



County of Sonoma

State of California

Date: January 28, 2025

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Denying the Appeal and Upholding the Board of Zoning Adjustments March 28, 2024 Action Exempting The Project From CEQA For Purposes Of Enforcement Action And Revoking Permit UPE07-0112 Approved On April 22, 2008 For A Use Permit For A Concrete Manufacturing Plant On A 6.78 Ac Parcel, Including A Batch Plant, 250 Sq Ft Mobile Office, And On Site Truck Storage For Up To 8 Trucks. Hours Of Operation Are From 5 Am Until 5 Pm with Up To 5 Employees And 45 Estimated Truck Trips Per Day at 3660 Copperhill Parkway, Santa Rosa, APN 059-250-004, District 4.

Whereas, the Use Permit (UPE07-0112) for a concrete manufacturing plant on a 6.78 ac parcel, including a batch plant, 250 sq ft mobile office, and on site truck storage for up to 8 trucks. hours of operation are from 5 am until 5 pm with up to 5 employees and 45 estimated truck trips per day was approved by Hearing Waiver on April 22, 2008 for a two year term and subsequently extended for a one year term by hearing waiver on June 29, 2010, by the Sonoma County Permit and Resource Management Department (Permit Sonoma) located at 3660 Copperhill Lane APN 059-250-004 (subject property); zoned M2 Heavy Industrial; Supervisorial District No. Four; and

Whereas, the proposed enforcement action to revoke the Use Permit (UPE07-01112) has been found to be categorically exempt from CEQA Guidelines as an enforcement action by a regulatory agency under section 15321; and

Whereas, the property was noticed for violations related to unpermitted construction

for a concrete batch plant, a tank exceeding 5,000 gallons, and a 250 square foot mobile office, and such recorded violations on the property have persisted since 2011; and

Whereas, the Code Enforcement record on the project confirms that the unpermitted construction is an unlawful violation of the Building code; and

Whereas, Permit Sonoma has issued a Notice of Violation of the Use Permit, Recorded a Notice of Abatement Proceedings, and issued a Notice and Order for construction without a permit; and

Whereas, all of Permit Sonoma's attempts to abate the violations have not resulted in total compliance; and

Whereas, all preoperational conditions for the Use Permit are not met; and

Whereas, the Sonoma County Code Chapter 26 article 92 authorizes the Board of Zoning Adjustments to revoke a Use Permit for noncompliance; and

Whereas, the subject property has been out of compliance with UPE07-0112 for 12 years; and

Whereas, the Board of Zoning Adjustments was scheduled to hold a public hearing on October 26, 2023 at which time the public hearing was not opened and the item was continued to a date uncertain; and

Whereas, in accordance with the provisions of law, the Board of Zoning Adjustments held a noticed public hearing on March 28, 2024 at which time all interested persons were given an opportunity to be heard on the matter of revocation of the permit; and

Whereas, in consideration of the record before it, the Board of Zoning Adjustments made the following findings,

1. There exist ongoing building violations at the subject property for unpermitted structures violates condition number 32 of the Use Permit *"This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable*

statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.”

2. The ongoing violations are well documented, including recordation of a Notice of Abatement Proceedings recorded December 2, 2011, and a reminder letter of the proceedings was sent in 2019.
3. Failure to abate the violations constitutes a public nuisance based on non-compliance with the County Code.
4. The ongoing violations have lasted 12 years.
5. Continued operation of the use with unpermitted structures constitutes is substantial failure to fulfill the conditions of approval; and

Whereas, the Board of Zoning Adjustments voted on a 3-1-1 vote to revoke UPE07-0112 for a concrete manufacturing plant on a 6.78 ac parcel, including a batch plant, 250 sq ft mobile office, and on site truck storage for up to 8 trucks. hours of operation are from 5 am until 5 pm with up to 5 employees and 45 estimated truck trips per day; and

Whereas, a timely appeal of the revocation was filed on April 5, 2024; and

Whereas, since the Board of Zoning Adjustment’s action and the filing of the appeal, the permit holder has taken some actions to resolve the violations that lead to the revocation, but to date has not come into complete compliance; and

Whereas, in accordance with the provisions of law, the Board of Supervisors held a public hearing on January 28, 2028 at which time all interested persons were given an opportunity to be heard; and

Now, Therefore, Be It Resolved that the Board of Supervisors does make the following findings:

1. There exist ongoing building violations at the subject property for unpermitted structures which violates condition number 32 of the Use Permit *“This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.”* The facts supporting this finding are well documented in the record before the Board:
 - a. The ongoing violations were issued in May of 2011 (VPL11-0051 was issued May 10, 2011, for non-compliance with UPE07-0112 and VBU11-0102 was issued May 11, 2011, for construction without a permit).

- b. Recordation of a Notice of Abatement Proceedings occurred on December 2, 2011 (Document No 2011107989), and a reminder letter of the proceedings was sent on December 30, 2019, to CMS Properties LLC at 10870 Cherry Ridge Road, Sebastopol, CA 95472.
 - c. On December 7, 2016, demolition permits (DEM16-0401, DEM16-0402, DEM16-0403) were issued to legalize unpermitted improvements associated with VBU11-0102 and VPL11-0051 by removing the improvements including the concrete batch plant, a water storage tank, a commercial coach, and four cargo containers. The demolition permits were not finalized and expired on January 1, 2020. The violations remain unresolved.
 - d. On November 28, 2023, a building permit was started (BLD23-7519) to resolve violations associated with VBU11-0102 and VPL11-0051, including the commercial coach, concrete batch plant, water tanks over 5,000 gallons, and ADA Improvements. The permit was not issued. The violations remain unresolved.
 - e. On April 5, 2024, a demolition permit (DEM24-0034) was issued to legalize an unpermitted water tank by removing the tank. The permit has not been finalized. The violation remains unresolved.
 - f. On June 4, 2024, a demolition permit (DEM24-0249) was issued to legalize an unpermitted dispatch building by removing the building. The permit has not been finalized. The violation remains unresolved.
 - g. On July 19, 2024, a building permit was started (BLD24-2332) to legalize the concrete batch plant. A resubmittal was requested on August 28, 2024, and the permit was not issued. The violation remains unresolved.
 - h. On August 9, 2024, a building permit was started (BLD24-3307) to legalize the commercial coach. A resubmittal was requested on November 25, 2024, and the permit was not issued. The violation remains unresolved.
2. Failure to abate the violations constitutes a public nuisance based on non-compliance with the County Code, including pursuant to Section 26-92-220.
 3. The ongoing violations have lasted 12 years.
 - a. The ongoing violations were issued in May of 2011 (VPL11-0051 was issued May 10, 2011, for non-compliance with UPE07-0112 and VBU11-0102 was issued May 11, 2011, for construction without a permit). The violations remain unresolved as of January 2025.
 4. Continued operation of the use with unpermitted structures constitutes a substantial failure to fulfill the conditions of approval because:
 - a. Condition 1 requires the applicant to apply for and obtain building permits for construction of all new structures and remodels/additions to existing structures.
 - b. Condition 31 requires that use shall be operated in accordance with the approved proposal statement and site plan, which allow for facilities including a batch plant, on-site aggregate and materials storage, a 250 square foot mobile office and on-site parking for 8 vehicles and 8 trucks on a 1.2-acre portion of the project site. As built, the access and structures do not conform to the approved site plan and information to demonstrate that the operation does not exceed the approved 1.2 acres has also not been submitted. In addition, pending building

permits intended to resolve ongoing violations do not clearly identify the approved project area.

5. The proposed action has been found to be categorically exempt from CEQA as an enforcement action by a regulatory agency under CEQA guidelines section 15321; and

Be It Further Resolved that the Board of Supervisors hereby denies the appeal and upholds the Board of Zoning Adjustments decision exempting the project from CEQA for the purposes of enforcement and revokes UPE07-0112.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material that constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

Supervisors:

Hermosillo: Rabbitt: Coursey: Gore: Hopkins:

Ayes: Noes: Absent: Abstain:

So Ordered.