



County of Sonoma

State of California

Date: January 26, 2021

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Rescinding Original Jurisdiction Over the Conditional Use Permit Application for a Commercial Cannabis Cultivation Operation Located at 885 Montgomery Road, Sebastopol; APN 077-130-095.

Whereas, Misty Mountain Services, LLC. has applied for a five-year Conditional Use Permit for a commercial cannabis cultivation operation consisting of 38,484 square feet of outdoor cultivation, 1,547 square feet of indoor cultivation, 1,414 square feet of indoor cultivation, and 504 square feet of associated processing; with three full-time employees; hours of operation would be 6:00 AM to 8:00 PM, seven days a week; located on a 10-acre parcel located at 885 Montgomery Road, Sebastopol; APN 077-130-095; Zoned DA (Diverse Agriculture), Combining District B6 and Riparian Corridor 100/50; Supervisorial District 5; and

Whereas, Rule 36 of the Procedural Rules of the Board of Supervisors provides that any member may request the Board to exercise original jurisdiction over a use permit or planning application, except in cases where state law requires a recommendation of the Planning Commission prior to action by the Board on the matter; and

Whereas, a Rule 36 of the Procedural Rules of the Board of Supervisors further provides that a request to exercise original jurisdiction shall be filed in writing with the Clerk, or made orally at a Board meeting, prior to any decision by a lower level decision maker approving or denying the subject application; and specifies that a request to exercise original jurisdiction need not state the reasons for the request but shall be brought as a noticed agenda item to the full Board for majority approval; and

Whereas, the section 26-92-155 of the Sonoma County Code provides the procedures for the board of supervisors, upon its own initiative, to exercise original jurisdiction over applications filed pursuant to chapter 26 of the Sonoma County Code; and

Whereas, on December 17, 2019, the Board of Supervisors approved the request of the Cannabis Ad Hoc, comprised of Supervisors Gore and Supervisor Hopkins, to exercise original jurisdiction over 19 conditional use permit applications, including this one; and

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Whereas, On December 23, 2020 Supervisor Hopkins filed a written request with the Clerk of the Board requesting that the Board rescind its prior approval of the request to exercise original jurisdiction; and

Whereas, on January 26, 2021, the Board of Supervisors considered Supervisor Hopkins' request at a public meeting for which notice was given and the meeting was conducted in compliance with applicable law; and

Now, Therefore, Be It Resolved that the Board of Supervisors hereby rescinds original jurisdiction over UPC18-0001, a Conditional Use Permit application for a commercial cannabis cultivation operation located at 885 Montgomery Road; Sebastopol; APN 077-130-095. The application shall be heard by the Board of Zoning Adjustments, as appropriate. A decision by such lower body may be appealed to the Board of Supervisors; and

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other materials which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Rabbitt:

Coursey:

Gore:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.