



County of Sonoma

State of California

Date: March 16, 2021

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Consenting to Amendments to the Covenants, Conditions and Restrictions of the Pool Creek
Homeowners Association**

Whereas, on about December 16, 1982, the Covenants, Conditions & Restrictions (CC&Rs) for the Pool Creek Subdivision were approved by the County of Sonoma, in conjunction with the subdivision recorded at Book 342, Pages 1-7 in the Official Records of the Sonoma County Recorder's Office.

Whereas, Article I, Section 2, of the Pool Creek Subdivision's CC&Rs name the Board of Supervisors of the County of Sonoma third-party beneficiary and state that amendments to the CC&Rs to add use restrictions and modify insurance require Board consent to be valid.

Whereas, on about March 9, 2019, the Pool Creek Homeowners Association (HOA) approved amending the CC&Rs for the Pool Creek Subdivision to add provisions prohibiting commercial cannabis and vacation rentals on any lots within the HOA, and to institute liability insurance against any liability incident to occupation or use of its Common Area and lots.

Whereas, the Pool Creek Homeowners Association seeks the County's approval of its March 9, 2019 amendments.

Whereas, the County of Sonoma has no duty to and is not obligated to enforce the CC&Rs of the Pool Creek Subdivision, nor do changes in CC&Rs change the land use authority of the County of Sonoma.

Whereas, the amendments to the Pool Creek Subdivision CC&Rs for which the Pool Creek HOA presently seeks the County of Sonoma’s approval constitute use restrictions and insurance modifications.

Now, Therefore, Be It Resolved, that the Board of Supervisors finds the amendments to the Pool Creek CC&Rs that the HOA approved on March 9, 2019 to be consistent with the conditions of approval of the Pool Creek Subdivision, and hereby consents to the amendments as follows:

1. To Article X approve addition of new subsection (y) Commercial Cannabis. No Lot, Common Area, or any other portion of the subject property, or building or other structure constructed, erected, altered, or maintained thereon, may be used for or in connection with commercial cannabis cultivation, processing, or operations of any kind. Any use within the Subdivision for such purposes shall be deemed a nuisance. Membership Vote (7-1)
2. To Article X approve addition of new subsection (x) Vacation Rentals. No building or other structure, whether temporary or permanent, located upon any portion of the subject property may be used as a “Vacation Rental.” The term Vacation Rental, as used herein, shall mean rental to a tenant or subtenant of all, or any portion of, a building or structure for a period of thirty (30) days or less. In the event of a use that is in violation of this paragraph, the Association shall have all right and authority to take all action necessary to evict the tenant, and the owner shall be deemed to have conferred said right and authority upon the Association.
3. Approve modification of Article VI, Paragraph 1.D. to read as follows: Liability insurance insuring the Association and owners against any liability to the public or to any owner, their invitees or tenants incident to their occupation or use of the Common Area and the lots in a combined personal injury and property damage coverage of liability not less than one million dollars (\$1,000,000.00) for each occurrence and two million dollars (\$2,000,000.00) in the aggregate. Coverage to be reviewed at least annually by the Association and increased in its discretion.

Supervisors:

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| Gorin: | Coursey: | Hopkins:Ayes: | Absent: |
| Rabbitt: | Gore: | Noes: | Abstain: |

So Ordered.

