

FORMAL ZONING-ENFORCEMENT COMPLAINT

Request to record, immediately investigate, and act under CCMC §17.06.040

TO	City of Crescent City official exercising the powers and duties of the Planning Director
ATTENTION	Ethan Lawton, Contract City Planner; Eric Wier, City Manager
FILE THROUGH	City Clerk / Code Enforcement
DATE	September 8, 2026
PROPERTY	Rumiano Cheese Factory / Sartori Cheese Factory, 511 9th Street, Crescent City
PARCELS	APNs 118-230-044 and 118-230-045
PERMITS	Existing UP14-02 / AR14-10; pending UP26-01

COMPLAINANT: Ardette Esselstrom

ADDRESS: 210 Sea View Circle

EMAIL / PHONE: Ardette.esselstrom@gmail.com (707) 951-0019

FORMAL FILING - NOT MERELY GENERAL PUBLIC COMMENT. Please docket this document as a zoning enforcement complaint under CCMC §17.06.040. A copy is also being submitted for the September 8, 2026 City Council public-comment record and for notice to the Mayor and Council. The elected officials are copied for notice only; this complaint asks the responsible City official and staff to investigate and act through the lawful administrative process.

1. Complaint and legal duty

I allege that the present operation at 511 9th Street may materially exceed or differ from the use and operational baseline evaluated when the City approved UP14-02 in 2014, and may constitute an unapproved enlargement, extension, or intensification of the conditionally permitted use. Rumiano/Sartori's own pending UP26-01 materials supply the present factual basis for this complaint.

CCMC §17.06.040 provides that whenever a Title 17 violation occurs or is alleged, any person may file a written or oral complaint with the Planning Director. A complaint stating fully its causes and basis must be filed, and the Planning Director must promptly record it and immediately investigate and take action as provided by Title 17. CCMC §17.06.010 assigns administration and enforcement of Title 17 to the Planning Director, except where otherwise provided.

Because the City currently contracts planning services, this filing is directed to the City official lawfully exercising the Planning Director's powers and duties. If Ethan Lawton is not that official for enforcement purposes, please identify the responsible official, state the delegation or authority relied upon, and forward this complaint immediately without treating routing ambiguity as a reason for delay.

2. Causes and factual basis

A. Applicant's description of present operations

The UP26-01 application describes the facility's current state as a "(Monday-Friday), 24-Hour Cheese Manufacturing Facility" and gives the following present operating activity:



any earlier expansion. The City must determine what UP14-02 presently authorizes, when each current activity began, whether any lawful amendment approved it, and whether current operations comply.

CCMC §17.54.020 states that use permits are always revocable and requires a use permit for required uses involving new construction, additions, enlargements, or extensions of use. CCMC §17.54.030(B) places responsibility for permit terms and conditions on the owner. CCMC §17.20.080 requires C-1 projects to be designed and operated in compliance with performance standards. The parking and loading provisions also require maintenance of required facilities, employee/company-vehicle parking, and sufficient on-site loading space to avoid undue interference with public streets or alleys. See CCMC §§17.42.010, 17.42.070-.090.

3. Investigation requested

Please conduct and document an investigation sufficient to answer each of the following:

1. Obtain and identify the signed final UP14-02 resolution, every condition of approval, all incorporated plans/narratives, and every later amendment, administrative interpretation, building permit, certificate of occupancy, or other claimed authorization affecting use intensity, hours, truck activity, parking, staging, or loading.
2. Determine the legally authorized hours and days for production, sanitation, milk receiving, shipping/receiving, truck staging, loading, unloading, and employee activity under UP14-02 as lawfully amended, if at all.
3. Determine specifically whether the currently admitted 5:00 a.m.-7:00 p.m. milk-receiving window violates 2014 Condition 9's stated 6:00 a.m.-6:00 p.m. truck-delivery limitation. If the City concludes it does not, identify the exact controlling language and supporting authorization.
4. Verify actual current operations using objective records, including recent production schedules, gate or security logs, bills of lading, milk-receipt records, shipping logs, sanitation schedules, employee-shift records, and truck counts. Identify the date each material change began.
5. Inspect the site during the operating windows admitted in UP26-01, including overnight startup and weekend milk receiving, and document parking, staging, maneuvering, loading/unloading, street or alley interference, noise, lighting, odor, vibration, and other applicable performance-standard conditions.
6. Produce the Crescent Elk parking agreement relied upon in 2014, including its parties, covered property and spaces, term, renewal or termination provisions, City Attorney approval, recording information, and the copy filed with the City. Verify through a peak-shift count that the represented 17 spaces remain legally available and are actually used by Rumiano employees; if not, identify the approved replacement and recalculate required employee and company-vehicle parking.
7. Identify every agreement, permission, plan, or permit authorizing truck parking or staging at Northcrest; determine whether it remains valid and is currently used; and identify where delivery trucks now wait before entering the plant.
8. During representative milk and freight delivery periods, document whether trucks wait, queue, back, turn, couple or uncouple, load, unload, or otherwise maneuver in a public street, alley, sidewalk, or pedestrian area. Compare those activities with the approved site plan and CCMC §17.42.080, and determine whether they cause undue interference or create an unapproved loading or staging use.
9. Compare verified current operations to the governing 2014 authorization and issue a written, reasoned compliance determination identifying evidence reviewed, findings, applicable provisions, and corrective or enforcement action, if warranted.

4. Requested City action and record preservation

- Promptly record this complaint under CCMC §17.06.040 and provide the complaint or case number, date received, assigned official, and contact information.
- Immediately investigate and take action as Title 17 provides; do not defer the existing-use compliance question merely because UP26-01 is pending.
- Preserve all records potentially relevant to UP14-02, current operations, complaints, inspections, communications, parking/staging arrangements, and UP26-01, including emails, texts, photographs, logs received by the City, and staff notes.
- Place this complaint and the City's written response in the administrative record for UP26-01 and provide them to the Planning Commission before any decision. Council public-comment filing alone is not a substitute for inclusion in the UP26-01 record.
- If the City concludes there is no violation, identify the precise permit language and evidence authorizing each questioned current activity. If the City finds noncompliance, identify the corrective action and timetable. Nothing here demands a predetermined result or immediate shutdown; it demands the investigation and lawful action the Code requires.

5. Response requested

- Production startup between 12:00 a.m. and 1:00 a.m.; sanitation completed between 10:00 p.m. and 11:00 p.m.
- Milk receiving from 5:00 a.m. to 7:00 p.m., Sunday through Saturday, 365 days per year.
- Approximately 6-8 milk trucks per day, 365 days per year.
 - Inbound semi-trucks 1-2 per day Monday-Friday; powder trucks 1-2 per day Monday-Friday; refrigerated cheese/butter trucks 2 per day Monday-Friday.
- Shipping and receiving from 7:00 a.m. to 5:00 p.m. Monday-Friday, with occasional Saturday production for holiday scheduling.

These are admissions about current operations, not merely projections of the future proposal. They therefore warrant comparison against the actual signed 2014 approval, all incorporated materials, and any later lawful amendments or authorizations.

B. Material differences from the 2014 record

The 2014 record evaluated an existing cheese-factory use and proposed improvements using a materially different operational and traffic baseline, including:

- Approximately 6-8 milk trucks per day, with deliveries represented as remaining the same.
- Approximately six finished-product trucks per week.
- Approximately 6-7 wastewater trucks per day before the lactose-recovery project, expected to fall to approximately three per week, plus approximately six lactose-product trucks per month.
- Staff's conclusion that overall truck traffic would decrease.
- Reliance on approximately 17 Rumiano employee parking spaces at Crescent Elk and delivery-truck parking or staging at Northcrest.

By contrast, the current-state figures in UP26-01 appear to describe roughly 15-20 outbound cheese/butter and powder truck movements per workweek, in addition to other inbound and milk traffic. The categories are not perfectly identical, so this complaint does not assert a final numerical violation from arithmetic alone. It requests verification through logs and comparison with the governing 2014 approval.

C. Direct conflict in stated delivery hours

The conditions-of-approval document contained in the City-supplied 2014 UP14-02 / AR14-10 material states in Condition 9: "Truck deliveries shall be limited to the hours of 6am to 6pm." UP26-01 states that the facility currently receives milk from 5:00 a.m. to 7:00 p.m., Sunday through Saturday, 365 days per year. On its face, the applicant is describing current truck deliveries beginning one hour before and continuing one hour after the stated 2014 delivery window. This is a specific allegation of present noncompliance requiring immediate investigation under CCMC §17.06.040. If the City contends Condition 9 was not final, was superseded, or does not govern milk tankers, it must identify and produce the signed controlling approval, amendment, or written interpretation supporting that position.

D. Off-site parking agreement and Northcrest truck staging

The 2014 approval record relied on approximately 17 employee parking spaces at Crescent Elk and represented that delivery trucks would park or stage off-site at Northcrest. Those arrangements were part of the factual basis used to find that the use had adequate parking and loading capacity. When required parking is supplied on separately owned land, CCMC §17.42.090 requires a legal agreement approved by the City Attorney, recorded against the affected properties, and filed with the City. No controlling recorded agreement has yet been identified in the records reviewed. The City must locate and produce it, verify that it remains valid and that the 17 spaces are actually available and used by Rumiano employees, or identify the lawful approved replacement. The City must likewise identify the authorization for Northcrest truck parking or staging and determine whether that arrangement remains operative and is actually used.

E. Truck waiting, maneuvering, loading, and use of the street

UP26-01 represents that truck maneuvering, loading and unloading occur in designated areas. Residents' submitted photographs and observations, however, show or allege trucks waiting, positioning, maneuvering, loading, or unloading in the adjoining public-street and pedestrian environment. CCMC §17.42.080 requires sufficient loading and unloading space on the same land as the use so operations do not unduly interfere with public streets or alleys. This complaint does not ask the City to accept a photograph alone as a final violation finding. It asks for direct inspection during actual delivery windows, identification of every approved staging and loading area, and findings on street, sidewalk, alley, traffic, sight-distance, and pedestrian interference.

F. Why the differences require an enforcement determination

The City's UP26-01 staff report itself characterizes the pending request as an "increase in intensity of use" and states that denial would mean the applicant could not increase in intensity. A pending application cannot retroactively authorize

Please acknowledge receipt and supply the complaint/case number and assigned official within five business days. Please provide a written status update within ten business days stating what investigative steps have been taken or scheduled. These requested response dates do not replace any shorter duty imposed by law and do not waive any right, objection, appeal deadline, or remedy.

Respectfully submitted: Ardette Esselstrom

Signature:



Date: September 8, 2026

Copies for formal notice

Mayor; all City Councilmembers; City Manager; City Attorney; Planning Commission; Contract City Planner; City Clerk / Code Enforcement; Public Works Director / City Engineer; Police Chief (as relevant to traffic or right-of-way enforcement). Copies do not request private deliberation or a merits decision outside a noticed proceeding.

AUTHORITIES / SOURCES: CCMC §§17.06.010, 17.06.040, 17.06.050, 17.20.080, 17.42.010, 17.42.070-.090, 17.54.010-.030 (<https://ecode360.com/CR4919>); City Community Development page (<https://www.crescentcity.org/departments/CommunityDevelopment>); UP26-01 application and staff report in the August 20, 2026 Planning Commission packet, including application pages 25-27; and UP14-02 / AR14-10 City records and 2014 staff materials. The City should identify the signed final approval and incorporated documents.