



Legislation Details (With Text)

File #: 23-1823 **Version:** 2

Type: Agenda Item **Status:** Approved

File created: 9/22/2023 **In control:** Board of Supervisors

On agenda: 11/7/2023 **Final action:** 11/7/2023

Title: HEARING - To consider two (2) appeals received appealing the Planning Commission's August 24, 2023 approval of Green Gables Growers Commercial Cannabis Use Permit CCUP20-0004 and Variance V23-0002 to request a Commercial Cannabis Use Permit for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis and a Variance for reduction of the 1,500 foot setback from two (2) school bus stops, on the property identified as Assessor's Parcel Number 087-021-057, consisting of 105.9-acres in the Latrobe area, submitted by Robert Sandie; and staff recommending the Board of Supervisors take one of the following actions:
 1) Deny the appeals and uphold the approval of CCUP20-0004 and V23-0002 Green Gables Growers, based on the Findings and subject to the Conditions of Approval as approved by the Planning Commission; or
 2) Approve the appeals and deny the approval of CCUP20-0004 and V23-0002 Green Gables Growers based on the attached Findings for Denial. (Supervisory District 2) (Cont. 10/10/2023, Item 32)

FUNDING: Privately-funded appeal for applicant-funded project.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Appeal Form - V-A23-0001 Green Gables Growers V23-0002, 2. B - Appeal Form - V-A23-0002 Green Gables Growers V23-0002, 3. C - Staff Memo, 4. D - Staff Report CCUP20-0004 and V23-0002, 5. E - Staff Report CCUP20-0004 and V23-0002 Exhibits A-I, 6. F - Staff Report CCUP20-0004 and V23-0002 Exhibit J, 7. G - Findings of Approval CCUP20-0004 and V23-0002, 8. H - Findings of Denial CCUP20-0004 and V23-0002, 9. I - Conditions of Approval CCUP20-0004 and V23-0002, 10. J - Proof of Publication - Mountain Democrat, 11. K - Green Gables Growers Inc V2 Presentation, 12. L - CCUP20-0004 Appeals Extension Memo, 13. Public Comment BOS Rcvd. 10-10-2023, 14. Public Comment Rcvd 10-9-2023 BOS 10-10-2023.pdf, 15. Public Comment BOS Rcvd. 11-7-2023, 16. Public Comment BOS Rcvd 11-6-2023, 17. Public Comment BOS Rcvd. 11-3-2023, 18. Public Comment BOS Rcvd. 11-2-2023, 19. Appellant Sun Ridge Meadows Owners Association Presentation, 20. FINAL Findings of Denial

Date	Ver.	Action By	Action	Result
11/7/2023	2	Board of Supervisors	Approved	Pass
10/10/2023	1	Board of Supervisors	Continued	Pass

HEARING - To consider two (2) appeals received appealing the Planning Commission's August 24, 2023 approval of Green Gables Growers Commercial Cannabis Use Permit CCUP20-0004 and Variance V23-0002 to request a Commercial Cannabis Use Permit for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis and a Variance for reduction of the 1,500 foot setback from two (2) school bus stops, on the property identified as Assessor's Parcel Number 087-021-057, consisting of 105.9-acres in the Latrobe area, submitted by Robert Sandie; and staff recommending the Board of Supervisors take one of the following actions:
 1) Deny the appeals and uphold the approval of CCUP20-0004 and V23-0002 Green Gables Growers, based on the Findings and subject to the Conditions of Approval as approved by the

Planning Commission; or

2) Approve the appeals and deny the approval of CCUP20-0004 and V23-0002 Green Gables Growers based on the attached Findings for Denial. (Supervisory District 2) (Cont. 10/10/2023, Item 32)

FUNDING: Privately-funded appeal for applicant-funded project.

DISCUSSION / BACKGROUND

Request to consider two (2) appeal requests received from the Latrobe School District (Attachment A) and Sun Ridge Meadow Homeowner Association (Attachment B) , appealing the Planning Commission’s August 24, 2023 approval of Commercial Cannabis Use Permit CCUP20-0004 and Variance V23-0002/Green Gables Growers. Both appeals were timely filed on September 7, 2023. Appeal CCUP-A23-0001 is a request by the Latrobe School District and Appeal CCUP-A23-0002 is a request by Sun Ridge Meadow Homeowner Association appealing the Planning Commission’s approval of CCUP20-0004 and Variance V23-0002/Green Gables Growers allowing the construction of a cannabis cultivation facility for medical and adult-use recreational cannabis and a Variance for reduction of the 1,500 square foot setback from two (2) school bus stops, on the property identified as Assessor’s Parcel Number 087-021-057, consisting of 105.9-acres in the Latrobe area, Supervisorial District 2.

On August 24,2023 (File No. 23-1514, Item No. 3) the Planning Commission approved CCUP20-0004 and Variance V23-0002/Green Gables Growers, thereby approving the project.

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

ALTERNATIVES

If the Board chooses to uphold the approval or deny both appeals as discussed, the Board may remand the project to the Planning Commission for further consideration.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT/AGENCY INVOLVEMENT

Code Enforcement

FINANCIAL IMPACT

An appeal fee of \$239 has been received for this request; however, staff costs associated with the appeal will exceed the fee collected.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Good Governance. The project aligns with the Good Governance goals of the County’s Strategic to evaluate 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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Planning and Building Department