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[Via email only: david.rabbit@sonoma-county.org, james.gore@sonoma-county.org,
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Chair David Rabbit and Supervisors
575 Administration Drive
Room 100 A
Santa Rosa CA 95403

Re: Hearing Date: January 28, 2025
Revocation of Use Permit
File No.: UPE07-0112 (Farrow Ready Mix)
Site Address: 3660 Copperhill Lane, Santa Rosa
APN: 059-250-004

Dear Chair Rabbit and Supervisors:

Please accept this letter regarding the referenced matter on behalf of CMS Properties LLC (“CMS”), the owner of the referenced property. CMS appreciates the Board of Zoning Adjustments’ (“BZA”) deliberations and decision as well as staff’s attention to this issue and excellent report, and thanks code enforcement for its work on this matter. CMS supports the BZA’s decision to revoke the subject Conditional Use Permit (“CUP”) and staff’s recommendation this Board do the same.

In the alternative, CMS requests this Board order Farrow Commercial, Inc. (along with Farrow Ready Mix and other Farrow related entities collectively referred to as “Farrow”) cease operations until Farrow comes into full and compliance with the CUP Conditions of Approval including but not limited to confirming the use is entirely within the approved 1.2-acre project footprint. (See summary report, pp. 1-2, 4 (“The site plan for the project allows for the development of the concrete batch plant, commercial coach, and parking within a 1.2-acre portion of the 6.78-acre parcel.”), 5 (“... the proposed site plan, which conforms to the current site development relocated the commercial coach to the eastern portion of the project area and does not include verification of the total project area, consistent with the 1.2-acre approval.”).)

This request in the alternative is based on Farrow’s noncompliance with the Conditions of Approval and violations of the Sonoma County Code for more than seven (7) years. (Farrow took possession of the property in late 2018.) As staff states in her report, “[t]he Project History above demonstrates the non-compliance with the conditions of the Use Permit including

outstanding Building violations have been well documented; and the failure to comply with the terms of the issued permit were found to constitute a nuisance by the Board of Zoning Adjustments.” (Summary Report, p. 5; *see also* Project History, pp. 2-4; Attachment C to Summary Report, pdf p. 51, line 24 – p. 52, line 6.) For that entire period of time, Farrow failed to satisfy a myriad of conditions of approval including, but not limited to, fundamental health and safety requirements, not the least of which relates to the integrity of the large batch plant. Since its occupation of the property, Farrow has continuously operated in noncompliance with the law and regulations in one way or another, all the while pledging to legalize its use but never accomplishing that goal. (*See* 2024, letter to Blake Hillegas, a copy of which is attached hereto.)¹

Staff have been thorough in its investigation and review of this matter and steadfast in its revocation recommendation. The BZA held two (2) hearings on the matter. At the conclusion of the first hearing on October 26, 2023, the BZA continued the hearing for a date uncertain not to exceed three (3) months to allow Farrow to come into compliance. The continued hearing occurred five (5) months later on March 28, 2024, at which time the BZA approved staff’s recommendation to revoke the permit including a finding of public nuisance based on non-compliance with the county code. (BZA Actions, 3/28/24; *see also* BZA Staff Report 10/26/23, p. 4 (“Building violations leading to potentially dangerous conditions and noncompliance with the Use Permit have been well documented and the failure to comply constitutes a nuisance.”).)

As explained in prior correspondence and herein, Farrow’s repeated lack of diligence and failed efforts for more than seven (7) years belie any promises or apparent attempts to comply with the CUP. CMS, meanwhile, is at its wits end and legitimately has no faith in Farrow’s intentions, or perhaps ability, to bring its use into compliance.

It is also important to acknowledge that while Farrow has been allowed to operate in violation of its permit for seven (7) years, other local concrete companies and other businesses make efforts to and must timely comply with county regulations, even if it means more expense and less profit. All businesses, and the County itself, are disadvantaged when one company is allowed to be in violation of permit conditions for many years without repercussion, thus creating an unequal playing field in our County.

Staff have been thorough in its investigation and review of this matter and steadfast in its revocation recommendation, and the BZA voted to revoke. Short of revocation of the permit, or alternately enjoining operations until full compliance, there is nothing to stop Farrow continuing its pattern of operating illegally, empty promises, and incomplete applications in last minute

¹ After enduring three (3) years of Farrow operating outside of the law and in violation of the lease between the parties, CMS sent Farrow a notice of eviction in October 2021. Farrow responded by filing a lawsuit against CMS which resulted in 12 days of trial ending in March 2023. After Farrow filed its lawsuit, CMS filed an unlawful detainer (eviction) action against Farrow. Unlawful detainer actions are a summary process that would have resolved the lease dispute issues between the parties expeditiously. The court, however, stayed the unlawful detainer action and the first-filed lawsuit, initiated by Farrow, proceeded. Contrary to any statements by Farrow otherwise, neither the notice of eviction nor the fact that it filed a lawsuit against CMS prevented it from coming into compliance with the CUP. Nonetheless, the lawsuit resolved in Farrow’s favor a year and a half ago.

efforts at purported compliance. CMS has shouldered the burden of liability for Farrow's noncompliance for seven (7) years too long.

Thank you for your consideration of this matter.

Very truly yours,

Rose M. Zoia

cc via email only:

Stacey Ciddio, Managing Member, CMS Properties LLC

Tennis Wick, Director, Planning

Scott Orr, Deputy Director, Planning

Cecily Condon, Planning Manager, Project Review