

Resolution Number [##-###]

County of Sonoma
Santa Rosa, California

August 25, 2022
UPE01-0181

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING A USE PERMIT FOR AN OUTDOOR CONTRACTOR STORAGE YARD, OUTDOOR CRUSHING OF ASPHALT AND CONCRETE, AND SOIL STOCKPILING (TODD ROAD PARTNERS) ON A 19-ACRE INDUSTRIAL SITE LOCATED AT 304 TODD ROAD; APN 134-171-050 and 134-171-049.

WHEREAS, the applicant, Todd Road Partners, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for an outdoor contractor storage yard, outdoor crushing of asphalt and concrete, and soil stockpiling located at 304 Todd Road in Santa Rosa; APN 134-171-050 and APN 134-171-049; Zoned Limited Rural Industrial (M3), Valley Oak Habitat (VOH); Supervisorial District No. 5; and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on August 25, 2022, at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to be heard regarding the Mitigated Negative Declaration and the Project.

WHEREAS, as a result of the public review process and in response to August 15, 2022 correspondence from the Bay Area Air Quality Management District, the Board finds that the following addition to Mitigation Measure Air-1 renders it more effective in mitigating environmental impacts than the original measure, and that this addition will not itself cause any potentially significant effect. (Pub. Res. Code §21080(f)):

- c. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 Final emission standards for NO_x and PM (PM₁₀ and PM_{2.5}), if feasible, otherwise:
 - i. U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control/NO_x controls.
 - ii. Use of alternatively fueled equipment with lower NO_x emissions compared to traditional diesel fuel.
 - iii. This subsection (c) does not apply to equipment used solely to drop off or pick up other equipment used at the site.

NOW THEREFORE BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. The project is consistent with all applicable General Plan policies, including:
 - a. Contractor storage, asphalt and concrete crushing, and soil stockpiling are allowed uses in the Limited Rural Industrial (M3) land use designation (Sec. 26-12-030).
 - b. The General Plan requires full urban improvement standards and services for discretionary industrial projects within the Urban Service Boundary (Policy LU-16a). The project site is located within the County's Urban Service Area and the Santa Rosa Urban Growth boundary, but the parcel is outside of the Industry West joint City/County Utility agreement area. The site is approximately 600 feet from the South Park County Sanitation District. Therefore, the site does not have access to municipal water or sewer services. A condition of approval requires the project to provide restroom facilities for on-site employees using an alternative method since the project site is unable to support a septic system. Street improvements are also required, including curb, gutter, storm drain, sidewalk, striping for bike lanes, and parking. No off-site drainage system is available for connection. The absence of off-site drainage improvements does not conflict with the General Plan.
 - c. Although the project is an outdoor operation with noise-generating activities, the primary source of noise is crushing equipment that will be located in the central portion of the site, oriented towards the eastern property line away from neighboring residences, and behind a 25-foot-high earthen berm. Conditions of approval further ensure construction noise will not impact nearby sensitive receptors. The site design and operational characteristics result in consistency with Noise Policy NE-1c.
 - d. The project is not expected to result in a wildfire risk as the site consists largely of outdoor operations in an urbanized area; the project site is approximately 1,000 feet from the nearest fire station to the northeast ; and emergency services could access the site via Todd Road using a signalized intersection. (Land Use Policy LU-7d)
 - e. The applicant will dedicate right-of-way and pay its fair share for a 4-way signalized intersection, realigning Standish Avenue and Ghilotti Avenue with Todd Road. (Circulation and Transportation Policy CT-4n)
2. The proposed outdoor contractor yard, outdoor crushing of asphalt and concrete, and soil stockpiling operations comply with all South Santa Rosa Area Plan policies because the proposed project will be an industrial use, outside the community separator area. Although the project site is within the Santa Rosa urban service area, the site is approximately 600 feet from the South Park County Sanitation District. Therefore, project site does not have access to sewer service. Noise, air quality, and soil and hazardous material impacts were analyzed, and conditions of approval will ensure no significant impact will result. The project also complies with the Design Guidelines and General Standards for Industrial/Commercial Site through a landscaped berm and sound wall along the west and south property lines and landscaping along Todd Road. The project operations and storage are located more than 200 feet from the front property line and 40 feet from the western side and rear property lines, exceeding the 20-foot front yard, 10-foot side yard, and 0-foot rear yard requirements in the South Santa Rosa Area Plan. The proposed off-street parking will accommodate on-site and off-site employees who will

be picking up equipment and/or materials for off-site construction projects and will be set back more than 200 feet from the front property line. Conditions of approval require surfacing the passenger vehicle area, installing and maintaining landscaping along Todd Road, and submitting wall and landscaping details for final approval.

3. The proposed outdoor contractor yard, outdoor crushing of asphalt and concrete, and soil stockpiling are consistent with the Sonoma County Zoning Code because the project complies with use requirements and all building intensity, development criteria, and operating standards for industrial operations:
 - a. Contractor storage, asphalt and concrete crushing, and soil stockpiling are allowed uses with a use permit in Limited Rural Industrial (M3) zoning (Sec. 26-12-030).
 - b. Yard requirements in the M3 zoning district must comply with the Limited Commercial (LC) district (Sec. 26-10-040) which allows for a greater front yard setback for sites fronting roads classified as collectors or arterials in the General Plan to accommodate any landscaping required as a condition of design review approval or to address other residentially-zoned lots on the same block. An increased side yard is required where a site abuts a residential zone and does not require a rear yard where the site abuts nonresidential zoning. While Todd Road is classified as a Rural Minor Arterial Roadway in the General Plan, no greater yard-setback is required for this segment of Todd Road because it is not designated as a Scenic Corridor. Storage and parking areas will not be in the 20-foot front yard area and will be approximately 200 feet from the front property line. The base of the berm and sound wall will be 40 feet from the western and southern property lines. Yards comply with the Zoning Code.
 - c. The Zoning Code allows up to 65-foot buildings (Sec. 26-12-040). The project will be entirely outdoors, and no building construction is proposed. A 14-foot sound wall and 25-foot berm will screen the site along the south and west property lines and contain operational noise. Height complies with the Zoning Code.
 - d. The Zoning Code allows 50 percent maximum lot coverage (Sec. 26-12-040). The project site contains no existing buildings. A condition of approval requires one small building to accommodate sanitary facilities for on-site employees. Lot coverage complies with the Zoning Code.
4. As conditioned, the Project will not, under the particular circumstances of this case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. Most of the surrounding area is developed with or planned for industrial use, including heavy industrial use to the east, light industrial use to the north, and light industrial designation to the south;
 - b. Outdoor contractor storage is similar to the other uses in the vicinity along Todd Road and, together with asphalt and concrete crushing, and soil stockpiling, the proposed uses will be supportive of the existing operations across Ghilotti Avenue to the east;
 - c. Hours of operation for the crushing activities are limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday. Other operations will be daylight hours, no earlier than 4:30

- a.m. and no later than 9:00 p.m., seven days a week;
- d. Nighttime and overnight operations will require prior written approval from the Director of Permit Sonoma;
- e. All storage, crushing, and stockpiling operation areas will be screened from public view by landscaping along the Todd Road frontage;
- f. Project lighting will be downward cast, fully-shielded, and with dimming capabilities; and
- g. A 14-foot sound wall and 25-foot earth berm will retain operational noise from crushing equipment, and the crushing equipment will be located in approximately the center of the site.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Initial Study/Mitigated Negative Declaration contained in Exhibit "A" attached hereto and incorporated herein by this reference; and

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby approves the requested Use Permit, subject to the Conditions of Approval as set forth in Exhibit "B" attached hereto and incorporated herein by this reference.; and

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board of Zoning Adjustments 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.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustment's action shall be final on the 11th day after the date of the Resolution unless an appeal is taken pursuant to Sonoma County Code Section 26-92-160.

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

Commissioner
 Commissioner
 Commissioner
 Commissioner
 Commissioner

Ayes: # Noes: # Absent: # Abstain: #

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

SO ORDERED.