



## Legislation Text

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**File #:** 2020-1368, **Version:** 1

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**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:**

UPC17-0013 Withdrawal of Appeal of a Use Permit approval to allow the Pool Ridge Farms, LLC commercial cannabis cultivation operation at 2425 Pool Ridge Road, Guerneville.

**Recommended Action:**

Consent to the appellant's voluntary request to withdraw their appeal of a Board of Zoning Adjustments decision (Resolution 20-009) to approve a Use Permit application for the Pool Ridge Farms, LLC commercial cannabis cultivation operation.

Appellants (requesting appeal withdrawal): Kristin Leimkuhler & Jeffrey Wilk. (First District)

**Executive Summary:**

On August 13, 2020 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 17,000-square foot medium outdoor cultivation area located at 2425 Pool Ridge Road, Guerneville, California. The application was approved unanimously (5-0).

Kristin Leimkuhler and Jeffrey Wilk filed a timely appeal of the BZA decision on August 21, 2020, stating that: 1) the water supply is based on false assumptions; 2) neighboring wells will be effected by the project; 3) there will be significant traffic impacts; 4) unauthorized tree removal took place in 2017; and 5) penalty relief violations occurred; and 6) the CEQA determination was incorrect.

On October 4, 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 Pursuant to County Code §26-92-160(c), an appeal may be withdrawn with Board of Supervisors consent.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 Subsection (c) of this regulation allows that "any appeal filed pursuant to this section may be withdrawn where the appellant requests such withdrawal and the board of supervisors consents."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 October 4, 2020. The appellants stated that they were able to get a well yield test that was to their satisfaction and that they no longer have a sufficient reason to appeal of the Board of Zoning Adjustments' approval of UPC17-0013.

**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 8-21-2020

ATT 2: Withdrawal Request dated 10-4-2020

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

None