

TO: BOARD OF SUPERVISORS

FROM: Carlos Baltodano, Director
Building Inspection Department

DATE: April 25, 2000

SUBJECT: Investigation at 18311 Bollinger Canyon Road.
APN # 199-030-040 C.M. Farr Metal Construction Inc.
Owner: Charles & Lorraine Farr (San Ramon, unincorporated area)



Contra
Costa
County

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS:

1. FIND that the operation of the subject metal fabrication shop at 18311 Bollinger Canyon Road in San Ramon is not consistent with the restrictions of the land conservation contract or with the uses permitted within an A-4 zoning.
2. DIRECT the Building Inspection Department to proceed with appropriate abatement action and require the metal fabrication shop operations to cease and desist within (60) sixty days.

FISCAL IMPACT:

None, if property owner complies.

BACKGROUND/REASONS FOR RECOMMENDATIONS:

This is in response to the Board's direction on August 3, 1999 to the Building Inspection Department to investigate the operation of the metal fabrication shop at 18311 Bollinger Canyon Rd. in San Ramon. The Board's order was to initiate an investigation and report back to the Board on any potential code enforcement actions for a subsequent hearing.

Three site inspections were made with the permission of the owner Mr. Charles Farr. The purpose of the inspections was to determine if any non- agriculturally related products were being manufactured at the property and the extent of the manufacturing.

CONTINUED ON ATTACHMENT: _____

/ YES SIGNATURE

RECOMMENDATION OF COUNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

APPROVE

OTHER

SIGNATURE(S):

ACTION OF BOARD ON April 25, 2000

APPROVED AS RECOMMENDED

OTHER XX

SEE THE ATTACHED ADDENDUM FOR BOARD ACTION AND VOTE

VOTE OF SUPERVISORS

UNANIMOUS (ABSENT)

AYES: NOES:

ABSENT: ABSTAIN:

I HEREBY CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF AN ACTION TAKEN
AND ENTERED ON THE MINUTES OF THE
BOARD OF SUPERVISORS ON THE DATE SHOWN.

ATTESTED April 25, 2000

Contact: Phillip Ludolph (925) 335-1142
Orig: Building Inspection Department (BID)
cc: County Counsel
Community Development Department
Mr. Ed Shaffer (Via BID)

PHIL BATCHELOR, CLERK OF
THE BOARD OF SUPERVISORS
AND COUNTY ADMINISTRATOR

BY Barbara Shrant, DEPUTY

INSPECTIONS / ISSUES:

During the course of the Building Inspection Department investigations the following issues were identified:

Site inspection of October 12, 1999 -

The purpose of this inspection was to introduce and become familiar with the general conditions of the subject metal shop (Photos 1, 2, 4, 12 & 15 attached). The photos identified the extent of the buildings and general condition of the metal fabrication shop. The secondary issue was to determine if the shop was still manufacturing non-agricultural products and if so the nature of the work. The subject inspection revealed that there were no steel beams present that could be used on a building site. The level of operations at the shop was very limited; all work ceased while the inspection took place. It was noted however that two (2) employees provide labor for the Farris. Photographs taken on the 10-12-99 site inspection show a forklift (Photos 4 & 5) and additionally a large diesel truck with crane & winch that is used to undertake site work around the Farr's property and on jobs on other properties (Photo 10). (Photo 7), shows drying racks in the paint shop with metal sections used for a stair project in a local church. (Photos 3, 4, 6, 8, 13 & 14) show storage racks of metal supplies at the Farr's metal fabrication shop.

Off-site inspection of November 3, 1999 - (not on property)

The purpose of this inspection of 18333 Bollinger Canyon Rd. in San Ramon, was to interview the complainants and provide their side on the history of the case. The subject inspection lasted for 55 minutes and the general discussion was related to the odor, noise and traffic issues related to the operation of the Farr's business. It was noted that at the time of this inspection that noise levels from the shop, approx. 200 feet away, made verbal communication difficult between the occupants of 18333 Bollinger Canyon Rd. and the Code Enforcement Officer. This type of noise was consistent with the grinding of metal by some sort of power tool. The inspector was unable to substantiate the traffic complaint based upon observation. The wind direction was blowing from the mountainside, yet no odors were evident from any spray-painting from the shop.

Site inspection of November 4, 1999

This inspection revealed that there was fabrication of a set of stairs for a church and window frames taking place, as described by Mr. Farr (Photo 20, 21 & 24). Also, a metal tube gate was drying on the spray-painting stands outside the designated spray area (Photo 19). These items were not consistent with the level of intensity as described by the complainants. Equipment such as industrial metal guillotines (Photos 23 & 25), welding equipment (Photo 17), hand held power tools with grinding disc (Photo 18) and extensive storage of metal & supplies were noted. The shop floor area did have two (2) metal tables upon which metal fabrication takes place (Photos 17 & 21). (Photo 21) shows two workers working on a fabrication project at the Farr's shop with one worker using a powered hand tool to grind an object. This type of noise generated during this action was similar to the noise heard at the 18333 Bollinger Canyon Rd. inspection of November 3, 1999.

Site inspection of December 14, 1999

Inspection of the property revealed that the stairs for a church were drying in the designated spray area (Photo 28). Work was taking place on a water softener/purification plant for the residence (Photo 31). Any work undertaken on the property was concentrated on the installation of a water softener/purification plant (Photo 29). There is no record of issuance of a building permit for such installation.

PLANNING RELATED ISSUES:

Information on this section was coordinated with the Current Planning Division of the Community Development Department.

**Planning issues related to A-4 zoned lands:
(The Williamson Act):**

According to County records 1925RZ (AP#17-75), the then owners of the land, Habel, Mueller, Benthon & Saunders in 1975 had a written contract with the County for the production of food, fiber and compatible uses under the then Contra Costa County Ord. 84-42. (See Land use contract). This contract had been automatically extended over the years, in 1996; the current owners filed a Notice of Non-renewal of the land conservation contract for the subject property, which will cause the contract to expire in February 2006. Until then the contract limits use of the subject land to agricultural activity, two ranch houses, a barn, a tool shed and grazing activity. This original contract did not include the operational use of a Metal Fabrication Shop, nor did any previous contract renewals. Additionally, a code enforcement action was started in 5-12-86 (Case 86-77) by the Community Development Department for the operation of unauthorized steel construction.

Home occupation permit for Metal Fabrication shop:

An application was applied for by the Farris for a home occupation land use permit to allow for the operation of the metal fabrication shop. The attempt in 1987 for home occupation was deferred pending the Board of Supervisors review of the General Plan (see Board Orders dated October 16, 1987 and December 19, 1989).

Land Use Permit (LP962029) 2nd & 3rd residence on 72-acre parcel:

The only current land use permit (LP962029) effective date 10/17/96, was approved subject to conditions by the Zoning Administrator. The land use permit was for the establishment of second and third residences on the subject 72-acre parcel of land.

Condition #5 of the subject LUP identifies the metal fabrication shop and provides for specific recommendations. It requires that promptly after the County amends zoning regulations in compliance with the general plan's conservation element policy No.8-aa, and establishes procedures for allowing agriculture service business and uses, the applicant shall follow the method specified by those procedures to obtain approval of the metal fabrication shop and continue metal fabrication activities on the property. In the event the Board of Supervisors finally deny any such necessary approval, the applicant will agree to terminate all unauthorized metal fabrication activities not permitted under the then-applicable law and to use the metal shop structure only as permitted under the law.

The Community Development Department completed it's revision of the 1991 general plan and it was re consolidated and updated in 1996, and continues to provide for Agricultural Resources Implementation Measure 8-aa (See attachment D).

Mark Chewning of Regal Steel Supply Inc. evidence:

As requested by the Board of Supervisors, the Mark Chewning transcripts have been placed in written form and provide details on the issues raised at the Board hearing of August 3, 1999. Philip Ludolph of the Building Inspection Department contacted Mr. Chewning (Sales manager) of Regal Steel Supply INC., of Stockton, CA., on January 6, 2000 and he indicated that he would supply a written notarized statement on why he feels that the C.M. Farr plant provides, and how it is essential for the local community. In response, Mr. Chewning indicates that the community is very fortunate to have a small company such as Farr Construction right in their own backyard; a statement in attachment. (See attachment B).

Mr. Chewning comments in his testimony on August 3, 1999, (attachment A) "Any disruption in Farr Construction would be a travesty to not only the valley, but to the County in general. Farr's Construction's reputation is not only impeccable in our industry as a steel fabricator but the quality of the work he performs. I know many a general contractor that I deal with that don't even send projects out to bid for the quality of work that the Farr construction does."

From the information provided above it indicates that a metal fabrication business is operating from this property. A copy of the original transcript of July 20 and Mr. Chewnings notarized document are attached to this report.

C.M Farr Metal Construction Inc. Business Licenses & Contractor number:

According to the Internet web site (204.147.113.12/corpdata/ShowList) for the Secretary of State's Office Corporations Unit, Corporate records, it identifies C.M. Farr Metal Construction Inc. as a corporation (C1124770) Status (active) with a Leonard L. Nolting as agent for service of process (See attachment E.) The records identify the business as being located at the subject address.

Information from the California Contractors State Licensing Board web site identifies Contractors License (00526206) for C.M. Farr Metal Construction Inc. as active with the following classifications for welding C-60, ornamental metals C-23 & Home Improvement Certification HIC (see attachment C).

SUMMARY OF FACTS:

10/12/99 - Inspection revealed the extent of the shop complex and that non-agricultural work was going on. Two employees provide labor for the Farris.

11/3/99 - Inspection of the complainant's house at 18333 Bollinger Canyon Rd. for 55 minutes revealed noise levels from shop approximately 200 feet away made conversation levels difficult. No odors were evident from spray painting.

11/4/99 - Inspection revealed that there was the fabrication of a set of stairs for a church and window frames taking place. A metal tube gate was drying on the spray stands out side the designated spray area. Equipment such as industrial metal guillotines, welding equipment, hand held power tools with grinder disc and extensive metal table upon which fabrication takes place were observed and documented.

12/14/99 - Inspection of the property revealed that the stairs for the church were drying in the designated spray area. Work was taking place on a water softener/purification plant for the residence.

The site inspections conducted of the Farr's property revealed that there were no large steel beams being fabricated at the property, yet stairs, metal tube gate and window frames were. Items such as the stair and window frames however are not agricultural related and were being manufactured for use on another location. However, the items under fabrication are not at the same level of intensity as a fabrication plant that is manufacturing large metal beams as identified by the complainants. Information obtained from the Internet, from both the California Contractors State License Board and corporate records, identifies C.M Farr Metal Construction as a contractor and business, which would conduct trade on other properties. The possible business intensity to fabricate large items (Steel Beams), actual size of the shop facilities, types of tools/equipment and their operation (See Photos) make it difficult to classify the use as a hobby or agriculturally related. This type of accessory use is not reasonable or customarily associated with the permitted use identified in the agricultural contract or the uses allowable in the A-4 zoning district, nor is it allowed under this contract. Allowing the continuation of the metal fabrication shop would create unnecessary nuisances to neighboring residence.

Therefore, it is recommended that the Board direct staff to take appropriate abatement action and require the metal fabrication shop operation to cease and desist.

ADDENDUM TO ITEM D. 4

April 25, 2000 Agenda

This is the time noticed by the Clerk of the Board of Supervisors for the hearing to consider a report from the Director of Building Inspection on the investigation of allegations of code violations at 18311 Bollinger Canyon Road, San Ramon, as directed by the Board of Supervisors on August 3, 1999; and to consider direction to staff on appropriate action.

Carlos Baltodano, Director of Building Inspection, presented his staff report. Philip Ludolph, Building Inspector I, offered commentary on a slide presentation prepared by the Building Inspection Department. Also present were Silvano Marchesi, Assistant County Counsel, and Diana Silver, Deputy County Counsel.

Supervisor Uilkema requested clarification on some of the issues involved in this hearing. Robert Drake, Principal Planner, Community Development Department, responded.

Mr. Drake presented Community Development Department's staff report and related the history of the issues.

Following Board discussion, Mr. Baltodano explained the abatement process and related time frames. He suggested modifying staff's Recommendation No.1 to read, "Find that *there is reasonable cause* that the operation of the subject metal fabrication shop...". He stated that the reason for the change is that the Board of Supervisors would be addressing the same issue if the matter were going to be appealed from an abatement action.

Supervisor Gerber said that between an abatement process and action taken by the Board today, it could be approximately 4 months before the Farris would appear before the Board again, if they chose to appeal the process. Mr. Baltodano agreed. He stated that the first stage would take 60 days to stop the operation if the Farris chose to do that, if they did not, then the property would be noticed under an abatement process, which would provide another 30 days in which they could file an appeal. If they were to file an appeal, and it goes before the Board for a second hearing, it could take approximately 4 months.

Following further discussion, the public hearing was opened, and the following people appeared to speak:

Ed Shaffer, Esq., Attorney for the Farris, 1850 Mt. Diablo Blvd., #530, Walnut Creek;

Lori Farr, property owner, 18311 Bollinger Canyon Road, San Ramon;

Mike Farr, property owner, 18311 Bollinger Canyon Road, San Ramon;

Michael Warholic, 18333 Bollinger Canyon Road, San Ramon;

Patrick Warholic, 4365 Canyon Crest Road West, San Ramon;

Lisa Farr, 1505 Dawn Court, San Ramon;

Margot Fagundes, 18501 Bollinger Canyon Road, San Ramon;

Ronald Prather, 18355 Bollinger Canyon Road, San Ramon;

Barbara Karl, 18355 Bollinger Canyon Road, San Ramon;

Michelle Aralica, 2689 Corey Place, San Ramon;

Ivan Aralica 2689 Corey Place, San Ramon;

Rebecca Chewning, 2462 Norris Canyon Road, San Ramon;

Mark Chewning, 2462 Norris Canyon Road, San Ramon;

Teri Kovac, 18728 Bollinger Canyon Road, San Ramon;

Larry Zaharis, 18770 & 19267 Bollinger Canyon Road, San Ramon;

Roger Mast, 18885 Bollinger Canyon Road, San Ramon;

Jim Fagundes, 19501 Bollinger Canyon Road, San Ramon;

Debbie Chewning, 2462 Norris Canyon Road, San Ramon;

Jim Farr, 5025 Chelsea Drive, Martinez;

Ray Zaharis, 18869 Bollinger Canyon Road, San Ramon;

Trish Farr, 5025 Chelsea Drive, Martinez;

Kathy Rains, 18875 Bollinger Canyon Road, San Ramon;

Kirk McKinzie, 3870 12th Street, Sacramento;
James Stewart, 18475 Bollinger Canyon Road, San Ramon;
Kathy Stewart, 18475 Bollinger Canyon Road, San Ramon;
Michael Warholic, rebuttal;
Mike Farr, rebuttal.

The following people did not speak however, the Chair read their comments into the record:

Mike Brasher, 4950 Alhambra Valley Road, Martinez;
Karlen Mueller, 18477 Bollinger Canyon Road, San Ramon;
Paul Mueller, 18477 Bollinger Canyon Road, San Ramon;
Paul Brasher, 4950 Alhambra Valley Road, Martinez.

Those desiring to speak having been heard, Supervisor Uilkema moved to close the public hearing, Supervisor Gioia seconded the motion.

The vote on this motion was as follows:

AYES:	SUPERVISORS GIOIA, UILKEMA, DeSAULNIER and GERBER
NOES:	NONE
ABSENT:	SUPERVISOR CANCIAMILLA
ABSTAIN:	NONE

The Board continued to discuss the issues.

Supervisor Gerber advised the Board that in 1998 she attempted to help resolve this matter. She stated that out of that attempt, an agreement was reached. It involved in part, an easement; in 1999 she was informed that the easement had not been achieved.

Supervisor Gerber asked Robert Drake if there were any specific changes the Farris could make, if they were willing, that would bring their business into consistency with the zoning and designation. Mr. Drake stated that they would have to limit the metal fabrication operation to agricultural uses consistent with the agricultural preserve zoning. To legalize the existing metal fabrication business, they would have to amend: (1) the Agricultural Lands General Plan designation; (2) the Agricultural Preserve, A-4 zoning; and (3) an existing land conservation (Williamson Act) contract which remains in effect until the Year 2006 under the Farris' 10 year notice of nonrenewal.

The Board continued to discuss the matter.

Ms. Silver, advised the Board regarding the A-4 zoning permitted uses relative to agriculture production; beyond the permitted use, the zoning would have to be amended. To the extent metal fabrication was involved in agricultural production, it would be a permitted use under the A-4 zoning, but the Williamson Act contract would have to be amended to allow it as a compatible use.

Supervisor Gioia inquired if agricultural production was allowable for the subject site and other sites. Mr. Drake advised that it could also apply to other agricultural properties.

Following further discussion, Supervisor Gerber suggested that the Board go forward with an action today that would put the 4 month process into motion, as previously discussed. During the next 60 days and before an appeal, she suggested staff work with the Farris to define how they would need to change their current operation in order for it to be legal under the current zoning and designation, including if necessary, a modification to the Williamson Act contract. Supervisor Gerber stated that what is going on now does not meet the County's requirements, it is out of zoning compliance based on the evidence before the Board today. She said the Board would take an action today that puts a timeline into motion, and to the extent that the Farris are willing to work with the County, staff could help them understand what it would take to change the nature of their operation to be in compliance with the zoning within the next 60 days. Then it is up to

them. They either change it, in which case it wouldn't be a problem anymore, or they make a different decision, in which case the Board will have acted and can move forward.

Mr. Baltodano suggested the Board amend Recommendation No. 2 to include the words "...cease and desist within (60) sixty days *if the metal operation cannot be made to conform with the zoning requirements*". He stated that it is understood by staff that they will work with the Farris within the next 60 days to accomplish that. Code enforcement cases are often handled in that way, to see if compliance can be achieved.

Supervisor Gerber moved her suggestions stated above. Ms. Silver advised that if the Board were going forward as indicated, Recommendation No. 1 be modified to, "Find that the information presented to the Board constitutes a reasonable basis to initiate an abatement action". This would replace the Board Order given today. She further advised the Board to accept Recommendation No. 2 as modified. Supervisor Gerber stated that the changes were included in her motion. Supervisor Gioia seconded the motion, including the modifications.

Supervisor DeSaulnier inquired, if through this process, there was an agreement that the Farris could apply for a General Plan Amendment or rezoning, do they still have a problem with the Williamson Act contract. Ms. Silver stated that the contract is in existence for 6 more years, however, the contract can be rescinded and a new one entered into simultaneously.

Supervisor Gerber called for the vote. The vote on this motion was as follows:

AYES:	SUPERVISORS GIOIA, UILKEMA, DeSAULNIER and GERBER
NOES:	NONE
ABSENT:	SUPERVISOR CANCIAMILLA
ABSTAIN:	NONE

* * * * *



D.3

Contr
Costa
Coun

TO: BOARD OF SUPERVISORS

FROM: DENNIS M. BARRY, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT

99 SEP -1 AM 10:5

DATE: July 20, 1999

SUBJECT: Report on Metal Fabrication Shop Operation at #18311 Bollinger Canyon Road in the San Ramon area. (C.M. Farr) (County Zoning Investigation File #RF 990410) (APN 199-030-040)

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATION

Adopt a motion:

1. Finding that recent changes to the use of the metal shop at the subject site preclude a finding that the use is agriculturally related.
2. Direct the Director of Building Inspection to initiate appropriate investigation and potential code enforcement actions pertaining to the metal shop operation including causing its operation to cease and desist.

FISCAL IMPACT

None.

BACKGROUND

This report concerns a longstanding land use dispute concerning a metal shop operation in the Bollinger Canyon area.

CONTINUED ON ATTACHMENT: X YES

SIGNATURE

RECOMMENDATION OF COUNTY ADMINISTRATOR APPROVE _____ RECOMMENDATION OF BOARD COMMITTEE _____ OTHER _____

SIGNATURE(S):

ACTION OF BOARD ON August 3, 1999 APPROVED AS RECOMMENDED _____ OTHER XX

SEE THE ATTACHED ADDENDUM FOR BOARD ACTION

VOTE OF SUPERVISORS

XX UNANIMOUS (ABSENT) _____
AYES: _____ NOES: _____
ABSENT: _____ ABSTAIN: _____

Contact: Bob Drake [(925) 335-1214]
Orig: Community Development Department
cc: Edward Shaffer, Norris & Norris
Charles & Lorraine Farr
Michael J. Warholic
Building Inspection Dept.
County Counsel

c:\wpdoc\farr.bo
RD\

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

ATTESTED August 3, 1999

PHIL BATCHELOR, CLERK OF
THE BOARD OF SUPERVISORS
AND COUNTY ADMINISTRATOR

BY Phil Batchelor, DEPUTY

Report on Farr Metal Fabrication Shop
San Ramon/Bollinger Canyon area

Complaint by Neighbor

The origins of the dispute stem from a complaint which was registered with the County concerning a metal shop operation which had been established on a property owned by Charles and Lorraine Farr that is zoned Agricultural Preserve (A-4). At that time, the County advised the Farris that they needed to eliminate the operation, or could try to legalize it by obtaining an appropriate land use permit under the zoning.

Attempt to Legalize the Use by Filing a Land Use Permit

In 1986, the Farris filed an application for a land use permit (File #2144-86) to try to legalize the use as a home occupation. The matter was heard initially by the Zoning Administrator who denied the application. That decision was appealed by the Farris to the San Ramon Valley Regional Planning Commission who reversed the Zoning Administrator's decision, granted the appeal, and conditionally approved the project.

The neighbor appealed that decision to the Board of Supervisors. On November 3, 1987, the Board granted the neighbor's appeal and denied the land use permit application. At the same time, the Board directed the Community Development Director and County Counsel to determine whether changes should be made in zoning and land use permitting to allow agriculturally related land uses. The Board also ordered that staff delay enforcement of the land use permit denial pending the results of the evaluation.

Subsequent Board Direction

In response to a subsequent staff report on the matter, on December 19, 1989, the Board of Supervisors directed staff to defer review of the zoning changes or enforcement action pending review of the proposed general plan review then underway.

1991 Adoption of General Plan and Related Agricultural Policies

In 1991, the Board of Supervisors adopted an update to the County General Plan. Among the policies adopted in the plan is Conservation Element Implementation Measure #8-aa pertaining to provision of agriculturally related businesses in areas designated for agricultural use.

1996 Approval of a Land Use Permit (File #LP962029) to Allow Second and Third Residences

In 1996, the Farris applied to the County to obtain a land use permit to allow the establishment of a second and third residence on the subject property (File #LP962029). After conducting a hearing on the application, the Zoning Administrator conditionally approved the application subject to conditions. No appeal was filed on the decision, so it became final.

The project was conditioned to require the applicant to follow the appropriate procedures for trying to legalize the metal fabrication shop once agricultural zoning was modified to comply with the above described Conservation Element policies (COA #5).

The land use permit was conditioned to allow for a period of five years (until October 17, 2001) in which to exercise the land use permit.

To date, the applicant has made no effort to exercise this land use permit.

1997 Approval of Farr Subdivision (MS 141-90)

In 1997, the Board of Supervisors heard an appeal of the County Planning Commission approval of a minor subdivision application processed by the Farrs. The Commission had conditionally approved the application. The appeal had been filed by another neighbor of the Farrs, the Warholics. The Warholics had expressed concern about the continued operation of the metal fabrication shop.

After taking testimony, the Board voted to deny the appeal and sustain the Commission's approval but required that the applicant eliminate the metal fabrication use prior to occupancy of a residence on either of the two new parcels which were tentatively approved (COA #36).

The applicant has not yet attempted to file a parcel map. The filing period on the tentative map currently extends to September 7, 2000, and may be extended by the County up to 5 additional years upon receipt of a request from the applicant.

As a separate matter, Supervisor Gerber, in whose district this district the property lies, indicated to the two parties, the Farrs and Warholics, that she wished to review the matter again in September of the year 2000.

RECENT COMPLAINT BY THE NEIGHBOR

On June 24, 1999, County staff met with Mr. Warholic who expressed concern about more intensive activity associated with the metal fabrication shop. He indicated that the operation was resulting in fumes and noise and traffic levels that were disruptive to his use of his property. He provided audio/visual and other evidence and other documentation that persuaded staff that the current operation of the metal fabrication shop could not qualify as a business that is agriculturally related.

DISCUSSION

The General Plan designates this site Agricultural Lands.

The 1987 action of the Board to defer code enforcement on the metal fabrication shop was premised on the applicant being able to demonstrate at a later date that the operation could be found consistent with new policies allowing for agriculturally-related businesses. However, based on recent evidence provided by the neighbor, it is clear that the current use is largely industrial in character. It is also apparent that non-agricultural uses are a major beneficiary of the products from the operation.

There is no further purpose to be served in waiting for consideration of zoning modifications for agricultural businesses to potentially accommodate this activity. In staff's opinion, the current metal fabrication activity cannot be found consistent with the new general plan policies. Staff can see no justification to allow existing nuisance conditions to continue. Accordingly, the County should initiate appropriate investigation and code enforcement.

ADDENDUM TO ITEM D.3

August 3, 1999 Agenda

On July 20, 1999, the Board of Supervisors continued consideration of finding that the use of a Metal Fabrication Shop at 18311 Bollinger Canyon Road in the San Ramon area precludes a finding that the use is agriculturally related; and consideration of directing the Building Inspection Department Director to immediately investigate and initiate code enforcement actions.

Dennis Barry presented the staff report and recommendations.

The Board discussed the matter. Victor Westman, County Counsel advised the Board that the recommendation was not for enforcement of the code, but to initiate an investigation and potential code enforcement actions, for a subsequent hearing.

Public comment was opened, and the following people presented testimony:

Michael Warholic, 18333 Bollinger Canyon Road, San Ramon;
Edward Shaffer, Esq., Norris & Norris, 1850 Mt. Diablo Blvd., #530, Walnut Creek;
Mike Farr, 18311 Bollinger Canyon Road, San Ramon;
Lori Farr, 18311 Bollinger Canyon Road, San Ramon;
Jim Farr, P.O. Box 2567, Martinez;
Lisa Farr, 1505 Dawn Court, San Ramon;
James Stuart, 18475 Bollinger Canyon Road, San Ramon;
Michelle Aralica, 2689 Corey Place, San Ramon;
Ivan Araliga, 2689 Corey Place, San Ramon;
Nena McKinzie, 575 Chetwood Street, Oakland;
Mark Chewning, 2462 Norris Canyon Road, Regal Steel Supply, San Ramon;
Larry Zaharis, 18770 Bollinger Canyon Road, San Ramon;
Michael Rains, 18875 Bollinger Canyon Road, San Ramon;
Kathy Rains, 18875 Bollinger Canyon Road, San Ramon.

The following people did not appear to speak, however the Chair read their names into the record:

Debbie Zaharis Chewning, 2462 Norris Canyon Road, San Ramon;
Paul Brasher, 4950 Alhambra Valley Road, Martinez;
Mike Brosler, 4950 Alhambra Valley Road, Martinez;
Karien Mueller, 18477 Bollinger Canyon Road, San Ramon;
Dianne Davis, 1008 Palisade Drive, Martinez;
Barbara Karl, 18355 Bollinger Canyon Road, San Ramon;
Kathryn Stewart, 18475 Bollinger Canyon Road, San Ramon;
Ronald Prather, 18355 Bollinger Canyon Road, San Ramon;
Terri Kovak, 18728 Bollinger Canyon Road, San Ramon
Paul Mueller, 18477 Bollinger Canyon Road, San Ramon

All those desiring to speak having been heard, the Board discussed the issues.

Supervisor Gerber moved to delete staff's Recommendation No. 1; and to adopt staff's Recommendation No. 2 to investigate the allegations; and she encouraged everyone to cooperate with the investigation.

Supervisor Uilkema seconded the motion, and requested that it include a request that Mark Chewning, Regal Steel Supply, provide staff with his knowledge of projects fabricated at the subject shop. Supervisor Gerber agreed.

The Board took the following action:

IT IS BY THE BOARD ORDERED that staff's Recommendation No. 1 is DELETED; and staff's Recommendation No. 2 is APPROVED, and the Building Inspection Department Director is DIRECTED to initiate appropriate action; and Mark Chewning, Regal Steel Supply, is REQUESTED to provide staff with his knowledge of projects fabricated at the subject shop.

**THE BOARD OF SUPERVISORS OF
CONTRA COSTA COUNTY, CALIFORNIA**

Adopted this Order on July 20, 1999, by the following vote:

AYES: Supervisors Gioia, Uilkema, Gerber and Canciamilla

NOES: None

ABSENT: Supervisor DeSaulnier

ABSTAIN: None

Re: Metal Fabrication Shop – 18311 Bollinger Canyon Road, San Ramon

On this day, the Board of Supervisors considered on the Consent calendar, Item C.210 (as attached). The Board determined to take the matter off the Consent portion of the agenda and discuss it during Short Discussion.


Following Board discussion, Supervisor Canicamilla moved to continue this matter to August 3, 1999, and requested that the Board determine what recent changes were made regarding the use of the Metal Fabrication Shop, and to preclude a finding that the use is agriculturally related. He also suggested to the Board that the Director of Building Inspection investigate and initiate code enforcement actions if called for. Supervisor Uilkema seconded the motion.

The Board took the following action:

IT IS BY THE BOARD ORDERED this matter is CONTINUED to August 3, 1999, as a Short Discussion item; DETERMINED to find whether the Metal Fabrication Shop at 18311 Bollinger Canyon Road, San Ramon is agriculturally related; and DIRECTED the Director of Building Inspection investigate and initiate code enforcement actions relative to the findings.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Attested: July 20, 1999
Phil Batchelor, Clerk of the Board
of Supervisors and County Administrator

By: 
Deputy Clerk

ADDENDUM TO ITEM D.3

August 3, 1999 Agenda

On July 20, 1999, the Board of Supervisors continued consideration of finding that the use of a Metal Fabrication Shop at 18311 Bollinger Canyon Road in the San Ramon area precludes a finding that the use is agriculturally related; and consideration of directing the Building Inspection Department Director to immediately investigate and initiate code enforcement actions.

Dennis Barry presented the staff report and recommendations.

The Board discussed the matter. Victor Westman, County Counsel advised the Board that the recommendation was not for enforcement of the code, but to initiate an investigation and potential code enforcement actions, for a subsequent hearing.

Public comment was opened, and the following people presented testimony:

Michael Warholic, 18333 Bollinger Canyon Road, San Ramon;
Edward Shaffer, Esq., Norris & Norris, 1850 Mt. Diablo Blvd., #530, Walnut Creek;
Mike Farr, 18311 Bollinger Canyon Road, San Ramon;
Lori Farr, 18311 Bollinger Canyon Road, San Ramon;
Jim Farr, P.O. Box 2567, Martinez;
Lisa Farr, 1505 Dawn Court, San Ramon;
James Stuart, 18475 Bollinger Canyon Road, San Ramon;
Michelle Aralica, 2689 Corey Place, San Ramon;
Ivan Araliga, 2689 Corey Place, San Ramon;
Nena McKinzie, 575 Chetwood Street, Oakland;
Mark Chewning, 2462 Norris Canyon Road, Regal Steel Supply, San Ramon;
Larry Zaharis, 18770 Bollinger Canyon Road, San Ramon;
Michael Rains, 18875 Bollinger Canyon Road, San Ramon;
Kathy Rains, 18875 Bollinger Canyon Road, San Ramon.

The following people did not appear to speak, however the Chair read their names into the record:

Debbie Zaharis Chewning, 2462 Norris Canyon Road, San Ramon;
Paul Brasher, 4950 Alhambra Valley Road, Martinez;
Mike Brosler, 4950 Alhambra Valley Road, Martinez;
Karien Mueller, 18477 Bollinger Canyon Road, San Ramon;
Dianne Davis, 1008 Palisade Drive, Martinez;
Barbara Karl, 18355 Bollinger Canyon Road, San Ramon;
Kathryn Stewart, 18475 Bollinger Canyon Road, San Ramon;
Ronald Prather, 18355 Bollinger Canyon Road, San Ramon;
Terri Kovak, 18728 Bollinger Canyon Road, San Ramon
Paul Mueller, 18477 Bollinger Canyon Road, San Ramon

All those desiring to speak having been heard, the Board discussed the issues.

Supervisor Gerber moved to delete staff's Recommendation No. 1; and to adopt staff's Recommendation No. 2 to investigate the allegations; and she encouraged everyone to cooperate with the investigation.

Supervisor Uilkema seconded the motion, and requested that it include a request that Mark Chewning, Regal Steel Supply, provide staff with his knowledge of projects fabricated at the subject shop. Supervisor Gerber agreed.

The Board took the following action:

IT IS BY THE BOARD ORDERED that staff's Recommendation No. 1 is DELETED; and staff's Recommendation No. 2 is APPROVED, and the Building Inspection Department Director is DIRECTED to initiate appropriate action; and Mark Chewning, Regal Steel Supply, is REQUESTED to provide staff with his knowledge of projects fabricated at the subject shop.