



## Legislation Details (With Text)

**File #:** 2020-1302  
**Type:** Consent Calendar Item      **Status:** Agenda Ready  
**File created:** 12/14/2020      **In control:** Board of Supervisors District 5  
**On agenda:** 1/26/2021      **Final action:**  
**Title:** Rescind Original Jurisdiction for Conditional Use Permit - Misty Mountain Services - UPC18-0001  
**Sponsors:** Board of Supervisors  
**Indexes:**  
**Attachments:** 1. Summary Report, 2. Draft Resolution

Date	Ver.	Action By	Action	Result
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**To:** Board of Supervisors  
**Department or Agency Name(s):** Board of Supervisors  
**Staff Name and Phone Number:** Supervisor Lynda Hopkins, 707-565-2241  
**Vote Requirement:** Majority  
**Supervisorial District(s):** Fifth

**Title:**  
Rescind Original Jurisdiction for Conditional Use Permit - Misty Mountain Services - UPC18-0001

**Recommended Action:**  
Adopt a Resolution rescinding original jurisdiction for the Conditional Use Permit application for a commercial cannabis cultivation operation located at 885 Montgomery Road, Sebastopol; APN: 077-130-095. (Fifth District)

**Executive Summary:**  
Today's actions would rescind original jurisdiction for the Conditional Use Permit application for a commercial cannabis cultivation operation located at 885 Montgomery Road in Sebastopol. The permit application would proceed through the public hearing process by first being heard by the Board of Zoning Adjustments. If the decision of the Board of Zoning Adjustments is appealed, the Board of Supervisors will then hear the permit application.

**Discussion:**  
The Conditional Use Permit application (UPC18-0001) proposes 38,484 square feet of outdoor cultivation, 1,547 square feet of indoor cultivation, 1,414 square feet of indoor propagation, and 504 square feet of associated processing and commercial cannabis on a 10-acre parcel. The operator has been cultivating since May 2016 and is currently allowed to cultivate 38,484 square feet of outdoor cultivation and 2,961 square feet of indoor cultivation under the Penalty Relief Program.

On December 17, 2019, the Board of Supervisors exercised original jurisdiction over 19 conditional use permit applications. This particular conditional use permit application (UPC18-0001) Original Jurisdiction hearing was publicly noticed for the August 12, 2020 Board of Supervisors agenda. However, the item was continued to an

uncertain date and time.

On December 23, 2020, the Fifth District Supervisor requested that original jurisdiction over this one permit application be rescinded so that it will proceed through the typical public hearing process for land use applications. Upon rescission of original jurisdiction, the Board of Zoning Adjustments will hear the permit application. If the decision of the Board of Zoning Adjustments is appealed, the Board of Supervisors would then hear the permit application.

The remaining conditional use permit applications over which the Board of Supervisors exercised original jurisdiction on December 17, 2019 will either:

- A. If project scope applies, the permit application will move through the process established by the new Cannabis Ordinance, if adopted by the Board in Spring 2021; or
- B. As established by the original jurisdiction process, the permit applications will be scheduled for Board of Supervisors consideration on the 2021 Board calendar as they are deemed ready by Permit Sonoma planning staff.

In accordance with Sonoma County Code Section 26-92-155, the request must be considered by the full Board at a public and noticed meeting. The Sonoma County Code states that a request to exercise original jurisdiction need not state the reasons for the request.

**Prior Board Actions:**

12/17/2019 - Board of Supervisors exercised original jurisdiction over 19 cannabis use permit applications.

<https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=4283181&GUID=B3E39CB0-BFC3-4DEA-97C2-DF57700DDED3&Options=&Search=>

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 20-21 Adopted</b>	<b>FY21-22 Projected</b>	<b>FY 22-23 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

This is an at-cost planning application. The applicant pays processing costs.

**Staffing Impacts:**

Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

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

N/A

**Attachments:**

Draft Board of Supervisors Resolution

**Related Items "On File" with the Clerk of the Board:**

None.