



## Legislation Details (With Text)

**File #:** 24-0275 **Version:** 1

**Type:** Agenda Item **Status:** Approved

**File created:** 1/30/2024 **In control:** Board of Supervisors

**On agenda:** 3/5/2024 **Final action:** 3/5/2024

**Title:** HEARING - To consider appeal received from Alice Clary (CCUP-A24-0001) appealing the Planning Commission's January 25, 2024 approval of Commercial Cannabis Use Permit CCUP21-0002 for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis, on property identified by Assessor's Parcel Number 093-032-071, consisting of 57.29 acres, in the Somerset area, submitted by David Harde; and staff recommending the Board of Supervisors take the following action:

1) Deny appeal CCUP-A24-0001 and uphold the Planning Commission's approval of Commercial Cannabis Use Permit CCUP21-0002 based on the Findings (Attachment H) and subject to the Conditions of Approval (Attachment I) as presented; and

2) Adopt and Authorize the Chair to sign Resolution 037-2024, denying appeal CCUP21-A24-0001 of CCUP21-0002 and adopting Findings of Fact (Attachment C).

**FUNDING:** Privately-funded appeals for applicant-funded project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Appeal Form - CCUP-A24-0001, 2. B - Staff Memo Appeal Final, 3. Revised B - Staff Memo Appeal Final, 4. C -Resolution of Appeal Denial, 5. E - Staff Report CCUP21-0002, 6. F - Staff Report CCUP21-0002 Exhibits A-J, 7. G - Staff Report CCUP21-0002 Exhibit K, 8. H - Findings CCUP21-0002, 9. I - Conditions of Approval CCUP21-0002, 10. J - Staff Memo - COA 25 and 56, 11. K - Odor Neutralizer Memo, 12. L - Pioneer Blue School Bus Route, 13. Public Comment Rcvd 3-5-2024 BOS 3-5-2024.pdf, 14. Public Comment BOS Rcvd. 3-5-2024, 15. Public Comment BOS Rcvd. 3-4-2024, 16. Public Comment BOS Rcvd. 3-1-2024, 17. Public Comment BOS Rcvd. 2-29-2024, 18. Executed Resolution 037-2024, 19. RECEIPT Notice of Determination, 20. FILED Notice of Determination

Date	Ver.	Action By	Action	Result
3/5/2024	1	Board of Supervisors	Not Approved (See Minutes)	
3/5/2024	1	Board of Supervisors	Approved	Pass

**HEARING** - To consider appeal received from Alice Clary (CCUP-A24-0001) appealing the Planning Commission's January 25, 2024 approval of Commercial Cannabis Use Permit CCUP21-0002 for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis, on property identified by Assessor's Parcel Number 093-032-071, consisting of 57.29 acres, in the Somerset area, submitted by David Harde; and staff recommending the Board of Supervisors take the following action:

1) Deny appeal CCUP-A24-0001 and uphold the Planning Commission's approval of Commercial Cannabis Use Permit CCUP21-0002 based on the Findings (Attachment H) and subject to the Conditions of Approval (Attachment I) as presented; and

2) Adopt and Authorize the Chair to sign Resolution **037-2024**, denying appeal CCUP21-A24-0001 of CCUP21-0002 and adopting Findings of Fact (Attachment C).

**FUNDING:** Privately-funded appeals for applicant-funded project.

## **DISCUSSION / BACKGROUND**

On January 25, 2024 (File No. 24-0114, Item No. 4), the Planning Commission held a public hearing to consider a request for a Commercial Cannabis Use Permit (CCUP21-0002) for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis, on the property identified by Assessor's Parcel Number 093-032-071, in the Somerset area, submitted by Davide Harde. The Planning Commission approved Commercial Cannabis Use Permit CCUP21-0002 with a four (4) to zero (0) vote with one (1) abstention.

Timely filed on February 5, 2024, appeal CCUP-A24-0001 submitted by Alice Clary (Attachment A), requests appealing the Planning Commission's January 25, 2024 approval of Commercial Cannabis Use Permit CCUP21-0002 for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis, on the property identified by Assessor's Parcel Number 093-032-071.

Staff's response to the appeal and conclusions are detailed in a Staff Memo attached as Attachment B.

## **ALTERNATIVES**

The Board could choose to approve appeal CCUP21-A24-0001 submitted by Alice Clary and deny Commercial Cannabis Use Permit CCUP21-0002.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

## **FINANCIAL IMPACT**

An appeal fee of \$450 has been collected for appeal, CCUP-A24-0001; however, staff costs associated with this appeal exceed the collected fees.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

If the Appeal is denied

- 1) Clerk of the Board to obtain signature of Chair on one (1) original Resolution; and
- 2) Clerk of the Board to return one (1) fully executed Resolution to Planning and Building, attn. Christopher Smith.

## **STRATEGIC PLAN COMPONENT**

Good Governance: Evaluate the requests and recommendations based on complete assessment of the best available information, with the goal of reaching well informed decisions.

## **CONTACT**

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