

# Post-Measure W Marijuana Cultivation Ordinance

Nevada County  
Board of Supervisors

July 26, 2016

## Overview

- Consider and adopt Urgency Ordinance
  - Repealing Outdoor Cultivation Ban
  - Adopting Interim Cultivation Regulations
  - Amending Enforcement Provisions
- Authorize the Board Subcommittee to work with staff on developing a process for collecting stakeholder input and developing permanent, long-term regulations

## History

**1996: Proposition 215 passed by voters**

Created limited criminal defense related to personal possession and use of medical marijuana

**2004: SB 420 adopted by Legislature**

Provided additional guidance on Prop 215  
Extended limited criminal defense to collectives

**2012: Ordinance 2349 adopted by Board of Supervisors**

Established local regulations regarding size, location and other restrictions on medical mj cultivation  
Created appeal and enforcement process

## History

**2014: Measure S Initiative**

Would have allowed increased cultivation on most parcels in the County  
Qualified for ballot but failed to pass

**2015: MMRSA adopted by Legislature**

Comprehensive legislation related to regulating commercial cannabis activity effective January 1, 2016  
Requires State agencies to adopt additional regulations by January 1, 2018, to implement

## History

**Jan 2016: Ordinance 2405 adopted/Measure W placed on June ballot**

Ordinance amended existing regulations to ban outdoor cultivation and limit indoor cultivation to 12 plants per parcel

Measure W allowed voters to vote on certain provisions contained in Ordinance 2405, including the outdoor cultivation ban

**Feb 2016: Resolution of Intent adopted**

Board pledged to rescind the outdoor ban if Measure W failed to pass

## History

**June 7, 2016: Measure W election held**

Measure fails to pass

**June/July 2016: Board subcommittee met with stakeholders**

Requested input on potential interim regulations

Requested input on stakeholder process for establishing permanent regulations

## Stakeholder Meetings

### General Themes:

- Interim Civil Nuisance Ordinance
- Majority Remove Cultivation from Residential
- Urgency Ordinance to lift ban
- Grow sizes
  - Plant count v. square footage
  - Short term v. long term considerations
- Setbacks
- Residential Ag. zones

## Considerations in Developing Ordinance

- Urgency ordinance to lift ban-4/5ths Vote
- Balance needs of entire community
  - Measure W v. Measure S
  - Have not met with all segments of the community
- State regulations-no roll out until January 2018
- CEQA

## Proposed Ordinance

### Proposed Urgency Ordinance:

- R-1, R-2, R-3:

No Outdoor or Indoor Cultivation on any Parcel size.

## Proposed Ordinance

### Proposed Urgency Ordinance:

#### **R-A (Res. and Estate General Plan Designation):\***

- <5 acres: No Cultivation
- Over 5 to 10 acres: Max of 12 plants, Indoor Only.
- Over 10 to 20 acres: Max. 16 plants. Outdoor grow area max. of 800 sf. Max 12 plants Indoors.
- Over 20: Max. 25 plants per Parcel. Outdoor grow area max. of 1000 sf. Max 12 plants Indoors.

\*This designation denotes primarily residential uses

## Proposed Ordinance

### Proposed Urgency Ordinance:

- **Rural zones (AG, AE, FR, TPZ and RA, Rural Designation):\***
  - = or <2 acres: No cultivation, Indoor or Outdoor
  - More than 2 to 5: Max 12 plants, Indoor only
  - More than 5 acres to 10 : Max. 12 plants. Outdoor grow area max. of 600 sf. Max 12 plants Indoors.
  - More than 10 acres to 20: Max. 16 plants. Outdoor grow area max. of 800 sf. Max 12 plants Indoors.
  - Over 20 acres: Max. 25 plants . Outdoor grow area max. of 1000 sf. Max 12 plants Indoors.

\*This designation denotes equal residential and agricultural uses

## Proposed Ordinance

### Proposed Urgency Ordinance (Setbacks):

#### All Zones in which cultivation permitted:

- More than 2 acres up to 5 acres:\* 100 ft. (was 150)
- More than 5 up to 10 acres: 150 ft.
- More than 10 (5) acres up to 20 (10) acres:\* 200 ft.
- More than 20 (10) acres:\* 300 ft.

\*Measured from the border of an Outdoor staked grow area or Indoor cultivation area to the property line of an adjacent Legal Parcel under separate ownership

\*\* These were reduced after publication of the ordinance.

## Enforcement

### **Adds Administrative Penalties as Enforcement Tool**

- \$100 for 1<sup>st</sup> violation, \$200 for 2<sup>nd</sup> violation, & \$500 for 3<sup>rd</sup> violation in 12 mo. Period
- \$100 for 1<sup>st</sup> violation, \$500 for 2<sup>nd</sup> violation, & \$1000 for 3<sup>rd</sup> violation in 12 mo. Period for Building and Safety Code
- Fines assessed per violation for each day violation exists
- Each plant in violation= separate violation
- Assessed from first day of violation, regardless of abatement
- Assessed against tenants and property owners
- Includes Appeal Process
- Effective January 1, 2017

## Enforcement

### **Amends Existing Appeal Process**

- Requires that appeals be filed within 5 business days, rather than 5 calendar days
- Requires hearings to occur within 10 business days
- Allows continuances only on a showing of "good cause"

### **Amends Definition of "Enforcing Officer"**

- To include the Chief Building Official, Code Compliance and Environmental Health

## R1, R2, R3 Comparison

| <u>2349</u>                                                                                                                                                                                                                                         | <u>Measure S</u>                                                                                                                                                                                                                                                                                                                      | <u>Proposed</u>                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>&lt; 2 acres: max of 100 contiguous sq. ft. Indoors.</li> <li>2+ acres: 75 sf outdoors or 6 mature or immature plants if grown in bags or pots of 25 gallons or smaller; OR -100 sq. ft. indoors.</li> </ul> | <ul style="list-style-type: none"> <li>&lt; 2 acres: 100 sf Indoors; 200 sf if 2 or more QP live on property. No Outdoor</li> <li>&gt; 2 acres: 100 sf 200 sq. ft. if 2 or more patients live on property.</li> <li>Outdoor: 12 immature or 6 mature plants w/o greenhouse; 12 immature or 12 mature plants in greenhouse.</li> </ul> | <ul style="list-style-type: none"> <li>No Outdoor or Indoor</li> </ul> |

## Rural Comparison

| <u>2349</u>                                                                                                                                                                                                                                                                                                                                                      | <u>Measure S</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Proposed</u>                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <ul style="list-style-type: none"> <li>&lt;2 acres: 150 sf outdoors OR 100 sf. Indoor</li> <li>=2 to &lt;5 acres: 300 sf Outdoor OR 100 sq. ft. Indoor</li> <li>=5 to &lt;10 acres: 400 sf Outdoor OR 100 sq. ft. Indoor</li> <li>=10 to &lt;20 acres: 600 sf of Outdoor OR 100 sq. ft. Indoor</li> <li>20+: 1000 sf of outdoor OR 100 sq. ft. indoor</li> </ul> | <ul style="list-style-type: none"> <li>&lt;5 acres: Indoor: 100 sf per QP; 200 sf AND Outdoor: max 24 imm. or 18 mat.</li> <li>5-10 acres: Indoor: 100 sf per QP; 300 sf AND Outdoor: max 36 imm. or 24 mat.</li> <li>10-20 acres: Indoor: 100 sf per QP; 400 sf AND Outdoor: max 48 imm. or 36 mat. Plants</li> <li>20-30 acres: Indoor: 100 sf per QP; 500 sf AND Outdoor: max 60 imm. or 48 mat. Plants</li> <li>30 acres+: Indoor: 100 sf per QP; 600 sf AND Outdoor: max 99 imm. or 60 mat.</li> </ul> | <ul style="list-style-type: none"> <li>2 or less: No cultivation, Indoor or Outdoor</li> <li>&gt;2 acres-5 acres: Max 12 plants, Indoor only</li> <li>&gt;5 acres-10 acres: Max. 12 plants. Outdoor max. of 600 sf. Max 12 plants Indoors.</li> <li>&gt;10 acres-20 acres: Max. 16 plants. Outdoor max. of 800 sf. Max 12 plants Indoors.</li> <li>&gt;20 acres: Max. 25 plants. Outdoor max. of 1000 sf. Max 12 plants Indoors.</li> </ul> |



## Setback Comparison-Residential

| <u>2349</u>                                                                                                                                                                                                                           | <u>Measure S</u>                                                                                                                | <u>Proposed</u>                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <ul style="list-style-type: none"> <li>&lt;2 acres: 100 ft. from any Legal Residence or Outdoor Living area on adjacent property</li> <li>2+: 200 ft. from any Legal Residence or Outdoor Living area on adjacent property</li> </ul> | <ul style="list-style-type: none"> <li>100 ft. from any legal residence located on an adjacent separate Legal Parcel</li> </ul> | <ul style="list-style-type: none"> <li>&gt;2 acres to 5 acres: * <b>100'</b> (was 150)</li> <li>&gt;<b>5 to 10 acres:</b> <b>150'</b></li> <li>&gt;<b>10</b> (5) to <b>20</b> (10): * 200'</li> <li>&gt;<b>20</b> (10) acres: * 300'</li> </ul> <p>*Measured from the border of an Outdoor staked grow area or Indoor cultivation area to the property line of an adjacent Legal Parcel under separate ownership</p> |

## Setback Comparison-Rural

| <u>2349</u>                                                                                                                                                                                                                                          | <u>Measure S</u>                                                                                                                                                                                                                                       | <u>Proposed</u>                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <ul style="list-style-type: none"> <li>&lt;2 acres: 100'</li> <li>2 to &lt;5: 150'</li> <li>5 to &lt;10: 200'</li> <li>10 to &lt;20: 250'</li> <li>20+: 300'</li> </ul> <p>*from any Legal Residence or Outdoor Living area on adjacent property</p> | <ul style="list-style-type: none"> <li>200 ft. from any legal residence located on an adjacent separate Legal Parcel</li> </ul> <p>*Measured from the edge of the cannabis garden to the closest exterior wall of the primary residence next door.</p> | <ul style="list-style-type: none"> <li>&gt;2 acres to 5 acres: * <b>100'</b> (was 150)</li> <li>&gt;<b>5 to 10 acres:</b> <b>150'</b></li> <li>&gt;<b>10</b> (5) to <b>20</b> (10): * 200'</li> <li>&gt;<b>20</b> (10) acres: * 300'</li> </ul> <p>*Measured from the border of an Outdoor staked grow area or Indoor cultivation area to the property line of an adjacent Legal Parcel under separate ownership</p> |

## Special Issues and Challenges

- Medical Marijuana Regulation and Safety Act (MMRSA)
- California Environmental Quality Act (CEQA)

## Medical Marijuana Regulation and Safety Act (MMRSA)

### Overview:

- Enacted January 1, 2016
- Purpose:
  - To promulgate commercial cannabis regulations
  - To develop licensing scheme
  - To promulgate fine and penalty structure

## MMRSA

### State Departments:

- Department of Consumer Affairs
  - Bureau of Medical Marijuana Regulation
    - Responsible for developing regulations re: licensing, transport, other commercial activities, etc.
    - Develop standards for prescribing physicians, including background check and fingerprinting

## MMRSA

### State Departments: (con't.)

#### Department of Food and Agriculture

- Responsible for promulgating standards related to medical marijuana and its cultivation
- Responsible for environmental review, testing standards, manufacturing standards, etc.

## MMRSA

### State Regulations:

- No State license/permit structure until at least January 1, 2018
- No State license issued without local permit or "other authorization."
- Locals retain ability to regulate

## MMRSA

### Commercial Cannabis Activity:

- Cultivation: 100 sf for Qualified Pat. Or 500 sf as Qualified Caregiver (100 sf per pt.)
- Sale
- Donation
- Transport
- Testing
- Manufacturing of cannabis products (tinctures, edibles)
- Distribution

## MMRSA

### **General Requirements:**

- Seed to sale tracking
- Comply with Labor Laws
- Reporting
- Inspections by regulating agencies
- Environmental impact mitigation
- Strict Labeling Requirements

## MMRSA

### **Outdoor Cultivation License Types:\***

- Type 1A: 5,000 sf or 50 plants
- Type 2: 5,001-10,000 sf
- Type 3: 10,001-43,560 sf

\* A "cottage" license has been proposed= 2500 sf

## CEQA

- The County must comply with the California Environmental Quality Act (CEQA) when adopting regulations
- CEQA requires
  - Public study and disclosure of environmental impacts
  - Feasible mitigation measures to reduce environmental impacts to a less-than-significant level
  - Potential impacts include
    - impacts to the natural environment
    - impacts to the human-made environment
    - site-specific impacts
    - cumulative impacts
- CEQA review process takes time and money

## CEQA

**The proposed interim regulations rely upon on a series of exemptions:**

- Regulations will not result in a direct or indirect physical change in the environment
- No possibility the regulations may have a significant effect on the environment
- Minor alterations to land
- Actions to assure protection of natural resources
- Actions to assure protection of the environment

## CEQA

- Grow regulations must remain limited and modest to assert any of these exemptions
- Large/Commercial grows create potentially significant environmental impacts which require more rigorous analysis and mitigation, e.g.,
  - Water quality and availability
  - Air quality and greenhouse gases
  - Impacts to wildlife, plants, cultural resources and aesthetics
  - Hazards and hazardous materials
  - Traffic
  - Noise
  - Impacts on public safety, utilities and other public resources
  - Cumulative Countywide Impacts

## CEQA

Other public agencies are preparing full Environmental Impact Reports to support their cultivation regulations:

- **California Department of Food and Agriculture** has retained Horizon Water & Environment, LLC to prepare an Environmental Impact Report for the statewide Medical Cannabis Cultivation Program
- **Mendocino County:**
  - Adopted an ordinance significantly increasing grow sizes, relying on exemptions
  - Sued in June 2016 for failing to conduct an adequate CEQA analysis
  - July 19, 2016: Proposed resolution to commence new CEQA environmental study
- **Calaveras County** has issued Notice of Intent to Prepare an Environmental Impact Study regarding its permitting ordinance; no permits will be issued until this review is complete

## Recommendations

- Introduce, Waive Readings and Adopt Proposed Interim Urgency Ordinance
  - 4/5ths vote required
- Authorize Subcommittee to work with staff to develop process for soliciting stakeholder input and developing permanent, long-term regulations



**Ordinance 2349 (2012)**

**Measure S-(2014)**

**Current Ordinance 2405  
(Jan. 2016)**

**Contemplated Interim Ordinance**

| Cultivation Regulations:*                                                                                                                                                                                                                                                                                                  | Cultivation Regulations:                                                                                                                                                                                                                                                                                                                                                   | Cultivation Regulations:                                                                                                 | Cultivation Regulations:*                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Parcel Type/Grow Sizes:</u>                                                                                                                                                                                                                                                                                             | <u>Parcel Type/Grow Sizes:</u>                                                                                                                                                                                                                                                                                                                                             | <u>Parcel Type/Grow Sizes:</u>                                                                                           | <u>Parcel Type/Grow Sizes:</u>                                                                                                                                                                                                                                                                                                                                                      |
| <p><b><u>R-1, R-2, R-3 :</u></b></p> <p>Less than 2 acres: max of 100 contiguous sq. ft. Indoors.</p> <p>2 or more acre parcels:</p> <p>-75 contiguous sq. ft., clearly distinguished area, outdoors or 6 mature or immature plants if grown in bags or pots of 25 gallons or smaller; OR</p> <p>-100 sq. ft. indoors.</p> | <p><b><u>R-1, R-2, R-3:</u></b></p> <p>Less than 2 acres: 100 sq. ft. Indoors;</p> <p>200 sq. ft. if 2 or more patients live on property.</p> <p>No Outdoor</p> <p>Greater than 2 acres: 100 sq. ft. 200 sq. ft. if 2 or more patients live on property.</p> <p>Outdoor: 12 immature or 6 mature plants w/o greenhouse; 12 immature or 12 mature plants in greenhouse.</p> | <p><b><u>All Zones:</u></b></p> <p>No Outdoor Cultivation</p> <p>Indoor limited to 12 plants in one contiguous area.</p> | <p><b>R-1, R-2, R-3: (Growers generally agreed at first meeting should be out of res.)</b></p> <p>No Outdoor or Indoor Cultivation on any Parcel size.</p> <p><b><u>R-A (Res. and Estate General Plan Designation):</u></b></p> <p>-No Cultivation on parcels equal to or less than 5 acres.</p> <p>-Over 5 acres up to 10 acres: Maximum of 12 plants per Parcel, Indoor Only.</p> |

| <u>(Ordinance 2349)</u>                                                                                                                                                                                                                                                                                                                                                                                                               | <u>(Measure S)</u>                                                                                                                                                                                                                                                                                                                                                                             | <u>(Current Ord. 2405)</u> | <u>(Contemplated Interim Ordinance)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p><u>Rural zones (AG, AE, FR, or TPZ):</u></p> <p>Less than 2 acres: 150 contiguous sq. ft. outdoors OR 100 contiguous sq. ft. Indoor</p> <p>2 but less than 5 acres: 300 contiguous sq. ft. Outdoor OR 100 contiguous sq. ft. Indoor</p> <p>5 but less than 10 acres: 400 contiguous sq. ft. Outdoor OR 100 sq. ft. Indoor</p> <p>10 but less than 20 acres: 600 contiguous sq. ft. of Outdoor OR 100 contiguous sq. ft. Indoor</p> | <p><u>Rural Zones: AG, AE, FR and TPZ:</u></p> <p>Less than 5 acres: Indoor: 100 sq. ft. per qualified patient; 200 sq. ft. AND<br/>Outdoor: max 24 immature or 18 mature plants</p> <p>5-10 acres: Indoor: 100 sq. ft. per qualified patient; 300 sq. ft. AND<br/>Outdoor: max 36 immature or 24 mature plants</p> <p>10-20 acres: Indoor: 100 sq. ft. per qualified patient; 400 sq. ft.</p> |                            | <p>-Over 10 acres up to 20 acres: Maximum of 16 plants per Parcel, Indoor or Outdoor, or combination of both. Outdoor grow area not to exceed 800 square feet, one contiguous staked area. Max 12 plants Indoors.</p> <p>--Over 20 acres: Maximum of 25 plants per Parcel, Indoor or Outdoor, or combination of both. Outdoor grow area not to exceed 1000 square feet, one contiguous staked area. Max 12 plants Indoors.</p> <p><u>Rural zones (AG, AE, FR, TPZ and RA, Rural Designation):</u></p> <p>Equal to or less than 2 acres: No cultivation, Indoor or Outdoor</p> <p>More than 2 acres up to 5 acres: Max 12 plants, Indoor only</p> <p>More than 5 acres up to 10 acres: Maximum of 12 plants per Parcel, Indoor or Outdoor or combination of both. Outdoor grow area not to exceed 600 square feet, one contiguous staked area.</p> |

| <u>(Ordinance 2349)</u>                                                                                                                                                                                                                                                        | <u>(Measure S)</u>                                                                                                                                                                                                                                                                                                                                                            | <u>(Current Ord. 2405)</u>                                                                                                                   | <u>(Contemplated Interim Ordinance)</u>                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>20 ore more acres: 1000 contiguous sq. ft. of outdoor OR 100 contiguous sq. ft. indoor</p>                                                                                                                                                                                  | <p>AND<br/>Outdoor: max 48 immature or 36 mature plants</p> <p>20-30 acres: Indoor: 100 sq. ft. per qualified patient; 500 sq. ft. AND<br/>Outdoor: max 60 immature or 48 mature plants</p> <p>30 acres+: Indoor: 100 sq. ft. per qualified patient; 600 sq. ft. AND<br/>Outdoor: max 99 immature or 60 mature plants</p> <p>All Other Zones: All Allowed, No limitations</p> |                                                                                                                                              | <p>More than 10 acres up to 20 acres: Maximum of 16 plants per Parcel, Indoor or Outdoor or combination of both. 12 plant maximum Indoor. Outdoor grow area not to exceed 800 square feet, one contiguous staked area.</p> <p>More than 20 acres: Maximum of 25 plants per</p> <p>Parcel, Indoor or Outdoor or combination of both. 12 plant maximum Indoor. Outdoor grow area not to exceed 1000 square feet, one contiguous staked area.</p> |
| <p><u>Setbacks:</u></p> <p><b><u>R-1, R-2, R-3 or R-A:</u></b></p> <p>Less than 2 acres: 100 ft. from any Legal Residence or Outdoor Living area on adjacent property</p> <p>2 or more acres: 200 ft. from any Legal Residence or Outdoor Living area on adjacent property</p> | <p><u>Setbacks:</u></p> <p><b><u>R-1, R-2, R-3 or R-A:</u></b></p> <p>100 ft. from any legal residence located on an adjacent separate Legal Parcel measured from the edge of the cannabis garden to the closest exterior wall of the primary residence next door.</p>                                                                                                        | <p><u>Setbacks:</u></p> <p><b><u>All Zones:</u></b></p> <p>100 ft. from any Legal Residence or Outdoor Living Area on adjacent Property.</p> | <p><u>Setbacks:</u></p> <p><b><u>All Zones:**</u></b></p> <p>More than 2 acres up to 5 acres: 100 ft.</p> <p>More than 5 acres up to 10 acres: 150 ft.</p> <p>More than 10 to 20 acres: 200 ft.</p> <p>More than 20 acres: 300 ft.</p>                                                                                                                                                                                                         |

| <u>(Ordinance 2349)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>(Measure S)</u>                                                                                                                                                                                                                            | <u>(Current Ord. 2405)</u>                                                                                                   | <u>(Contemplated Interim Ordinance)</u>                                                                                                                         |
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| <u>Rural Zones (AG, AE, FR, or TPZ):</u><br>Less than 2 acres: 100 ft. from any Legal Residence or Outdoor Living area on adjacent property<br>2 but less than acres 5: 150 ft. from any Legal Residence or Outdoor Living area on adjacent property<br>5 but less than 10 acres: 200 ft. from any Legal Residence or Outdoor Living area on adjacent property<br>10 but less than 20 acres: 250 ft. from any Legal Residence or Outdoor Living area on adjacent property<br>20 or more acres: 300 ft. from any Legal Residence or Outdoor Living area on adjacent property | <u>Rural Zones: (RA, AG, AE, FR, or TPZ):</u><br>200 ft. from any legal residence located on an adjacent separate Legal Parcel measured from the edge of the cannabis garden to the closest exterior wall of the primary residence next door. |                                                                                                                              | **Measured from the border of an Outdoor staked grow area or Indoor cultivation area to the property line of an adjacent Legal Parcel under separate ownership. |
| <u>Enforcement:</u><br>Abatement hearings with costs/fees associated with abatement. If abated before hearing, no fees/costs                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>Enforcement:</u><br>No change                                                                                                                                                                                                              | <u>Enforcement:</u><br>Abatement hearings with costs/fees associated with abatement. If abated before hearing, no fees/costs | <u>Enforcement:</u><br>Abatement costs/fees: no change                                                                                                          |

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| <p>Timeline:</p> <ul style="list-style-type: none"> <li>• 5 calendar days to appeal</li> <li>• Hearing set between 5-30 days from appeal request</li> <li>• Service of notice deemed complete 3 days from date placed in mail, if not personally served</li> </ul> |  | <p>Timeline:</p> <ul style="list-style-type: none"> <li>• 5 calendar days to appeal</li> <li>• Hearing set between 5-30 days from appeal request</li> <li>• Service of notice deemed complete 3 days from date placed in mail, if not personally served</li> </ul> | <p>Timelines:</p> <ul style="list-style-type: none"> <li>• 5 business days to appeal</li> <li>• Hearing set between 5-20 days from appeal request</li> <li>• Service of notice deemed complete on date placed in mail</li> </ul> <p><u>Administrative Penalties:</u><br/> \$100 per day/per violation<br/> \$200 per day/per violation<br/> \$500 per day/per violation</p> <p>Each plant=separate violation<br/> Each day nuisance continues= separate violation</p> <p><u>Building/Safety Violations:</u><br/> \$100 per day/per violation<br/> \$500 per day/per violation<br/> \$1000 per day/per violation</p> <p>Penalties subject to appeal process.</p> <p>Penalty provisions effective 1/1/2017.</p> |
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\* State Regulation and Growers use 100 sq. ft. per plant ratio