



County of Sonoma

State of California

Date: February 11, 2025

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Upholding Farrow Ready Mix's Appeal Of The Board Of Zoning Adjustments March 28th, 2024
Decision To Revoke UPE07-0112 And Allowing Continued Condition Compliance With the
April 22nd, 2008 Approval For A Use Permit For A Concrete Manufacturing Plant On A 6.78
Acre Parcel Including A Batch Plant 250 Square Foot Mobile Office And On Site Truck Storage
For Up To 8 Trucks. Hours Of Operation Are From 5:00 AM Until 5:00 PM With Up To Five
Employees And Estimated 45 Truck Trips Per Day At 3660 Copperhill Parkway, Santa Rosa,
APN 059-250-004, District 4.**

Whereas, the Use Permit (UPE07-0112) for a concrete manufacturing plant, including a batch plant, 250 sq ft mobile office, and on site truck storage for up to 8 trucks with hours of operation from 5 am until 5 pm, and 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) on a 1.2 acre portion of a 6.78 acre parcel located at 3660 Copperhill Lane APN 059-250-004 (subject property); zoned M2 Heavy Industrial; Supervisorial District No. Four; and

Whereas, the Use Permit (UPE07-0112) was approved subject to 56 conditions of approval by Hearing Waiver on April 22, 2008 and a Notice of Determination for the circulated Mitigated Negative Declaration was posted on April 18, 2008; 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

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 fully abate the violations have been unsuccessful; and

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

Whereas, the Sonoma County Code Chapter 26 article 92 authorizes the Board of Zoning Adjustments to revoke a Use Permit for noncompliance; 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; and

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; and

Whereas, in consideration of the record the Board of Zoning Adjustments made 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 a substantial failure to fulfill the conditions of approval; and

Whereas, the Board of Zoning Adjustments voted on a 3-1-1 vote to revoke 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; and

Whereas, Tina Wallis on Behalf of Farrow Ready Mix filed a timely appeal of the revocation on April 5, 2024; and

Whereas, in accordance with the provisions of law, the Board of Supervisors held a public hearing on January 28, 2028 at which time the project operator (Applicant), representatives of the property site ownership (Owner), and all interested persons were given an opportunity to be heard; and

Whereas, the Applicant, Farrow Ready Mix, has continued to show diligent effort in achieving condition compliance since the March 28, 2024 Board of Zoning Adjustments revocation action, and April 5, 2024 Appeal, in that:

- 1) BLD24-2332 has been submitted for the concrete batch plant
- 2) BLD24-3307 For the commercial coach and ADA improvements has been submitted
- 3) DEM24-0034 Has been issued for the 5,000 gallon tanks constructed without permit
- 4) DEM24-0249 has been issued for the dispatch building
- 5) SEW24-0141 Has been issued

6) Avigation Easement was recorded

7) California Tiger Salamander Mitigation Fees have been paid; and,

Whereas, minor adjustments in circulation and minor adjustments in the site plan as required to comply with current Accessibility, Building, and Fire Codes may be found in substantial conformance with the original approval; and,

Whereas, an action not to revoke the permit does not restrict or preclude further or future enforcement action on the part of the County to achieve compliance; and,

Whereas, the Director of Permit Sonoma has the authority to conduct condition compliance review for the Use Permit; and,

Now, Therefore, Be It Resolved that the Board of Supervisors, based on the entire record before it, finds the foregoing recitals to be true and correct and determines that while there are outstanding violations on the property, which must be corrected, the outstanding violations do not warrant revocation of the permit at this time, because Farrow Ready Mix has made demonstrated efforts that the Board of Supervisors finds to be diligent in securing compliance, particularly since the March 28, 2024 decision of the Board of Zoning Adjustments on the revocation, and because the County has other remedies available to it to secure compliance if needed.

Be It Further Resolved that the Board of Supervisors desires to give Farrow Ready Mix further opportunity to completely cure all outstanding violations, including an opportunity to complete condition compliance, by not revoking the permit at the present time; and

Be it Further Resolved that the Board of Supervisors maintains and reserves at all times the right to reconsider revoking the permit and/or pursuing any or all other remedies available to it under the law to secure code and condition compliance at the subject property; and

Be It Further Resolved that the Board of Supervisors hereby upholds the appeal of the Board of Zoning Adjustments March 28th, 2024 decision to revoke UPE07-0112, thereby allowing continued Condition Compliance for UPE07-0112.

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Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material that constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

Supervisors:

Hermosillo:

Rabbitt:

Coursey:

Gore:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.