

Resolution Number 24-03

County of Sonoma
Santa Rosa, California

March 28, 2024
UPE07-0112 CECILY CONDON

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS, COUNTY OF SONOMA, STATE OF CALIFORNIA, 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 AS REQUESTED BY THE PERMIT AND RESOURCE MANAGEMENT DEPARTMENT (PERMIT SONOMA)

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 action 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 must be abated as dangerous building conditions and a public nuisance; 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 been unsuccessful; and

WHEREAS, preoperational conditions for the Use Permit were never met; and

WHEREAS, the Sonoma County Code 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 open and the item was continued to a date uncertain.

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on March 28, 2024 at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments does make 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.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby exempts the project from CEQA for the purposes of enforcement and revokes UPE07-0112.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Koenigshofer, who moved its adoption, seconded by Commissioner Gilardi, and adopted on roll call by the following vote:

Commissioner Carr	Aye
Commissioner Gilardi	Aye
District 3	Absent
Commissioner Koenigshofer	Aye
Commissioner McCaffery	No

Ayes: 3 Noes: 1 Absent: 1 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.