



## Legislation Text

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**File #:** 2020-1386, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Hannah Spencer, (707) 565-1928

**Vote Requirement:** Majority

**Supervisory District(s):** Fifth

**Title:**

UPE11-0034 Withdrawal of Appeal of a Use Permit approval to allow the MKOR Holdings, LLC Camp Outback campground at 16101 Neeley Rd., Guerneville.

**Recommended Action:**

Consent to the appellant's voluntary request to withdraw their appeal of a Board of Zoning Adjustments decision (Resolution 13-009) to approve a Use Permit application for the Camp Outback 20-space campground at 16101 Neeley Rd., Guerneville; APN 071-290-030; Permit Sonoma File No. UPE11-0034; (Fifth District).

Appellant (requesting appeal withdrawal): Michael Skaggs (former owner/applicant)

**Executive Summary:**

On April 18, 2013 the Board of Zoning Adjustments (BZA) considered and approved an application for a Use Permit subject to conditions of approval, to legalize a 20-space campground with a maximum of 80 campers per night and hosting up to 10 events per year with a maximum of 200-people for any event on an 11.35 acre parcel known as 'Camp Outback'. The application was approved on a majority vote, 4-0-0-1 vote. Four Commissioners voted in favor of the application, one abstained.

On April 25, 2013, the applicant filed a timely appeal of the BZA decision to approve the Use Permit subject to conditions of approval, specifically conditions #11 thru 14 and 21. The appeal states that 1) the use of the site as a campground is "a historically vested use"; and 2) the cost of conditions will create a financial hardship and that they will be unable to carry out the project.

On March 2, 2018, the appellant (applicant) 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 Pursuant to County Code §26-92-160(c), an appeal may be withdrawn with Board of Supervisors consent.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 Subsection (c) of this regulation allows that "any appeal filed pursuant to this section may be withdrawn where the appellant requests such withdrawal and the board of supervisors consents."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 March 2, 2018. The

appellant stated 1) they are rescinding their appeal based on their understanding that the fines (code enforcement penalties) would stop accruing daily; and 2) that they plan to sell the property and want to ensure the campground use permit might be an option for a future buyer of the property.

**Background:**

The project site was an amusement park, J's Amusements, allowed by use permit, for many years starting in the early 1960's through the early 2000's. After the amusement park ceased operation the owners began offering camping as a permanent use of the site in 2011. The campground received a Notice of Violation for the use of the site as a campground without the proper permits. As a result of one of the violations the application for a campground and events Use Permit was made.

On April 18, 2013 the Board of Zoning Adjustments approved the project with conditions. On April 25, 2013 the applicant appealed the conditions of approval, particularly conditions #11 thru 14 and 21. The applicant's appeal of the conditions of approval effectively suspended the Use Permit. The applicant continued to use the site for a campground and event center incurring multiple violations. During the floods of 2017 the site was evaluated by Permit Sonoma for damage. As a result of that inspection building code violations were also opened for unsafe structures on the site. Ultimately the violations were presented to Vanessa Aching Davenport, Esq., Administrative Hearing Officer in August and September of 2017. Her decision was published on November 1, 2017. The decision included directions on the subject Use Permit requiring the owner to either pay the required at-cost fees or withdraw the appeal within 60 days of the decision.

On March 18, 2018, the applicant submitted a request to withdraw his appeal to Permit Sonoma, stating that 1) they are rescinding their appeal based on their understanding that the fines would stop accruing daily; and 2) that they plan to sell the property and want to ensure the campground use permit might be an option for a future buyer of the property.

On July 30, 2018, MKOR Holdings, LLC acquired ownership of the property. Although the request to withdraw the appeal was filed almost three years ago, Permit Sonoma was not able to process the request until December 2020, when the new owner's lessee, Shelter Co. LLC, paid the outstanding application fees owed to Permit Sonoma.

**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 4-25-2013

ATT 2: Withdrawal Request dated 3-2-2018

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

None