

On October 31, 2012, Development Services staff made a site inspection in response to complaints. The purpose of the visit was to collect information that Planning Services could utilize to attempt to resolve this issue. We reiterated that there was to be one saw area and that it could be utilized only as authorized by the special use permit. It was noted that there were radial and table saws under the roof of the shed located in the southwest corner of the parcel. The parcel owner indicated that those were to be sold. He stated that the planer and saws that were located within sea-land containers had been removed.

Subsequent to that site visit, we have received additional complaints about the excessive noise. Stacks of lumber are being cut and/or milled at various locations around the site, and are then assembled into various other products. This constitutes a manufacturing process which is not authorized by the special use permit. The noise generated by the activity is in excess of what was described and anticipated with the incidental cutting of wood sold at the lumber yard.

Condition 5 of the Conditions of Approval for S87-0055-R refers to lumber storage as follows:

5. The lumber storage area shall meet all the other requirements of Article 30 of the Uniform Fire Code regarding lumber yards and woodworking plants.

Condition 13 sets the permitted hours of noise-generating operations as follows:

13. All noise generating operations on the site, including lumber stacking, loading, and sawing shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. daily.

Condition 14 requires a wall north of the saw area and prohibits commercial-scale milling of lumber as follows:

14. The applicant shall take the necessary steps to reduce noise from the saw area including a solid wall on the north side of the saw table. Commercial-scale milling of lumber is prohibited.

Condition 1 states that “any minor change shall require review and approval by the Planning Director. Major changes to the special use permit request as described above will require the submittal of a new special use permit application for review before the Planning Commission.”

Zoning Ordinance Section 17.22.260 (Revocation) states the following, in part:

- B. Any permit authorized under this chapter may be revoked when it is found by the issuing authority, following a public hearing, that conditions established for the issuance of the permit have been violated or lack substantial compliance or when the use is considered to be a public nuisance.
- C. Any permit revoked by the issuing authority, or which is determined by the Planning Director, Zoning Administrator, or Planning Commission to have expired by operation of law, may be appealed in accordance with the provisions set forth in Section 17.22.220.

Planning believes that the original approval to allow lumber storage and minor sawing capabilities was intended to be an accessory use for the lumber yards/home builder stores that were previously located on the parcel across the street. That accessory use was for the storage of lumber on the subject parcel to allow more parking at the store. The saw area was meant for one saw to allow minor cutting of the sold lumber for the occasional customer who needed their purchased wood cut. Because those businesses have vacated the parent parcel and been replaced by a thrift store, there is some question as to whether the original special use permit approval is still applicable. The sawing, milling, hammering, and assembling of lumber into other products has continued and our attempts to work with the parcel owner and business owner have not resolved the conflicts. The owner of the property believes he is operating within the constraints of the special use permit. Planning staff brings this to the Planning Commission for a resolution.

The following alternatives are available options:

1. Determine the project complies with the conditions, no action required;
2. Determine that the use violates the conditions and is not consistent with the project description and set for a hearing to consider revocation; or
3. The applicant may apply for a revision to the special use permit, however the unauthorized activities must cease immediately and not resume unless and until a revision is approved.

Recommendation: Staff recommends that the Planning Commission find that the use of the power equipment in the assembly of goods is not in compliance with the project description and conditions of approval have been violated. Staff further recommends that a hearing be set pursuant to Section 17.22.260 of the County Code or modify S87-0055-R.

Attachments: Attachment 1: Conditions of Approval for S87-0055
Attachment 2: Conditions of Approval for S87-0055-R
Attachment 3: Minutes from the Planning Commission hearing for S87-0055-R