has proved by a preponderance of the evidence additional violations of the SCC occurred on the Property in 2020 and 2021. The fact that the violations were abated does not alter the fact that the violations occurred. On each of those additional bases, the Appellants failed to comply with Resolution #17-0319, Condition 10(b). Further, the County has proved by the preponderance of the evidence that in 2021, Appellant failed to comply with Resolution #17-0319, Condition 10(b) by exceeding the 28,000 square feet of outdoor cannabis cultivation allowed through participation in the PRP. Finally, the County has proved by a preponderance of the evidence that in 2022, Appellant failed to comply with Resolution #17-0319, Condition 10(b) by engaging in mixed-light cannabis cultivation in violation of the terms of the PRP.

Appellant's Conditional Use Permit Processing Argument

Appellant took issue with the manner and time in which the County is processing Appellant's land use permit application for commercial cannabis cultivation. However, during the hearing, the County correctly pointed out that the manner and duration of its processing of land use permit applications are irrelevant. The issue in this appeal is whether Appellant complied with the terms and conditions of the County's program that provides temporary penalty relief in connection with a pending permit application for commercial cannabis land use. Both Resolution #17-0233 and #17-0319, Condition 10 require a timely application for a land use permit as a prerequisite for an operator's eligibility to participate in the PRP (Exhibits A, B). Thus, the existence of a timely application for a land use permit is relevant. The fact that the County has not yet issued a land use permit is also relevant, as the PRP is designed to address land use penalties during the pendency of a land use permit application (*Id.*) Beyond these two facts, the Hearing Officer finds and concludes that the manner and duration of the County's processing of land use permit applications are irrelevant to this appeal.

Appellant's Equitable Estoppel Defense

As a result of the ongoing and repeated violations at the Property, on January 28, 2022, the County notified Appellant that the use of the Property for commercial cannabis cultivation no longer complied with the PRP and that it was removed from the PRP (Exhibits T-V). The January 28, 2022, Notice of Removal required Appellant to cease cannabis cultivation operations on the Property within 30 days and stated that a civil penalty would be applied to the applicant's pending land use permit application (*Id.*)

Appellant argued that the County is equitably estopped from removing the Property from the PRP. Appellant posited that the County may not now remove Appellant from participation in the PRP based on the violations that pre-existed the County accepting Appellant into the PRP. Appellant also argued it relied on statements from County personnel to the effect that Appellant could continue to engage in unpermitted construction violations until the County decided

Appellant's use permit application. The County responded with three arguments: 1) that equitable estoppel is procedurally unavailable in this administrative proceeding, 2) that the defense is inapplicable, and 3) even if the defense somehow applied, Appellant has not met all of the elements.

Sonoma County Code Enforcement Hearing Procedure 7-0-16 limits the powers of the Hearing Officer. According to the Hearing Procedure, the Hearing Officer has no power to "[d]ispense equitable relief, except as provided by applicable law." However, the California Supreme Court has found that the application of equitable estoppel is not an inherently judicial function, and the doctrine may be applied in administrative proceedings. (*Lentz v. McMahon* (1989) 49 Cal.3d 396, 406.)

Regardless, equitable estoppel is inapplicable here. "The mere failure to enforce the law, without more, will not estop the government from subsequently enforcing it." (*Feduniak v. California Coastal Comm'n* (2007) 148 Cal.App.4th 1346, 1370 (citation omitted).) The fact that the County did not remove the Property from the PRP after the first code violation or subsequent code violations does not estop the County from enforcing the requirements of the PRP now.

Further, the law has long been that local governments cannot be estopped from denying the validity of erroneously issued permits or by making representations in violation of express provisions of an ordinance. (*Pettitt v. City of Fresno* (1973) 34 Cal.App.3d 813.) In *Pettitt*, a beauty parlor operator bought a property after city personnel provided a letter stating the property could be used for commercial purposes. (*Id.*, at 816 & n.1.) The business owner received a building permit to make renovations for a beauty parlor. As it turned out, the city issued the letter and the building permit in violation of the express provisions of a zoning ordinance. The business operator sought to estop the city from revoking the building permit or interfering with the operation of the beauty parlor on the property. (*Id.*, at 817.) The court in *Pettitt* found estoppel did not apply as a matter of law.

Here, Appellant argued that the County cannot remove Appellant from the PRP based on the January 5, 2018, Construction Notice and Order regarding the 32 greenhouses and a commercial coach (Exhibit E). Appellant noted that the violation existed before the County accepted Appellant into the PRP, according to the County's May 23, 2018, letter to Appellant (Exhibit D). As discussed above, the PRP terms in Resolution #17-0319, Condition 10(b) require compliance with the County's commercial cannabis operating standards in SCC section 26-88-250(c)(2), *e.g.*, compliance with county codes. At its core, Appellant's argument is that per the PRP terms and conditions, the County should not have allowed Appellant to participate in the PRP with the pending building violations. Under Appellant's theory, because the County erroneously did allow Appellant's PRP participation, the County somehow is estopped from now removing Appellant from the PRP based on the January 5, 2018, Construction Notice and Order. As in *Pettitt*, estoppel does not apply to the County's issuance of the PRP acceptance letter to Appellant.

Also, Appellant pointed to an April 1, 2021, email from County personnel to Bango Distribution's Compliance Manager Lori Pascarella (A-Ex. C). County personnel responded to

an inquiry about whether an operator on a different property could apply for permits to demolish greenhouses and then apply for temporary hoop house permits from Fire (*Id.*) County personnel indicated that course "sounds good," that temporary hoop house structures have limitations such as no electrical service and removal after 180 days, and that he had cited properties for violating those limitations (*Id.*) He went on to state, "[t]here is no issue with you using already existing greenhouses which are currently violations, until your use permit is approved." (*Id.*) Inspector Cablk testified that the email exchange was part of a continuing conversation with Ms. Pascarella about another property with different issues.

Even accepting for the sake of argument Appellant's position that this email about another property with different, unspecified violations somehow applied to the unpermitted electrical violations for the greenhouses on the Property here, SCC section 7-5(a) is clear that no one in the County may erect, alter, improve, or demolish any structure without first obtaining a building permit for each structure. Likewise, Resolution #17-0319, Condition 3 (Exhibit B, p.3) is clear: "The Penalty Relief Program shall not apply to building, grading, well, septic, or other violations on the property where the cannabis operations occur." Therefore, in accord with *Pettitt*, the County cannot be estopped as a matter of law under the circumstance where County personnel make a representation contrary to express provisions of an ordinance.

Although equitable estoppel may apply in some cases against government entities, parties "face daunting odds in establishing estoppel against a government entity in a land use case[.]" (*Golden Gate Water Ski Club v. County of Contra Costa* (2008) 165 Cal.App.4th 249, 259-263.) "Equitable estoppel will not apply against a governmental body except in unusual instances when necessary to avoid grave injustice and when the result will not defeat a strong public policy." (*Alameda County Deputy Sheriff's Assn. v. Alameda County Employees' Retirement Assn.* (2020) 9 Cal.5th 1032, 1072 (internal quotations omitted).)

Notably, "[t]here is a strong public interest in the enforcement of land use laws enacted by elected representatives." (*Shafer v. City of Los Angeles* (2015) 237 Cal.App.4th 1250, 165.) "The overriding concern [in these kinds of cases] is that public policy may be adversely affected by the creation of precedent where estoppel can too easily replace the legally established substantive and procedural requirements for obtaining permits." (*Toigo v. Town of Ross* (1998) 70 Cal. App.4th 309, 313.)

Furthermore, economic hardship alone does not constitute a "grave injustice." (*Schafer v. City of Los Angeles* (2015) 237 Cal.App.4th 1250, 1264.) In *Schafer*, the property had been used as a commercial parking lot for many years. (*Id.*, at 1253.) The court assumed for purposes of argument that the city in its contacts with the property owners caused them to believe their use of the property as a parking lot was approved. (*Id.*, at 1264.) The commercial parking lot owner asserted "grave injustice," because the denial of estoppel would potentially render its parking lot unlawful and jeopardize its ability to continue to lease the parking lot to retail tenants. The *Schafer* court rejected that assertion. Rather, the court noted the purely economic hardship, on an entity that failed to seek the legally required government approval, did not amount to "grave injustice." The court then noted other cases where much more severe financial hardships did not constitute grave injustice in the land use context, including a $12 million loss for a wallscape in

existence more than twenty years and a loss of 28 residences built on an island over 40 years. (*Id.*, at 1264-1265 (citations omitted).)

Here, there is a strong public interest in favor of the County enforcing the County's Resolutions and Codes uniformly. As discussed above, under the SCC, building permits are required before commencing any work, unless an exemption applies. The PRP conditions require all PRP participants to comply with the SCC. If estoppel were applied to this matter, it would nullify the strong public policy favoring the legally established substantive and procedural requirements for obtaining permits.

Here, Appellant has engaged in commercial cannabis operations on the Property under the PRP since 2017 (Exhibit MM). It is undisputed that the Appellant's application for a use permit for a commercial cannabis operation on the Property is pending review (Exhibit C). During participation in the PRP, the Appellant has been allowed to continue commercial cannabis operations on the Property while the use permit application is pending. Code violations have occurred on the Property in violation of the PRP conditions. Appellant asserted that if the County is permitted to revoke its PRP status, Appellant will be forced to stop commercial cannabis operations on the Property and wait for the County to approve the pending application for a commercial cannabis land use permit. In short, Appellant asserted a purely economic hardship for failure to comply with the conditions of the PRP. This does not amount to a "grave injustice."

In conclusion, the Hearing Officer finds equitable estoppel does not apply against the County here.[15] An earlier failure to enforce the SCC, without more, cannot amount to an estoppel against the County. Furthermore, as a matter of law, a representation by County personnel that is contrary to an express ordinance provision cannot amount to an estoppel against the County. Lastly, application of equitable estoppel here would defeat a strong public policy, and this is not an instance where the doctrine must be applied to avoid a grave injustice.

Appellant's Impossibility Defense

Appellant asserted that it should be excused from the PRP requirement to comply with all codes, because it is impossible to do so. More specifically, Appellant argued that it is impossible for Appellant to comply with SCC section 7-5, which requires a building permit prior to the construction of structures.

In response, the County presented the testimony of Ms. Harrington. Ms. Harrington testified that the County periodically reviews the files for PRP participants to determine whether any issues exist. When the County staff last met for such a review in December 2021, the County

[15] The County asserted in its closing brief that Appellant is barred from equitable estoppel relief because Appellant's repeated code and PRP condition violations amount to unclean hands. Because the Hearing Officer concludes equitable estoppel does not apply in this case, the Hearing Officer does not reach that issue.

determined 46 of 52 current PRP participants continued to meet the PRP requirements. Only six no longer qualified for participation in the PRP.

The County correctly noted that the impossibility defense provides courts the ability to recognize an implicit exception to statutory compliance in specific circumstances. (*National Shooting Sports Foundation, Inc. v. State of California* (2018) 5 Cal.5th 428, 433). For example, impossibility of performance makes a mandatory statutory duty merely directory. (*Board of Supervisors of Butte County v. McMahon* (1990) 219 Cal.App.3d 286, 300 (citation omitted).) As another example, when strict compliance with a statute is impossible, substantial compliance may be permitted based on the maxim that the law does not require impossibilities. (*Id.*; *see also* Civil Code section 3531.) These kinds of implicit exceptions arise from statutory interpretation, reflecting the intent of the legislative body that enacted the statute from which a party seeks excuse for non-compliance. (*National Shooting Sports Foundation,* 5 Cal.5th 428, 434.)

The primary task in interpreting an ordinance is to determine the legislative body's intent, giving effect to the purpose of the law. (*John v. Superior Court* (2016) 63 Cal.4th 91, 95-96 (citations omitted).) The first step is to consider the words of the ordinance, in context, which are the most reliable indicator of legislative intent (*Id.*) If the language is unambiguous, that ends the inquiry. If the language is ambiguous, or subject to more than one interpretation, then extrinsic information, such as legislative history is considered (*Id.*)

Essentially, Appellant argued it should be excused from the requirement to obtain each of the building permits for the construction cited in the Construction Notice and Orders. In asserting the impossibility doctrine, Appellant relied on the testimony of Mr. Franceschi that building permits are not available for structures that will have a cannabis use until a land use permit is issued.

Appellant asserted that as a "current operator"[16] under the PRP, it could not legally build structures required by the County BMPs for such things as pesticide storage, security cameras, administrative holds, and harvest holds. Appellant argues that its unpermitted commercial coach, land/sea cargo containers, and mobile offices served those purposes.

However, Appellant's argument is undermined by Inspector Lee's and Inspector Cablk's testimony and corroborating photographs (Exhibit PP, pp. 18, 26) that indicate the cargo containers were used for human occupancy. Appellant has not shown by a preponderance of the evidence that its violations of the SCC for unpermitted electrical systems for the travel trailers, the unpermitted electrical in the various greenhouses and grow area, or the inhabited cargo containers were necessary to comply with County's BMP requirements for pesticide storage, security cameras, administrative holds, or harvest holds.

Notably, and contrary to Appellant's urging, the Board of Supervisors did not express an intent to allow a PRP participant, whose land use permit application is pending, to expand its

[16] Resolution #17-0319 defines "current operator" as: "cannabis operators that can show they were in existence in Sonoma County prior to July 5, 2017, based on the criteria defined by the agency having jurisdiction."

infrastructure without building permits, by erecting new structures, and adding electrical systems to various greenhouses and the cultivation area.

The language establishing the PRP is clear that building violations are not excused by the PRP. The Board of Supervisors specified in Resolution #17-0319, Condition 3, that the PRP "shall not apply to building . . . violations on the property where cannabis operations occur." (Exhibit B, p. 3). This interpretation is also supported by the Board of Supervisors' clear findings in adopting Resolution #17-0319. When adopting Resolution #17-0319, the Board of Supervisors focused on legalizing pre-existing cannabis operations. The recitals of Resolution #17-0319 and Resolution #17-0233 indicate the PRP was intended to incentivize existing unpermitted medical marijuana cultivators to become permitted or move to a parcel where they could become permitted under the County's Medical Cannabis Land Use Ordinance (Exhibits A, p. 2, B, p. 2). A cannabis operator's temporary relief from the imposition of land use penalties during the review of an applicant's cannabis land use permit application presents such an incentive. Also, in pertinent part, the County's Medical Cannabis Land Use Ordinance, Ordinance No. 6189, announced a similar intention:

> T. This Ordinance is intended to be Phase I of this policy effort to provide an initial opportunity to legalize existing unpermitted medical cannabis operations where appropriate and steer the industry to appropriate locations. . . .
> (Exhibit Y, p. 4).

Therefore, the legislative intent of the PRP was not to allow cannabis operators to expand the infrastructure of their operations without the requisite building permits during the pendency of a land use permit application. Rather, the purpose of the PRP was to incentivize pre-existing cannabis cultivation operations to legalize their land use by obtaining a land use permit. Even assuming for the sake of argument that Appellant's commercial coach and land/sea cargo containers (without electrical elements) were necessary to comply with the County's BMPs, Appellant's SCC violations went further. Appellant installed unpermitted electrical in various greenhouses and in the cultivation area, had occupied cargo containers on the Property, and had multiple occupied travel trailers on the Property. Appellant notes in its briefing that after being cited, Appellant attempted to correct the violations. While cooperation after the fact is appropriate conduct, continuing to engage in additional violations each year indicates a cavalier treatment of Appellant's obligation to comply with the SCC and the PRP in the first place. The obligation to comply with County codes does not arise merely after one is caught in the act of violating them. Based on the evidence, Appellant did not substantially comply with the PRP condition requiring compliance with the SCC.

In summary, Appellant failed to prove by a preponderance of the evidence that compliance with the conditions of the PRP was impossible. The overwhelming majority of current PRP participants had no issues complying with the PRP conditions. Appellant's own actions created its predicament—its site selection for its outdoor cannabis cultivation operation did not have pre-existing infrastructure. The language of the Board of Supervisors' resolutions creating the PRP is clear. The PRP was not created to afford relief for building violations or to allow operators' expansion of cannabis operations without building permits during the County's

processing of operators' land use permit applications. Even if a limited number of Appellant's SCC violations were attempts to comply with the County's BMPs as required by the PRP conditions, a number of Appellant's SCC violations, including unpermitted and hazardous electrical construction in various greenhouses and cultivation area, occupied cargo containers, and increasing cannabis cultivation on site, preclude any finding of substantial compliance with the PRP. Thus, the doctrine of impossibility does not avail Appellant here.

Appellant's Penal Code section 654 Defense

Appellant argued that removal from the PRP based on any SCC violations for which Appellant already paid monetary penalties or for which the County now seeks monetary penalties amounts to double jeopardy in violation of Penal Code section 654. Appellant analogized removal from the PRP for unpermitted construction violations to the County citing a homeowner for unpermitted construction, imposing civil monetary penalties, and then removing the homeowner from their home. That analogy does not hold here. A residential homeowner presumably lives in a place where the land is zoned for residential use, without an additional use permit. Appellant, on the other hand, is engaged in commercial cannabis cultivation, which requires a use permit, regardless of whether any construction—with or without a construction permit—occurs on the land.

Here, the County has engaged in the procedures for public nuisance abatement under SCC section 1-7.3. Per SCC section 1-7(d), "[e]ach day the violation continues is a separate and distinct offense." The County correctly notes that each of the 74 building and zoning violations, not including the over canopy and mixed-light violations, existed over multiple days and constituted a new violation each day. Penal Code section 654 does not apply to situations where an ordinance makes every day that the violation exists a separate offense. (*People v. Djikich* (1991) 229 Cal.App.3d 1213, 1217.)

In addition, the County correctly points out that only "crimes or public offense" as defined by Penal Code section 15 fall within the scope of Penal Code section 654. (*See Fearn v. Zolin* (1992) 9 Cal.App.4th 1756, 1762. ("A license suspension is not among the punishments listed in Penal Code section 15 and thus is not a penal sanction within the meaning of Penal Code section 654.").) Removal of the Property from the temporary monetary civil penalty relief program, the PRP, is more akin to revocation of a temporary, conditional license. Thus, Penal Code section 654 does not apply here.

Furthermore, SCC section 1-7(h) states, "[a]ll remedies contained in Sections 1-7 through 1-7.6 are cumulative and in addition to any other remedies available under law." In other words, the pursuit of monetary civil penalties does not bar the County from resorting to any other legal remedies for the same conduct. As discussed above, removal from the PRP is a remedy for failure to abide by the terms and conditions of the PRP, which include SCC compliance. That remedy is distinct from, and cumulative to, the imposition of monetary civil penalties for nuisances, such as unpermitted construction and unpermitted land uses. Therefore, Appellant's Penal Code section 654 argument is unavailing.

Appellant's Argument that Removal from the PRP is an Unreasonable or Oppressive Penalty in Violation of Due Process

Appellant argued that removal from the PRP is not appropriate under SCC Enforcement Hearing Procedure, 7-0-16, Evidentiary Rules, paragraph E(1). That procedure states that "[t]he County has the initial burden of introducing evidence to establish the following, as relevant: . . . the amount of civil penalties assessed is appropriate." The specific language of that evidentiary rule applies to monetary civil penalties, which have "an amount."

Notably, the Notice of Removal from the PRP does not impose, or seek as a consequence, the imposition of monetary civil penalties (Exhibits T-V, BB). The removal itself is the remedy for Appellant's failure to meet the terms and conditions of the PRP. The County seeks imposition of monetary civil penalties at this time for the unpermitted construction violations, which were not appealed, and for commercial cannabis land use violations, which were appealed. The Notice and Orders for the construction violations gave Appellant notice that SCC violations "are subject to mandatory civil penalties, the costs of abatement, and investigation fees." (Exhibits E, F). Similarly, the Cannabis Notice and Orders for the over canopy and mixed-light violations gave Appellant notice that it is "immediately subject to daily civil penalties" for the violations, and "[a]batement costs and fees will be imposed as well as civil penalties . . . ." (Exhibits O, DD). Thus, the County provided sufficient notice that the unpermitted construction violations, and the unlawful commercial cannabis use violations, are subject to civil penalties and abatement costs. The Hearing Officer addresses the appropriateness of the amount of monetary civil penalties for the violations cited in these four Notice and Orders under "Administrative Penalties" below.

Even if removal from the PRP were a "civil penalty" under the evidentiary rule, it is appropriate here. From 2017 and through 2022, Appellant repeatedly engaged in multiple violations of the SCC, some of which involved hazardous electrical elements and human occupancy in unpermitted structures. Appellant's violations were not trivial, and amounted to 74 building and zoning violations, plus two cited commercial cannabis cultivation violations.

So long as a remedy is procedurally fair and reasonably related to a proper legislative goal, the remedy does not violate Due Process. (*Hale v. Morgan* (1978) 22 Cal.3d 388, 398.) This is true even if a less drastic alternative is available. (*Home Depot U.S.A., Inc. v. Superior Court* (2010) 191 Cal. App.4th 210, 225.) Here, Appellant, along with other PRP participants, was given advance notice of the consequences for failing to comply with the PRP. Per the PRP rules, "any . . . operator engaged in unpermitted commercial cannabis activity not in compliance with the Penalty Relief Program [is] operating in violation of the Sonoma County Cannabis Ordinance, subject to land use fines for operating without a permit, and barred from continuing to operate until a land use application for operation is granted." (Exhibit Z, p. 1). Further, the PRP rules state:

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

> Disqualification from the Penalty Relief Program does not affect processing of the applicant's land use permit application. The land use permit application will continue to be processed by the review authority—though the operator must immediately cease any and all commercial cannabis activity that is not being conducted under a valid permit.
> (Exhibit Z, p. 2).

Further, Appellant was given a written notice that Appellant no longer qualifies for the PRP, notice of an appeal hearing procedure, and 30 days to cease commercial cannabis operations before being subject to a civil penalty permit multiplier on Appellant's land use permit application and/or a zoning violation Notice and Order (Exhibits T-V, BB). Thus, the remedy of removal from the PRP is procedurally fair.

No longer being allowed to participate in the PRP naturally flows from Appellant's acts and omissions, specifically, the failure to comply with the requirements of the PRP. That remedy is also reasonably related to a proper legislative goal: enforcing the Cannabis Ordinance and the PRP terms and conditions adopted by the County's Board of Supervisors. Courts have previously recognized a strong public interest in the enforcement of land use laws enacted by elected representatives. (*Schafer v. City of Los Angeles* (2015) 237 Cal.App.4th 1250, 1265.) Thus, removal from the PRP is procedurally fair and reasonably related to a proper legislative goal. As a result, removal from the PRP comports with due process. In light of Appellant's multiple, repeated, and serious failures to comply with the terms and conditions of the County's temporary, conditional program, Appellant's removal from the PRP is an appropriate remedy.

In conclusion, the Hearing Officer finds that the County proved by a preponderance of the evidence over 74 distinct violations of the SCC and PRP conditions, as well as two commercial cannabis land use violations, any of which serve as a basis for removing the Property from the PRP. As discussed above, Appellant's remaining arguments are unavailing. The Notice of Removal from the PRP is upheld.

VIII. ADMINISTRATIVE PENALTIES

California Government Code (Government Code) section 53069.4(a) provides that the legislative body of a local agency may, by ordinance, make a violation of its ordinance subject to an administrative fine or penalty. "The local agency shall set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties."

The County has established by ordinance the administrative procedures that govern the imposition, enforcement, collection, and administrative review by the County of those administrative fines or penalties. The County has set forth its administrative penalties and procedures in SCC section 1-7.1.

Per SCC section 1-7.1, in relevant part:

(a) Civil Penalties. A violation is subject to the following civil penalties: . . . [¶¶]

(1) Commercial Violations. If the violation arises from an unlawful commercial use or structure on the property, a responsible party must pay 1 of the following, as determined by the enforcing officer, to the county: . . . [¶]

ii. Daily Penalty. No less than twenty-five dollars ($25.00) per day and no more than one hundred dollars ($100.00) per day for the first violation; no more than two hundred dollars ($200.00) per day for a second violation of the same ordinance within one (1) year; and no more than five hundred dollars ($500.00) per day for each additional violation of the same ordinance within one (1) year; or

iii. Permit Multiplier. If the type of use or structure in violation may be permitted, from three (3) times to ten (10) times the amount of the standard fee for every required approval, review, and permit. . . .[¶¶]

(4) Cannabis violations. For violations associated with commercial cannabis activity, a responsible party must pay one (1) of the following, as determined by the enforcing officer, to the county:

i. Square Foot Exceedance. For cultivation in exceedance of the permitted cultivation area, no more than twenty dollars ($20.00) per square foot per day for the first violation; no more than thirty ($30.00) per square foot per day for the second violation within two (2) years; and no more than fifty dollars ($50.00) per square foot per day for each additional violation within two (2) years.

ii. Standard Violation. For each violation of a standard or condition of the permit or county code, no more than one thousand dollars ($1,000.00) per day for the first violation; no more than five thousand dollars ($5,000.00) per day for the second violation within two (2) years; and no more than ten thousand ($10,000.00) per day for each additional violation within two (2) years.

iii. Daily Penalty – Unpermitted Use. For each unpermitted cannabis use, no more than ten thousand dollars ($10,000.00) per day for the first violation; no more than twenty-five thousand dollars ($25,000.00) per day for the second violation within two (2) years; and no more than fifty thousand dollars per day for each additional violation within two (2) years.

iv. Permit Multiplier – Unpermitted Use or Structure. If the type of use or structure in violation may be permitted, up to a maximum of ten (10) times the amount of the standard fee for each required approval, review, and permit.

(b) Authority and Discretion to Set Penalty.

(1) Authority. Civil penalties may be imposed by the enforcing officer, the hearing officer, or the court. . . . [¶]

(c) Civil Penalty Determination. The determination of civil penalties must take into account the facts and circumstances of the violation, which may include, for example:

(1) whether or not the violation poses a threat to human health, safety, or to the environment;

(2) the seriousness or gravity of the violation;

(3) the length of time the violation has existed;

(4) the culpability of the responsible party or the willfulness of the violation;

(5) the sophistication of the responsible party;

(6) the extent of the violation and its effect on adjoining properties;

(7) attempts, if any, to comply with the applicable ordinances; and

(8) any other information which might be relevant to the determination of civil penalties to be imposed by this section.

Per SCC section 1-7(d), for continuing violations, "[e]ach day a violation continues is a separate and distinct offense."

SCC section 1-7.1(c): Civil Penalty Determination

The Hearing Officer notes that there is no civil penalty determination in association with the Appellant's removal from the PRP. Civil penalties are not assessed in connection with an appeal of a Notice of Removal from the PRP. The County seeks the imposition of civil penalties for the unpermitted construction of 32 greenhouses and a commercial coach (Exhibit E), the unpermitted additional 13 hoop houses, five of which had electrical, eight mobile offices, four land/sea cargo containers, and unpermitted hazardous electrical throughout the grow area (Exhibit F). The County also seeks the imposition of civil penalties for the commercial cannabis canopy exceedance and the unpermitted mixed-light cannabis cultivation land use (Exhibits O, DD). The Hearing Officer addresses each below.

Unpermitted Construction - 32 Greenhouses; Commercial Coach (01/05/2018-Exhibit E)

For the 32 unpermitted greenhouses and a commercial coach, the County's position is that this violation has not been abated and continues to accrue daily penalties from the date the unappealed January 5, 2018, Construction Notice and Order was issued. Apparently, neither the Appellant nor the Property Owner requested a follow-up inspection of the Property to confirm abatement of these violations. Appellant did not present any witnesses or exhibits indicating efforts to abate these violations on the Property. The Hearing Officer therefore considered what civil penalties should be imposed for the 32 unpermitted greenhouses and the unpermitted commercial coach.

The County submitted a calculation and determination of civil penalties in connection with the January 5, 2018, unpermitted construction violations that were not appealed (Exhibit LL). The County proposes a $35 daily civil penalty against the Property. The Hearing Officer therefore considered the facts and circumstances of the unpermitted greenhouses and commercial coach construction. In doing so, the Hearing Officer utilized the County's weighted scoring calculation sheet and non-cannabis penalty calculation matrix (Exhibits LL, KK1, p. 2).

Seriousness of the Violation(s)

Inspector Cablk applied a medium weight to the seriousness of the violation category. It is undisputed that the commercial coach and the 32 greenhouses were erected without required building permits. The Hearing Officer finds this weight reasonable because these unpermitted structures were numerous and sizeable (Exhibits E, PP, pp. 8-9). The structural integrity of the unpermitted construction has not been confirmed by the County. However, no evidence demonstrated that these unpermitted constructions have actually caused health, safety, or environmental damage.

Accordingly, the score for this category remains set at five points, the mid-range listed. The weight is determined to be 1.5 points (5 multiplied by 0.30).

Length of Time Violation(s) Existed

Inspector Cablk assigned a heavy weight to the length of time violation(s) existed factor at the time the County assessed the civil penalty because the violations had existed more than a year. The July 25, 2021, aerial photograph of the Property supports Inspector Cablk's evaluation of this factor (Exhibit PP, p. 7). Accordingly, evidence supports Inspector Cablk's assignment of the heavy weight to this category. The weight is determined to be 0.5 points (10 multiplied by 0.05).

Diligence/Cooperation of Violator/Owner

Inspector Cablk assigned a medium weight to the diligence/cooperation of violator/owner factor. The installation of electrical in some of the greenhouses required more than a temporary hoop house permit, and a demolition permit is required to remove the electrical. The record does

not indicate any prompt or serious abatement efforts. As a result, the heaviest weight could have been applied to this factor. Accordingly, Inspector Cablk's application of the lower, medium weight for this factor is reasonable, and the weight is determined to be 0.75 points (5 multiplied by 0.15).

Effect on Other Properties

Inspector Cablk applied a low weight to the effect on other properties factor, indicating the violation had a minor effect on other properties. There was no evidence that the 32 greenhouses and commercial coach used in the cannabis cultivation operations were the subjects of any complaints from members of the public. The County presented no other indications of effect on other properties. Thus, for this violation, the lightest weight, one, is reasonable. The weight is determined to be 0.10 points (1 multiplied by 0.10).

Culpability of Violator/Owner

Inspector Cablk applied the heaviest weight to the culpability of the violator criterion, indicating Appellant had economic incentive to engage in the violation. The County presented no evidence that the Appellant, as of January 5, 2018, was a repeat violator. However, it is undisputed that in October 2017, Appellant applied for inclusion in the PRP in order to continue a commercial cannabis operation on the Property (Exhibit MM). Similarly, it is undisputed that the unpermitted greenhouses and commercial coach were part of that commercial enterprise. The Hearing Officer concludes that the Appellant had an economic incentive to erect the 32 greenhouses and install the commercial coach on the property, as it could enhance the cannabis operations; therefore, Inspector Cablk reasonably applied a heavy weight to the culpability of violator criterion. The weight is determined to be 2 points (10 multiplied by 0.20).

Sophistication/Scale of Violator/Owner

Inspector Cablk applied the medium weight to the sophistication of the violator factor. Here, as of January 5, 2018, the Appellant had "possible knowledge" of the regulations requiring structures and improvements to be permitted. In October 2017, the Appellant submitted its PRP application regarding cannabis operations on the Property (Exhibit MM). Consequently, the Appellant had at least some possible knowledge of County-level property regulations. Accordingly, Inspector Cablk's assigned weight for this category, five, the medium weight, is reasonable. The weight is determined to be 1 point (5 multiplied by 0.20).

Total Weighted Score

The Hearing Officer finds that the weighted total, based on the criterion above, is 5.85. According to the corresponding daily penalty for each commercial violation cited in the January

5, 2018, Construction Notice and Order, the daily penalty is $70.[17] At that penalty rate, for all 33 violations, the daily penalty would total $2,310. However, Inspector Cablk initially calculated a $35 daily penalty, using the "Other Daily" column in the Non-Cannabis Penalty Schedule (Exhibits LL, KK, p. 2).

The Hearing Officer finds the reduced daily civil penalty of $35 per violation reasonable under the circumstances here. Thus, the Hearing Officer finds the daily penalty for each violation cited in the January 5, 2018, Construction Notice and Order is $35. At that daily penalty rate, for all 33 violations, the daily penalty would total $1,155. As of the date of the hearing on July 14, 2022, 1,651 days elapsed since the January 5, 2018, Construction Notice and Order was issued. As of the date of the hearing, therefore, the accrued daily penalty amount as of the date of the hearing is $1,906,905.00.

Furthermore, per the County, the $35 daily civil penalty per violation shall only be imposed if the Appellant fails to abate the violations found in the January 5, 2018, Construction Notice and Order, either by acquisition of an approved building permit or an approved demolition permit, within 90 days as ordered herein. The commercial permit multiplier associated with the weighted total of the factors considered above is 7.0 (Exhibits LL, KK, p.2). However, the Hearing Officer adjusts the permit multiplier downward to correspond with the $35 reduced daily fine amount. If the Appellant acquires and finalizes the permits as ordered herein, the administrative civil penalty will be 3.7 times the permit fee. This multiplier amount is the amount associated with daily fine amount for commercial violations listed on the Non-Cannabis Penalty Schedule (Exhibit KK1, p. 2, KK2, p. 2). In the event that Appellant applies for permits, but the permits are not finalized within 90 days as ordered herein, the daily civil penalty shall be imposed, and the Appellant shall be credited for any civil penalties previously paid for the violations noted in the January 5, 2018, Construction Notice and Order via the permit application multiplier.

Unpermitted Construction - Hoop Houses, Mobile Offices, Cargo Containers (07/03/2019- Exhibit F)

For the additional unpermitted 13 hoop houses, five of which had electrical, eight mobile offices, and four land/sea cargo containers, the County's position is that this violation has not been abated and continues to accrue daily penalties from the date the July 3, 2019, Construction Notice and Order was issued. Mr. Franceschi testified that abatement would involve finalizing either a building permit or a demolition permit for the unpermitted construction.

The County submitted a calculation of civil penalties in connection with the July 3, 2019, unappealed unpermitted construction violation (Exhibit KK). The Hearing Officer therefore considered the facts and circumstances of the additional unpermitted 13 hoop houses, five of which had electrical, eight mobile offices, and four land/sea cargo container construction

[17] The Hearing Officer notes that the daily civil penalty amount from the "commercial" column of the County's Non-Cannabis Penalty Schedule (*see* Exhibit KK, p. 2) normally would apply, because the unpermitted construction violations occurred in connection with commercial crop production on the Property.

violations. In doing so, the Hearing Officer utilized the County's weighted scoring calculation sheet and non-cannabis penalty calculation matrix (Exhibit KK, p. 2).

Seriousness of the Violation(s)

It is undisputed that the additional unpermitted 13 hoop houses, five of which had electrical, eight mobile offices, and four land/sea cargo containers were erected without the required building permit. Inspector Lee applied the lowest weight to the seriousness of the violation category. The structural integrity of the unpermitted construction, as well as the safety of the electrical, have not been confirmed by the County. However, no evidence demonstrated that these unpermitted constructions have actually caused health, safety, or environmental damage. The Hearing Officer finds that although the mid-weight to this category would have been justified, the application of the lowest weight is reasonable.

Accordingly, the score for this category remains set at one point, the lightest weight listed. The weight is determined to be 0.30 points (1 multiplied by 0.30).

Length of Time Violation(s) Existed

Inspector Lee assigned the heaviest weight to the length of time violation(s) existed factor, indicating the violations existed more than one year. This is supported by the aerial photographs of the Property demonstrating the additional hoop houses and additional structures remained as of August 25, 2020, and July 25, 2021 (Exhibit PP, pp. 6-7). Accordingly, the highest score of 10 points was appropriately assigned. The weight is determined to be 0.5 points (10 multiplied by 0.05).

Diligence/Cooperation of Violator/Owner

Inspector Lee assigned a medium weight to the diligence/cooperation of violator/owner factor, indicating Appellant responded after numerous attempts by the County. The record does not indicate any abatement efforts on Appellant's part. The lack of response could justify the heaviest weight, but Inspector Lee assigned a more lenient weight. Accordingly, Inspector Lee's application of the medium weight for this factor is reasonable, and the weight is determined to be 0.75 points (5 multiplied by 0.15).

Effect on Other Properties

Inspector Lee applied the medium weight to the effect on other properties factor, indicating the violation had some, but not significant, effect on other properties. The record contains no evidence indicating what effect the additional 13 hoop houses, five with electrical, eight mobile offices, or four land/sea cargo containers had on other properties. Thus, for this criterion, the low weight, one, is reasonable. The weight is reduced and determined to be 0.10 points (1 multiplied by 0.10).

Culpability of Violator/Owner

Inspector Lee applied the heaviest weight to the culpability of the violator criterion, indicating Appellant had an economic incentive to engage in the violation. The County also presented evidence that approximately 18 months earlier, Appellant received a Notice and Order for unpermitted greenhouses and commercial coach construction (Exhibit E). Further, it is undisputed that prior to receiving the July 3, 2019, Construction Notice and Order, Appellant applied for a use permit and for inclusion in the PRP in order to continue a commercial cannabis operation on the Property (Exhibit MM). Similarly, it is undisputed that the additional 13 hoop houses, five with electrical, eight mobile offices, and four cargo containers were part of that commercial enterprise. The Hearing Officer concludes that Appellant had an economic incentive to erect these items, as it could enhance the cannabis operations; therefore, Inspector Lee reasonably applied a heavy weight to the culpability of violator criterion. The weight is determined to be 2 points (10 multiplied by 0.20).

Sophistication/Scale of Violator/Owner

Inspector Lee applied a medium weight to the sophistication of the violator factor, indicating that as of July 3, 2019, the Appellant had "possible knowledge" of the regulations requiring structures and improvements to be permitted. In October 2017, the Appellant submitted its PRP application regarding cannabis operations on the Property (Exhibit MM). In August 2017, Appellant submitted its application for a commercial cannabis land use permit (Exhibit D). Further, in 2018, Appellant was cited for unpermitted construction for other structures (Exhibit E). Consequently, the Appellant had a least some possible knowledge of County-level property regulations. Based on Appellant's prior building code violation for unpermitted construction, the heaviest weight could also have been justified. Accordingly, Inspector Lee's more lenient assigned weight for this category, five, the mid-range weight, is reasonable. The weight is determined to be 1 point (5 multiplied by 0.20).

Total Weighted Score

The Hearing Officer finds that the weighted total, based on the criterion above, is 4.65. According to the corresponding daily penalty for the commercial violation cited in the July 3, 2019, Construction Notice and Order, the daily penalty is $62.[18] This is consistent with Inspector Lee's calculation (Exhibits KK1, KK2). Each of the 25 unpermitted structures amounted to a separate violation. Although Inspector Lee only listed 12 violations on the Non-Penalty Calculation Sheets, Mr. Franceschi testified that the calculations also included the 13 unpermitted hoop houses. The hazardous electrical is addressed below for VBU19-0424.

The Hearing Officer finds the daily civil penalty of $62 for each of the 25 violations cited in the July 3, 2019, Construction Notice and Order is reasonable under the circumstances here.

[18] The Hearing Officer notes that the daily civil penalty amount from the "commercial" column of the County's Non-Cannabis Penalty Schedule (*see* Exhibits KK1, KK2) applies, because the unpermitted construction violations occurred in connection with commercial crop production on the Property.

Thus, the Hearing Officer imposes a $62 daily penalty for each of the 25 violations cited in the July 3, 2019, Construction Notice and Order. The total daily penalty for all 25 violations, therefore, is $1,550. As of the date of the hearing on July 14, 2022, 1,107 days elapsed since the July 3, 2019, Construction Notice and Order was issued. As of the date of the hearing, therefore, the accrued daily penalty amount as of the date of the hearing is $1,715,850.

Furthermore, per the County, the $62 daily civil penalty shall only be imposed if Appellant fails to abate the violations found in the July 3, 2019, Construction Notice and Order, either by acquisition of approved building permits or approved demolition permits, within 90 days as ordered herein. If Appellant acquires and finalizes the permits as ordered herein, the administrative civil penalty will be 6.5 times each permit fee. This multiplier amount corresponds to the total weighted score applied here for commercial permits, as listed on the Non-Cannabis Penalty Schedule (Exhibits KK1 p.2, KK2, p. 2). In the event that such permits are not finalized within 90 days as ordered herein, the daily civil penalty shall be imposed, and Appellant shall be credited for civil penalties previously paid via the permit application multiplier.

Unpermitted Construction - Hazardous Electrical (07/03/2019-Exhibit F)

For the unpermitted and hazardous electrical throughout the cannabis grow area, the County's position is that this violation (VBU19-0420) has not been abated and continues to accrue daily penalties from the date the July 3, 2019, Construction Notice and Order was issued. Mr. Franceschi testified that abatement would involve finalizing either a building permit or a demolition permit for the unpermitted construction. The Hearing Officer therefore considered what civil penalties should be imposed for the hazardous unpermitted electrical, in the event that the requisite permit is not issued or finalized after County inspection.

The County submitted a calculation of civil penalties in connection with the July 3, 2019, unappealed unpermitted hazardous electrical violation (Exhibit JJ). The Hearing Officer therefore considered the facts and circumstances of the unpermitted barn construction violation. In doing so, the Hearing Officer utilized the County's weighted scoring calculation sheet and non-cannabis penalty calculation matrix (Exhibit JJ).

Seriousness of the Violation(s)

It is undisputed that the hazardous electrical throughout the cannabis grow area was constructed without the required building permit. Inspector Lee applied a heavy weight to the seriousness of the violation category, indicating that the violation is likely to be dangerous to humans. The Hearing Officer finds this value reasonable because Inspector Lee testified to the serious human safety issue posed by the hazardous electrical construction that he observed. Accordingly, the score for this category remains set at 10 points, the heaviest listed. The weight is determined to be 3.0 points (10 multiplied by 0.30).

Length of Time Violation(s) Existed

Inspector Lee assigned a heavy weight to the length of time violation(s) existed factor, indicating that the violation had existed longer than one year. Indeed, Ms. Furlong testified that Appellant was using lights in its greenhouses on the Property as late as her May 16, 2022, inspection. Accordingly, the highest score of 10 points was appropriately assigned. The weight is determined to be 0.5 points (10 multiplied by 0.05).

Diligence/Cooperation of Violator/Owner

Inspector Lee assigned the heavy weight to the diligence/cooperation of violator/owner factor, indicating Appellant delayed responding to the County's notice and order regarding the hazardous electrical violation. The record does not indicate any diligent response from Appellant regarding the correction of the hazardous unpermitted electrical throughout the cannabis grow area. Accordingly, Inspector Cablk's application of the heaviest weight for this factor is reasonable, and the weight is determined to be 1.5 points (10 multiplied by 0.15).

Effect on Other Properties

Inspector Lee applied a medium weight to the effect on other properties factor, indicating the violation had some, but not significant, effect on other properties. Ms. Furlong testified that in 2022, a member of the public complained about Appellant using lights in greenhouses at night. Thus, for this criterion, the mid-weight, five, is reasonable. The weight is determined to be 0.50 points (5 multiplied by 0.10).

Culpability of Violator/Owner

Inspector Lee applied the heaviest weight to the culpability of the violator criterion, indicating Appellant had an economic incentive to engage in the violation. The County also presented evidence that Appellant, as of July 3, 2019, was a repeat violator of SCC section 7-5, regarding electrical construction without a permit. Approximately 18 months earlier, Appellant received a Notice and Order for unpermitted greenhouses with hard-wired electrical (Exhibit E). Further, it is undisputed that prior to receiving the July 3, 2019, Construction Notice and Order, Appellant applied for a use permit and for inclusion in the PRP in order to continue a commercial cannabis operation on the Property (Exhibits D, MM). Similarly, it is undisputed that the unpermitted hazardous electrical throughout the cannabis grow area was part of that commercial enterprise. The Hearing Officer concludes that Appellant had an economic incentive to erect the unpermitted electrical throughout the cannabis grow area, as it could enhance the cannabis operations; therefore, Inspector Lee reasonably applied a heavy weight to the culpability of violator criterion. The weight is determined to be 2 points (10 multiplied by 0.20).

Sophistication/Scale of Violator/Owner

Inspector Lee applied a medium weight to the sophistication of the violator factor, indicating as of July 3, 2019, the Appellant had "possible knowledge" of the regulations

requiring electrical improvements to be permitted. In October 2017, the Appellant submitted its PRP application regarding cannabis operations on the Property (Exhibit MM). Further, approximately 18 months earlier, Appellant engaged in, and was cited for, unpermitted greenhouse construction with electrical elements (Exhibit E). This evidence indicates that Appellant had knowledge of the County's regulations requiring construction permits for electrical elements, and thus, would warrant the heaviest weight applying here. Accordingly, Inspector Lee's more lenient assigned weight for this category, five, the mid-range weight, is reasonable. The weight is determined to be 1 point (5 multiplied by 0.20).

Total Weighted Score

The Hearing Officer finds that the weighted total, based on the criterion above, is 8.50. The corresponding daily penalty for the commercial violation cited in the July 3, 2019, Construction Notice and Order is $90.[19] Inspector Lee also treated the unpermitted hazardous electrical elements throughout the cannabis grow area as a single violation, rather than distinct violations.

The Hearing Officer finds the single daily civil penalty of $90 is reasonable under the circumstances here. Thus, the Hearing Officer finds the daily penalty for the hazardous electrical violation cited in the July 3, 2019, Construction Notice and Order is $90. As of the date of the hearing on July 14, 2022, 1,107 days elapsed since the July 3, 2019, Construction Notice and Order was issued. As of the date of the hearing, therefore, the accrued daily penalty amount as of the date of the hearing is $99,630.

Furthermore, per the County, the $90 daily civil penalty shall only be imposed if Appellant fails to abate the hazardous electrical violation found in the July 3, 2019, Construction Notice and Order, either by acquisition of an approved building permit or an approved demolition permit, within 90 days as ordered herein. If Appellant acquires and finalizes the permit as ordered herein, the administrative civil penalty will be 9.0 times the permit fee. This multiplier amount is the amount listed on the Non-Cannabis Penalty Schedule that corresponds to the total weighted score applied here (Exhibit JJ). In the event that a building permit, or alternatively a demolition permit, is applied for but not finalized within 90 days as ordered herein, the daily civil penalty shall be imposed, and Appellant shall be credited for civil penalties previously paid via the permit application multiplier for this violation.

Cannabis Cultivation Exceedance- 06/16/2021 (Exhibit O)

For the excess cannabis canopy, the County proposes a flat monetary civil penalty based on the square footage of cannabis canopy exceedance, rather than a daily monetary penalty accruing from the date the June 16, 2021, Cannabis Notice and Order was issued.

[19] The Hearing Officer notes that the daily civil penalty amount from the "commercial" column of the County's Non-Cannabis Penalty Schedule (*see* Exhibit JJ) applies, because the unpermitted construction violations occurred in connection with commercial crop production on the Property.

The County submitted a calculation of civil penalties in connection with the June 16, 2021, cannabis cultivation exceedance violation (Exhibits FF, GG). The Hearing Officer therefore considered the facts and circumstances of the excess canopy violation. In doing so, the Hearing Officer utilized the County's weighted scoring calculation sheet and cannabis penalty calculation matrix (Exhibits FF, GG).

Seriousness of the Violation(s)

The County has proved that Appellant was cultivating a significant amount of cannabis in excess of the pre-existing 28,000 square feet of outdoor cannabis cultivation allowed in the County's letter accepting Appellant into the PRP (Exhibit D). Ms. Ostrom applied a light weight to the seriousness of the violation category. The Hearing Officer finds this value reasonable because there was no evidence to suggest actual or likely human safety or environmental damage stemming from the canopy exceedance here. Accordingly, the score for this category remains set at one point, the lightest range listed. The weight is determined to be 0.30 points (1 multiplied by 0.30).

Length of Time Violation(s) Existed

Ms. Ostrom assigned the heaviest weight to the length of time violation(s) existed factor, indicating the violation had existed longer than one year. Ms. Ostrom testified, as did Mr. Smith and Ms. Furlong, that over multiple years, Appellant has exceeded the 28,000 square feet of canopy allowed during Appellant's participation in the PRP. Ms. Furlong testified that although Appellant's representatives called for a re-inspection after they reportedly removed some of the cannabis canopy in June 2021, Appellant indicated at that time that the canopy still exceeded 28,000 square feet. Appellant apparently did not call for further re-inspection. Accordingly, the highest score of 10 points was appropriately assigned. The weight is determined to be 0.5 points (10 multiplied by 0.05).

Diligence/Cooperation of Violator/Owner

Ms. Ostrom assigned the heaviest weight to the diligence/cooperation of violator/owner factor, indicating Appellant delayed response to abate the violations. While the Appellant made some effort to reduce some of the canopy, the Appellant did not reduce the full amount of the exceedance or call for re-inspection for the County to confirm the reduction of the full amount of the exceedance. Accordingly, Ms. Ostrom's application of the heaviest weight for this factor is reasonable, and the weight is determined to be 1.5 points (10 multiplied by 0.15).

Effect on Other Properties

Ms. Ostrom applied the lowest weight to the effect on other properties factor, indicating the violation had a minor effect on other properties. The record does not reflect any significant effect of the cannabis canopy exceedance on other properties. Thus, for this criterion, the low weight, one, is reasonable. The weight is determined to be 0.10 points (1 multiplied by 0.10).

Culpability of Violator/Owner

Ms. Ostrom applied the heaviest weight to the culpability of the violator criterion, indicating Appellant had an economic incentive to engage in the violation. The County also presented evidence that Appellant, as of June 16, 2021, was repeatedly over canopy during AWM's annual canopy verification inspections. Mr. Smith testified that he gave Appellant a verbal warning about canopy exceedance in 2019. Thus, the Appellant was creating the violation by cultivating cannabis in excess of the pre-existing 28,000 square feet allowed in the County's PRP acceptance letter (Exhibit D). Further, it is undisputed that prior to receiving the June 16, 2021, Cannabis Notice and Order, Appellant applied for a use permit and for inclusion in the PRP in order to continue a commercial cannabis operation on the Property (Exhibits C, MM). Similarly, it is undisputed that the excess cannabis cultivation was part of that commercial enterprise. The Hearing Officer concludes that Appellant had an economic incentive to cultivate an extra 16,433 square feet beyond what the County allowed Appellant through the PRP participation (Exhibits D, N); therefore, Ms. Ostrom reasonably applied a heavy weight to the culpability of violator criterion. The weight is determined to be 2 points (10 multiplied by 0.20).

Sophistication/Scale of Violator/Owner

Ms. Ostrom applied a heavy weight to the sophistication of the violator factor, indicating Appellant was a repeat violator and that the violation was a large-scale one. Ms. Ostrom selected this weight because Appellant has been repeatedly over canopy and received prior warnings about that. She also testified that Appellant's over canopy violation is the largest overage violation in the PRP. Accordingly, Ms. Ostrom's assigned weight for this category, ten, the heaviest range, is reasonable. The weight is determined to be 2.0 points (10 multiplied by 0.20).

Total Weighted Score

The Hearing Officer finds that the weighted total, based on the criterion above, is 6.4. According to the Cannabis Violation Penalty Schedule, the corresponding flat penalty amount per square foot of cannabis canopy exceedance for the violation cited in the June 16, 2021, Cannabis Notice and Order is $13 per square foot for a first violation (Exhibit GG). Here, Ms. Furlong measured Appellant's cannabis cultivation canopy on June 16, 2021 at 44,433 square feet (Exhibit N). Appellant was only allowed the pre-existing 28,000 square feet of outdoor cultivation per the County's letter accepting Appellant into the PRP (Exhibit D). Appellant exceeded its allowed cannabis canopy by 16,433 square feet. Thus, the flat per square foot penalty amount is $213,629. While this is a significant penalty amount, it is less than 10 percent of what the corresponding accrued daily civil penalty for first-offense unpermitted cannabis land use would be. According to the Cannabis Violation Penalty Schedule, the corresponding daily penalty rate is $6,500, which if imposed would accrue over 394 days, from the date of the June 16, 2021, Cannabis Notice and Order to the hearing date, July 14, 2022, for a total accrued penalty of $2,561,000.

The Hearing Officer finds the per-square-foot civil penalty of $213,629 is reasonable under the circumstances here. Thus, the Hearing Officer finds the per-square-foot administrative penalty for the violation cited in the June 16, 2021, Cannabis Notice and Order is $213,629.

Mixed-Light Cultivation – 05/16/2022 (Exhibit DD)

For Appellant's unpermitted mixed-light commercial cannabis cultivation land use violation, the County proposed an administrative penalty in the amount of $70,603.50. On May 26, 2022, the County sent the Appellant and the Property Owner a Determination of Costs and Penalties (Exhibit EE). Appellant contends this amount is inappropriate for a violation confirmed by the County to exist for a single day. The Hearing Officer therefore considered what civil penalties should be imposed for the unpermitted mixed-light cannabis cultivation.

The County submitted a calculation of civil penalties in connection with the May 16, 2022, unpermitted mixed-light cannabis cultivation violation (Exhibits NN, OO). The Hearing Officer therefore considered the facts and circumstances of the unpermitted mixed-light cannabis cultivation violation. In doing so, the Hearing Officer utilized the County's weighted scoring calculation sheet and cannabis penalty calculation matrix (Exhibits AA, FF).

Seriousness of the Violation(s)

The County has proved that Appellant's mixed-light cultivation occurred without a permit. Ms. Reagan applied a light weight to the seriousness of the violation category. Ms. Reagan applied the light weight because there was no actual damage to human health or the environment. As Appellant pointed out through the testimony of Ms. Harrington, the Property lies within an area eligible for a commercial cannabis cultivation operation. Here, Appellant simply did not have the requisite permission from the County to engage in mixed-light cultivation. Ms. Reagan did not provide any testimony about the scale of the mixed-light operation. Accordingly, the score for this category remains set at one point, the lightest range listed. The weight is determined to be 0.30 points (1 multiplied by 0.30).

Length of Time Violation(s) Existed

Ms. Reagan assigned the lightest weight to the length of time violation(s) existed factor because the violation, as confirmed by Ms. Furlong's re-inspection, remained less than one week. Accordingly, the lowest score of one point was appropriately assigned. The weight is determined to be 0.05 points (1 multiplied by 0.05).

Diligence/Cooperation of Violator/Owner

Ms. Reagan assigned the lightest weight to the diligence/cooperation of violator/owner factor, indicating Appellant responded quickly and acted with diligence to abate the violation. According to Ms. Furlong, Appellant arranged for a re-inspection one day after the May 16, 2022, Cannabis Notice and Order to confirm the removal of the light deprivation tarps.

Accordingly, Ms. Reagan's application of the lightest weight for this factor is reasonable, and the weight is determined to be 0.15 points (1 multiplied by 0.15).

Effect on Other Properties

Ms. Reagan applied the lightest weight to the effect on other properties factor, indicating the violation had a minor effect on other properties. No evidence suggested Appellant's use of mixed-light cultivation tarps had any appreciable impact on other properties. However, the County had received a complaint from a member of the public regarding Appellant's use of lights at night in the greenhouses. Thus, for this criterion, the lowest weight, one, is reasonable. The weight is determined to be 0.10 points (1 multiplied by 0.10).

Culpability of Violator/Owner

Ms. Reagan applied the heaviest weight to the culpability of the violator criterion, indicating Appellant had created the violation and had economic incentive to engage in the violation. Ms. Furlong testified that she observed Appellant's workers removing tarp covers from about 16 greenhouses. Her testimony is corroborated by video taken at the time of her inspection (Exhibit PP, pp. 30-38). She also testified as to the use of light deprivation tarps to increase the number of cannabis crops annually. Ms. Furlong's testimony on both points was uncontroverted. It is undisputed that prior to receiving the May 16, 2022, Cannabis Notice and Order, Appellant applied for a use permit and for inclusion in the PRP in order to continue a commercial cannabis operation on the Property (Exhibits C, MM). Similarly, it is undisputed that the use of mixed-light cultivation techniques was part of that commercial enterprise. The Hearing Officer concludes that Appellant actively created the mixed-light cultivation violation and had an economic incentive to do so, as it could increase the cannabis yield; therefore, Ms. Reagan reasonably applied a heavy weight to the culpability of violator criterion. The weight is determined to be 2 points (10 multiplied by 0.20).

Sophistication/Scale of Violator/Owner

Ms. Reagan applied a medium weight to the sophistication of the violator factor, indicating Appellant is either an infrequent violator or a medium-scale violator. While Ms. Reagan noted Appellant had other previous code violations, this was the first mixed-light cultivation violation. No testimony was provided to demonstrate the relative scale of the mixed-light cultivation violation here in comparison to other similar violations in the County. However, Appellant is a commercial cannabis operation business and has been in operation since 2017 (Exhibits C, MM). Appellant's representatives have communicated with the County during annual regulatory inspections of the Property, received written and verbal notices about prior code violations, and have been participants in an industry that is highly regulated at the local and state level. In short, Appellant is sophisticated. The application of the heaviest weight would have been justified here. Accordingly, Ms. Reagan's more lenient assigned weight for this category, five, the mid-range weight, is reasonable. The weight is determined to be 1 point (5 multiplied by 0.20).

Total Weighted Score

The Hearing Officer finds that the weighted total, based on the criterion above, is 3.6. According to the corresponding daily penalty for the first-offense commercial cultivation use violation cited in the May 16, 2022, Cannabis Notice and Order, the daily penalty is $4,000, and the corresponding permit multiplier for the mixed-light cannabis use is 5.5 (Exhibit GG). Ms. Reagan testified that the permit fee for a mixed-light cannabis cultivation in this instance would be $12,837. Thus, under the permit multiplier method, the administrative penalty for Appellant's mixed-light cultivation violation would be 5.5 times the $12,837 permit fee, or $70,603.50. Ms. Reagan also testified that it is AWM's policy to use the permit multiplier measure of civil penalty when the cited conduct is of the type that would be allowable if the violator had applied for and obtained the land use permit required to lawfully engage in the conduct. The Hearing Officer finds that this approach is reasonable and appropriate; otherwise, commercial cannabis operators would be incentivized to engage in a "catch me if you can" approach with a rapid abatement tactic to incur a lower $4,000 daily fine, rather than incur the higher $12,837 permit application fee as a part of obtaining the requisite land use permit. The effect of Appellant's removal of the light deprivation tarps within a day of receiving the Cannabis Notice and Order is taken into account in determining the total weighted score above.

The Hearing Officer finds the permit multiplier civil penalty of $70,603.50 is reasonable under the circumstances here. Thus, the Hearing Officer finds the administrative penalty for the mixed-light cannabis cultivation violation cited in the May 16, 2022, Cannabis Notice and Order is $70,603.50.

IX. COSTS

Section 1-7(a) of the SCC states, "Sections 1-7 through 1-7.6 apply to violations enforced by the county."

Per SCC section 1-7(b), the terms below, as used in SCC sections 1-7 through 1-7.6, are defined as follows:

Violation:

i. An act, omission, or condition contrary to a provision of this code, or an ordinance, resolution, rule, proclamation, order, or regulation of the county.

ii. An act, omission, or condition contrary to a term or condition of a license, permit, or approval, including associated plans, specifications, reports, and studies, granted or issued by the county.

Costs or Abatement Costs:

[A]ll costs incurred by the county in pursuing abatement, associated remedies, and civil penalties, including administrative overhead, salaries, attorneys' fees, and expenses incurred by any county department or agency.

Violation as Misdemeanor:

A violation is punishable as a misdemeanor unless otherwise defined. A misdemeanor is punishable by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment for a term not exceeding six (6) months, or both fine and imprisonment.

Violation as Public Nuisance:

A violation is a public nuisance.

Per SCC section 1-7(f), Public Nuisance Abatement:

(1) Enforcement Action. A public nuisance may be abated in any manner provided by this code or by law, including filing a judicial action in lieu of following the administrative abatement procedures in Section 1-7.3. The county may seek any remedies available to it, including abatement, injunctive relief, costs, and civil penalties.

(2) Costs. A responsible party is liable for all costs. Costs will be a special assessment against the parcel where the public nuisance is located.

(3) Attorneys' Fees. If the county seeks recovery of its own attorneys' fees in an individual judicial action or administrative proceeding, an award of attorneys' fees may be made to the prevailing party. The award of attorneys' fees to the prevailing party cannot exceed the amount of reasonable attorneys' fees incurred by the county in the same judicial action or administrative proceeding.

Per SCC sections 1-7(f)(1)-(3), the prevailing party may recover costs. Pursuant to SCC section 1-7.3(j), the responsible party is responsible for costs pursuant to SCC Chapter 1, and if those costs are not voluntarily paid by the responsible party, such costs will become a lien against the Property as authorized by California Government Code section 25845.

The County has requested the following abatement costs as follows:

1. Prior to the July 14, 2022, appeal hearing date: The Department incurred 46.1 hours of investigative time at an hourly rate of $151/hour for a total of $6,961.10, 3.0 hours of secretarial time at $89/hour for a total of $267.00, and 28.5 hours of county counsel time at $282/hour for a total of $8,037.00. AWM incurred 9.5

hours of investigative time at $177/hour for a total of $1,681.50. The total for all staff is $19,946.60 (Staff Rep., p. 13).

2. July 14, 2022, Hearing Costs: The County submitted its staff costs related to the July 14, 2022, hearing and submitted upon request a spreadsheet breaking down the hours by staff member and hours. Code enforcement inspectors spent a total of 17.5 hours at $165/hour, for a total of $2,887.50, four AWM investigative staff members spent a total of 21 hours before July 1, 2022, at a rate of $177/hour, and a total of 28.5 hours after July 1, 2022, at a rate of $225 per hour, for a total of $10,129.50, one code enforcement clerical staff member spent a total of 21.5 hours at a rate of $97/hour for a total of $2,085.50,[20] and two county counsel were present for the hearing and spent a combined total of 50.5 hours of time attending the hearing and preparing before or briefing after the hearing at a rate of $282/hour, for a total of $14,241.00. The total for all staff is $29,343.50 (Exhibit QQ).

As set forth above, the County established that civil penalties were appropriate for the January 5, 2018, Construction Notice and Order, the July 3, 2019, Construction Notice and Order, the June 16, 2021, Cannabis Notice and Order, and the May 16, 2022, Cannabis Notice and Order. Accordingly, the Hearing Officer finds the County is the prevailing party and is entitled to an award of costs. The County requests a total of $49,290.10 in abatement costs plus the additional costs incurred by the Hearing Officer and Court Reporter. Based on the length of the hearing, the number of issues involved in this appeal, the volume of exhibits, and the extensive closing and supplemental briefing necessitated by Appellant's asserted defenses in this matter, the Hearing Officer finds the amount of attorney fees requested by the County reasonable. Therefore, $49,290.10 plus the costs of the Hearing Officer and Court Reporter shall be awarded to the County.

X. ORDERS

1. The appeal is denied.

2. Administrative penalties for the violations noted in the January 5, 2018, Construction Notice and Order are upheld as ordered below.

3. Administrative penalties for the violations noted in the July 3, 2019, Construction Notice and Order are upheld as ordered below.

4. The June 16, 2021, Cannabis Notice and Order is upheld.

5. Administrative penalties for the violations noted in the June 16, 2021, Cannabis Notice and Order are upheld as ordered below.

[20] Per the County's spreadsheet, this calculation equals $2,103.00; however, 21.5 times $97 equals $2,085.50. Accordingly, the total submitted by the County has been adjusted down by $17.50.

6. The May 16, 2022, Cannabis Notice and Order is upheld.

7. Administrative penalties for the violations noted in the May 16, 2022, Cannabis Notice and Order are upheld as ordered below.

8. The January 28, 2022, Notice of Removal – Temporary Penalty Relief Program is upheld.

9. The Operator and Property Owner, as Responsible Parties,[21] are joint and severally liable[22] for the civil penalties awarded herein. Payment shall be made in full within 60 calendar days of service of this Administrative Hearing Decision and Order (Decision and Order). If payment of administrative penalties is not made within 60 calendar days of service of this Decision and Order, the County may pursue collection actions.

10. Costs in the amount of $49,290.10 are awarded to the County. The Operator and Property Owner, as Responsible Parties, are joint and severally liable for the costs awarded herein. The Responsible Parties shall make payment in full within 60 calendar days of service of this Decision and Order. If payment of costs is not made within 60 calendar days of service of this Decision and Order, the amount may be lodged as a lien on the Property.

11. The Responsible Parties are ordered to pay the costs of the Hearing Officer and Court Reporter related to the hearing held on July 14, 2022. Payment in full is due within 60 calendar days of notice by the County to the Responsible Parties of such hearing-related costs. If payment of costs is not made within 60 calendar days of notice by the County, the amount may be lodged as a lien on the Property.

12. Within 90 days of service of this Decision and Order, the Responsible Parties are ordered to acquire any/all required permits (to legalize or remove the unpermitted construction) to abate the violations of SCC section 7-5(a).

    a. For all such permits required to legalize or remove each of the unpermitted construction violations for the commercial coach and 32 unpermitted greenhouses with hard-wired electrical as noted in the January 5, 2018, Construction Notice and Order (Exhibit E), a civil penalty of 3.7 times the permit fee for shall be collected at the time of each permit issuance.

---

[21] Per SCC section 1-7.1, "'Responsible party' means any of the following:

i. A person that causes, maintains, allows, or is otherwise responsible for a violation;

ii. person with an ownership interest in real property upon which a violation is found; or

iii. A person who exercises possession or control of real property upon which a violation is found, including a tenant, agent, employee, contractor, subcontractor, or other occupant."

[22] Per SCC section 1-7.1, "Joint and Several Liability. Each responsible party is jointly and severally liable for abating a violation, paying associated costs and civil penalties, and otherwise complying with an order or final determination. Unpaid amounts may be considered a personal obligation of each responsible party."

b. For all such permits required to legalize or remove each of the unpermitted construction violations for the 13 additional hoop houses, five of which contain unpermitted electrical, eight mobile office trailers, and four land/sea cargo containers as noted in the July 3, 2019, Construction Notice and Order (excludes VBU19-0420 for the hazardous electrical), a civil penalty of 6.5 times the permit fee shall be collected at the time of each permit issuance.

c. For all such permits required to legalize or remove the unpermitted construction violations for the hazardous electrical throughout the cannabis grow area as noted in the July 3, 2019, Construction Notice and Order (VBU19-0420), a civil penalty of 9.0 times the permit fee shall be collected at the time of each permit issuance.

13. For all such permits required to abate the SCC section 7-5(a) violations, the Responsible Parties shall respond within 15 days to any requests by the Department for corrections, modifications, or additional information. Within 15 days of permit application approval, the Responsible Parties shall pay all fees and obtain the permits necessary to abate the unpermitted construction. All work described in these permits shall be completed and final Permit Sonoma approval of the work shall be obtained within 60 days of permit issuance. If the Responsible Parties fail to abide by these requirements, daily civil penalties shall accrue, with credit given for penalties previously paid, as follows:

    a. For the unpermitted commercial coach and 32 unpermitted greenhouses as noted in the January 5, 2018, Construction Notice and Order, a daily amount of $35 each shall accrue from January 5, 2018, the date the Construction Notice and Order was served on the Property, and shall continue to accrue until the violations are abated and a final compliance determination is obtained; and

    b. For the 13 additional hoop houses, five of which contain unpermitted electrical, eight mobile office trailers, and four land/sea cargo containers as noted in the July 3, 2019, Construction Notice and Order (excludes VBU19-0420 for the hazardous electrical), a daily amount of $62 shall accrue from July 3, 2019, the date the Construction Notice and Order was served on the Property, and shall continue to accrue until the violations are abated and a final compliance determination is obtained.

    c. For the hazardous electrical throughout the cannabis grow area violations as noted in the July 3, 2019, Construction Notice and Order (VBU19-0420), a daily amount of $90 shall accrue from July 3, 2019, the date the Construction Notice and Order was served on the Property, and shall continue to accrue until the violations are abated and a final compliance determination is obtained.

14. For the cannabis canopy exceedance violation cited in the June 16, 2021, Cannabis Notice and Order, an administrative civil penalty in the amount is $213,629 is imposed.

15. For the unpermitted mixed-light cannabis cultivation violation cited in the May 16, 2022, Cannabis Notice and Order, an administrative penalty in the amount of $70,603.50 is imposed.

16. Per SCC section 1-7.3(i)(2), "[a] copy of the hearing officer's decision and order must be mailed, by certified mail, to the owner and occupant of the property, and the appellant."

17. This Decision and Order shall become final, subject to judicial review in accordance with California Government Code section 53069.4 or California Code of Civil Procedure section 1094.6, or both, as applicable, when served upon the parties in the manner stated above in paragraph 16 either by delivery to the parties personally or upon being sent by certified mail (SCC 1-7.3(i)(1)(v)).

Date: September 30, 2022

Maralee Eriksen, Hearing Officer
California Hearing Officers, LLP

California Code of Civil Procedure § 1094.6. Time limits for review

(a) Judicial review of any decision of a local agency, other than school district, as the term local agency is defined in Section 54951 of the Government Code, or of any commission, board, officer or agent thereof, may be had pursuant to Section 1094.5 of this code only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.

(b) Any such petition shall be filed not later than the 90th day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision, or for a written decision or written findings supporting the decision, in any applicable provision of any statute, charter, or rule, for the purposes of this section, the decision is final on the date it is announced. If the decision is not announced at the close of the hearing, the date, time, and place of the announcement of the decision shall be announced at the hearing. If there is a provision for reconsideration, the decision is final for purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision the decision is final for the purposes of this section on the date that reconsideration is rejected. If there is a provision for a written decision or written findings, the decision is final for purposes of this section upon the date it is mailed by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the party seeking the writ. Subdivision (a) of Section 1013 does not apply to extend the time, following deposit in the mail of the decision or findings, within which a petition shall be filed.

(c) The complete record of the proceedings shall be prepared by the local agency or its commission, board, officer, or agent which made the decision and shall be delivered to the petitioner within 190 days after he has filed a written request therefor. The local agency may recover from the petitioner its actual costs for transcribing or otherwise preparing the record. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the local agency or its commission, board, officer, or agent, all written evidence, and any other papers in the case.

(d) If the petitioner files a request for the record as specified in subdivision (c) within 10 days after the date the decision becomes final as provided in subdivision (b), the time within which a petition pursuant to Section 1094.5 may be filed shall be extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney of record, if he has one.

(e) As used in this section, decision means a decision subject to review pursuant to Section 1094.5, suspending, demoting, or dismissing an officer or employee, revoking, denying an application for a permit, license, or other entitlement, imposing a civil or administrative penalty, fine, charge, or cost, or denying an application for any retirement benefit or allowance.

(f) In making a final decision as defined in subdivision (e), the local agency shall provide notice to the party that the time within which judicial review must be sought is governed by this section.

As used in this subdivision, "party" means an officer or employee who has been suspended, demoted or dismissed; a person whose permit, license, or other entitlement has been revoked or suspended, or whose application for a permit, license, or other entitlement has been denied; or a person whose application for a retirement benefit or allowance has been denied.

(g) This section shall prevail over any conflicting provision in any otherwise applicable law relating to the subject matter, unless the conflicting provision is a state or federal law which provides a shorter statute of limitations, in which case the shorter statute of limitations shall apply.

Cal Gov Code § 53069.4

§ 53069.4. Violation of ordinance of local agency subject to administrative fine or penalty; Appeal of order

(a) (1) The legislative body of a local agency, as the term "local agency" is defined in Section 54951, may by ordinance make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty. The local agency shall set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties. Where the violation would otherwise be an infraction, the administrative fine or penalty shall not exceed the maximum fine or penalty amounts for infractions set forth in Section 25132 and subdivision (b) of Section 36900.

(2) (A) The administrative procedures set forth by ordinance adopted by the local agency pursuant to this subdivision shall provide for a reasonable period of time, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, when the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, that do not create an immediate danger to health or safety.

(B) Notwithstanding subparagraph (A), the ordinance adopted by the local agency pursuant to this subdivision may provide for the immediate imposition of administrative fines or penalties for the violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis. This subparagraph shall not be construed to apply to cannabis cultivation that is lawfully undertaken pursuant to Section 11362.1 of the Health and Safety Code.

(C) If a local agency adopts an ordinance that provides for the immediate imposition of administrative fines or penalties as allowed in subparagraph (B), that ordinance shall provide for a reasonable period of time for the correction or remedy of the violation prior to the imposition of administrative fines or penalties as required in subparagraph (A) if all of the following are true:

(i) A tenant is in possession of the property that is the subject of the administrative action.

(ii) The rental property owner or agent can provide evidence that the rental or lease agreement prohibits the cultivation of cannabis.

(iii) The rental property owner or agent did not know the tenant was illegally cultivating cannabis and no complaint, property inspection, or other information caused the rental property owner or agent to have actual notice of the illegal cannabis cultivation.

(b) (1) Notwithstanding Section 1094.5 or 1094.6 of the Code of Civil Procedure, within 20 days after service of the final administrative order or decision of the local agency is made pursuant to an ordinance enacted in accordance with this section regarding the imposition, enforcement, or collection of the administrative fines or penalties, a person contesting that final administrative order or decision may seek review by filing an appeal to be heard by the superior court, where the same shall be heard de novo, except that the contents of the local agency's file in the case shall be received in evidence. A proceeding under this subdivision is a limited civil case. A copy of the document or instrument of the local agency providing notice of the violation and imposition of the administrative fine or penalty shall be admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first-class mail upon the local agency by the contestant.

(2) The fee for filing the notice of appeal shall be as specified in Section 70615. The court shall request that the local agency's file on the case be forwarded to the court, to be received within 15 days of the request. The court shall retain the fee specified in Section 70615 regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the local agency. Any deposit of the fine or penalty shall be refunded by the local agency in accordance with the judgment of the court.

(3) The conduct of the appeal under this section is a subordinate judicial duty that may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.

(c) If no notice of appeal of the local agency's final administrative order or decision is filed within the period set forth in this section, the order or decision shall be deemed confirmed.

(d) If the fine or penalty has not been deposited and the decision of the court is against the contestant, the local agency may proceed to collect the penalty pursuant to the procedures set forth in its ordinance.

Proof of Service

I, Lynette McPherson, am over 18 years of age and not a party to this action. I am employed in the county where the mailing took place.

My business address is P.O. Box 279560, Sacramento, California, 95827, which is located in the County of Sacramento.

On **September 30, 2022**, I served the following document(s) via USPS certified mail by enclosing it in an envelope and depositing the sealed envelope with the United States Postal Service with the certified postage fully prepaid:

ADMINISTRATIVE HEARING DECISION AND ORDER, Administrative Civil Penalties
Property Owners: Rene L. Cardinaux and Berta Dicke-Cardinaux
Trustees of the Cardinaux Trust dated Dec 12, 1996Fuller
Appellant: LIG Remedies LLC
Property Address: 4222/4233 Browns Lane, Petaluma, CA 94954
APN: 068-010-016
Case No.: VCM17-1036

Addressed to:

Via USPS Certified Mail:

Mark Franceschi
Sonoma County
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403
7020 1810 0001 3664 7485

Counsel for Appellant:
Martin Hirsch
Perry, Johnson, Anderson, Miller & Moskowitz LLP
438 First Street, 4th Floor
Santa Rosa, CA 95401

LIG Remedies LLC
4233 Browns Lane
Petaluma, CA 95492-9670

Rene L. Cardinaux and Berta Dicke-Cardinaux
Trustees of the Cardinaux Trust dated Dec 12, 1996
405 West MacArthur Street #172
Sonoma, CA 95476

Via Email:

Mark Franceschi Mark.Franceschi@sonoma-county.org
Tyra Harrington Tyra.Harrington@sonoma-county.org
Pam Ramirez Pam.Ramirez@sonoma-county.org
LIG Remedies LLC ligremedies@gmail.com
Martin Hirsch Hirsch@perrylaw.net

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Lynette McPherson
Paralegal

From:	nrchrdsn@sonic.net
To:	Haleigh Frye
Subject:	MORE: BROWNS LANE VCM17-1037
Date:	Thursday, November 10, 2022 9:55:41 AM
Attachments:	image001.png image002.png image003.png image004.png

Planner Frye, Please email me a link to all the project materials and associated documents for UPC 17-0031. Thanks, Nancy R.

From: Haleigh Frye <Haleigh.Frye@sonoma-county.org>
Sent: Wednesday, November 9, 2022 8:25 AM
To: nrchrdsn@sonic.net
Subject: RE: BROWNS LANE VCM17-1037

Hello Nancy,

Your email and the decision are saved to the file.

Thank you,

Haleigh Frye, Planner I
Planner I
Planning Division | Project Review
sonomacounty.ca.gov/cannabis-program
Sign up for Cannabis Program Updates

www.PermitSonoma.org
County of Sonoma
2550 Ventura Avenue, Santa Rosa, CA 95403
Direct: 707-565-2477
Office: 707-565-1900 | Fax: 707-565-1103

From: nrchrdsn@sonic.net <nrchrdsn@sonic.net>
Sent: Wednesday, November 9, 2022 8:01 AM
To: Haleigh Frye <Haleigh.Frye@sonoma-county.org>
Subject: BROWNS LANE VCM17-1037

Planner Frye, Please add this email with attachment to the project materials and associated documents for UPC17-0031 before the upcoming Board of Supervisors hearing on 12/13. It is a 48-page judgement from the hearing officer. A quick read will show that:

The hearing officer denied the grower's appeal. See attached.

A quick summary:

- Kicked out of PRP
- $49K lien added to property- For hearing costs
- $283K penalties assessed - for cannabis violations for excess size and indoor
- $187 per day fine until they correct greenhouse, building and electrical violations. Fines start accruing from 2018 and 2019 dates.
- The hearing officer/judge was disgusted with the growers behavior! No attempt to follow the law, willful violations.

Thank you, Nancy Richardson

---------- Original Message ----------
From: Pam Ramirez <Pam.Ramirez@sonoma-county.org>
Cc: Tyra Harrington <Tyra.Harrington@sonoma-county.org>
Date: 11/08/2022 3:35 PM
Subject: RE: APPEAL / ABATEMENT HEARING for BROWNS LANE VCM17-1037

Good afternoon,
Attached is the Administrative Hearing Decision and Order.

Thank you,

Pam Ramirez
Secretary
www.PermitSonoma.org
County of Sonoma

Building & Safety Division/Code Enforcement
2550 Ventura Avenue, Santa Rosa, CA 95403
Direct: 707-565-1904 |
Office: 707-565-1900 | Fax: 707-565-1103

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From: BILL KRAWETZ
To: Haleigh Frye
Subject: BROWNS LANE VCM17-0031
Date: Thursday, November 10, 2022 2:19:16 PM

Hi Haleigh,

Can you provide the project materials and associated documents mentioned in the attached notice for the Brown Ln VCM17-0031 application?

The notice is for an application for a proposed Cannabis operation. I'm a little confused here on the process as there already exist a cannabis operation at this site under the PRP program. Further Sonoma County found several severe violations both for cannabis and building to support the cannabis operation at this site. The grower challenged the County's finding/penalties, and lost their appeal with a independent 3rd party judge/hearing officer. One of the ruling was to kick them out of the PRP which if I understand correctly means they lose their license. How can they now re-apply for a license?

Further there is a 3 strikes type law in the Sonoma County Cannabis Ordinance that does not allow issuing a license to a grower with past infractions. The grower must wait a period of time (like 2 or 3 years) before applying again. Reading the appeal officers report, there were well over 50 violations, hence the 3 strikes threshold easily reached.

What approach will Permit Sonoma take on this application and at the Board of Supervisor Dec 13th hearing? Would you be recommending to approve or deny? Would you invite Code Enforcement to present their findings at the BOS meeting, or would you present the Code Enforcement case along with the hearing officers ruling to the BOS?

Thanks Bill Krawetz

From:	nrchrdsn@sonic.net
To:	Haleigh Frye
Subject:	PUBLIC COMMENT FOR UPC17-0031
Date:	Friday, November 11, 2022 8:43:12 AM
Attachments:	image001.png image002.png image003.png image004.png

EXTERNAL

Planner Frye,
I do not see a link or copy of the VCM decision (BROWNS LANE VCM17-1037) on the link to all the materials and associated documents you sent me yesterday. Only my email re-cap concerning it is accessible. This omission needs to be remedied.

Please attach the video of that hearing. I "attended" that hearing and heard the Code Enforcement officer testify that there was evidence of human habitation in the cargo containers which were illegally on the property and that the unpermitted electrical was so dangerous someone could have been electrocuted. This information will not be in the VCM17-1037. Here is the link to the hearing Code Enforcement Appeal/Abatement Hearing **and below a synopsis.**

Please add this email to the project materials and associated documents for UPC17-0031 before the upcoming Board of Supervisors hearing on 12/13.
Nancy Richardson

File: VCM17-1037
Owners: Rene L. Cardinaux and Berta Dicke-Cardinaux
Trustees of the Cardinaux Trust dated Dec 12, 1996
Location: 4222/4233 Browns Lane, Petaluma
APN: 068-010-016
Staff: Mark Franceschi
Violation: To consider the appeal of the administrative determination to remove the commercial cannabis cultivation on the property from the Temporary Code Enforcement Penalty Relief Program. To also consider the appeal of the Sonoma County Department of Agriculture / Weights & Measures determination of a violation for cannabis cultivation exceeding allowed amounts in violation of Temporaty Penalty Relief Program requirements.

From: Haleigh Frye <Haleigh.Frye@sonoma-county.org>
Sent: Thursday, November 10, 2022 2:23 PM
To: nrchrdsn@sonic.net
Subject: RE: MORE: BROWNS LANE VCM17-1037

Good Afternoon Nancy,

Please see the below link to file materials.

https://share.sonoma-county.org/link/M2UvcmGliLY/

Best,

Haleigh Frye, Planner I
Planner I
Planning Division | Project Review
sonomacounty.ca.gov/cannabis-program
Sign up for Cannabis Program Updates

www.PermitSonoma.org
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From: nrchrdsn@sonic.net <nrchrdsn@sonic.net>
Sent: Thursday, November 10, 2022 9:56 AM
To: Haleigh Frye <Haleigh.Frye@sonoma-county.org>
Subject: MORE: BROWNS LANE VCM17-1037

EXTERNAL

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17-0031. Thanks, Nancy R.

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Subject: RE: BROWNS LANE VCM17-1037

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Planner I
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and associated documents for UPC17-0031 before the upcoming Board of Supervisors hearing on 12/13. It is a 48-page judgement from the hearing officer. A quick read will show that:

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Cc: Tyra Harrington <Tyra.Harrington@sonoma-county.org>
Date: 11/08/2022 3:35 PM
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permit SONOMA

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From:	nrchrdsn@sonic.net
To:	Haleigh Frye
Subject:	RE: PUBLIC COMMENT FOR UPC17-0031
Date:	Monday, November 14, 2022 8:53:56 AM
Attachments:	image001.png image002.png image003.png image004.png

EXTERNAL

Thanks! and a video or audio of the hearing testimony? I realize it is it about 6 hours long. Have you listened to it? N.

From: Haleigh Frye <Haleigh.Frye@sonoma-county.org>
Sent: Monday, November 14, 2022 7:39 AM
To: nrchrdsn@sonic.net
Subject: RE: PUBLIC COMMENT FOR UPC17-0031

Good Morning Nancy,

The copy of the decision is within the folder labeled Penalty Relief, the document is titled "Scanned Decision & Order VCM17-1036 4222 4233 Browns Ln, Petaluma.pdf".

Your comment has been saved to the file.

Thank you,

Haleigh Frye, Planner I
Planner I
Planning Division | Project Review
sonomacounty.ca.gov/cannabis-program
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Sent: Friday, November 11, 2022 8:43 AM
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Subject: PUBLIC COMMENT FOR UPC17-0031

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Best,

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From: nrchrdsn@sonic.net <nrchrdsn@sonic.net>
Sent: Wednesday, November 9, 2022 8:01 AM
To: Haleigh Frye <Haleigh.Frye@sonoma-county.org>
Subject: BROWNS LANE VCM17-1037

EXTERNAL

Planner Frye, Please add this email with attachment to the project materials and associated documents for UPC17-0031 before the upcoming Board of Supervisors hearing on 12/13. It is a 48-page judgement from the hearing officer. A quick read will show that:

The hearing officer denied the grower's appeal. See attached.

A quick summary:

- Kicked out of PRP
- $49K lien added to property- For hearing costs
- $283K penalties assessed - for cannabis violations for excess size and indoor
- $187 per day fine until they correct greenhouse, building and electrical violations. Fines start accruing from 2018 and 2019 dates.
- The hearing officer/judge was disgusted with the growers behavior! No attempt to follow the law, willful violations.

Thank you, Nancy Richardson

---------- Original Message ----------
From: Pam Ramirez <Pam.Ramirez@sonoma-county.org>
Cc: Tyra Harrington <Tyra.Harrington@sonoma-county.org>
Date: 11/08/2022 3:35 PM
Subject: RE: APPEAL / ABATEMENT HEARING for BROWNS LANE VCM17-1037

Good afternoon,
Attached is the Administrative Hearing Decision and Order.

Thank you,

Pam Ramirez
Secretary
www.PermitSonoma.org
County of Sonoma
Building & Safety Division/Code Enforcement
2550 Ventura Avenue, Santa Rosa, CA 95403
Direct: 707-565-1904 |
Office: 707-565-1900 | Fax: 707-565-1103

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From: nrchrdsn@sonic.net
To: Haleigh Frye
Subject: VIDEO OF THE HEARING: PUBLIC COMMENT FOR UPC17-0031
Date: Tuesday, November 15, 2022 3:10:27 PM
Attachments: image001.png
image002.png
image003.png
image004.png

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Hi Nancy,

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Haleigh Frye, Planner I
Planner I
Planning Division | Project Review
sonomacounty.ca.gov/cannabis-program
Sign up for Cannabis Program Updates

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To: nrchrdsn@sonic.net
Subject: RE: PUBLIC COMMENT FOR UPC17-0031

Good Morning Nancy,

The copy of the decision is within the folder labeled Penalty Relief, the document is titled "Scanned Decision & Order VCM17-1036 4222 4233 Browns Ln, Petaluma.pdf".

Your comment has been saved to the file.

Thank you,

Haleigh Frye, Planner I
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Sent: Friday, November 11, 2022 8:43 AM
To: Haleigh Frye <Haleigh.Frye@sonoma-county.org>
Subject: PUBLIC COMMENT FOR UPC17-0031

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Please attach the video of that hearing. I "attended" that hearing and heard the Code Enforcement officer testify that there was evidence of human habitation in the cargo containers which were illegally on the property and that the unpermitted electrical was so dangerous someone could have been electrocuted. This information will not be in the VCM17-1037. Here is the link to the hearing Code Enforcement Appeal/Abatement Hearing **and below a synopsis.**

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Nancy Richardson

File: VCM17-1037
Owners: Rene L. Cardinaux and Berta Dicke-Cardinaux
Trustees of the Cardinaux Trust dated Dec 12, 1996
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APN: 068-010-016
Staff: Mark Franceschi

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Sent: Thursday, November 10, 2022 2:23 PM
To: nrchrdsn@sonic.net
Subject: RE: MORE: BROWNS LANE VCM17-1037

Good Afternoon Nancy,

Please see the below link to file materials.

https://share.sonoma-county.org/link/M2UvcmGliLY/

Best,

Haleigh Frye, Planner I
Planner I
Planning Division | Project Review
sonomacounty.ca.gov/cannabis-program
Sign up for Cannabis Program Updates

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Sent: Thursday, November 10, 2022 9:56 AM

To: Haleigh Frye <Haleigh.Frye@sonoma-county.org>
Subject: MORE: BROWNS LANE VCM17-1037

EXTERNAL

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To: nrchrdsn@sonic.net
Subject: RE: BROWNS LANE VCM17-1037

Hello Nancy,

Your email and the decision are saved to the file.

Thank you,

Haleigh Frye, Planner I
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sonomacounty.ca.gov/cannabis-program
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From: nrchrdsn@sonic.net
To: Haleigh Frye
Subject: MORE: PUBLIC COMMENT FOR UPC17-0031
Date: Wednesday, November 16, 2022 1:19:32 PM
Attachments: image001.png
image002.png
image003.png
image004.png

EXTERNAL

Planner Frye, I am not understanding. The violations and fines are not appropriate to be discussed? Shouldn't you point them out at the hearing so the Board of Supervisors could apply conditions requiring the violations to be abated and fines paid in full before the permit can be approved? What was the purpose of the 6-hour hearing? N. R.

From: Haleigh Frye <Haleigh.Frye@sonoma-county.org>
Sent: Wednesday, November 16, 2022 7:57 AM
To: nrchrdsn@sonic.net
Subject: RE: VIDEO OF THE HEARING: PUBLIC COMMENT FOR UPC17-0031

Morning Nancy,

The Decision and recording of the abatement hearing for VCM17-1037 are not part of the Land Use Permit file for UPC17-0031. The file for UPC17-0031 includes a copy of the Decision and Order for VCM17-1037 as it references dates contained within the document, however these are separate .

If members of the public would like to view the public recording of the hearing for VCM17-1037 they must request the recording of the public hearing through the California Hearing Officers website.

Best,

Haleigh Frye, Planner I
Planner I
Planning Division | Project Review
sonomacounty.ca.gov/cannabis-program
Sign up for Cannabis Program Updates

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