



## Legislation Details (With Text)

**File #:** 2019-1489  
**Type:** Consent Calendar Item **Status:** Agenda Ready  
**File created:** 9/23/2019 **In control:** Permit and Resource Management  
**On agenda:** 10/15/2019 **Final action:**  
**Title:** Withdrawal of Appeal of a Use Permit approval to allow the Luma California commercial cannabis cultivation operation at 2275 Roberts Road in Penngrove. UPC17-0090  
**Sponsors:** Permit and Resource Management  
**Indexes:**  
**Attachments:** 1. Summary Report, 2. Appeal Form 6-24-2019, 3. Withdrawal Request 9-17-2019

Date	Ver.	Action By	Action	Result
10/15/2019	1	Board of Supervisors	Approved as recommended	Pass

**To:** Board of Supervisors  
**Department or Agency Name(s):** Permit Sonoma  
**Staff Name and Phone Number:** Crystal Acker, (707) 565-8357  
**Vote Requirement:** Majority  
**Supervisory District(s):** First

**Title:**  
Withdrawal of Appeal of a Use Permit approval to allow the Luma California commercial cannabis cultivation operation at 2275 Roberts Road in Penngrove. UPC17-0090

**Recommended Action:**

Consent to the appellant's voluntary request to withdraw their appeal of a Board of Zoning Adjustments decision (Resolution 19-016) to approve a Use Permit application for the Luma California commercial cannabis cultivation operation.

Appellant (requesting appeal withdrawal): Tina Wallis, attorney, on behalf of Residents and Landowners against commercial cannabis on Roberts Road.  
(First District)

**Executive Summary:**

On June 13, 2019 the Board of Zoning Adjustments (BZA) considered and approved an application for a Use Permit, and an associated Mitigated Negative Declaration, for a 5-year limited term Conditional Use Permit for a commercial cannabis operation consisting of: (1) a 10,000-square foot outdoor cultivation area, (2) a 10,000-square foot mixed light cultivation area, (3) a 5,000-square foot indoor cultivation area, (4) 5,000 square feet of propagation area and associated processing and storage uses on a 15-acre parcel located at 2275 Roberts Road, Penngrove, California. The application was approved unanimously (5-0).

Tina Wallis, on behalf of Residents and Landowners against commercial cannabis on Roberts Road, filed a timely appeal of the BZA decision on June 24, 2019, stating that "the county's actions do (not) comply with CEQA and any other basis allowed by law." Shortly after filing of the appeal, County staff were informed by the

appellant that negotiations with the applicant were in process and that a withdrawal of the appeal may be requested, if a settlement agreement was reached between the applicant and the appellant.

On September 17, 2019, the appellant submitted a formal request to Permit Sonoma to withdraw the appeal. Pursuant to County Code §26-92-160(c), an appeal may be withdrawn with Board of Supervisors consent.

**Discussion:**

Pursuant to County Code §26-92-160, any interested person may appeal any decision made by the Board of Zoning Adjustments to the Board of Supervisors. Subsection (c) of this regulation allows that “any appeal filed pursuant to this section may be withdrawn where the appellant requests such withdrawal and the board of supervisors consents.”

Permit Sonoma received a formal request to withdraw the appeal from the appellant on September 17, 2019. The appellant cited simply that they wished to withdraw the appeal of the Board of Zoning Adjustments’ adoption of a Mitigated Negative Declaration and approval of UPC17-0090.

**Prior Board Actions:**

None

**FISCAL SUMMARY**

None. The cost of this appeal and permit process is paid by the applicant.

**Narrative Explanation of Fiscal Impacts:**

None

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

1. Appeal Form 6-24-2019
2. Withdrawal Request 9-17-2019

**Related Items “On File” with the Clerk of the Board:**

None