Legislation Text

File #: 2020-0801, **Version:** 1

To: Board of Supervisors
Department or Agency Name(s): Permit Sonoma
Staff Name and Phone Number: Scott Orr, (707) 565-1754
Vote Requirement: Majority
Supervisorial District(s): First

Title:
Withdrawal of Appeal of a Use Permit approval to allow the CL5, LLC commercial cannabis cultivation operation at 4065 Grange Road, Santa Rosa. UPC17-0082

Recommended Action:
Consent to the appellant's voluntary request to withdraw their appeal of a Board of Zoning Adjustments decision (Resolution 19-026) to approve a Use Permit application for the CL5, LLC commercial cannabis cultivation operation. Appellant (requesting appeal withdrawal): Craig Harrison, on behalf of Bennett Valley Citizens for a Ban on Commercial Marijuana Facilities. (First District)

Executive Summary:
On November 14, 2019 the Board of Zoning Adjustments (BZA) considered and approved an application for a Use Permit, for a 5-year limited term Conditional Use Permit for a commercial cannabis operation consisting of a 5,000-square foot specialty outdoor cultivation area located at 4065 Grange Road, Santa Rosa, California. The application was approved unanimously (5-0).

Craig Harrison, on behalf of Bennett Valley Citizens for a Ban on Commercial Marijuana Facilities, filed a timely appeal of the BZA decision on November 19, 2019, stating that (1) the grower's false and misleading statements require rejecting the permit; (2) the criminal conduct of the landowner requires rejecting the permit; (3) the project violates the Bennett Valley Plan; (4) the access road fails to meet fire safe standards; (5) the applicant has no road easement over Bunnell Road; and (6) the project is not exempt from CEQA.

On May 28, 2020, 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 Pursuant to County Code §26-92-160(c), an appeal may be withdrawn with Board of Supervisors consent.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 Subsection (c) of this regulation allows that "any appeal filed pursuant to this section may be withdrawn where the appellant requests such withdrawal and the board of supervisors consents."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 May 28, 2020. The appellant cited simply that they wished to withdraw the appeal of the Board of Zoning Adjustments' approval of UPC17-0082.

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:
ATT 1: Appeal Letter dated 11-19-2019
ATT 2: Withdrawal Request dated 5-28-2020

Related Items "On File" with the Clerk of the Board:
None