

Solano County

*675 Texas Street
Fairfield, California 94533
www.solanocounty.com*



Agenda - Final

Thursday, May 16, 2019

7:00 PM

Board of Supervisors Chambers

Planning Commission

Any person wishing to address any item listed on the Agenda may do so by submitting a Speaker Card to the Clerk before the Commission considers the specific item. Cards are available at the entrance to the meeting chambers. Please limit your comments to five (5) minutes. For items not listed on the Agenda, please see "Items From the Public".

All actions of the Solano County Planning Commission can be appealed to the Board of Supervisors in writing within 10 days of the decision to be appealed. The fee for appeal is \$150.

Any person wishing to review the application(s) and accompanying information may do so at the Solano County Department of Resource Management, Planning Division, 675 Texas Street, Suite 5500, Fairfield, CA. Non-confidential materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours and on our website at www.solanocounty.com under Departments, Resource Management, Boards and Commissions.

The County of Solano does not discriminate against persons with disabilities and is an accessible facility. If you wish to attend this meeting and you will require assistance in order to participate, please contact Kristine Sowards, Department of Resource Management at (707) 784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF THE MINUTES

[PC 19-020](#) April 18, 2019 PC Minutes

Attachments: [draft minutes](#)

ITEMS FROM THE PUBLIC:

This is your opportunity to address the Commission on a matter not heard on the Agenda, but it must be within the subject matter jurisdiction of the Commission. Please submit a Speaker Card before the first speaker is called and limit your comments to five minutes. Items from the public will be taken under consideration without discussion by

the Commission and may be referred to staff.

REGULAR CALENDAR

- 1** [PC 19-022](#) PUBLIC HEARING to consider Amendment No. 1 to Use Permit No. U-10-11 to amend an existing use permit for the Green River Tap Room to recognize the on-going use of the Restaurant and Bar, and to add outdoor dining and beverage service with entertainment and events on a portion of the property. The property is located at 4513 Putah Creek Road, south of the City of Winters in the Commercial Service “C-S” Zoning District (APN: 0103-160-010). The project qualifies for an Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines. (Project Planner: Michael Yankovich) Staff Recommendation: Approval

Attachments: [A - Conditions of Approval](#)
 [B - Site Plan](#)
 [C - Vicinity Map](#)
 [D - Aerial Map](#)
 [E - PC resolution](#)
- 2** [PC 19-021](#) PUBLIC HEARING regarding establishing General Plan policies for Cache Slough. (Project Planner: Nedzlene Ferrario)

Attachments: [A - Cache Slough Region within Solano County](#)
 [B - Priority Habitat Resotration Areas in the Delta Plan](#)
 [C - Cache Slough Region within the Legal Delta](#)
 [D - Tidal Wetland Project Locations in Cache Slough](#)
- 3** [PC 19-023](#) PUBLIC HEARING to consider an appeal of the Director of Resource Management’s denial of Administrative Permit Application No. AD-18-02 of Leeanna Ellis for an outdoor special events facility for up to 6 events per year with up to 150 attendees. The property is located at 5580 Nicholas Lane, a 31.9-acre parcel approximately 2.5 miles east of the City of Vacaville in an Exclusive Agriculture “A-40” Zoning District, APN: 0141-090-250. (Project Planner: Karen Avery) Staff Recommendation: Deny appeal and affirm the Director of Resource Management’s decision of denial

Attachments: [A - Draft Resolution](#)
 [B - Parcel Map Bk 15 Pg 88](#)
 [C - Restraining Order](#)
 [D - Appellate Court Opinion](#)
 [E - Section 28.73.30\(B\)\(6\) Standards](#)
 [F - Application with 2002 Road Maintenance Agreement](#)
 [G - Dixon Fire Department Letter](#)
 [H - Denial Letter from Director of Resource Management](#)
 [I - Ellis Appeal Request](#)

ANNOUNCEMENTS AND REPORTS

ADJOURN

*To the Planning Commission meeting of June 6, 2019 at 7:00 P.M., Board Chambers,
675 Texas Street, Fairfield, CA*



Solano County

675 Texas Street
Fairfield, California 94533
www.solanocounty.com

Agenda Submittal

Agenda #: **Status:** PC Minutes
Type: PC-Document **Department:** Planning Commission
File #: PC 19-020 **Contact:** Kristine Sowards, 784.6765
Agenda date: 5/16/2019 **Final action:**
Title: April 18, 2019 PC Minutes

Governing body: Planning Commission

District:

Attachments: [draft minutes](#)

Date	Ver.	Action By	Action	Result
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MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of April 18, 2019

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Board of Supervisors' Chambers (1st floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Rhoads-Poston, Cayler, Hollingsworth, and Chairman Walker

EXCUSED: Commissioner Bauer

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Eric Wilberg, Planner Associate; Jim Laughlin, Deputy County Counsel; and Kristine Sowards, Planning Commission Clerk

Chairman Walker called the meeting to order at 7:00 p.m. with a salute to the flag. Roll call was taken and a quorum was present.

Approval of the Agenda

The Agenda was approved with no additions or deletions.

Approval of the Minutes

The minutes of the regular meeting of March 21, 2019 were approved as prepared.

Items from the Public

There was no one from the public wishing to speak.

Regular Calendar

Item No. 1

CONTINUED PUBLIC HEARING to consider Use Permit Application No. U-18-04 of The Timbers-Silveyville Christmas Tree and Pumpkin Farm (c/o Ted and Jeri Seifert) for an existing Christmas tree and pumpkin farm with concessions, gift shop and amusement activities, and proposed event venue with a 3,000 square foot building and adjacent park. The property is located at 6224 Silveyville Road, northwest of the City of Dixon in the Exclusive Agricultural "A-40" Zoning District, APN's: 0108-090-130 and 140. The project qualifies for an Exemption from the California Environmental Quality Act pursuant to the CEQA Guidelines. (Project Planner: Michael Yankovich) Staff Recommendation: Continue this matter to the regular meeting of June 6, 2019

Mr. Yankovich stated that the applicant has requested a continuance of this item to allow additional time to deal with the recommended conditions of approval by the Department staff. Staff concurred with this request for continuance.

A motion was made by Commissioner Cayler and seconded by Commission Rhoads-Poston to continue this matter to the meeting of June 6, 2019. The motion passed unanimously.

Item No. 2

PUBLIC HEARING to consider Use Permit Application No. U-19-02 and Marsh Development Permit MD-19-01 of **Chevron Pipe Line Company** to replace an approximately 2.5-mile portion of an 8-inch lateral pipeline that traverses an area located within the Suisun Marsh from Grizzly Island Road to Birds Landing Road within the Suisun Marsh Agriculture "A-SM-160" and Marsh Preservation "MP" Zoning Districts; APNs: 0046-230-010, 020, 030, 040, 0048-070-280, 0090-070-420, and 460. (Project Planner: Eric Wilberg) Staff Recommendation: Approval

Eric Wilberg, project planner, provided a brief overview of the staff report. In 1966, the Chevron Pipe Line Company constructed their Bay Area Products Line which runs from Pittsburg-to-Sacramento. Recent inspections performed on the pipeline identified anomalies (i.e., potential minor imperfections of the pipe's walls). To eliminate the anomalies, CPL proposes to replace an approximately 2.5-mile pipeline segment that runs through the Grizzly Island Wildlife and Birds Landing Areas within unincorporated Solano County. The project would not increase the capacity or throughput of the BAPL and be the same diameter as the existing pipe. The new pipe would be installed by using horizontal directional drilling under Suisun Marsh from two entry points located at the Birds Landing Work Site and Grizzly Island Work Site. Mr. Wilberg noted that the transmission and distribution of natural resources are consistent with the General Plan's goals and policies within the Suisun Marsh. Staff recommended approval of the project.

Austin Keese, environmental and permitting specialist representing Chevron, spoke regarding the technical aspects of the proposal. He described the project activities, the project objectives, construction methods, potential impacts, and the scheduling and timing of the development. Troy Haugeberg, project manager, also spoke by providing additional clarification on several aspects of the project.

Commissioner Cayler inquired if Solano County was the last step in the approval process. Mr. Keese responded by stating that they have submitted all the necessary permit applications with all other pertinent agencies, and those applications are in process and expected to be received in the very near future. He said that now, moving forward, it is more of an administrative process.

Chairman Walker spoke of a personal experience recently at his own home where a sewer line needed repair and the type of procedure that was used was the old pipe was burst, and the new pipe was placed in the exact same footprint. He wondered if Chevron had this same type of technology available.

Mr. Keese explained that sewer pipelines are a smaller, thinner gage pipe which would make that technique more feasible. He said the Chevron pipe is an 8-inch pipeline and made of heavier steel. Chevron wants to make certain that when the new pipeline is installed there is no damage to the coating or other aspects of the pipe to ensure that it has a long and successful reliability life. He noted that it is industry practice to drill a new pipeline and install it rather than try and follow the contours of the existing one.

Commissioner Hollingsworth inquired as to how long it is anticipated that the life of this pipeline would be. Mr. Keese said the pipeline has a life span of approximately 25 years, but it is typical for a pipeline to operate well beyond their design life.

Since there were no further questions, Chairman Walker opened the public hearing.

Joshua Shepherd, Sandalwood Court, Fairfield, appeared before the commission. He stated that he finds it interesting that the State Lands Commission has designated the Mitigated Negative Declaration as an appropriate oversight tool for this project, considering the sensitivity of the site and the track record of spills within the Suisun Marsh. He said part of the Policy of the Solano County General Plan is to restrict the crossing of ground failure areas by new public and private transmission facilities including power and water distribution lines, sewer lines, and gas and oil transmission lines. He said he understood that this pipeline was installed in 1966 before the Suisun Marsh Protection Act took effect but commented that he was doubtful this project would have been approved if it were proposed 10 years later. Mr. Shepherd stated that there is a seismic fault that crosses the Birds Landing Work Site which is called the Kirby Hills Pittsburg fault. He noted that while it does not cross the replacement segment of the new pipeline, it crosses the work area where the pipeline is going to be laid out in preparation for construction under Montezuma Slough. He said that while it is not technically crossing the new portion, he feels that it is a huge risk factor. The fact that it is being installed 120 feet under Montezuma Slough, the potential devastation for failure is going to be incredible and almost impossible to mitigate. Mr. Shepherd said that CEQA was put into place for situations such as these and this is not something to be taken lightly. He stated that he understands an EIR review is a tedious and a resource intensive process, but he believed it exists for a reason and that there is a lot to lose here. He said Suisun Marsh has a huge stack of challenges against it already and he urged the commission to not rush into accepting the mitigated negative declaration and to consider the real scope of an EIR.

Since there were no further speakers, Chairman Walker closed the public hearing.

Commissioner Hollingsworth inquired about the environmental document and if the commission had any authority in its review.

Jim Laughlin, county counsel, stated that the State Lands Commission is the responsible agency who prepared the environment document for this project which limits the county's authority. Mr. Laughlin noted that the county had an opportunity to comment on the document during the review process, but now that it is complete and adopted by the State Lands Commission, the county needs to follow along with the document as prepared.

Chairman Walker stated that he found the environmental document to be very comprehensive.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Cayler to adopt the resolution and approve Use Permit Application No. U-19-02 and Marsh Development Permit Application No. MD-19-01 subject to the mandatory and suggested findings and recommended conditions of approval. The motion passed unanimously. (Resolution No. 4671)

ANNOUNCEMENTS and REPORTS

There were no announcements or reports.

Since there was no further business, the meeting was **adjourned**.

DRAFT



Solano County

675 Texas Street
Fairfield, California 94533
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Agenda Submittal

Agenda #: 1 **Status:** PC-Regular
Type: PC-Document **Department:** Planning Commission
File #: PC 19-022 **Contact:** Michael Yankovich, 784.6765
Agenda date: 5/16/2019 **Final action:**
Title: PUBLIC HEARING to consider Amendment No. 1 to Use Permit No. U-10-11 to amend an existing use permit for the Green River Tap Room to recognize the on-going use of the Restaurant and Bar, and to add outdoor dining and beverage service with entertainment and events on a portion of the property. The property is located at 4513 Putah Creek Road, south of the City of Winters in the Commercial Service "C-S" Zoning District (APN: 0103-160-010). The project qualifies for an Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines. (Project Planner: Michael Yankovich) Staff Recommendation: Approval
Governing body: Planning Commission
District:
Attachments: [A - Conditions of Approval](#)
[B - Site Plan](#)
[C - Vicinity Map](#)
[D - Aerial Map](#)
[E - PC resolution](#)

Date	Ver.	Action By	Action	Result
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RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. U-10-11-AM1, subject to the recommended conditions of approval in Attachment A.

EXECUTIVE SUMMARY:

The Green River Tap Room has filed an application to amend Use Permit 10-11 to add outdoor dining with entertainment on a portion of the property. The Zoning Administrator approved a minor revision to the use permit on February 17, 2011, to add food service to the existing bar business. The site is substantially developed but requires several improvements by the applicant to implement the project. The property is zoned Commercial Service (C-S). The proposed use is consistent with both the Solano County General Plan and County Zoning Regulations.

ENVIRONMENTAL ANALYSIS:

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15304(e), Minor Alterations to Land. The physical improvements for the bar and restaurant already exist. This permit allows patrons to utilize the developed lands below the restaurant as a dining and entertainment extension of the Taproom and Restaurant.

PROJECT DESCRIPTION:

Environmental Setting:

The site is comprised of one parcel (APN: 0103-160-010) which contains 17.3 acres. The site has frontage on both Putah Creek Road, southern boundary, and Putah Creek, northern boundary. The site drops sharply from the road to the lower portions of the site along the creek. The parcel is developed with buildings, structures and driveways and parking areas. (See Attachment B: Site Plan)

Environmental Health Division records indicate that there was a café at the site in the mid-1980s. When the food operation ceased, the building was converted to a bar and has been operating as a bar since that time. In recent years, the bar was named Creekside Country Club, Dee Dee's Bar and Grill, and now Green River Taproom.

Green River Taproom and Restaurant

The Green River Tap Room occupies a portion of the building at 4513 Putah Creek Road that includes a full-service bar, restaurant, taproom and outdoor event center. The restaurant is preparing to conduct a remodel that includes the modernization of its kitchen facilities to support an expanded menu offering. At full capacity, the business employs approximately 40 persons. The Tap Room and Restaurant will have capacity of 89 patrons indoors. The restaurant/bar/ taproom contains both indoor seating as well as outdoor seating on the back patio. Events inside the facility include live music (a 2-piece band), DJ, trivia nights and Karaoke events, typically occurring 3-4 times per week.

The Park

The Green River Tap Room is adding outdoor dining and beverage service on the undeveloped portion of the property to the rear of the restaurant building. The outdoor area has frontage along Putah Creek and has access from a private driveway off of Putah Creek Road. Additional bar service and food service will be available in the outdoor areas which will include live entertainment for patrons. The restaurant, taproom and outdoor areas may also be rented out for private parties and events. The permittee may add structures to the outdoor area to facilitate the additional uses outdoors. All such structures shall conform to County building and environmental health regulations.

Events at the Park

The Park will accommodate a maximum of 200 patrons outdoors. The Park use is seasonal, opening in the month of March and closing in the Month of November. Outdoor events conducted by the Green River Tap Room include concerts, corporate rentals and other events designed to draw patrons to the venue.

Large Concerts

One large concert is planned each month the Park is open with a maximum attendance of 200 persons.

Small Concerts

Plans include 3-4 small concerts per month with a maximum attendance of 75 persons.

Additional Uses of the Property

Special Events

Special events at the Park (weddings, corporate park rental and private parties) will occur 3 times per month. The attendance for these events will range from 25 to 200 persons. The Taproom and Restaurant will also host a variety of community fund raising events averaging two per month in either the bar or Park.

Event Food Facilities

Food for all special events will be prepared both in the kitchen of the taproom and utilization of an outdoor BBQ. A new kitchen (remodel of existing kitchen) will be constructed to facilitate a broader menu offering.

Restrooms

There are 2 existing ADA restrooms in the bar that are tied to the current septic system. In addition, there is

one portable ADA restroom located in the park which is serviced regularly by Frank's Septic.

Warehouse

The warehouse will contain dry food storage and other supplies/equipment utilized by the business.

Infrastructure

Water

The current water source is an onsite water well. The well and water system are maintained under permit #4810023, a CA State Division of Drinking Water issued permit.

Storm water

The project has existed in the present physical condition for several decades. No changes in impervious surface area are proposed and no additional storm drainage improvements are included within the project.

Traffic and Circulation

The project has driveway access from two connections to Putah Creek Road, a paved two-lane county road. No changes are proposed to the project access and circulation configuration.

Parking

The facility has 23 spaces at street level, 20 spaces in the lower south parking lot and 100 spaces in the north dirt lot.

Wastewater

Sewer service is provided by an onsite septic system, which was originally permitted by this Department in 1977 for a two-bedroom residential structure. The system was expanded under permit R-99-05 - at the time of repair in 1999 there were two existing systems on site, one for the bar and one for the manager's office. The septic system was repaired in 2017 under permit S2017-0038.

ANALYSIS:

General Plan Consistency

The 2008 General Plan designates this property as Service Commercial, which is defined as:

Provides service activities requiring large land areas and easy access to major transportation facilities. Commercial service uses include indoor and outdoor retail and service activities.

The proposed use of the property by the Green River Tap Room as restaurant and bar with indoor and outdoor dining and beverage service, along with entertainment and events, is consistent with the vision and policies contained within the 2008 General Plan.

Zoning Consistency:

The parcels are zoned Commercial Service (C- S) District, which contain the following Zoning District Standards

Section 28.41 of the Solano County Code establishes permissible land uses for the Commercial Service District (C-S) which include neighborhood commercial uses. A use permit is required when the neighborhood commercial use exceeds 1,500 square feet to assure that the uses are appropriate for the specific parcel and would not result in nuisances to surrounding properties and facilities.

Agency Review

The project has been reviewed by the County Development Review Committee. The conditions of approval

reflect the requirements of the Committee (See Attachment A).

PROPOSED FINDINGS:

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

The addition of outdoor dining and beverage service with entertainment and events is consistent with the goals and policies of the Solano County General Plan. The business, as proposed, along with the conditions of approval, will be consistent with the General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site contains existing domestic water and septic system on site. These facilities will be improved pursuant to the conditions of approval and will be adequate to properly serve the proposed uses.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed Restaurant and bar with outdoor service will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

ADDITIONAL FINDINGS

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15304, Minor Alterations to Land.**

CONDITIONS OF APPROVAL

See Attachment A for conditions of approval.

ATTACHMENTS

- A: Conditions of Approval
- B: Site Plan
- C: Vicinity Map
- D: Aerial Map
- E: Resolution

CONDITIONS OF APPROVAL for GREEN RIVER TAP ROOM (U-10-11-AM1)

I. GENERAL PROVISIONS

Administrative Conditions of Approval

1. **Approved Uses.** The proposed use shall be established in accord with the application and site plan for Use Permit U-10-11-AM1, submitted July 9, 2018 and as amended by the applicant, Green River Brewery and Taproom, and as described and conditioned herein. In the event of any conflict between the application materials and the project description or conditions set forth in this permit, the latter shall control.
2. **Permit Term.** The permit is issued for an indefinite term, subject to renewal every five years pursuant to Section 28-106N of the Solano County Code. The initial renewal period shall occur prior to December 20, 2023.
3. **Final Plan.** Within 30 days of approval of the use permit, the permittee shall submit a final development plan portraying the project as together with all project modifications imposed by these conditions of approval.

Limitations of the Permit

4. **Minor Revisions.** No additional uses shall be established beyond those identified on the final development plan without prior approval of a revision or amendment to the use permit. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
5. **Indemnification.** By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses, or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance of and/or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
6. **Exercise of Permit.** The use permit shall expire and thereafter be null and void, without further action by the County, if it is not exercised by close of business on June 28, 2019. The use permit shall not be considered exercised until all building, public works and environmental health permits required for the use have been issued.
7. **Initial Inspection Prior to Commencement of Activities.** Prior to the commencement of activities under this use permit or the admission of the public to the site, the permittee shall be present on site for an inspection of the premises by the Department of Resource Management and other agencies with jurisdiction, in order to determine if all prerequisite conditions and requirements have been met. Commencement of activities authorized under this permit shall not begin until the Director of Resource Management determines that the permittee is in compliance with the prerequisite conditions of approval.
8. **Subsequent Inspections.** If additional inspections are required before the Director determines the permittee is in compliance with the use permit, the permittee shall be

charged inspection fees based on the adopted rate established by the Board for hourly work by the Department.

9. **Failure to Comply.** Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit and cessation of the permitted uses at the Permittee's expense.

II. SITE AND FACILITY CONDITIONS AND IMPROVEMENTS

10. **Occupancy.** The site shall be limited to a maximum occupancy of 289 customers and 40 employees.
11. **Access.** The site shall have two twenty-foot minimum width all-weather surface driveway connections to a public road.
12. **Kitchen Facilities.** No kitchen facility may be used unless it is permitted as a food facility by the Environmental Health Division.
13. **Exterior Lighting.** Lighting capable of providing adequate illumination for security and safety shall be provided. Lighting shall be downcast and/or directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
14. **Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors including restrooms, refuse disposal receptacles, potable water and wastewater facilities.
15. **Parking.** The parking area identified on the final development plan shall provide adequate parking space for at least 143 vehicles; parking areas and driveways shall be treated as necessary to control dust. Parking shall be located in an open area with a slope of 10 percent or less.
16. **Parking on the road.** No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The applicant shall place signs along the interior access ways and at 300-foot intervals along the road right-of-way indicating the parking restriction. These signs shall be posted no earlier than the day before any event in excess of 100 attendees and shall be removed no later than the day following the event.
17. **Use of Existing Structures.** The use of existing permanent structures temporarily during events are limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
18. **Use of Temporary Structures.** The use of temporary structures during events are limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable. This requirement may be waived through an adjustment (Section 22.70.030) when the applicable fire agency verifies in writing that the proposed structure is adequate for safe egress and all other fire safety concerns have been addressed.
19. **New Permanent Structures.** Event activities may only be allowed in new structures where approved through a Conditional Use Permit. All new structures proposed for events shall be located off Class I and II soils as defined by the NRCS and are limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable.

III. OPERATIONAL AND PERFORMANCE STANDARDS

20. **Prevent Offensive Noise, Dust, Glare, Vibration or Odor.** All uses of land and buildings shall be conducted in a manner that provides adequate controls and operational management to prevent dust, glare, vibration which are detectable beyond any property line, and noise that exceeds 65dBA LDN at any property line.
21. **Prevent Storm Water Pollution.** Any use of land or buildings shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river
22. **Removal of Natural Material.** Removal of natural material 1) shall be done in a manner that prevents offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
23. **Solid Waste and General Liquid Waste Storage and Disposal.**
 - a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
 - b. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
 - c. All burning of waste materials accessory to any use shall comply with the Yolo-Solano Air Quality Management District or the San Francisco Bay Area Air Quality Management district based on geographic location of the activity specific to each air quality management district.
 - d. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.
24. **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
25. **Operational Controls.** Shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.
26. **Incidental Retail Uses.** Temporary agritourism uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
27. **Nuisance Controls.** Permittee shall show that adequate measures and controls shall be taken to prevent offensive glare, noise, odors and dust from impacting abutting uses or facilities.
28. **Hours of Operation.** The hours of operation are from 9:00 a.m. - 9:00 p.m. Sunday through Thursday except holidays; 9:00 a.m. through midnight Friday, Saturday and holidays. Facility set up and clean up shall be allowed between the hours of 6:00 a.m. to 9 p.m. Music shall stop by 10:00 p.m. All guests of an event shall be off the property by 8:30 p.m.
29. **Site Appearance.** The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.

30. **Event Management Plan.** No later than June 20, 2019, the permittee shall submit an Event Management Plan which shall identify measures, procedures and operational controls to address the operational and performance standards imposed by this permit, including the following categories:
- a. **Nuisance Elimination.** Identify measures and controls to manage potential nuisances such as fugitive dust, noise, light, glare and odor.
 - b. **Traffic and Parking Management.** Identify measures and controls to manage traffic arriving and departing the site as well as controls to assure the efficient movement of vehicles in the parking areas.
 - c. **Food and Beverage Service.** Describe the types of food and beverage services available to the public and identify all necessary permits and licenses which must be obtained prior to conducting the event.
 - d. **Emergency Response Plan.** Identify measures and controls to manage any emergency which might reasonably arise during an event. Provide a list of emergency contacts for various responders to all staff and volunteers. Identify a central location on the property which will serve as an emergency center with communications and fire and first-aid equipment.
 - e. **Storm Water Management.** Identify measures and controls to manage storm water to prevent storm water pollution.
 - f. **Sanitation and Waste Management.** Identify measures and controls to manage all forms of liquid and solid waste on the site.
 - g. **Approval of the Event Management Plan.** The permittee shall not commence any uses of buildings or the land for events until the Director has approved the Event Management Plan.

IV. ADDITIONAL PERMITS REQUIRED

Planning Division Permits

32. **Sign Permit** A sign permit for all existing or proposed signs shall be applied for and granted prior to the commencement of the use.

Building Division Conditions

33. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2016 California Building Code. "Any owner or authorized agent who intends to construct, enlarge, or change the occupancy of a building or structure shall first make application to the building official and obtain the required permit."
34. Certificate of Occupancy "111.1 Use and Occupancy. No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein."
35. All facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2016 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2016 California Building Code. The

Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan and floor plan drawn to scale and designed by a licensed architect reflecting all architectural and accessibility.

36. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst-case requirements between Chapter 11B of the 2016 California Building Code and the ADA Federal Law. One ADA parking shall be provided per every 25 parking stalls.
37. The building permit plans shall include a code analysis as listed below and the design shall be under the 2016 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:
 - a. Occupancy Classification
 - b. Type of Construction
 - c. Seismic Zone
 - d. Location on Property
 - e. Height of all buildings and structures
 - f. Square footage
 - g. Occupant Load
 - h. Allowable Floor Area
 - i. Height and Number of Stories
38. Plans and Specifications shall meet the requirements as per Section 105 of the 2016 California Building Code. "Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional." Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official."
39. **Site Accessibility Requirements**. The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2016 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2016 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale reflecting all site accessibility. The site shall be developed in a manner consistent with state and federal requirements for accessibility for disabled persons, including all parking area, aisles and paths of travel and structures. The applicant shall submit accessibility analysis prepared by a Certified Access Specialist (CAS). The analysis must state that the inspected structures and other site features meet both state and federal accessibility requirements or specify what corrections are necessary in order to comply. The permittee shall make any necessary corrections identified by the

CAS analysis. All accessible paths of travel and parking areas shall be a hardscaped surface as specified by the CAS specialist and shall meet all of the worst case requirements between Chapter 11B of the 2016 California Building Code and the ADA Federal Law.

40. The fire district will reassess the site for fire life and safety requirements.

Environmental Health Division Conditions

41. Green River Taproom shall have an approved septic design plan for an expansion of the septic system by June 1, 2019. The expansion of the septic system shall meet Solano County Code capacity requirements for wastewater generating activities. The septic expansion plan shall show capacity to handle the increased wastewater flows from the planned growth in business activities, including the proposed: permanent outdoor bathrooms, outdoor bar, detached auxiliary cold storage, and full kitchen remodel with addition of fryers and grill.
42. Environmental Health requires installation of the approved septic plan to occur prior to the 2019 wet weather moratorium. Environmental Health is willing to consider a phased construction build out for the septic system if included in a Registered Consultant's design plan, however no expansion of the existing menu, addition of a detached auxiliary cold storage unit, permanent rest rooms in the park area, nor permanent outdoor bar can be approved until the septic system is shown to have capacity to support those activities.
43. Plans shall be submitted no later than June 1, 2019 for the addition of mechanical ventilation system(s) for all equipment which require it per the California Retail Food Code. The current menu may not be changed without approval from this office.
44. The outdoor temporary bar is permissible for no more than one year in the outdoor event area – the temporary outdoor bar shall cease all operations by 12/31/2019. Plans must be submitted for the installation of an approved park bar or mobile unit which shall be connected to an approved sanitary sewer (i.e. septic system) if the facility intends to provide "food service" (beverages meet the definition of food per the California Retail Food Code) in the event/park area.
45. A temporary food facility permit cannot be issued unless an event meets the definition of a Community event and has approval from all applicable local jurisdictions for its issuance. A temporary food facility shall not be created/erected or set in place outside of the permitted fixed retail food facility without a permit from Environmental Health. Any act which may create additional water usage and/or wastewater generation related to the preparation of food is not allowed outside of the permitted food facility apart from an open air-barbeque.
46. Green River Taproom shall obtain permits, or written approval, from Environmental Health prior to any remodel of the kitchen or change in menu.
47. If the facility changes its source of potable water, it shall provide written notification of the change to Environmental Health prior to the change.
48. The applicant shall create a Hazardous Materials Business Plan (HMBP) and upload the plan to the California Environmental Reporting System (CERS) within 30 days of exceeding any of the hazardous materials thresholds. The HMBP shall include: facility information, a hazardous materials inventory, site diagram, emergency response plan, and an employee training plan.

The hazardous materials thresholds are 55 gallons of liquids, 200 cubic feet for gases, 500 lbs. for solids, and 1000 cubic feet of inert gases such as carbon dioxide or nitrogen.

Dixon Fire Protection District

49. Plans submitted for building permit must meet all requirements of the Uniform Building and Fire Codes. Occupancies will be determined by the County Building Official for restrictions.
50. New buildings may require protection by an automatic fire sprinkler system. System plans must be submitted to the Suisun Fire Protection District for permit, plan review and field inspections. Other Fire Protection Systems and Alarms may be required pending occupancy use.
51. Public events on-site may have special requirements.
52. Access Road and building approach must meet County and Fire Code Standards.
53. Occupant load and exits will be determined upon submission of plans for building permit.
54. The access road must meet all Solano County requirements for use as a commercial driveway. This may include adequate turning radius or approved turnarounds capable of supporting fire apparatus.
55. Any gate entrances shall be at least 16 ft. wide. If gate is locked, it will be required to be provided with approved fire department access device.
56. Prior to issuance of building permits, all requirements of the Dixon Fire Protection District shall be met.

Public Works – Engineering Conditions

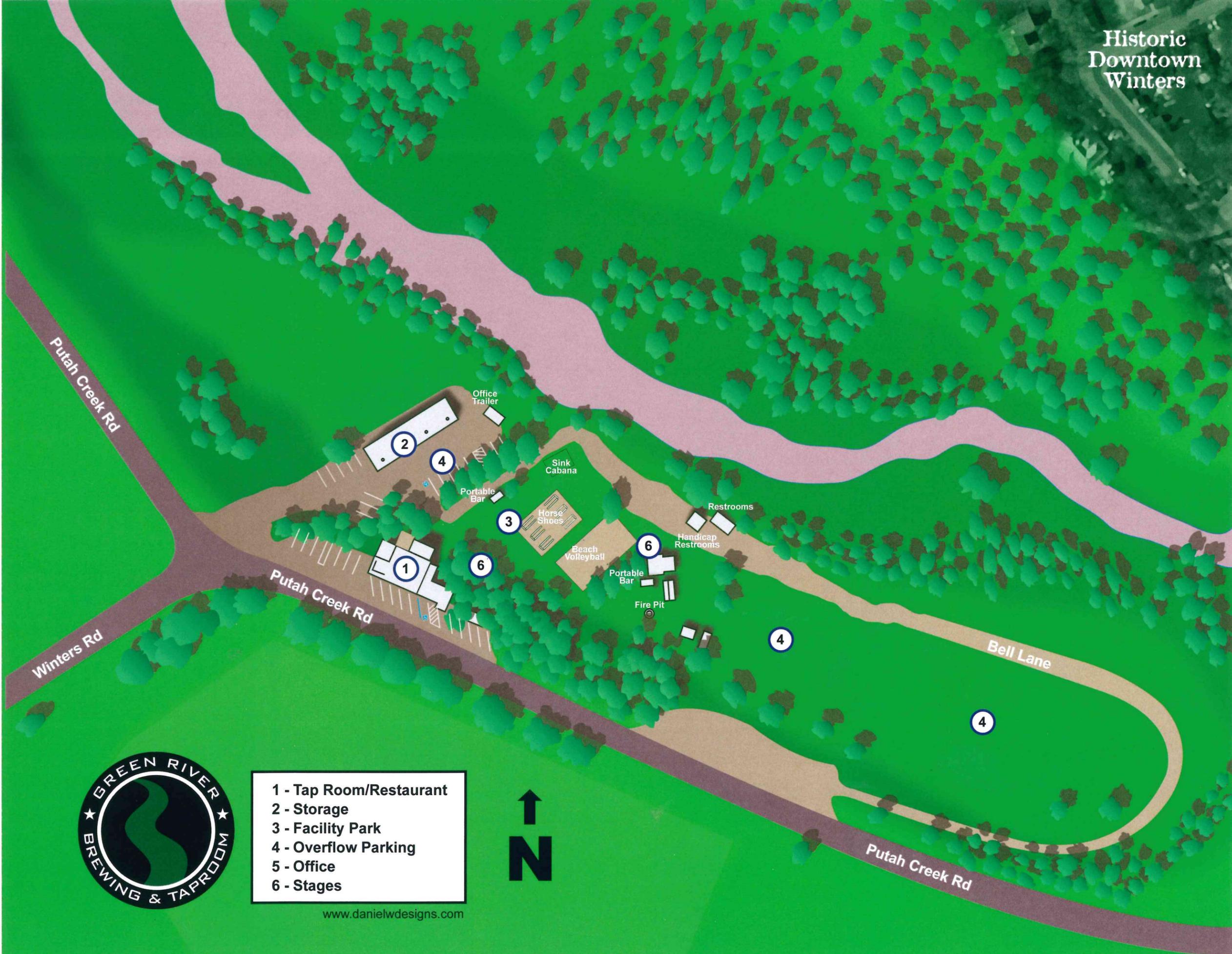
57. The Applicant shall apply for, secure and abide by the conditions of a grading permit for the existing grading that has taken place on the property subsequent to the previous grading permit #G2002-144. In addition, grading permits shall be secured for any future grading or drainage improvements on the property. Public Works Engineering will require the submittal of a drainage plan showing all offsite and onsite improvements necessary to manage storm water issues related to this development.
58. The Applicant shall apply for, obtain and comply with the conditions of an encroachment permit from Solano County Public Works for the existing driveway access and parking areas along Putah Creek Road. The access and parking areas must be maintained in such a manner as to prevent soil debris and rocks from tracking onto Putah Creek Road. In addition, subsequent encroachment permits shall be obtained for any future work within the Solano County rights-of-way.

Other Agency Conditions of Approval

59. **Other Agencies.** Certain land uses are subject to laws and regulations administered by federal, state, regional and local agencies and may require additional licenses or permits, prior to conducting the land use. Prior to conducting any land use authorized under this Chapter, any other licenses or permits required by any other agency must be obtained.

V. COMPLAINTS

60. **Investigations of Complaints.** The Department of Resource Management shall investigate all complaints received regarding any activities or matters authorized by this permit. If staff is able to verify that violations of the permit conditions have occurred, then the Department will issue a notice to the permittee to take corrective actions. The Department shall bill the permittee for all time expended to investigate and obtain compliance with the permit conditions, based on the adopted rate established by the Board for hourly work by the Department.



- 1 - Tap Room/Restaurant
- 2 - Storage
- 3 - Facility Park
- 4 - Overflow Parking
- 5 - Office
- 6 - Stages



Vicinity Map

Legend
📍 4513 Putah Creek Rd



Untitled Map
Write a description for your map.

Legend
4513 Putah Creek Rd



SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. XX

WHEREAS, the Solano County Planning Commission has considered Amendment No. 1 to Use Permit U-10-11 of **Green River Brewing and Taproom** to permit the current use of the existing bar and restaurant facility and additional use of the outdoor area of the property for outdoor events. The property is located at 4513 Putah Creek Road, south of the City of Winters in the Commercial "CS" Zoning District, APN: 0103-160-010, and;

WHEREAS, the Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on May 16, 2019 and;

WHEREAS, after due consideration, the Planning Commission has made the following findings in regard to said proposal:

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

The addition of outdoor dining and beverage service with entertainment and events is consistent with the goals and policies of the Solano County General Plan. The business, as proposed, along with the conditions of approval, will be consistent with the General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site contains existing domestic water and septic system on site. These facilities will be improved pursuant to the conditions of approval and will be adequate to properly serve the proposed uses.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed Restaurant and bar with outdoor service will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15304, Minor Alterations to Land.**

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby adopt the findings and approves Amendment No. 1 to Use Permit No. U-10-11, subject to the following recommended conditions of approval:

I. GENERAL PROVISIONS

Administrative Conditions of Approval

1. **Approved Uses.** The proposed use shall be established in accord with the application and site plan for Use Permit U-10-11-AM1, submitted July 9, 2018 and as amended by the applicant, Green River Brewery and Taproom, and as described and conditioned herein. In the event of any conflict between the application materials and the project description or conditions set forth in this permit, the latter shall control.
2. **Permit Term.** The permit is issued for an indefinite term, subject to renewal every five years pursuant to Section 28-106N of the Solano County Code. The initial renewal period shall occur prior to December 20, 2023.
3. **Final Plan.** Within 30 days of approval of the use permit, the permittee shall submit a final development plan portraying the project as together with all project modifications imposed by these conditions of approval.

Limitations of the Permit

4. **Minor Revisions.** No additional uses shall be established beyond those identified on the final development plan without prior approval of a revision or amendment to the use permit. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
5. **Indemnification.** By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses, or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance of and/or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
6. **Exercise of Permit.** The use permit shall expire and thereafter be null and void, without further action by the County, if it is not exercised by close of business on June 28, 2019. The use permit shall not be considered exercised until all building, public works and environmental health permits required for the use have been issued.
7. **Initial Inspection Prior to Commencement of Activities.** Prior to the commencement of activities under this use permit or the admission of the public to the site, the permittee shall be present on site for an inspection of the premises by the Department of Resource Management and other agencies with jurisdiction, in order to determine if all prerequisite conditions and requirements have been met. Commencement of activities authorized under this permit shall not begin until the Director of Resource Management determines that the permittee is in compliance with the prerequisite conditions of approval.
8. **Subsequent Inspections.** If additional inspections are required before the Director determines the permittee is in compliance with the use permit, the permittee shall be charged inspection fees based on the adopted rate established by the Board for hourly work by the Department.
9. **Failure to Comply.** Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit and cessation of the permitted uses at the Permittee's expense.

II. SITE AND FACILITY CONDITIONS AND IMPROVEMENTS

10. **Occupancy.** The site shall be limited to a maximum occupancy of 289 customers and 40 employees.
11. **Access.** The site shall have two twenty-foot minimum width all-weather surface driveway connections to a public road.
12. **Kitchen Facilities.** No kitchen facility may be used unless it is permitted as a food facility by the Environmental Health Division.
13. **Exterior Lighting.** Lighting capable of providing adequate illumination for security and safety shall be provided. Lighting shall be downcast and/or directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
14. **Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors including restrooms, refuse disposal receptacles, potable water and wastewater facilities.
15. **Parking.** The parking area identified on the final development plan shall provide adequate parking space for at least 143 vehicles; parking areas and driveways shall be treated as necessary to control dust. Parking shall be located in an open area with a slope of 10 percent or less.
16. **Parking on the road.** No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The applicant shall place signs along the interior access ways and at 300-foot intervals along the road right-of-way indicating the parking restriction. These signs shall be posted no earlier than the day before any event in excess of 100 attendees and shall be removed no later than the day following the event.
17. **Use of Existing Structures.** The use of existing permanent structures temporarily during events are limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
18. **Use of Temporary Structures.** The use of temporary structures during events are limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable. This requirement may be waived through an adjustment (Section 22.70.030) when the applicable fire agency verifies in writing that the proposed structure is adequate for safe egress and all other fire safety concerns have been addressed.
19. **New Permanent Structures.** Event activities may only be allowed in new structures where approved through a Conditional Use Permit. All new structures proposed for events shall be located off Class I and II soils as defined by the NRCS and are limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable.

III. OPERATIONAL AND PERFORMANCE STANDARDS

20. **Prevent Offensive Noise, Dust, Glare, Vibration or Odor.** All uses of land and buildings shall be conducted in a manner that provides adequate controls and operational management to prevent dust, glare, vibration which are detectable beyond any property line, and noise that exceeds 65dBA LDN at any property line.
21. **Prevent Storm Water Pollution.** Any use of land or buildings shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products

from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river

22. **Removal of Natural Material.** Removal of natural material 1) shall be done in a manner that prevents offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
23. **Solid Waste and General Liquid Waste Storage and Disposal.**
 - a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
 - b. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
 - c. All burning of waste materials accessory to any use shall comply with the Yolo-Solano Air Quality Management District or the San Francisco Bay Area Air Quality Management district based on geographic location of the activity specific to each air quality management district.
 - d. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.
24. **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
25. **Operational Controls.** Shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.
26. **Incidental Retail Uses.** Temporary agritourism uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
27. **Nuisance Controls.** Permittee shall show that adequate measures and controls shall be taken to prevent offensive glare, noise, odors and dust from impacting abutting uses or facilities.
28. **Hours of Operation.** The hours of operation are from 9:00 a.m. - 9:00 p.m. Sunday through Thursday except holidays; 9:00 a.m. through midnight Friday, Saturday and holidays. Facility set up and clean up shall be allowed between the hours of 6:00 a.m. to 9 p.m. Music shall stop by 10:00 p.m. All guests of an event shall be off the property by 8:30 p.m.
29. **Site Appearance.** The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
30. **Event Management Plan.** No later than June 20, 2019, the permittee shall submit an Event Management Plan which shall identify measures, procedures and operational controls to address the operational and performance standards imposed by this permit, including the following categories:
 - a. **Nuisance Elimination.** Identify measures and controls to manage potential nuisances such as fugitive dust, noise, light, glare and odor.
 - b. **Traffic and Parking Management.** Identify measures and controls to manage traffic arriving and departing the site as well as controls to assure the efficient movement of vehicles in the parking areas.
 - c. **Food and Beverage Service.** Describe the types of food and beverage services available to the public and identify all necessary permits and licenses which must be obtained prior to conducting the event.

- d. **Emergency Response Plan.** Identify measures and controls to manage any emergency which might reasonably arise during an event. Provide a list of emergency contacts for various responders to all staff and volunteers. Identify a central location on the property which will serve as an emergency center with communications and fire and first-aid equipment.
- e. **Storm Water Management.** Identify measures and controls to manage storm water to prevent storm water pollution.
- f. **Sanitation and Waste Management.** Identify measures and controls to manage all forms of liquid and solid waste on the site.
- g. **Approval of the Event Management Plan.** The permittee shall not commence any uses of buildings or the land for events until the Director has approved the Event Management Plan.

IV. ADDITIONAL PERMITS REQUIRED

Planning Division Permits

31. **Sign Permit** A sign permit for all existing or proposed signs shall be applied for and granted prior to the commencement of the use.

Building Division Conditions

32. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2016 California Building Code. "Any owner or authorized agent who intends to construct, enlarge, or change the occupancy of a building or structure shall first make application to the building official and obtain the required permit."
33. Certificate of Occupancy "111.1 Use and Occupancy. No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein."
34. All facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2016 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2016 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan and floor plan drawn to scale and designed by a licensed architect reflecting all architectural and accessibility.
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Public Works – Engineering Conditions

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improvements on the property. Public Works Engineering will require the submittal of a drainage plan showing all offsite and onsite improvements necessary to manage storm water issues related to this development.

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V. COMPLAINTS

59. **Investigations of Complaints.** The Department of Resource Management shall investigate all complaints received regarding any activities or matters authorized by this permit. If staff is able to verify that violations of the permit conditions have occurred, then the Department will issue a notice to the permittee to take corrective actions. The Department shall bill the permittee for all time expended to investigate and obtain compliance with the permit conditions, based on the adopted rate established by the Board for hourly work by the Department.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on May 16, 2019 by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: _____
Bill Emlen, Secretary



Solano County

675 Texas Street
Fairfield, California 94533
www.solanocounty.com

Agenda Submittal

Agenda #: 2 **Status:** PC-Regular
Type: PC-Document **Department:** Planning Commission
File #: PC 19-021 **Contact:** Nedzlene Ferrario, 784.6765
Agenda date: 5/16/2019 **Final action:**
Title: PUBLIC HEARING regarding establishing General Plan policies for Cache Slough. (Project Planner: Nedzlene Ferrario)

Governing body: Planning Commission

District:

Attachments: [A - Cache Slough Region within Solano County](#)
[B - Priority Habitat Restoration Areas in the Delta Plan](#)
[C - Cache Slough Region within the Legal Delta](#)
[D - Tidal Wetland Project Locations in Cache Slough](#)

Date	Ver.	Action By	Action	Result
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On February 26, 2019, the Board of Supervisors directed staff to initiate General Plan amendments to incorporate policy guidance regarding the potential conversion of agricultural lands in the unincorporated area of Cache Slough into ecosystem restoration. Planning staff intends to address the General Plan policy considerations in two phases. On May 16, 2019, staff will introduce the Delta topics of concern to the Planning Commission and recommends that the public hearing be continued to June 6, 2019, for specific General Plan policy proposals.

BACKGROUND:

Cache Slough is the unincorporated area located on the southeastern portion of Solano County, adjacent to Yolo County and west of the Sacramento River. The nearby city is Rio Vista. Cache Slough is identified as an area for Prioritization and Habitat Restoration projects in the Delta Plan, administered by The Delta Stewardship Council, established in 2010, pursuant to the 2009 Delta Reform Act. Cache Slough is within the Primary Zone of the Delta Protection Commission's Land Use and Resource Management Plan and within the boundaries of the legal Delta pursuant to the Delta Protection Act of 1992. The legal Delta consists of five counties, Solano, Yolo, Sacramento, Contra Costa and San Joaquin.

Within Solano County's General Plan, Cache Slough is designated Agriculture with a Resource Conservation Overlay and a Priority Habitat Area in the General Plan. The area is approximately 65,586 acres or 102.5 square mile, and within the Exclusive Agriculture 80 acres and 160 acres (A-80 and A-160) zoning district. Existing land uses in the area are predominately cattle ranching or crop production. Several public and privately owned/funded restoration projects and a hunting preserve are located in the area. A majority of the lands are classified Prime Farmland according to the Department of Conservation Farmland Mapping and Monitoring Program, and under Williamson Act contracts.

Cache Slough is an area of interest by the Department of Water Resources due to its appropriate topographical elevations for tidal wetlands restoration. The Department of Water Resources has been mandated to satisfy mitigation requirements of various State Water projects by creating habitat for endangered aquatic species such as the Delta and Longfin Smelt, Chinook Salmon and Green Sturgeon. The area is also of significant interest for flood risk reduction due to its location at the mouth of the Yolo Bypass and confluence of several tributaries that flow into the Sacramento River.

Several tidal wetland habitat restoration projects in the Cache Slough such as Prospect Island (1100 acres) and Lookout Slough (3400 acres), are currently in the environmental review phase of the permitting process, and Little Egbert (3500 acres) is anticipated to initiate the process in the near future. The project locations are shown on Exhibit D. Project status will be provided at the meeting.

The landscape change from agriculture to habitat restoration or floodway raises numerous issues such as the protecting the economic viability of agriculture in Cache Slough, loss of Prime Farmland, lands use compatibility between wildlife and adjacent agriculture, nuisances, management and maintenance of the lands, impacts to the transportation network, water quality and supply, introduction of additional recreational usage such as fishing or boating and other water oriented uses, and property tax revenue implications due to the change from private landownership to public lands. These concerns will be discussed at the meeting.

Attachments

Exhibit A - Cache Slough Region within Solano County

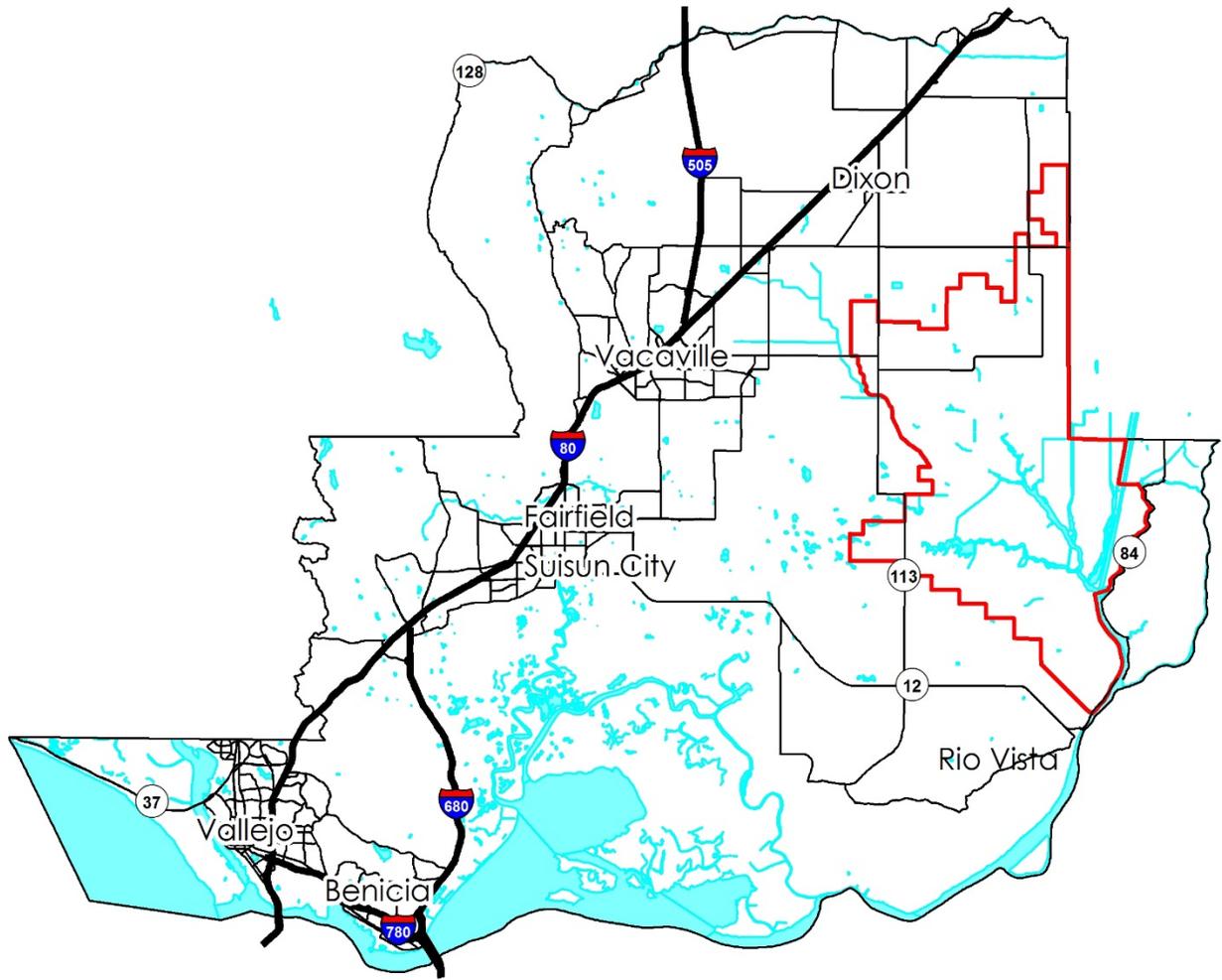
Exhibit B - Priority Habitat Restoration Areas in the Delta Plan

Exhibit C - Cache Slough Region within the Legal Delta

Exhibit D - Tidal Wetland Project Locations in Cache Slough

Exhibit A – Cache Slough Region within Solano County

Cache Slough Region



 Cache Slough Region

EXHIBIT B – Priority Habitat Restoration Areas in the Delta Plan

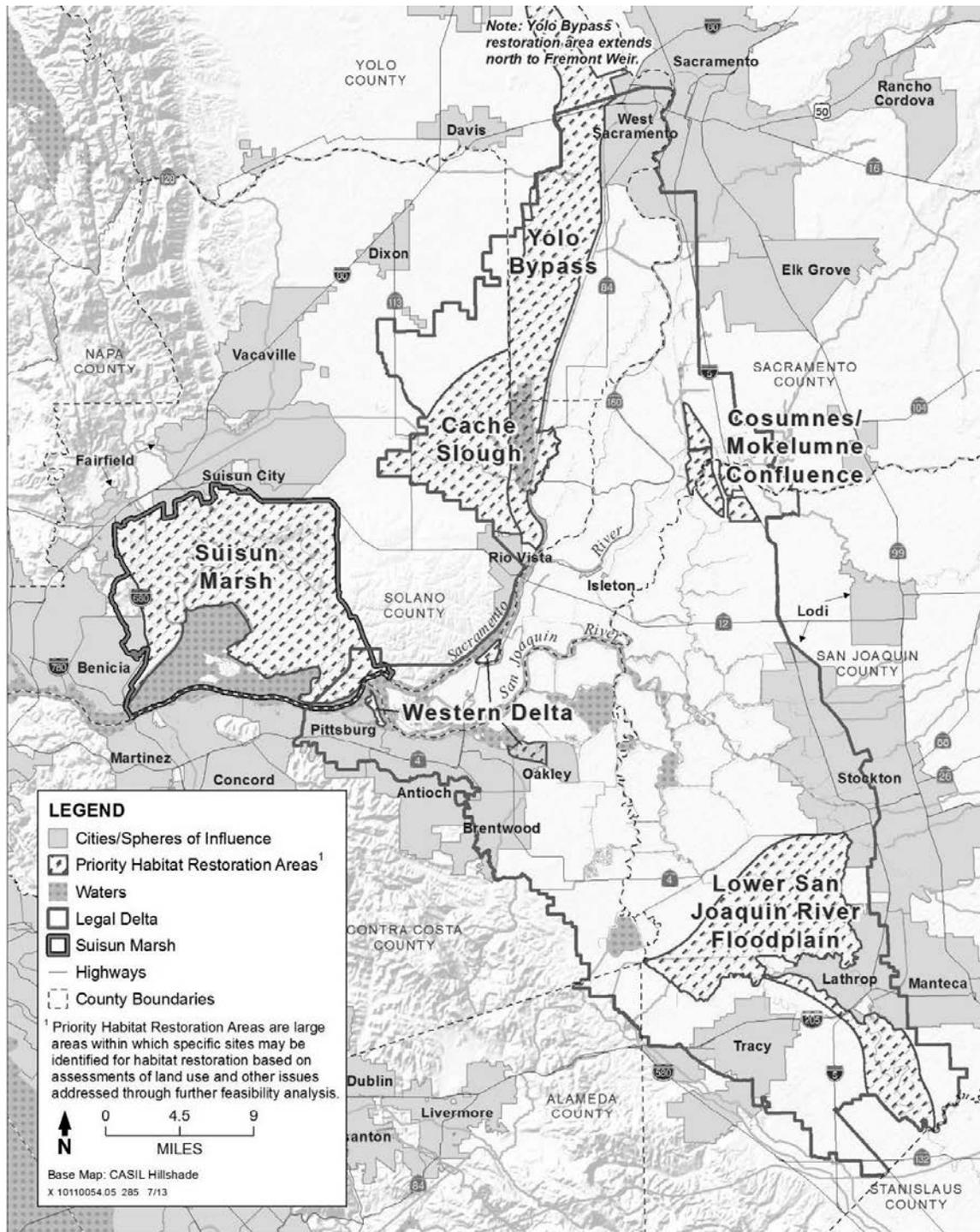
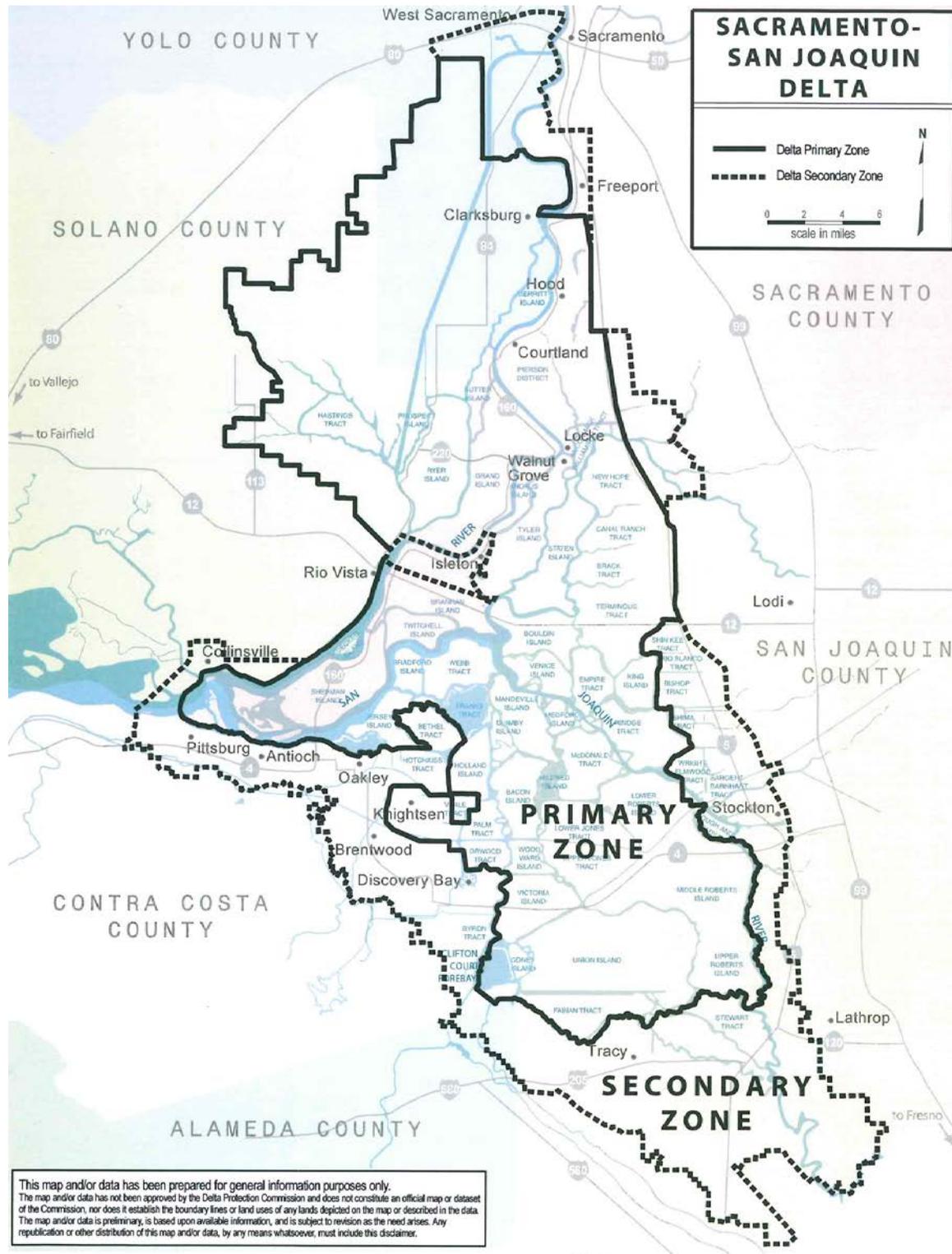


Figure 5-1
 Recommended Areas for Prioritization and Implementation of Habitat Restoration Projects
 Source: DFG 2011

EXHIBIT C – Cache Slough Region within the Legal Delta:





Solano County

675 Texas Street
Fairfield, California 94533
www.solanocounty.com

Agenda Submittal

Agenda #:	3	Status:	PC-Regular
Type:	PC-Document	Department:	Planning Commission
File #:	PC 19-023	Contact:	Karen Avery, 784.6765
Agenda date:	5/16/2019	Final action:	
Title:	PUBLIC HEARING to consider an appeal of the Director of Resource Management's denial of Administrative Permit Application No. AD-18-02 of Leeanna Ellis for an outdoor special events facility for up to 6 events per year with up to 150 attendees. The property is located at 5580 Nicholas Lane, a 31.9-acre parcel approximately 2.5 miles east of the City of Vacaville in an Exclusive Agriculture "A-40" Zoning District, APN: 0141-090-250. (Project Planner: Karen Avery) Staff Recommendation: Deny appeal and affirm the Director of Resource Management's decision of denial		
Governing body:	Planning Commission		
District:			
Attachments:	A - Draft Resolution B - Parcel Map Bk 15 Pg 88 C - Restraining Order D - Appellate Court Opinion E - Section 28.73.30(B)(6) Standards F - Application with 2002 Road Maintenance Agreement G - Dixon Fire Department Letter H - Denial Letter from Director of Resource Management I - Ellis Appeal Request		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a public hearing to consider an appeal of the Director of Resource Management's denial of Administrative Permit Application No. AD-18-02 of Leeanna Ellis for an outdoor special events facility for up to 6 events per year with up to 150 attendees;
2. Deny the appeal and affirm the Director of Resource Management's decision denying Administrative Permit Application No. AD-18-02.

SUMMARY:

The Planning Commission is being asked to consider an appeal filed by Leeanna Ellis of the Director of Resource Management's denial on April 5, 2019 of Administrative Permit Application No. AD-18-02 for an outdoor special events facility for up to 6 events per year with up to 150 attendees.

The Planning Commission, upon completion of a public hearing on this matter, may choose one of the following options:

1. Affirm the Director of Resource Management's denial, or
2. Reverse the Director of Resource Management's denial, or
3. Continue the public hearing in order to obtain additional information.

BACKGROUND:

Neighborhood History:

The Ellis property is Parcel 4 in a four-lot subdivision created by parcel map in 1978. See Attachment B. According to the parcel map, the Ellis property is to have access to Fox Road, a county-maintained public road, via a private access easement that bisects Parcel 3 and runs between Parcels 1 and 2. In 2002, the owner of all four parcels recorded a road maintenance agreement requiring all property owners within the subdivision to share in the costs of installing and maintaining a road within the mapped easement. However, this mapped private access easement has never been improved to the County's road standards and the property owners instead use an unmapped private road running along the northern and western edges of the subdivision and terminating at the north-west corner of Parcel 4 to access Fox Road. This unmapped private road is named Nicholas Lane. There does not appear to be a recorded road maintenance agreement for Nicholas Lane.

There is a history of complaints on file with the Department of Resource Management and the Solano County Sheriff's office concerning the properties along Fox Road and Nicholas Lane. There continues to be a dispute between the Ellises and the Folettas, the Ellis' immediate neighbors to the north (Parcel 3) regarding the use of the mapped access easement. In October 2017, the Superior Court issued a civil restraining order prohibiting Christopher Ellis from harassing Marshall and Khris Foletta, including a specific prohibition against allowing any person other than family members to use the mapped access easement for any purpose unless otherwise allowed by the Court. See Attachment C. This restraining order was upheld by the Court of Appeal on March 8, 2019. See Attachment D.

In 2014, the Planning Commission approved use permit U-14-03 for a public stable and cross-country equestrian center on the Folettas' property, based on finding that Nicholas Lane provided adequate public access to the property. The neighbors attended the hearing but did not appeal the Planning Commission's finding or decision. In 2016, the Mendozas applied for a building permit to construct a gate across Nicholas Lane at the north-east corner of Mendozas' Parcel 1. That application was denied based on the Commission's finding that Nicholas Lane provided public access to the Folettas' public stable use. The application was later approved, in 2017, when the gate location was moved to the southern end of Nicholas Lane at the north-west corner of Ellis' Parcel 4.

Administrative Permits and Appeals:

The County created the administrative permit process as part of the 2012 comprehensive zoning ordinances update. Uses which require an administrative permit are allowed by right within the zoning district but, as explained in section 28.101 of the Solano County Zoning Regulations, "the purpose of an administrative permit is to provide a mechanism for verifying that all standards and requirements of the use, as described in [the County Code], are met prior to the commencement of the use and can continue to be met during the operation of the use. The Director of Resource Management is to approve an application for an administrative permit, without public notice or hearing, if he finds that all standards and requirements specified in the County Code are satisfied. If he cannot make that finding, he must deny the application. The Director's decision on an administrative permit application is ministerial, and the Director has no discretion to deviate from the objective standards and requirements identified in the Zoning Regulations.

Pursuant to Section 28.112 of the Zoning Regulations, the Planning Commission is to hear and decide appeals when it is alleged by the appellant that there is error in any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of the Solano County

Zoning Regulations, including decisions of the Director on applications for administrative permits.

DISCUSSION:

Per Section 28.21, Table 28.21A of the Zoning Regulations, special events facilities with up to 6 events per year and 150 person or less requires an Administrative Permit in the A-40 zoning district. Additional standards and requirements for special events facilities is described in Section 28.73.30 (B)(6) of the Zoning Regulations. See Attachment E. If the parcel on which a special event facility is to be operated has access to the county road system via a private road, there must a recorded road maintenance agreement for that road executed by all lot owners served by that road.

On August 30, 2018, Leeanna Ellis submitted an Administrative Permit application for an outdoor special events facility for up to 6 events per year with up to 150 attendees. A copy of the complete application is attached - Attachment F.

In the project narrative for the administrative permit application, the applicant describes the event facility to be an outdoor facility with no existing permanent structures being utilized. Included in the narrative is a description of the access, food vendors, hours of operation, outdoor lighting, noise, parking, sanitation and setbacks from property lines. Access to the property was to be from Nicholas Lane. As part of her application, the applicant submitted a copy of the 2002 Road Maintenance Agreement for the road to be constructed within the mapped easement but did not provide a similar maintenance agreement for Nicholas Lane.

On March 6, 2019, the Dixon Fire Department sent a notice to Resource Management stating that Nicholas Lane does not provide adequate access for use by fire apparatus due to the poor condition of the road. (Attachment G.)

On April 5, 2019, the Director sent a letter to the applicant denying the administrative permit application and stating his reasons for the decision. (Attachment H). On April 15, 2019, Leeanna Ellis filed an appeal of the Director of Resource Management's decision to deny Administrative Permit No. AD-18-02 (Attachment I).

Reasons for Denial:

Per the letter from the Director of Resource Management, there are two reasons the administrative permit was denied. One reason being that there is not adequate access to the property and secondly, approval of the administrative permit would be inconsistent with a restraining order issued by the Superior Court.

Access:

One of the requirements for special events facilities listed in Section 28.73 (B)(6) is that each parcel where the special event is conducted shall have a connection to a public road, or a private road if there is a recorded maintenance agreement executed by all lot owners served by that private road. While the property is served by a private road, the existing road is not mapped or described in any legal document and the Ellis' right to use that existing road is unverified. Also, the private road easement shown on the parcel map is not improved to County standards for private roads.

Superior Court Issued Restraining Order:

Currently, there is a restraining order in place for Christopher Ellis issued by the Superior Court which prohibits Christopher Ellis from using, or allowing any person other than his family members to use, the mapped private road easement for any purpose. Also included in that restraining order are limitations on noise. Hosting outdoor special events with live music or recorded music would potentially violate the limitations described in the restraining order.

Conclusion:

Until such time as the private road access easement is resolved and the Superior Court's restraining order is lifted or expires, the Director of Resource Management is unable to make a finding that there is adequate access to the property for the operation of a special events facility. In the absence of such a finding, the

Director has no authority to approve Administration Permit No. AD-18-02.

RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission deny the appeal and affirm the Director of Resource Management's decision denying Administrative Permit Application No. 18-02 of Leeanna Ellis for an outdoor special events facility for up to 6 events per year with up to 150 attendees.

Attachments

- A - Draft Resolution
- B - Parcel Map Bk 15 Pg 88
- C - Restraining Order
- D - Appellate Court Opinion
- E - Section 28.73.30(B)(6) Standards
- F - Application with 2002 Road Maintenance Agreement
- G - Fire Dept. letter
- H - Denial
- I - Appeal

**SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. 19-XX**

WHEREAS, the Solano County Planning Commission has considered, in a noticed public hearing conducted on May 16, 2019, the appeal of **Leeanna Ellis** appealing the Director of Resource Management's denial of Administrative Permit No. AD-18-02 of for an outdoor special events facility for up to 6 events per year with up to 150 attendees and;

WHEREAS, the Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on May 16, 2019 and;

WHEREAS, after due consideration, the Planning Commission has made the following findings regarding the application for Administrative Permit AD-18-02:

1. The property for which the use is proposed is not located on a public road.
2. Nicholas Lane is a private road for which there is not a recorded road maintenance agreement executed by all lot owners served by that private road.
3. A road meeting County road standards does not currently exist within the private access easement shown on parcel map for the property.
4. An administrative permit for a special events facility runs with the land and is not personal to the named applicant. Christopher Ellis, the husband of the named applicant and a co-owner of the property, is currently under a court restraining order prohibiting him from allowing any person other than family members from using the access easement for any purpose unless otherwise ordered by the court.

RESOLVED, the Planning Commission of the County of Solano denies the appeal and affirms the decision of the Director of the Department of Resource Management denying the application for Administrative Permit AD-18-02.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on May 16, 2019 by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: _____
Bill Emlen, Secretary

CH-130**Civil Harassment Restraining Order After Hearing**

Clerk stamps date here when form is filed.

FILED
SOLANO SUPPLY COURT CLERK
2017 OCT -2 PM 2:14
[Signature]

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

a. Your Full Name: MARSHALL FOLETTA
 Your Lawyer (if you have one for this case):
 Name: LUCAS FOLETTA State Bar No.: 255407
 Firm Name: MCDONALD CARANO & WILSON

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: 100 Liberty St., 10th Fl.
 City: Reno State: NV Zip: 89501
 Telephone: 775-788-2000 Fax: _____
 E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of
 SOLANO
 600 Union Ave.
 Fairfield, CA 94533

Court fills in case number when form is filed.

Case Number:
 FCS048177

② Restrained Person

Full Name: CHRISTOPHER ELLIS
 Description: _____

Sex: M F Height: 6'1" Weight: 175 Date of Birth: 8/8/1980
 Hair Color: BRN Eye Color: BRN Age: 37 Race: CAUC
 Home Address (if known): 5580 Nicholas Lane
 City: Dixon State: CA Zip: 95620
 Relationship to Protected Person: Neighbor

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
<u>Khris Lundy Foletta</u>	<u>F</u>	<u>61</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Spouse</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Time: _____ a.m. p.m. midnight on (date): 9/28/2020

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

Judicial Council of California, www.courts.ca.gov
 Revised January 1, 2017, Mandatory Form
 Code of Civil Procedure, §§ 527.6 and 527.9
 Approved by DCJ

Civil Harassment Restraining Order After Hearing
(CLETS-CHO)
(Civil Harassment Prevention)

CH-130, Page 1 of 6

CEB Essential
 ccb.com Forms

5 Hearing

- a. There was a hearing on (date): 5/1-7/10/17 at (time): _____ in Dept.: 12 Room: _____
(Name of judicial officer): CARRINGER made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The person in ①
 - (2) The person in ②
 - (3) The lawyer for the person in ① (name): Lucas Foletta
 - (4) The lawyer for the person in ② (name): Joseph Hougnon
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on (date): _____ at (time): _____.

To the Person in ② :

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You must not do the following things to the person named in ① and to the other protected persons listed in ③ :
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
 - (4) Other (specify):
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

7 Stay-Away Orders

- a. You must stay at least 300 yards away from (check all that apply):
 - (1) The person in ①
 - (2) Each person in ③
 - (3) The home of the person in ①
 - (4) The job or workplace of the person in ①
 - (5) The school of the person in ①
 - (6) The school of the children of the person in ①
 - (7) The place of child care of the children of the person in ①
 - (8) The vehicle of the person in ①
 - (9) Other (specify):

This is a Court Order.

b. This stay-away order does not prevent you from going to or from your home or place of employment.

8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. If you have not already done so, you must:
 - Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)
- c. The court has received information that you own or possess a firearm.

9 Lawyer's Fees and Costs

The person in 2 must pay to the person in 1 the following amounts for:

- a. Lawyer's fees
- b. Costs

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
Lawyer's fees _____	\$ 8,750	Costs _____	\$ 1,520
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Possession and Protection of Animals

- a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.)

- b. The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

11 Other Orders (specify):

The restrained party shall not fly drones or paragliders over any part of the Foletta property. He shall not permit any person other than family members to use the easement for any purpose unless otherwise ordered in the civil case currently pending. Music shall not be played at such volume as to be heard on Petitioner's property before 9:00 a.m. and after 7:00 p.m. Music shall never exceed a volume above county noise ordinances. Use of orchard cannon is prohibited.

Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.



To the Person in ① :

⑫ Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency _____ Address (City, State, Zip) _____

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

⑬ Service of Order on Restrained Person

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
 - (1) Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
 - (2) The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

⑭ No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

⑮ Number of pages attached to this Order, if any: _____

Date: 9/28/2017

[Signature]
Judicial Officer

This is a Court Order.

Warning and Notice to the Restrained Person in 2:

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item 8 above. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item 4 on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

**Civil Harassment Restraining Order After Hearing
(CLETS-CHO)
(Civil Harassment Prevention)**

Case Number:
FCS048177

Conflicting Orders—Priorities of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk's Certificate
[seal]

(Clerk will fill out this part)
—Clerk's Certificate—

I certify that this *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Civil Harassment Restraining Order After Hearing
(CLETS-CHO)
(Civil Harassment Prevention)

CH-130, Page 6 of 6

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

MARSHALL FOLETTA,
Plaintiff and Respondent,
v.
CHRISTOPHER ELLIS,
Defendant and Appellant.

A153079

(Solano County
Super. Ct. No. FCS048177)

MEMORANDUM OPINION¹

Christopher Ellis appeals from an order issued after a hearing enjoining him from harassing his neighbor, Marshall Foletta, for a period of three years. (Code of Civ. Proc., § 527.6.) We affirm.

The parties own adjoining parcels of rural property on Nicholas Lane in Solano County. An easement runs through Foletta’s property. In early 2015, Foletta made a complaint to county authorities regarding unlicensed commercial activities taking place on Ellis’s property. The county issued violation notices and the harassing conduct leading to the instant restraining order began.

¹ We resolve this case by memorandum opinion pursuant to California Standards of Judicial Administration, section 8.1. (See also *People v. Garcia* (2002) 97 Cal.App.4th 847, 853–855.) We note that appellant’s brief does not comply with rule 8.204 (a)(1)(C) of the California Rules of Court. Nonetheless, we consider the claims on their merits as presented. (Cal. Rules of Court, rule 8.204 (e); see *In re S.C.* (2006) 138 Cal.App.4th 396, 408–412.)

Shortly after the code violation was reported, Ellis began grading and developing the easement on Foletta's property, often performing work late at night. A neighbor of both parties spoke to Ellis after he began working on the easement and Ellis said he intended to get back at Foletta for turning him in to the county. Ellis and his wife began using the easement to access their property, even though they had previously used another road. They invited friends to use the easement, and those people drove all-terrain vehicles, motorcycles and golf carts down the easement, sometimes at excessive speeds.

Ellis and his wife also began playing very loud music on an almost-daily basis that could be heard inside Foletta's house with the windows closed and the television on. The same song was played repeatedly. Foletta eventually borrowed a decibel meter from a friend, which measured the music as high as 86 decibels, well above the 50-55 decibels allowed in rural areas under the county noise ordinance. An equine veterinarian employed by Foletta found the music distracting and thought it was stressful to the horses on Foletta's property.

A drone that came from Ellis's backyard flew directly at Foletta about six to ten feet over his head while he was moving horses on his property. On four or five occasions, Ellis had flown his motorized paraglider over the Foletta property, circling for 25 minutes on the longest instance. Ellis would often engage in "stalking" type behavior where he lurked around the edges of the Foletta property staring at Foletta and his wife. Sometimes Ellis would stop at the end of the Foletta driveway and block it as Foletta or his wife were leaving.

The Folettas moved to an apartment in Vacaville for several months to escape the "relentless" harassment. While there, their tires were slashed on two separate occasions.

In late 2016, after the Folettas had moved back to their property, Ellis placed an ad on Craigslist advertising free facilities to shoot skeet, ride dirt bikes, fly drones, walk dogs, play with remote controlled cars or hunt rabbits. Foletta learned of the ad when he confronted a man with a shotgun walking across his property. Also in this time frame,

Ellis began to fire an orchard cannon,² for an hour at a time, every couple of days. The orchard cannon gave off a loud boom, deeper than a shotgun, and sounds something like a sonic boom. Ellis was not using his property in any way that required an orchard cannon.

Foletta petitioned for a restraining order against Ellis under Code of Civil Procedure section 527.6, barring him, among other things, from playing loud music, flying drones or paragliders over the Foletta property, using the orchard cannon or allowing other people to use the easement. Following a contested hearing, the court issued a three-year restraining order. It found Ellis's denial of the objectionable conduct to be lacking in credibility and further found that while Foletta's conduct toward Ellis was "not always [] neighborly, the court finds it did not rise to the level of harassment."

Ellis complains that the order is invalid to the extent it prohibits him from flying drones or paragliders over the Foletta property because air space use is governed by the Federal Aviation Administration (FAA). Ellis presented no evidence that the federal government had approved the use of the drone and paraglider over Foletta's property. We agree with Foletta that the appropriate question is whether the federal government's regulation of air space generally is intended to preempt the authority of the states to regulate harassment that involves that air space. We conclude there is no preemption. (See *Greater Westchester Homeowners Assn. v. City of Los Angeles* (1979) 26 Cal.3d 86, 100 [claims for personal injury and nuisance not preempted by federal aviation law]; *People v. Valenti* (1984) 153 Cal.App.3d Supp. 35, 40 [federal law does not preempt state prosecution for negligent operation of aircraft].)

Ellis also challenges the order to the extent it prevents persons other than family members from using an easement over the Foletta property. He contends that because the rights to that easement are being litigated in a separate proceeding, this determines an issue that has yet to be tried. We disagree. The order states, "[Ellis] shall not permit any person other than family members to use the easement for any purpose *unless otherwise*

² An orchard cannon is a device use to scare away birds from fruit or almond trees.

ordered in the civil case currently pending.” The order thus contemplates that the scope of the easement, and the right of others to its use, shall be determined in the other proceeding.

Ellis argues the restraining order erroneously prohibits him from using an orchard cannon in a rural county where its use is otherwise allowed. Again we disagree. Ellis did not establish that he had any legitimate purpose in using the device, and the court explicitly found that its use was a form of harassment. That it can be legally used for a purpose other than harassment does not mean that its use cannot be barred when there is sufficient evidence to support the implied finding it was reasonably probable the harassment would continue. (See *Harris v. Stampolis* (2016) 248 Cal.App.4th 484, 500–501.)

Finally, we reject Ellis’s argument the court should have excluded testimony regarding decibel readings. Over an objection based on lack of foundation, Foletta testified that he acquired a sound meter from his friend, pointed it in the direction of the music, and used it to measure the decibel levels of the noise. Ellis argues the evidence was inadmissible because there was no foundation that the sound meter had been properly calibrated or that Foletta was trained as to how to use it. But even if we accept Ellis’s argument that testimony about the decibel level was somehow inappropriate, the court *heard* a multitude of tape recordings of the music, recorded by Foletta in support of his claim and introduced at the hearing as exhibits. Under the circumstances, the precise decibel level was not dispositive and Ellis was not prejudiced.

We affirm. Costs are awarded to respondent Foletta.

NEEDHAM, J.

We concur.

JONES, P.J.

SIMONS, J.

(A153079)

6. **Special Events Facility**

Except as otherwise provided for in this Chapter, a special events facility shall be permitted, incidental to the principal agricultural use of the property for commercial agricultural purposes, provided the facility complies with the standards in (a) below.

a. **Standards**

- (1) **Access.** Each parcel on which a special event is conducted shall provide adequate connections to a public road, or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road.
- (2) **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
- (3) **Kitchen Facilities.** Kitchens used for the preparation, storage, handling, or service of food at temporary events shall be permitted as a food facilities by the Division of Environmental Health.
- (4) **Hours of Operation.** All authorized events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.
- (5) **Operational Controls.**
 - i. **Fugitive Dust.** All special events located on sites with access from unpaved dirt roads and with unpaved on-site access roads and parking areas shall control fugitive dust with water trucks, sprinkler system or other practices acceptable to the applicable Air Quality Management District, in sufficient quantities to prevent airborne dust.
 - ii. **Noise.** Outdoor amplified sound shall not exceed 65dB when measured at the property lines.
 - iii. **Light and Glare.** Any proposed outdoor lighting used during events shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.
 - iv. **Odor.** A special event shall not cause objectionable odors on adjacent properties.
- (6) **Parking.** A special events facility must provide parking either on-site or off-site to accommodate all guests. 28:73 Parking shall be provided as follows: with such
 - i. **On-site parking.** On-site parking shall be located in an open area with a slope of 10 percent or less, at a minimum ratio of 1 space per 2.5 attendees, on a lot free of combustible material.

- ii. **Off-site parking.** If off-site parking is utilized, then off-site parking must be located outside of a road right-of-way and within 1,000 walking feet of the event site or shuttles must be provided. Written consent shall be obtained from the owners of all off-site parking areas. A minimum of one parking attendant shall be present at each lot used for off-site parking to assist in parking vehicles. For each off-site parking lot containing 50 or more vehicles, one parking attendant per each 50 vehicles shall be provided. For temporary parking lots, signs and directional signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event. For events that will require off-site parking, monitors shall be provided to direct traffic at all points of ingress, egress, and forks in private access roads and to turn away vehicles when authorized parking capacity is reached. If off-site parking is proposed, it shall be considered with the review of the land use permit for the event site.
- (7) **Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors including restrooms, refuse disposal receptacles, potable water and wastewater facilities.
- (8) **Setbacks.** Must be setback 100 feet from any property line and 200 feet from any residence on an adjoining parcel.
- (9) **No Removal of Agriculture.** No existing agriculture shall be removed in order to facilitate the conduct of temporary agritourism events.
- (10) **Use of Existing Structures.** The use of existing permanent structures temporarily during events are limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with American Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
- (11) **Construction of New Structures.** Event activities may only be allowed in new structures where permitted elsewhere in this Chapter. All new structures proposed for events shall not be located on prime agricultural land.
- (12) **Other Permits and Licenses.** Must obtain any other required permits from federal, state or local agencies.
- (13) **Traffic Control.** For any event of 500 people or greater, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the event. This shall be submitted with the land use permit application for the event site.



DEPARTMENT OF RESOURCE MANAGEMENT
Planning Services Division

Phone (707) 784-6765
 Fax (707) 784-4805

675 Texas Street Suite 5500, Fairfield, CA 94533
 Bill Emlen, Director

www.solanocounty.com
 Mike Yankovich, Program Manager

Administrative Permit Application

For Office Use	
Application No. <u>AD-18-02</u>	Date Filed <u>8-30-18</u>
Zoning District <u>A-40</u>	Permit Fee <u>867.00</u>
Land Use Type <u>SPECIAL EVENTS 60 OR LESS PER YEAR</u> <u>150 OR LESS PERSONS</u>	Receipt No. <u>1058397</u>
	Initial Review by <u>R</u>

SITE INFORMATION

Address: 5580 NICHOLAS LANE City: DIXON Zip: 95620
 Assessor's Parcel Number(s): 141-090-250 Size (sq. ft/acre): 31.97
 Preferred Property Access by Staff: OK to access Call applicant before access Call owner before access

CONTACT INFORMATION

Applicant: Leeanna Ellis
 Mailing Address: 5580 Nicholas Lane City: Dixon State: CA Zip: 95620
 Phone: 707-430-6276 Email: teamellis@gmail.com

Property Owner (check if same as applicant
 Mailing Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

Additional Contact: _____
 Mailing Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

PROJECT DESCRIPTION

Describe the type of development, proposed uses/business, phases, changes or alterations to the property or building and intent or purpose of your proposal. Attach additional sheets as necessary.

See attached narrative:

The questions in the following sections relate to the various general land use types that are subject to issuance of an administrative permit. Please review and answer the following questions to provide greater detail of your proposed project. If a particular set of questions does not apply, simply check the 'not applicable' box next to that section.

I. GENERAL	
1) List the square footage devoted to the project within each of the following areas:	
Residential structure: 0	Garage: 0
Accessory structure, list type: 0	
Outdoors: 6000	
2) Is any portion of the property under Williamson Act Contract, agricultural conservation, open space, or similar easement? If yes, provide contract number.	
N/A	
3) List any known additional permitting required from the County of Solano, and/or other local, state, federal agencies (ex. building permit, Dept. of Fish & Game, etc.)	
County Road Encroachment already installed. No new buildings purposed.	

II. GENERAL – BUSINESS RELATED USE (check if this section is not applicable <input type="checkbox"/>)	
1) List the number of nonresident employees 0	
2) Will customers or clients come on site? Yes	
3) List the proposed number of off street parking spaces. 60 Spaces Per 28.73.30(B) 6 a6(i)	
4) Hours of operation? 10am-10pm	
5) Will there be any signs on the property to advertise or identify the business? If yes, describe how many, size, and type (ex. freestanding, wall mounted, electric, etc.). Please consult with the Planning Division or reference Section 28.96 of the Zoning Regulations to determine if a Sign Permit is also required.	
No	

III. AGRICULTURAL PROCESSING & AGRITOURISM (check if this section is not applicable <input checked="" type="checkbox"/>)	
1) Will the agricultural related facility be operated by the property owner? Leased?	
2) What percentage of agricultural product is grown on-site or off-site on land owned or leased by the operator within Solano County?	
3) Will product tasting occur on-site? If yes, list the square footage devoted to the tasting facility.	
4) Will retail sales take place on-site? If yes, list the square footage devoted to retail sales.	
5) Will any non-agricultural products or pre-packaged food be retailed on-site? If yes, list the square footage of area devoted.	

6) Will special events, ancillary to the agricultural processing facility, occur on-site? If yes, list the number of attendees and frequency of events.

IV. ANIMAL FACILITIES & OPERATIONS (check if this section is not applicable)

1) List the type of animal and number of each.

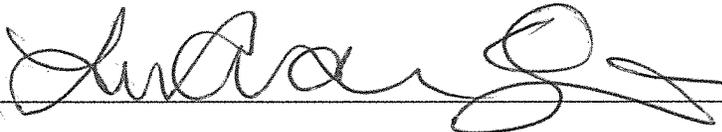
2) Will any animals be boarded, trained, or given treatment for commercial purposes? If yes, describe activities.

DECLARATION of INFORMATION

The property owner and applicant must sign below certifying that all information is to the best of his or her knowledge and is true and correct.

If the applicant is not the owner of record of all property included in this application, the signature given below is certification that the owners of record have knowledge of and consent to the filing of this application and supporting information. Additionally, the undersigned does hereby authorize representatives of the County to enter upon the above mentioned property for inspection purposes.

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Owner signature:  Date: 08/30/2018

Applicant signature: _____ Date: _____

Attachment A

PROJECT NARRATIVE

Owner: Leeanna Ellis

Applicant: Leeanna Ellis

Site Address: 5580 Nicholas Lane

APN: 141-090-250

Parcel Size: 31.97

Date: 8/30/2018

A special events facility planned to be incidental to my current principal agricultural use of the property. Special events will be limited to 6 or less per year as dictated by administrative permit requirements (Table 28.21 C). Each event will be 150 persons or less. All event activity will be outdoors. Primary use will be for county weddings, family gatherings such as girl scouts gatherings, family reunions etc. Tables, Chairs Ect will be used for events. There will be no permanent structures or buildings.

The project will comply with all standard as set for in subdivision (B)(6)(a):

Access: Access to the project site is from Nicholas Lane, a private road located off Fox Road. There is a road maintenance agreement between property owners that also use Nicholas Lane to access their properties. County Road encroachment paved to access private road already installed under use permit (U-14-03). Attached road maintenance agreement also included herein. A much larger project was approved by the county in 2014 on this same private road. The same road maintenance agreement was sufficient for a larger events facility approved by Resource Management. (APN 141-090-240 "Jack Rabbit Flats") Since that project approval no changes have been adapted to the county code.

Paved ADA parking made available as also indicated.

Food Vendors: No food will be prepared on site. Only outside vendors with permits approved by the division of environment health will be used.

Kitchen Facilities: No kitchen facilities. No event food will be stored on site.

Hours of Operation: All events will start no sooner than 10 a.m. and end by 10 p.m. Clean up between the hours of 8a.m - 11p.m. All guest of an event will leave the property by 10:30 pm. Events normally on Saturday or Sunday with the possibility of an occasional event on a weekday.

Operational Controls:

- i. Fugitive Dust: Measures such as water trucks , sprinkler system or other practices acceptable to the air quality management district shall be used in sufficient quantities to prevent airborne dust on unpaved dirt roads and parking areas. The private lane is currently gravel its entire length to the county road.
- ii. Noise: DJ or live bands may be used. Outdoor amplified sound shall not exceed 65 dB when measured at the property lines.
- iii. Any outdoor lighting used during events will be downcast and shielding so that neither the lamp nor the reflector interior surface is visible from an off-site location.

Odor: No odor is anticipated to be generated from the events.

Parking: ADA parking will be in compliance with state standards and is indicated on the attached site plan. Sufficient parking will be provided for all guests on the project site. No parking will take place on any road right-of-way. Signs shall be placed at 300ft intervals along the private road indicating this parking restriction. These signs shall be posted no sooner than the day before an event and taken down the day after.

Sanitation: Contracted portable restrooms will be delivered prior to each event and removed after the event. Portable restrooms will vary in number according to the event size but will be adequate capacity for all attendees. ADA compliance will be met. The contracted service will include waste management for all wastewater generated. Disposable receptacle will be made available for waste. Waste shall be property disposed of at a local land fill.

Setbacks: As indicated on the site plan project is set back more than 100ft from any property line and 200' from any residence on an adjoining parcel. The nearest residence on an adjoining parcel is 650ft.

No Removal of Agriculture: Current farming activities will not be disrupted.

Use of Existing Structures: All activity will be outside. No structures will be used.

2002-57620

#6

2002-00057620

Recording Requested by
And When Recorded Mail to:

Morcorp
7545-B Pleasants Valley Road
Vacaville, CA 95688

Recorded By:
FRONTIER
Official Records
County of Solano
Robert Blechschmidt
Assessor/Recorder

52 RecFee 19.00
SurMon
NoPCOR
IncFee
OTTA
PL \$ 19.00
OvrSht

08:00 07-MAY-02 AR:6 5 Pgs

DECLARATION OF EASEMENTS AND ROAD MAINTENANCE AGREEMENT

This Declaration of Easements and Road Maintenance Agreement is made and entered into this 29th day of April, 2002 by WILLIAM I. MORGAN, JR., a married man dealing with his separate property, hereinafter referred to as Declarant.

WHEREAS Declarant is the owner of that certain real property described as follows:

PARCEL ONE:

Parcel 1, as the same is shown on that certain Parcel Map entitled: "LEONARD RANCH PROPERTY, A PORTION OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE & MERIDIAN, COUNTY OF SOLANO, STATE OF CALIFORNIA", filed in the Office of the Solano County Recorder on July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88.

EXCEPTING THEREFROM, an undivided 50% interest of all oil, gas, and mineral rights, reserved in the Deed from Leonard Ranch, a California partnership, dated July 25, 1977 and recorded August 5, 1977, in Book 1977, at Page 58705. Instrument No. 34459.

APN: 141-090-220

PARCEL TWO:

Parcel 2, as the same is shown on that certain Parcel Map entitled: "LEONARD RANCH PROPERTY, A PORTION OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE & MERIDIAN, COUNTY OF SOLANO, STATE OF CALIFORNIA", filed in the Office of the Solano County Recorder on July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88.

EXCEPTING THEREFROM, an undivided 50% interest of all oil, gas, and mineral rights, reserved in the Deed from Leonard Ranch, a California partnership, dated July 25, 1977 and recorded August 5, 1977, in Book 1977, at Page 58705, Instrument No. 34459.

APN: 141-090-230

PARCEL THREE:

Parcel 3, as the same is shown on that certain Parcel Map entitled: "LEONARD RANCH PROPERTY, A PORTION OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE & MERIDIAN, COUNTY OF SOLANO, STATE OF CALIFORNIA", filed in the Office of the Solano County Recorder on July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88.

OF CALIFORNIA", filed in the Office of the Solano County Recorder on July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88.

EXCEPTING THEREFROM, an undivided 50% interest of all oil, gas, and mineral rights, reserved in the Deed from Leonard Ranch, a California partnership, dated July 25, 1977 and recorded August 5, 1977, in Book 1977, at Page 58705, Instrument No. 34459.

APN: 141-090-240

PARCEL FOUR:

Parcel 4, as the same is shown on that certain Parcel Map entitled: "LEONARD RANCH PROPERTY, A PORTION OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE & MERIDIAN, COUNTY OF SOLANO, STATE OF CALIFORNIA", filed in the Office of the Solano County Recorder on July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88.

EXCEPTING THEREFROM, an undivided 50% interest of all oil, gas, and mineral rights, reserved in the Deed from Leonard Ranch, a California partnership, dated July 25, 1977 and recorded August 5, 1977, in Book 1977, at Page 58705, Instrument No. 34459.

APN: 141-090-250

WHEREAS Declarant deems it necessary to create for the benefit of each of the aforesaid parcels easements for roadway, maintenance, and utilities.

WHEREAS Declarant intends and desires to keep such roadway at all times in good and passable condition, once any such portion of said roadway is constructed;

WHEREAS it is the intention of the Declarant to provide for the cost and expense of upkeep, maintenance and repair of the roadway and utility facility improvements;

NOW THEREFORE, Declarant hereby declares as follows:

1. Any Deed conveying Parcel One herein shall be made and accepted subject to an easement appurtenant to Parcels Two, Three and Four herein for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion thereof delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement" and the Northerly and Westerly 60' of said Parcel One.

Mendoza Parcel 1

Any such Deed conveying Parcel One herein shall carry with it as an appurtenance to Parcel One, an easement for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion of Parcel Two herein delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement".

Fielding Parcel 2

2. Any Deed conveying Parcel Two herein shall be made and accepted subject to an easement appurtenant to Parcels One, Three and Four herein for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion thereof delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement".

Any such Deed conveying Parcel Two herein shall carry with it as an appurtenance to said Parcel Two, an easement for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across those portions of Parcel One herein delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement".

Foletta Parcel 3

3. Any Deed conveying Parcel Three herein shall be made and accepted subject to an easement appurtenant to Parcel Four herein for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion thereof delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement" and the Westerly 60' of said Parcel Three.

Any such Deed conveying Parcel Three herein shall carry with it as an appurtenance to said Parcel Three, an easement for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across those portions of Parcels One, Two and Four herein delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement" and the Northerly and Westerly 60' of said Parcel One.

Ellis Parcel 4

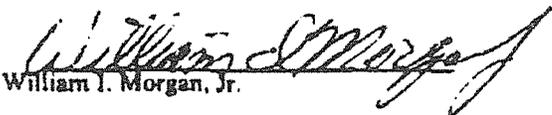
4. Any Deed conveying Parcel Four herein shall be made and accepted subject to an easement appurtenant to Parcel Three herein for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion thereof delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement".

Any such Deed conveying Parcel Four herein shall carry with it as an appurtenance to said Parcel Four, an easement for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across those portions of Parcels One, Two and Three herein delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement", and over, under and across the Northerly and Westerly 60' of said Parcel One, and the Westerly 60' of said Parcel Three.

VII

5. The roadway and utility facility improvements to such easements, once any such portion thereof are constructed, shall at all times subsequent thereto be kept in good and passable condition.
6. The initial cost and expense of construction of roadway and utility facility improvements to those portions of the easements being within the Northerly sixty feet (60') of Parcels One and Two and within the Westerly sixty feet (60') of Parcels One and Three shall be borne by the Declarant. The initial cost and expense of construction of roadway and utility facility improvements within the remaining areas of the easements shall be the sole obligation of each owner as may be necessary or required to provide access onto the land owned by such owner.
7. In the event that any portion of the constructed roadway and utility facilities within the easement areas shall be damaged by equipment in the course of construction of improvements on any of the Parcels, or by the act of any owner, their employees, invitees, family or guests, then that Owner shall be solely obligated to pay all costs and expenses in connection with the repair of any such damage.
8. The costs and expenses of maintaining and repairing the roadway and utility facilities within each of the easement areas shall be shared equally by the owners of those parcels carrying those particular easement areas as an appurtenance or containing said portions of the roadway within their parcel, as set forth in Paragraphs 1, 2, 3, and 4 above.
9. Any and all obligation for contributions for maintenance, repair and upkeep of the roadway and utility facilities within such easements shall commence and be binding on such owner(s) upon the commencement of construction of improvements on the herein described Parcel so owned by each such owner(s).
10. In the event Declarant, or his heirs or assigns refuse to provide their proportionate share of the cost and expense of construction, maintenance, or repair of the roadway and utility facilities within said easements, it shall be lawful for any other person or persons owning said Parcels One, Two, Three or Four to prosecute any proceedings at law or in equity against the person or persons not sharing in the proportionate cost of constructing, maintaining or repairing said Easements and to recover said cost including reasonable attorney fees and court costs.
11. The terms, provisions, covenants, and conditions of this Declaration shall be binding upon and inure to the benefit of the Declarant, his heirs, successors in interest, devisees, personal representatives, and assigns. In the context of this Declaration, the plural shall include the singular, and the masculine shall include the feminine.

DECLARANT:


William T. Morgan, Jr.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SOLANO

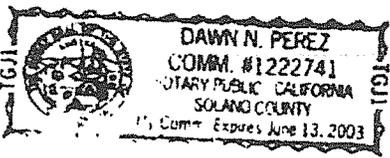
} ss.

On May 6, 2002 before me, DAWN N. PEREZ, Notary Public

personally appeared WILLIAM J. MORLAN, JR.

personally known to me
or proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Dawn N. Perez
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

- Signer's Name: _____
- Individual _____
- Corporate Officer — Title(s): _____
- Partner — Limited General _____
- Attorney in Fact _____
- Trustee _____
- Guardian or Conservator _____
- Other: _____



Signer is Representing _____



Attachment A

PROJECT NARRATIVE V1.2

Owner: Leeanna Ellis

Applicant: Leeanna Ellis

Site Address: 5580 Nicholas Lane

APN: 141-090-250

Parcel Size: 31.97

Date: 01/10/2019

A special events facility planned to be incidental to my current principal agricultural use of the property. Special events will be limited to 6 or less per year as dictated by administrative permit requirements (Table 28.21 C). Each event will be 150 persons or less. All event activity will be indoors and outdoors. Primarily used for county weddings and other family gatherings. Tables, Chairs Ect will be used for events. A proposed 60x40 or equivalent sized tent is proposed.

The project will comply with all standard as set for in subdivision (B)(6)(a):

Access: Access to the project site is from Nicholas Lane, a private road located off Fox Road. There is a road maintenance agreement between property owners that also use Nicholas Lane to access their properties. County Road encroachment paved to access private road already installed under use permit (U-14-03). Attached road maintenance agreement also included herein. A much larger project was approved by the county in 2014 on this same private road. The same road maintenance agreement was sufficient for a larger events facility approved by Resource Management. (APN 141-090-240 "Jack Rabbit Flats") Since that project approval no changes have been adapted to the county code.

ADA parking made available as also indicated on the proposed parking area.

Hours of Operation: All events will start no sooner than 10 a.m. and end by 10 p.m. Clean up between the hours of 8a.m - 11p.m. All guest of an event will leave the property by 10:30 pm. Events normally on Saturday or Sunday with the possibility of an occasional event on a weekday.

Operational Controls:

- i. Fugitive Dust: The applicant will use water trucks or sprinkler system in sufficient quantities to control dust on Nicholas lane as well as parking areas prior to and during the event as needed. The private lane is currently gravel the entire length to the county road.
- ii. Noise: DJ or live bands will be used. Outdoor amplified sound will not exceed 65 dB when measured at the property lines.
- iii. Parking areas will utilize post type lights and will be cast downwards to provide lighting for safety and security.

Parking: ADA parking will be in compliance with state standards and is indicated on the attached site plan. Sufficient parking will be provided for all guests on the project site. No parking will take place on any road right-of-way. Signs will be placed at 300ft intervals along the private road indicating a parking restriction. These signs will be posted no sooner than the day before an event and taken down the day after. The property directly to the south, west and east of the proposed parking area is row crops and does not have any residents or structures on it. In 2014 Applicant planted 325 "Green Giant" trees in a double row configuration along the entire west property line approximately 900 feet long. The trees are currently 9-10 feet tall and will provide a solid screen. Applicant feels this will provide adequate screening from neighboring properties. Photos are attached.

Setbacks: As indicated on the site plan project is set back more than 100ft from any property line and 200' from any residence on an adjoining parcel. The nearest residence on an adjoining parcel is 950ft.

No Removal of Agriculture: Current farming activities will not be disrupted.

Environmental Health

Odor: No odor is anticipated to be generated from the events.

Potable water: Water will be supplied and distributed via an existing private well. Average occupancy of 2.46 people per day will not trigger state testing requirements of 25 people per day. Applicant will complete a 1x analysis of nitrates and nitrites. Applicant will test well quarterly as required and quarterly sampling of water for E.coli and bacteria.

Sanitation: 2 ADA gender specific bathrooms/shower rooms are purposed. Disposable receptacle will be made available for waste. Waste shall be properly disposed of at a local land fill.

Food Vendors: Food will be prepared off site. Outside vendors with permits approved by the division of environment health may be utilized and those vendors will use the proposed tent for staging area if outside catering is required. Tents may also be used by food vendors for staging and serving.

These events are not open to the public.

MAYOR THOM BOGUE
VICE MAYOR SCOTT PEDERSON
COUNCIL MEMBER STEVE BIRD



COUNCIL MEMBER JIM ERNEST
COUNCIL MEMBER DEVON MINNEMA
CITY TREASURER WESLEY ATKINSON

March 6, 2019

Solano County Department of Resource Management
Building & Safety Division
675 Texas Street, Suite 5500
Fairfield, CA 94533-6341

Re: Emergency Vehicle Access and Roadway Access
Nicholas Lane
Vacaville, CA 95688
APN 0141-090-250 Address 5580
APN 0141-090-240 Address 5610
APN 0141-090-230 Address 5808 & 5810
APN 0141-090-220 Address 5630 & 5650

To Whom It May Concern:

Nicholas Lane's serves as a fire apparatus access road and thus shall be maintained in accordance with the 2016 California Fire Code (CFC). Nicholas Lane's current surface does not provide all weather driving capabilities for fire apparatus, and due to multiple potholes may cause significant delays and/or possibly no emergency response to your property.

Photos of the roadway showing the lack of roadway maintenance. The potholes affect response even when the roadway is dry.

Please repair the roadway as soon as possible to CFC and Solano County standards.

If there are any questions please contact me at (707) 678-7060.

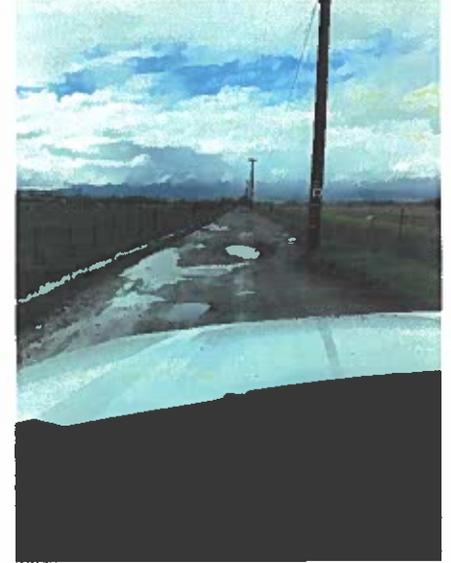
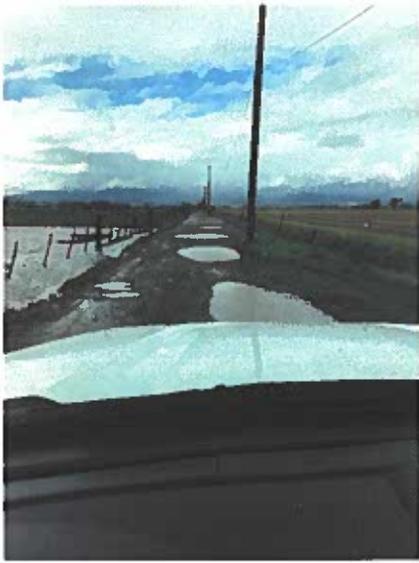
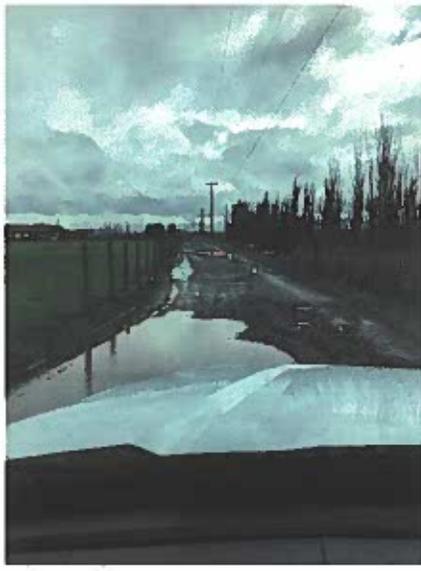
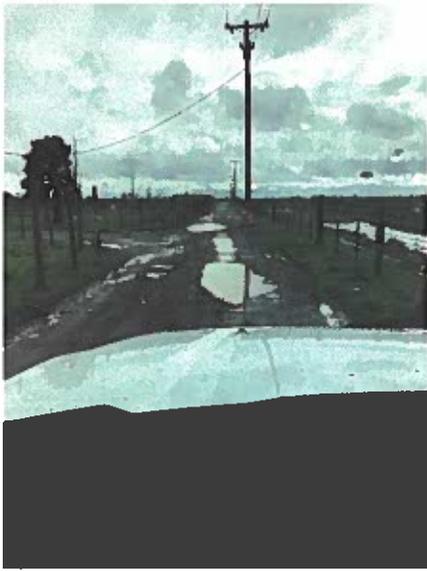
Signed,

A handwritten signature in blue ink, appearing to read "John Malone".

John Malone
Division Chief

City of Dixon
Fire Department

205 Ford Way • Dixon, California • 95620-3162
(707) 678-7060 • FAX (707) 678-4251 • TDD (707) 678-1489



DEPARTMENT OF RESOURCE MANAGEMENT

WILLIAM F. EMLÉN
Director
wfemlen@solanocounty.com
(707) 784-6765

TERRY SCHMIDTBAUER
Assistant Director
tschmidtbauer@solanocounty.com
(707) 784-6765



SOLANO
COUNTY

675 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
Fax (707) 784-4805

www.solanocounty.com

April 5, 2019

Christopher and Leanna Ellis
5580 Nicholas Lane
Dixon, CA 95620

RE: Application for Administrative Permit AD-18-02

Dear Mr. & Mrs. Ellis,

This correspondence is responding to your application for an administrative permit to construct and operate a special events facility at 5580 Nicholas Lane, Dixon (Assessor's Parcel Number 0141-090-250). Your application is being denied for two independent reasons: First, your property does not have adequate connection to a private road for which there is a recorded road maintenance agreement executed by all property owners; second, the administrative permit would be inconsistent with a restraining order issued by the Superior Court.

In order to approve an administrative permit for a special event facility, the parcel must have adequate connection to either a public road or a private road for which there is a recorded road maintenance agreement. (County Code, section 28.73.30(B)(6).) Your parcel is arguably served by an existing private road and an unimproved private road easement. The existing road is not mapped or described in any legal document that we are aware of, and your right to use that existing road is unverified. The private road easement shown on the parcel map is not improved, at least not to County standards for private roads. Neither of these roads has a recorded road maintenance agreement signed by all lot owners served by the road.

Your request for an administrative permit would authorize operation of a special event facility between the hours of 10 am and 10 pm, and would allow the use of amplified sound at the facility provided noise levels at any property line did not exceed 65 dB. (County Code, section 28.73.30(B)(6).) The Superior Court, in case number FCS048177, has issued a restraining order prohibiting Christopher Ellis from using, or allowing any person other than family members to use, the mapped private road easement for any purpose. In addition, the restraining order prevents Mr. Ellis from playing music at volumes that could be heard on adjacent property after 7:00 pm. Noise that complies with the County's 65 dB noise limit at the property line is deemed not to be objectionable to neighboring property owners, but it would almost certainly be heard by neighbors.

In summary, your application for an administrative permit has been denied based on the existing lack of adequate private road access to your parcel as well as the existing restraining order against Mr. Ellis. If either of these circumstances change, I would evaluate a new permit application in light of the new conditions.

You do have the right to appeal the Director's decision. An appeal must be filed in writing stating reason for the appeal and shall be accompanied by the required filing fee. An appeal must be filed within 10 days of the date of this action, which is April 5, 2019.

Sincerely,

Bill Emlen, Director
Department of Resource Management

SAEED IRAVANE
Building Official
Building & Safety

MIKE YANKOVICH
Program Manager
Planning Services

JAG SAHOTA
Manager
Environmental
Health

SARAH PAPPAKOSTAS
Senior Staff Analyst
Administrative Services

MATT YUGGLE
Engineering Manager
Public Works
Engineering

CHARLES BOWERS
Operations Manager
Public Works
Operations

CHRIS DRAKE
Parks Services
Manager
Parks

ROBERTA GOULART
Water & Natural
Resources Program
Manager



DEPARTMENT OF RESOURCE MANAGEMENT

Planning Services Division

675 Texas Street, Suite 5500, Fairfield, CA 94533

Phone (707) 784-6765 Fax (707) 784-4805

www.solanocounty.com

RECEIVED

APR 15 2019

COUNTY OF SOLANO RESOURCE MANAGEMENT

APPEAL REQUEST FORM

- 1. Name of Appellant: Leeanna Ellis Telephone: 707.430.6276
Email address: teamellis@gmail.com
2. Mailing Address: 5580 Nichols Lane City: Dixon State: CA Zip: 95620
3. Appealed to: [X] Planning Commission, [] Board of Supervisors
4. Appeal Fee: \$150.00 950.00 Receipt # 3875
5. State the application name and reason(s) why the decision making body erred in its decision. Attach additional sheets if necessary:

See attached letter and 13 attachments.

Appellants Signature: [Signature] Date: 4/15/19

Leeanna Ellis
5580 Nicholas Lane
Dixon CA 95620
707-430-6276
teamellis@gmail.com

April 14, 2019

Solano County Planning Commission
675 Texas Street
Fairfield CA 94533

Re: Administrative Permit AD-18-02

Dear Honorable Members of The Solano County Planning Commission,

I am writing this letter as a formal appeal to the denial letter I received from the Solano County Department of Resource Management (Further Listed as DRM) on April 5, 2019 whereby Administrative Permit AD-18-02 was denied. (See attached letter- Exhibit 1) Respectfully I disagree with the validity of the reasons stated to deny my permit. The determination was not made fairly or impartially, further on its face sufficient reasons were not given to deny and administrative level of permit.

In his denial letter the director of DMR said, *“In order to approve an administrative permit for a special event facility, the parcel must have adequate connection to either a public road or a private road for which there is a recorded road maintenance agreement. (County Code, section 28.73.30(8)(6).) Your parcel is arguably served by an existing private road and an unimproved private road easement. The existing road is not mapped or described in any legal document that we are aware of, and your right to use that existing road is unverified. The private road easement shown on the parcel map is not improved, at least not to County standards for private roads. Neither of these roads has a recorded road maintenance agreement signed by all lot owners served by the road.”*

DRM has on several occasions’ sited access to the property in question as having an adequate connection to a public road, issued permits on this basis for others and denied other permits on this basis. Further, a recorded road maintenance agreement is in place (See attached- Exhibit-2), already having been approved by the DRM for other permits to issue on my same private road and has been provided to the county on multiple occasions. Denying my permit on this reason is a clear violation of the 14th amendment to the United States Constitution and shows an actual bias by the DRM against the merits of my application by granting others permits using the same documentation that has be stated insufficient and the basis for my permit to be denied.

On September 4, 2014 the DRM published a staff report recommending approval for permit No. U-14-03 for a cross county equestrian center and public stable to be developed at 5610 Nicholas Lane. (See attached- Exhibit- 3) The staff report prepared for this permit was done so for the parcel directly north of my parcel and shares the same private road DRM is now citing as not an adequate public access. The staff report states that *“Access to the project site is from Nicholas Lane, a private road located off Fox Road. There is a road maintenance agreement between property owners that also use Nicholas Lane to access their properties.”* The DRM seems to contradict itself and potentially is violating my 14th amendment rights by denying me equal protection of the law and interpreting the rules differently based on who is applying for a

permit. Clearly, either the permit on my neighboring parcel was issued in error because the DRM has changed its stance to decide an adequate access does not exist or the justification for denying my permit on this point is unjustified since there is an existing road maintenance agreement and road which the county has recognized multiple times, in writing, every other time a permit has been requested on this SAME road.

A recorded road maintenance agreement (RMA) that runs appurtenance to the deed for my parcel (See attached- Exhibit 4) is in place. Further, this same RMA was executed and recorded with each parcel and granted on each owner's deed for Nicholas Lane. A condition to take title is acceptance of the recorded RMA. The RMA does not list requirements for permission or stipulate limitations on the road's use. Again, this is the SAME agreement that DRM staff validated in their attached report recommending a permit on my neighboring parcel issue.

On April 5, 2016 Travis Kroger from the DRM sent a letter to Arcelia Mendoza (see attached- Exhibit 5) stating that *"the County of Solano approved a use permit for a public stable located on Nicholas Lane. When it approved the use permit, the County found that Nicholas Lane provided public access to the stable. As a consequence, the County of Solano cannot issue for any structure which would prevent the public from utilizing Nicholas Lane for access to the public stable."* Again, the DRM seems to contradict itself. Although it is a bit confusing since Mr. Kroger clearly states in his letter that Nicholas Lane is a recognized "public access" and yet my denial letter from the DRM said that no such road exists and therefore is a valid basis to not let my permit issue. Mrs. Mendoza owns the parcel directly north of the Foletta' property and also shares our same private road.

I found an internal memo on the DRM public access computer regarding Mrs. Mendoza's gate permit B2016-0162 whereby Jim Leland, Principle Planner wrote *"The Planning Division recommends that the requested building permit be denied because a gate at this location would be in conflict with Chapter 28. In 2014, the Planning Commission approved Land Use permit U-14-03 for a public stable on APN 0141-090-240, based on a finding that Nicholas Lane provides adequate public access to that property."* (See attached- Exhibit 6) That same permit was later transferred to my property and issued for a gate at my property entrance. A gate permit for the front of my property was issued (see attached- Exhibit 7) based on the fact that the county did acknowledge my right to use, access and apply for permits on Nicholas Lane. But further is more proof the county has repeatedly recognized Nicholas Lane as a public access and has only recently decided not to solely for the purpose of denying my administrative permit.

The DRM has also approved yet another public access on Nicholas Lane. U-08-04 for Kay and Ward Fielding on 5810 Nicholas Lane (see attached- Exhibit 8). I looked up to see if any changes to the code have taken place since the approval of either of the above permits. None have. The DRM staff report for the Fielding property references Nicholas Lane and states *"Adequate utilities, access roads, and other necessary facilities have been or are being provided."* Again, clearly a contradiction to the denial letter I received from the DRM. As such, I respectfully ask you to impose the same burdens and requirements on all parties equally. The same documentation provided should not be interpreted differently based on the party applying for a permit. All citizens have a right to equal protection under the law. DRM has been biased in denying my permit. Since no changes to the county code have taken place to require an extra burden when apply for a permit, DRM is clearly taking advantage of their discretionary power by changing their interpretation without just cause.

The director of RM also stated in his letter *"Your request for an administrative permit would authorize operation of a special event facility between the hours of 10 am and 10 pm, and would allow the use of*

amplified sound at the facility provided noise levels at any property line did not exceed 65 dB. (County Code, section 28.73.30(8)(6).) The Superior Court, in case number FCS048177, has issued a restraining order prohibiting Christopher Ellis from using, or allowing any person other than family members to use, the mapped private road easement for any purpose. In addition, the restraining order prevents Mr. Ellis from playing music at volumes that could be heard on adjacent property after 7:00 pm. Noise that complies with the County's 65 dB noise limit at the property line is deemed not to be objectionable to neighboring property owners, but it would almost certainly be heard by neighbors."

The restraining order in questions was issued against my husband Christopher Ellis not myself or my property. The permit is in MY name only. It will be my SOLE business NOT Christopher Ellis's. Limitations on him DO NOT prevent me to utilizing or exercising my property rights to the fullest extent allowed by law.

The order after hearing clearly states a *specific person*, Christopher Ellis is the restrained party and does NOT list any restrictions against myself or the entire property. The judicial order after hearing (see attached- Exhibit 9) specifically says "restrained person" NOT restrained property.

I have written a letter to Judge Carringer of Solano County Superior Court requesting clarification of her order, however, as of today's date I have not received a response from her. I also sent a copy of that letter to Mr. Bill Emlen and Jim Laughlin. (See attached- Exhibit 10)

An application for modification of the current restraining order has been filed (see attached- Exhibit 11). I am not sure if Christopher Ellis will be able to have the matter heard before my appeal hearing. In the event his request with the court is denied or not heard before my appeal hearing he has agreed to seek housing elsewhere and remove his name from the title of the property. I plan to submit documentation related thereto at my appeal hearing.

I have offered to apply for a Minor Use Permit now since this option was offered to me in the past during design review from planning and this level of permit would allow the county much broader discretion to stipulate the time music and other activities must stop. This would ensure the county issued a permit with absolutely no fear of it being a conflicting issue with the current restraining order. However, I was told that this would also not be approved for the same reasons stated above.

The county is not authorizing a violation of the restraining order by letting MY permit issue. Whether or not a restraining order violation takes place is up to the restrained party to follow the orders of the court. How can my actions to start a small events business be an intentional act by Christopher Ellis? I am the one wanting to start the event business-not him. In fact, he has told me he intends to leave the property whenever such an event takes place. He does not wish to even have it brought into question whether there is a restraining order violation. Again, I am NOT a restrained party. My rights as such should not be limited.

Issuing the permit for the property DOES NOT give permission to anyone to violate an existing court order. It is still up to the restrained party to insure they do not violate orders placed on them. Obviously I would obey all laws and any applicable court orders upon my permits issue.

Sufficient legal basis to deny my permit based on the restraining order against Christopher Ellis has not been cited. The denial letter sent by the DRM failed to cite ANY law, code, or other statute whereby they could justify denying my permit on this basis.

Both reasons stated by the DRM to deny my permit are not be valid because on its face the permit is an Administrative Permit NOT a Discretionary Permit. Chapter 28.101 of the Solano County Code states when defining Administrative permit (See attached- Exhibit 12):

“A. Purpose. For some uses allowed by right within a zoning district, this Chapter requires issuance of an administrative permit prior to development or operation of the use on an ownership. The purpose of an administrative permit is to provide for a mechanism for verifying that all standards and requirements for the use, as described in this Chapter or elsewhere in the Code, are met prior to commencement of the use and can continue to be met during operation of the use.”

It further states that the permit SHALL issue, not as a matter of discretion but SHALL issue if all standards and requirements are met: *“C. Action. The Director of Resource Management shall administratively approve an application for an administrative permit if all standards and requirements specified in this Chapter and elsewhere in the Code are satisfied. Action on an administrative permit is ministerial and shall be taken without notice or public hearing.”* (see attached- Exhibit 13) The code also further states in matters of discretionary permits the director “MAY” approve permits based on discretion. In the case of an administrative permit no discretionary powers are listed and therefore not a valid reason to deny my permit.

The appropriate level of permit was applied for. Solano County Code section 28.73.30(A) & (B)(6) states that for a special events facility with 6 maximum events per year and 150 persons or less an Administrative Permit is required (See attached- Exhibit 13). All conditions for the Administrative Permit have been met as described in Chapter 28.

No valid reasons were given to deny an administrative permit in this case. I submitted sufficient documentation and provided adequate explanation as to how my special events facility will comply with all requirements of Solano County’s Chapter 28 code and codes elsewhere. The director’s decision to deny my administrative permit did not list any valid reasons pertaining to compliance with Chapter 28 or any other codes. DRM reasons stated, although I do not agree with, are discretionary in nature and therefore not valid for the denial of an administrative permit.

I beseech the Planning Commission to approve my permit. I have described above how the determination to deny my permit was not done fairly or impartially. They DRM has approved permits of similar nature for others on my same private road while denning myself using the SAME documentation and legal access. Further, the law clearly states a restraining order restricts a specific party form certain actions, NOT a property or an entire household or even a permitted business. Meeting the qualifications for the permit on its face should let the permit issue according to Solano County code and listed requirements for an administrative permit.

Respectfully Submitted,



Leeanna R. Ellis
(13 attachments)

Exhibit 1

DEPARTMENT OF RESOURCE MANAGEMENT

WILLIAM F. EMLÉN
Director
wfemlen@solanocounty.com
(707) 784-6765

TERRY SCHMIDTBAUER
Assistant Director
tschmidtbauer@solanocounty.com
(707) 784-6765



SOLANO COUNTY

675 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
Fax (707) 784-4805

www.solanocounty.com

April 5, 2019

Christopher and Leanna Ellis
5580 Nicholas Lane
Dixon, CA 95620

RE: Application for Administrative Permit AD-18-02

Dear Mr. & Mrs. Ellis,

This correspondence is responding to your application for an administrative permit to construct and operate a special events facility at 5580 Nicholas Lane, Dixon (Assessor's Parcel Number 0141-090-250). Your application is being denied for two independent reasons: First, your property does not have adequate connection to a private road for which there is a recorded road maintenance agreement executed by all property owners; second, the administrative permit would be inconsistent with a restraining order issued by the Superior Court.

In order to approve an administrative permit for a special event facility, the parcel must have adequate connection to either a public road or a private road for which there is a recorded road maintenance agreement. (County Code, section 28.73.30(B)(6).) Your parcel is arguably served by an existing private road and an unimproved private road easement. The existing road is not mapped or described in any legal document that we are aware of, and your right to use that existing road is unverified. The private road easement shown on the parcel map is not improved, at least not to County standards for private roads. Neither of these roads has a recorded road maintenance agreement signed by all lot owners served by the road.

Your request for an administrative permit would authorize operation of a special event facility between the hours of 10 am and 10 pm, and would allow the use of amplified sound at the facility provided noise levels at any property line did not exceed 65 dB. (County Code, section 28.73.30(B)(6).) The Superior Court, in case number FCS048177, has issued a restraining order prohibiting Christopher Ellis from using, or allowing any person other than family members to use, the mapped private road easement for any purpose. In addition, the restraining order prevents Mr. Ellis from playing music at volumes that could be heard on adjacent property after 7:00 pm. Noise that complies with the County's 65 dB noise limit at the property line is deemed not to be objectionable to neighboring property owners, but it would almost certainly be heard by neighbors.

In summary, your application for an administrative permit has been denied based on the existing lack of adequate private road access to your parcel as well as the existing restraining order against Mr. Ellis. If either of these circumstances change, I would evaluate a new permit application in light of the new conditions.

You do have the right to appeal the Director's decision. An appeal must be filed in writing stating reason for the appeal and shall be accompanied by the required filing fee. An appeal must be filed within 10 days of the date of this action, which is April 5, 2019.

Sincerely,

Bill Emlen, Director
Department of Resource Management

SAEED IRAVANI
Building Official
Building & Safety

MIKE YANKOVICH
Program Manager
Planning Services

JAG SANOTA
Manager
Environmental
Health

SARAH PAPPAKOSTAS
Senior Staff Analyst
Administrative Services

MATT YUGGLE
Engineering Manager
Public Works
Engineering

CHARLES BOWERS
Operations Manager
Public Works
Operations

CHRIS DRAKE
Parks Services
Manager
Parks

ROBERTA GOBLART
Water & Natural
Resources Program
Manager

Exhibit 2

2002-57620

#6

2002-00057620	52	RecFee	19.00
Recorded By:		SurMon	
FRONTIER		NoPCOR	
		IncFee	
Official Records		OTTA	
County of Solano		Pl	\$ 19.00
Robert Blechschmidt		DivSht	
Assessor/Recorder			
08:00	07-MAY-02	AR16	5
			Pgs

Recording Requested by
And When Recorded Mail to:

Morcorp
7545-B Pleasants Valley Road
Vacaville, CA 95688

DECLARATION OF EASEMENTS AND ROAD MAINTENANCE AGREEMENT

This Declaration of Easements and Road Maintenance Agreement is made and entered into this 29th day of April, 2002 by WILLIAM I. MORGAN, JR., a married man dealing with his separate property, hereinafter referred to as Declarant.

WHEREAS Declarant is the owner of that certain real property described as follows:

PARCEL ONE:

Parcel 1, as the same is shown on that certain Parcel Map entitled: "LEONARD RANCH PROPERTY, A PORTION OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE & MERIDIAN, COUNTY OF SOLANO, STATE OF CALIFORNIA", filed in the Office of the Solano County Recorder on July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88.

EXCEPTING THEREFROM, an undivided 50% interest of all oil, gas, and mineral rights, reserved in the Deed from Leonard Ranch, a California partnership, dated July 25, 1977 and recorded August 5, 1977, in Book 1977, at Page 58705, Instrument No. 34459.

APN: 141-090-220

PARCEL TWO:

Parcel 2, as the same is shown on that certain Parcel Map entitled: "LEONARD RANCH PROPERTY, A PORTION OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE & MERIDIAN, COUNTY OF SOLANO, STATE OF CALIFORNIA", filed in the Office of the Solano County Recorder on July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88.

EXCEPTING THEREFROM, an undivided 50% interest of all oil, gas, and mineral rights, reserved in the Deed from Leonard Ranch, a California partnership, dated July 25, 1977 and recorded August 5, 1977, in Book 1977, at Page 58705, Instrument No. 34459.

APN: 141-090-230

PARCEL THREE:

Parcel 3, as the same is shown on that certain Parcel Map entitled: "LEONARD RANCH PROPERTY, A PORTION OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE & MERIDIAN, COUNTY OF SOLANO, STATE

Exhibit 2 cont.

OF CALIFORNIA", filed in the Office of the Solano County Recorder on July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88.

EXCEPTING THEREFROM, an undivided 50% interest of all oil, gas, and mineral rights, reserved in the Deed from Leonard Ranch, a California partnership, dated July 25, 1977 and recorded August 5, 1977, in Book 1977, at Page 58705, Instrument No. 34459.

APN: 141-090-240

PARCEL FOUR:

Parcel 4, as the same is shown on that certain Parcel Map entitled: "LEONARD RANCH PROPERTY, A PORTION OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE & MERIDIAN, COUNTY OF SOLANO, STATE OF CALIFORNIA", filed in the Office of the Solano County Recorder on July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88.

EXCEPTING THEREFROM, an undivided 50% interest of all oil, gas, and mineral rights, reserved in the Deed from Leonard Ranch, a California partnership, dated July 25, 1977 and recorded August 5, 1977, in Book 1977, at Page 58705, Instrument No. 34459.

APN: 141-090-250

WHEREAS Declarant deems it necessary to create for the benefit of each of the aforesaid parcels easements for roadway, maintenance, and utilities.

WHEREAS Declarant intends and desires to keep such roadway at all times in good and passable condition, once any such portion of said roadway is constructed;

WHEREAS it is the intention of the Declarant to provide for the cost and expense of upkeep, maintenance and repair of the roadway and utility facility improvements;

NOW THEREFORE, Declarant hereby declares as follows:

1. Any Deed conveying Parcel One herein shall be made and accepted subject to an easement appurtenant to Parcels Two, Three and Four herein for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion thereof delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement" and the Northerly and Westerly 60' of said Parcel One.

Mendoza Parcel 1

Any such Deed conveying Parcel One herein shall carry with it as an appurtenance to Parcel One, an easement for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion of Parcel Two herein delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement".

Exhibit 2 cont.

Fielding Parcel 2

2. Any Deed conveying Parcel Two herein shall be made and accepted subject to an easement appurtenant to Parcels One, Three and Four herein for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion thereof delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement".

Any such Deed conveying Parcel Two herein shall carry with it as an appurtenance to said Parcel Two, an easement for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across those portions of Parcel One herein delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement".

Foletta Parcel 3

3. Any Deed conveying Parcel Three herein shall be made and accepted subject to an easement appurtenant to Parcel Four herein for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion thereof delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement" and the Westerly 60' of said Parcel Three.

Any such Deed conveying Parcel Three herein shall carry with it as an appurtenance to said Parcel Three, an easement for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across those portions of Parcels One, Two and Four herein delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement" and the Northerly and Westerly 60' of said Parcel One.

Ellis Parcel 4

4. Any Deed conveying Parcel Four herein shall be made and accepted subject to an easement appurtenant to Parcel Three herein for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across that portion thereof delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement".

Any such Deed conveying Parcel Four herein shall carry with it as an appurtenance to said Parcel Four, an easement for the purposes of private roadway, vehicular and pedestrian ingress and egress, utilities, including but not limited to electric and telephone facilities, and incidental purposes, including but not limited to installation, maintenance, and repair, over, under and across those portions of Parcels One, Two and Three herein delineated on the Parcel Map filed July 11, 1978 in Book 15 of Parcel Maps, at Pages 87 & 88 as "60' Access and Utilities Easement", and over, under and across the Northerly and Westerly 60' of said Parcel One, and the Westerly 60' of said Parcel Three. VZZA

Exhibit 2 cont.

5. The roadway and utility facility improvements to such easements, once any such portion thereof are constructed, shall at all times subsequent thereto be kept in good and passable condition.
6. The initial cost and expense of construction of roadway and utility facility improvements to those portions of the easements being within the Northerly sixty feet (60') of Parcels One and Two and within the Westerly sixty feet (60') of Parcels One and Three shall be borne by the Declarant. The initial cost and expense of construction of roadway and utility facility improvements within the remaining areas of the easements shall be the sole obligation of each owner as may be necessary or required to provide access onto the land owned by such owner.
7. In the event that any portion of the constructed roadway and utility facilities within the easement areas shall be damaged by equipment in the course of construction of improvements on any of the Parcels, or by the act of any owner, their employees, invitees, family or guests, then that Owner shall be solely obligated to pay all costs and expenses in connection with the repair of any such damage.
8. The costs and expenses of maintaining and repairing the roadway and utility facilities within each of the easement areas shall be shared equally by the owners of those parcels carrying those particular easement areas as an appurtenance or containing said portions of the roadway within their parcel, as set forth in Paragraphs 1, 2, 3, and 4 above.
9. Any and all obligation for contributions for maintenance, repair and upkeep of the roadway and utility facilities within such easements shall commence and be binding on such owner(s) upon the commencement of construction of improvements on the herein described Parcel so owned by each such owner(s).
10. In the event Declarant, or his heirs or assigns refuse to provide their proportionate share of the cost and expense of construction, maintenance, or repair of the roadway and utility facilities within said easements, it shall be lawful for any other person or persons owning said Parcels One, Two, Three or Four to prosecute any proceedings at law or in equity against the person or persons not sharing in the proportionate cost of constructing, maintaining or repairing said Easements and to recover said cost including reasonable attorney fees and court costs.
11. The terms, provisions, covenants, and conditions of this Declaration shall be binding upon and inure to the benefit of the Declarant, his heirs, successors in interest, devisees, personal representatives, and assigns. In the context of this Declaration, the plural shall include the singular, and the masculine shall include the feminine.

DECLARANT:

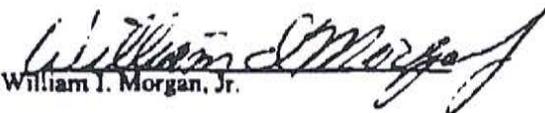

William I. Morgan, Jr.

Exhibit 2 cont.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of SOLANO } ss.

On May 6, 2002 before me, Dawn N. Perez, Notary Public -
(Date) (Name and Title of Officer (e.g. "Jane Doe, Notary Public"))
personally appeared WILLIAM I. MORGAN, JR.
(Name(s) of Signer(s))

personally known to me
or proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/sha/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Dawn N. Perez
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

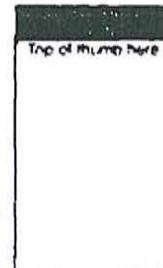
Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____
Individual
Corporate Officer — Title(s): _____
Partner — Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other: _____



Signer is Representing: _____

END OF DOCUMENT

Exhibit 3



DEPARTMENT OF RESOURCE MANAGEMENT
Planning Services Division

Phone (707) 784-6765
Fax (707) 784-4805

STAFF REPORT

www.solanocounty.com

Mike Yankovich
Program Manager

Agenda Item No. 1

To: Solano County Planning Commission

From: Karen Avery, Senior Planner

Subject: Use Permit No. U-14-03 (Foletta) for a cross country equestrian center and public stable without horse shows to be developed in two phases located at 5610 Nicholas Lane, Dixon, outside the City of Vacaville, in an "A-40" Agricultural Zoning District, APN: 0141-090-240

Date: September 4, 2014

I. RECOMMENDATION:

The Planning Commission ADOPT the attached draft resolution and APPROVE use Permit No. U-14-03, subject to the recommended conditions of approval, and

Determine that the project qualifies for Categorical Exemption Section 15301, (Existing Structures) per the California Environmental Quality Act.

II. EXECUTIVE SUMMARY:

The applicant is requesting a use permit to operate a cross-country equestrian center and public stable without horse shows to be constructed in two phases. Phase I includes the equestrian cross country course for use by the public and the boarding of 2-6 horses. Phase II includes the construction of a new horse barn for 8-9 horses and a covered arena.

III. ENVIRONMENTAL ANALYSIS:

The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.

IV. PROJECT MAP



V. BACKGROUND:

- A. Prior approvals:** None
- B. Applicant/Owner:** Marshall Foletta and Khris Lundy Foletta
- C. General Plan land use designation/zoning:** Agriculture and Exclusive Agriculture (A-40)
- D. Existing use:** Private cross-country equestrian center, single family dwelling and agricultural
- E. Adjacent zoning and uses:**
 - North:** Agriculture (A-40) – Cattle grazing/single family dwelling
 - South:** Agriculture (A-40) – Row crops, single family dwelling

East: Agriculture (A-40) – Railroad tracks, then agricultural uses
West: Agriculture (A-40) – Row crops

VI. ANALYSIS:

A. Environmental Setting and Project Description:

Environmental Setting:

The project site is located at 5610 Nicholas Lane, a private gravel road that connects to Fox Road, which is located outside the City of Vacaville in unincorporated Solano County. The project site is approximately 32 acres in size and the assessor's parcel number 0141-090-240.

The land is mostly flat and is surrounded by agricultural lands to the north, south and west. Railroad tracks are adjacent to the property boundary to the east with more agricultural property beyond the tracks. The nearest off-site residence is approximately 120 ft. to the north. An irrigation canal runs along the eastern property boundary and an unused irrigation ditch along the southern boundary.

The parcel is served by an on-site well and septic system. There is a single family residence occupied by the applicants and a detached garage on the property. There are also four "Tuff Shed" type shelters located on the property. Three of the covers are used as stalls for the applicants' horses and one is used for hay and farm equipment storage. There is a 100' x 190' open arena and a 100' x 100' turnout for the horses located between the residence and Nicholas Lane. There is an existing 2 acre fenced pasture area that is located at the front of the parcel between Nicholas Lane and the dwelling. There is an existing pacing track that runs along the parcel boundaries with the three cross-country equestrian courses established in the rear of the parcel. There is an elementary course, novice course and training level course, each course has a variety of jumps and obstacles for the horse/rider.

The applicants have planted grapes and a variety of trees along Nicholas Lane and in the rear of the parcel.

Project Description:

The applicant has applied for a use permit to operate a cross-country equestrian center and a public stable without horse shows. The proposed hours of operation are 8:00 am to 8:00 pm, seven (7) days per week. The equestrian center would be operated by the property owners. Potential guest utilize a reservation system with the property owners so the property owners are aware of who will be utilizing the courses. The project is proposed in 2 phases as shown on the Site Plan (Exhibit D).

Phase I

No new structures are proposed in Phase I. The guests would use the existing pace trace, and cross-country courses. Guests and their horses would arrive by truck/trailer, ride the course, and depart. The applicant is proposing a 140' x 140' area for vehicle parking. An ADA compliant portable toilet will be located next to the parking area.

Phase II

In in approximately five years, the applicant intends to build a 2400 square foot barn to house 8-9 horses for the public stable operation. The barn will be located on the northern portion of the parcel and will include a permanent ADA compliant restroom facility. Phase II will also include the construction of a 90' x 170' covered arena.

No exterior lighting or outdoor sound systems are proposed in either phase. No special events or exhibitions are proposed at this time.

B. Environmental Determination

The project qualifies for a Categorical Exemption from the provisions of CEQA, under CEQA Guidelines Section 15301 – Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

C. General Plan and Zoning Analysis

The General Plan Land Use Diagram (LU-1) identifies the property as Agriculture. The property is zoned Exclusive Agriculture (A-40). The General Plan/Zoning Consistency Table LU-7 of the Solano County General Plan indicates the zoning to be consistent with the General Plan Designation.

Table 28.21A of the County Zoning Regulations indicates that a public stable within the Agricultural (A-40) district may be permitted upon issuance of a conditional use permit. Though the cross-country courses are not specifically listed as a conditionally permitted use, it is similar in nature to riding rings found on properties operating permitted public stables.

D. Project Analysis

The applicant is applying for a use permit to operate cross-country equestrian facility and a public stable without horse shows. Per Chapter 28.21A of the Solano County Zoning Regulations, public stables without horse shows are conditionally permitted in the Agricultural zoning district, subject to the requirements in Section 28.73.10(A) & (B)(3) and upon approval of the Planning Commission.

The general requirements listed in the Solano County Zoning Regulations for recreational uses include requirements for access, lighting, roads, setbacks and parking. The zoning regulations have additional requirements for public stables without horse shows. These requirements include regulations for parking, minimum acreage for horses and specific setbacks for structures or facilities used by the horses.

Access:

Access to the project site is from Nicholas Lane, a private road located off Fox Road. There is a road maintenance agreement between property owners that also use Nicholas Lane to access their properties. Fox Road is a county road and the Public Works Engineering Division has conditioned that the applicant obtain an encroachment permit to construct an entrance from Fox Road to Nicholas Lane. The Fire District has conditioned maintenance requirements for Nicholas Lane as part of the project review.

Parking:

The parking standard for a public stable is not specified in the Zoning Regulations. The applicant is proposing a 140' x 140' parking area which will include an ADA compliant parking space. The parking ratio used for other public assembly categories is 1 space per 4 persons at the site. The owners will be aware of the approximate number of guests at any one time, which should allow the owners to utilize the 19,200 square feet of provided parking efficiently. Staff is recommending that the parking area be identified to ensure guests parking in the designated areas and do not park along Nicholas Lane. The Dixon Fire District is recommending that "no parking" signs be installed along Nicholas Lane so that guests do not block the gravel road.

Odor:

Per the Environmental Health Division, due to the acreage of the property, no manure management plan is required.

Noise:

No Public Address (PA) systems are being proposed and no adverse noise impacts are anticipated.

Lighting:

No outdoor lighting is proposed as part of this project.

Setbacks:

The setbacks required for public stables without horse shows are as follows:

Table 28-73.A Development Standards for Public Stables without Horse Shows

Use	Minimum Distance from any Dwelling Unit	Minimum Distance from Side and Rear Property Lines	Minimum Distance from Front Property Lines*
Pens for no more than one horse; Barns and other similar shelters for nine horses or less	20 feet	20 feet	60 feet*
Corrals, paddocks, riding rings and other similar horse arenas	20 feet	60 feet	60 feet*
Barns, pens, corrals and other similar shelters for 10 or more horses and accessory buildings and areas.	20 feet	200 feet	200 feet*

* Where the front property line lies within a county road easement, the setback shall be measured from the outer easement line.

The site plan submitted by the applicant (Exhibit D) indicates that all current horse activities meet the setback requirements as listed above except for the pacing track which runs along

the property lines of the parcel. Staff is recommending that within a two year period the pacing track be moved to 60' from the property boundaries.

If the applicant wishes to hold horse shows or board more than 9 horses in the future, the applicant will be required to obtain a revision to the use permit for that modification.

E. Development Review Committee

On July 16, 2014, as part of the project review process, the application was reviewed by various divisions within the Department of Resource Management and recommended conditions of approval have been incorporated into the use permit.

Environmental Health Division

The Environmental Health Division reviewed the project and provided comments regarding allowing a temporary toilet facility for five years with a condition for a permanent toilet facility to be built within five years as part of Phase II. These requirements are listed as conditions of approval below.

Public Works Engineering Division

The Public Works Engineering Division reviewed the project and will require the applicant to obtain an encroachment permit for construction of a driveway connection within the right of way of Fox Road. A grading permit will be required when construction in Phase II begins. These requirements are listed as conditions of approval below.

Building Division

The Building Division reviewed the project and commented that the applicant will need to ensure that the site meets requirements of the California Disabled Access and Federal ADA laws and regulations. This would include site accessibility, parking and restroom accessibility. Building permits will be required for any construction. Conditions of approval reflecting comments from the Building Division are included below.

F. Other Agency Review

Solano Irrigation District

The project is located within the Solano Irrigation District Boundary and is therefore subject to the Rules and Regulations of the District. Conditions of approval reflecting the District's comments are below.

Dixon Fire District

The project was reviewed by the Dixon Fire District and recommendations regarding the condition of and signage along Nicholas lane have been included as conditions of approval below.

VII. FINDINGS

- 1. The establishment, maintenance, or operation of the proposed use is in conformity with the Solano County General Plan with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan.**

The operation of the proposed cross country equestrian center with a public stable is a conditionally permitted land use within the Exclusive Agricultural zoning district, which is consistent with the

Agricultural General Plan designation. The proposed land use is consistent with the goals, objectives, and policies of the General Plan, including, but not limited to the Land Use and Resources chapters.

2. **Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

Access to the site will be from Nicholas Lane a private road off Fox Road. The site has existing electrical power. There is an existing well and septic system on-site. An ADA compatible toilet will be provided until Phase II is built which will include permanent facilities.

3. **The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditionally permitted, the proposed cross-country equestrian center with public stable will not change or adversely affect agricultural or rural character of the property or its surroundings. The Solano County Development Review Committee has reviewed the project application and determined that the proposed land use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare to persons within the County of Solano.

Additional Findings

4. **The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.**

VIII. RECOMMENDATION

Staff recommends that the Planning Commission ADOPT the attached draft resolution and APPROVE Use Permit No. U-14-03, subject to the recommended conditions of approval below.

IX. CONDITIONS OF APPROVAL

1. The proposed use shall be established in accord with the application and site plan for Use Permit U-14-03, submitted June 27, 2014 by the applicants, Marshall and Khris Lundy Foletta, and as approved by the Solano County Planning Commission. The proposed project shall be developed in two phases with Phase II including a barn with permanent restroom facilities and a covered arena. Phase II shall be completed within five years of issuance of the use permit.
2. This permit shall be subject to periodic renewal every five (5) years. A renewal may be granted if said request is received prior to the expiration date of September 4, 2019 and the use is found to be in full compliance with the permit terms and conditions at that time. Prior to permit expiration, the applicant shall submit an application for renewal along with applicable renewal fees as may be set by the County Board of Supervisors.
3. **The current location of the pacing track shall be moved to 60' from all property lines within two years from the issuance of this use permit.**

4. No additional uses shall be established beyond those identified on the project plan without prior approval. No new or expanded buildings shall be constructed without prior approval of a revision or an amendment to this use permit or approval of a new use permit.
5. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
6. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause of revocation of this permit.
7. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.

Building Division:

8. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2013 California Building Code, or the latest edition enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
9. The parking lot area, driveway, paths of travel and any building or structure accessed by the public, whether considered private or not, shall be designed to meet the requirements for disabled access for the Federal ADA and the California Title 24 Disabled Access Codes. The designer can make an appointment with the Solano County Building & Safety Division for further information on disabled access requirements.
10. There shall be permanent sanitation facilities constructed to meet the requirements set forth in the building and plumbing codes based on site occupancy loads. A septic system upgrade may be required for the additional loads. Please check with Environmental Health for further requirements regarding the upgrade to the existing septic system.
11. Any proposed development of any buildings or structures shall meet the minimum requirements set forth in the Green Building Code.
12. A separate permit will be required for any site improvements including but not limited to any grading.
13. A geotechnical/soils report may be required for the proposed construction of any building or structures.
14. The building permit plans shall include a code analysis as listed below and the design shall be under the 2013 California Codes and all current rules, regulations, laws, and ordinances of the local, state and federal requirements. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:
 - A. Occupancy Classification
 - B. Type of Construction
 - C. Seismic Zone

- D. Location on Property
- E. Height of all buildings and structures
- F. Square footage
- G. Occupant Load
- H. Allowable Floor Area
- I. Height and number of stories

15. Plans and Specifications shall meet the requirements as per Section 107 of the 2013 California Building Code. "Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional." Also Section 107; "Construction documents shall be dimensioned and drawn upon substantial material. Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official."
16. The fire district will reassess the site for fire life and safety requirements.

Public Works Engineering:

17. The applicant shall apply for, obtain and comply with the requirements of an encroachment permit from Public Works Engineering for the construction of the driveway connection within the right of way of Fox Road.
18. The applicant shall apply for and obtain an appropriate grading permit for the construction of any additional structures at the time of application for a building permit.

Environmental Health:

19. A phased implementation plan for the equestrian facility that includes construction of a permanent toilet facility connected to an onsite sewage disposal system shall be provided and approved by Environmental Health. Permanent toilet facilities shall be provided within 5 years of issuance of the Use Permit during implementation of Phase II.
20. The use of portable chemical toilets will be allowed as a "temporary" measure in accordance with an approved implementation plan. A copy of the service contract with an approved portable toilet service provider and pump out reports shall be provided to the Environmental Health Division.
21. A registered consultant shall evaluate the existing onsite sewage disposal system and projected wastewater flow from the change in use and provide a report with recommendation to Environmental Health on the adequacy of existing system, or any necessary modifications to the existing system or need to construct a new system to accommodate the projected wastewater flow. The applicant shall obtain any required septic permit to modify or construct permanent toilet facilities and complete construction within 5 years of the issuance of the Use Permit.

Dixon Fire Department:

22. Nicolas Lane is a private road that shall be a minimum of 20' wide with a minimum overhead clearance of 13'6" the full width of the driving surface.

23. The road shall be of an all-weather surface capable of supporting a 75,000# fire apparatus in all weather conditions.
24. The road shall be posted with "NO PARKING" signs spaced a maximum of 300' apart as follows:
 - a. A. Roads 20-'26' – on both sides of the road
 - b. B. Roads 27'-32' – on 2 side of the road
 - c. C. Roads 33> - not required
25. Signs shall be constructed and installed as follows:
 - a. Durable material measuring 12" x 18"
 - b. Red 2" reflective letters on a white background
 - c. Mounted 72"-96" above the ground

Solano Irrigation District:

26. The District maintains an existing 24" RGPVC pipeline along the westerly boundary of the property. No permanent structures shall be constructed within 20' of the pipeline and no deep rooted vegetation shall be planted within 6' of the pipeline.
27. The property is currently provided with an agricultural irrigation water service but the District does not provide any potable water.
28. If the landowner would like to use the agricultural irrigation water for landscape irrigation, they will need to install a new service which will be billed at a higher rate.
29. If a new service is desired, the landowner must sign and pay for a District work order. The work order is the mechanism to which all fees and charges associated with District staff time and/or materials will be charged for reimbursement from the landowner.

ATTACHMENTS

- Exhibit A: Draft Resolution
- Exhibit B: Assessor's Parcel Map
- Exhibit C: Location Map
- Exhibit D: Aerial Site Plan
- Exhibit E: Photos

Exhibit 4

RECORDING REQUESTED BY:
Chicago Title Company
Order No.: FSJP-7521400026
Title No.: FSOL-STO1500492

Recorded in Official Records, Solano County
Marc C. Tonnesen
Assessor/Recorder

4/01/2015
8:00 AM
AR21
06

When Recorded Mail Document To:
Christopher Ellis and Leeanna Ellis
5580 Nicholas Lane
Dixon, CA 95620

02 Fidelity Title Co

Doc#: 201500025426



Titles:	1	Pages:	3
Fees			19.00
Taxes			715.00
Other			0.00
PAID			\$734.00

Property Address: 5580 Nicholas Lane,
Dixon, CA 95620
APN/Parcel ID(s): 0141-090-250

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
 - The documentary transfer tax is \$715.00 and is computed on:
 - the full value of the interest or property conveyed.
 - the full value less the liens or encumbrances remaining thereon at the time of sale.
- The property is located in an Unincorporated area of Dixon.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Christopher Bruce Huppe and Gina Louise Huppe, trustees of The Huppe Family Living Trust, under trust agreement dated May 8, 1997

hereby GRANT(S) to Christopher Ellis and Leeanna Ellis, husband and wife as joint tenants

the following described real property in the Unincorporated Area of the County of Solano, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: March 31, 2015

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Huppe Family Living Trust, under trust agreement dated May 8, 1997

BY:
Christopher Bruce Huppe, Trustee

BY:
Gina Louise Huppe, Trustee

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Grant Deed
SCA0000129.doc / Updated: 11.21.14

Printed: 03.31.15 @ 01:45PM
CA-CT-FSJP-02180.054752-FSJP-7521400026

Exhibit 12

Description: Solano, CA Document-Year.DocID 2015.25426 Page: 1 of 3
Order: rick Comment:

FIELDING002796

GRANT DEED
(continued)

APN/Parcel ID(s): 0141-090-250

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Placer

On 3/31/15 before me, Jean L. Williams, Notary Public,
(here insert name and title of the officer)

personally appeared Christopher Bruce Hupe & Gina Louise Hupe,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the
within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies),
and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Jean L. Williams
Signature

(Seal)

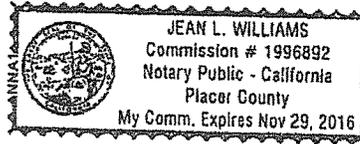


EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 0141-090-250

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SOLANO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

PARCEL 4, AS THE SAME IS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED: "LEONARD RANCH PROPERTY, A PORTION OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE & MERIDIAN, COUNTY OF SOLANO, STATE OF CALIFORNIA", FILED IN THE OFFICE OF THE SOLANO COUNTY RECORDER ON JULY 11, 1978 IN BOOK 15 OF PARCEL MAPS, AT PAGES 87 & 88.

EXCEPTING THEREFROM, AN UNDIVIDED 50% INTEREST OF ALL OIL, GAS, AND MINERAL RIGHTS, RESERVED IN THE DEED FROM LEONARD RANCH, A CALIFORNIA PARTNERSHIP, DATED JULY 25, 1977 AND RECORDED AUGUST 5, 1977, IN BOOK 1977, AT PAGE 58705, INSTRUMENT NO. 34459.

EXCEPTING THEREFROM UNTO THE GRANTOR HEREIN, ALL REMAINING OIL, GAS, CASINGHEAD GAS, ASPHALTUM AND OTHER HYDROCARBONS AND ALL CHEMICAL GAS NOW OR HEREAFTER FOUND, SITUATED OR LOCATED IN ALL OR ANY PART OR PORTION OF THE LANDS HEREIN DESCRIBED, LYING MORE THAN FIVE HUNDRED FEET (500') BELOW THE SURFACE THEREOF, TOGETHER WITH THE RIGHT TO SLANT DRILL FOR AND REMOVE ALL OR ANY OF SAID OIL, GAS, CASINGHEAD GAS, ASPHALTUM AND OTHER HYDROCARBONS AND CHEMICAL GAS LYING BELOW A DEPTH OF MORE THAN FIVE HUNDRED FEET (500') BELOW THE SURFACE THEREOF BUT WITHOUT ANY RIGHT WHATSOEVER TO ENTER UPON THE SURFACE OF SAID LAND OR UPON ANY PART OF SAID LANDS WITHIN FIVE HUNDRED FEET (500') VERTICAL DISTANCE BELOW THE SURFACE THEREOF.

FURTHER EXCEPTING THEREFROM, AS AN APPURTENANCE TO THE REMAINING LANDS OF THE GRANTOR HEREIN, AN EASEMENT FOR PRIVATE ROADWAY, VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, UTILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC AND TELEPHONE FACILITIES, AND INCIDENTAL PURPOSES, INCLUDING BUT NOT LIMITED TO INSTALLATION, MAINTENANCE AND REPAIR, OVER, UNDER AND ACROSS THAT PORTION THEREOF DELINEATED ON THE PARCEL MAP FILED JULY 11, 1978 IN BOOK 15 OF PARCEL MAPS, AT PAGES 87 & 88 AS 60' ACCESS AND UTILITIES EASEMENT".

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT, AS AN APPURTENANCE TO PARCEL ONE DESCRIBED ABOVE, FOR THE PURPOSES OF PRIVATE ROADWAY, VEHICULAR AND PEDESTRIAN INGRESS AND AGREES, UTILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC AND TELEPHONE FACILITIES, AND INCIDENTAL PURPOSES, INCLUDING BUT NOT LIMITED TO INSTALLATION, MAINTENANCE, AND REPAIR, OVER, UNDER AND ACROSS THOSE PORTION OF PARCELS 1, 2 AND 3 DELINEATED AS "60' ACCESS AND UTILITIES EASEMENT", AS SAID PARCELS AND EASEMENT ARE SHOWN ON THE PARCEL MAP FILED JULY 11, 1978 IN BOOK 15 OF PARCEL MAPS, AT PAGES 87 & 88, AND OVER, UNDER AND ACROSS THE NORTHERLY AND WESTERLY 60' OF SAID PARCEL 1, AND THE WESTERLY 60' OF SAID PARCEL 3.

APN: 0141-090-250

Grant Deed
SCA0000128.doc / Updated: 11.21.14

END OF
DOCUMENT

Printed: 03.31.15 @ 01:45PM
CA-CT-FSJP-02180.054752-FSJP-7521400026

Exhibit 5

WILLIAM F. EMLÉN
Director
wfemlen@solanocounty.com
(707) 784-6765

TERRY SCHMIDTBAUER
Assistant Director
tschmidtbauer@solanocounty.com
(707) 784-6765

DEPARTMENT OF RESOURCE MANAGEMENT



SOLANO COUNTY

675 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
Fax (707) 784-4605

www.solanocounty.com

April 5, 2016

Arcelia Mendoza
5650 Nicholas Lane
Dixon, CA 95620

Property Owner,

The County of Solano has reviewed Building Permit application B2016-0162 to construct a gate across Nicholas Lane, located on APN 0141-090-220. As you are aware, the County of Solano approved a use permit for a public stable located on Nicolas Lane. When it approved the use permit, the County found that Nicholas Lane provided public access to the stable. As a consequence, the County of Solano cannot issue permits for any structure which would prevent the public from utilizing Nicholas Lane for access to the public stable.

We suggest that you meet with all lot owners who have easement rights to Nicholas Lane and seek a solution in which all parties agree and which preserves ability the public's ability to access the stable.

Further review of this application will be placed on hold until the required information is received. If no response is received by May 9th, 2016, the Planning Services division will recommend denial of application B2016-0162 to the Building and Safety division. Please feel free to contact me by email or at the number below if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Kroger", written over a horizontal line.

Travis Kroger
Planning Technician
Department of Resource Management
Tel: (707)784-3173 Fax: (707)784-4805
tjkroger@solanocounty.com

C.c. Virginia Bugbee

AEED IRAVANI
Building Official
Building & Safety

MIKE YANKOVICH
Program Manager
Planning Services

JAGJINDER SAHOTA
Manager
Environmental Health

SUGANTHI KRISHNAN
Senior Staff Analyst
Administrative Services

MATT TUGGLE
Engineering Manager
Public Works
Engineering

CHARLES BOWERS
Operations Manager
Public Works
Operations

CHRIS DRAKE
Parks Services
Manager
Parks

Exhibit 6

DEPARTMENT OF RESOURCE MANAGEMENT

BILL EMLER
Director
(707) 784-6765

TERRY SCHMIDTBAUER
Assistant Director
(707) 784-6765

MIKE YANKOVICH
Planning Services Manager
(707) 784-6765



SOLANO COUNTY

City of Suisun
2016-07-11
(707) 784-6765
Fax (707) 784-6765

www.solanocounty.com

Planning Services Division

MEMORANDUM:

To: Saeed Irvani, Building Official

From:  Jim Leland, Principal Planner

Date: July 11, 2016

Subject: **Building Permit B2016-0162**

The Planning Services Division has reviewed Building Permit B2016-0162 for the installation of a gate across Nicholas Lane (located at 5650 Nicholas Lane, APN 0141-090-220), a private road that provides access to multiple parcels. The Planning Division recommends that the requested Building Permit be denied because a gate at this location would be in conflict with the provisions of Chapter 28. In 2014, the Planning Commission approved Land Use Permit U-14-03 for a public stable on APN 0141-090-240, based on a finding that Nicholas Lane provides adequate public access to that property. This finding was not challenged by any of the other properties that utilized Nicholas Lane for access. Installation of the proposed gate would limit the public's ability to access to the approved public stable facility and would therefore be inconsistent with the findings made and action taken by the Planning Commission.

Planning Division Recommendation: DENY Building Permit B2016-0162

Exhibit 7



DEPARTMENT OF RESOURCE MANAGEMENT BUILDING & SAFETY SERVICES

675 TEXAS ST., SUITE 5300
FAIRFIELD, CA 94533
Office Number: (707) 784-6765
24 Hour Inspection Request Line: (707) 784-4750

BUILDING PERMIT Permit No: B2016-0162 Permit Issued By: Virginia Bugbee *[Signature]*
Status: Issued Applied Date: 3/10/2016 Issued Date: 3/8/2017 Expires Date: 7/8/2019
Job Address: 5650 NICHOLAS LANE Parcel No.: 0141090220 Valuation: \$575.00

Description: Entry gate, 20'6" width
Owner: MENDOZA ARCELLA JT
5650 NICOLAS LN
DEXON, CA 95620
907-377-0517
Contractor:

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division of the Business and Professions Code, and my license is in full force and effect.
*****Licenses of Contractor Declaration*****

Licensee: _____ License Class: _____ Expiration Date: _____
Date: _____ Signature: _____
*****Owner/Builder Declaration*****

I hereby affirm that I am exempt from the Contractor's License law for the reason:
I am owner of the property, or my employee with wages as the sole compensation, will do the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code).
I, as owner of the property, am exclusively contracting with licensed contractors to construct the project Section 7044, Business and Professions Code.
Owner/Builder intends to perform work and the structure is intended or offered for sale, the applicant must apply with the following conditions:
The structure is not a detached structure of residence.

Exhibit 8

DEPARTMENT OF RESOURCE MANAGEMENT

BILL EMLÉN
Director
(707) 784-6765

TERRY SCHMIDTBAUER
Assistant Director
(707) 784-6765

MIKE YANKOVICH
Planning Services Manager
(707) 784-6765



SOLANO COUNTY

675 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
Fax (707) 784-4805

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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR Staff Report U-08-04-MR1

Application No. U-08-04-MR1 Project Planner: Travis Kroger, Planning Technician		Meeting of October 20, 2016 Agenda Item No. 2	
Applicant Ward and Kay Fielding		Property Owner Ward and Kay Fielding 5810 Nicholas Lane, Dixon, CA 95620	
Action Requested Consideration of Minor Revision No. 1 of Land Use Permit application U-08-04 to allow use of the existing outdoor kennels for up to 22 personal dogs, with construction of the original proposed phases to take place in 5-10 years from the date of approval of this revision.			
Property Information			
Size: 32.13 ac. (total)		Location: 5810 Nicholas Lane	
APN: 0141-090-230			
Zoning: Exclusive Agriculture (A-40)		Land Use: Large Kennel	
General Plan: Agriculture		Ag. Contract: n/a	
Utilities: Existing well and septic system		Access: Fox Road and Nicholas Lane	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Agriculture	Exclusive Agriculture (A-40)	Residential/Agriculture
South	Agriculture	Exclusive Agriculture (A-40)	Residential/Public Stable
East	Agriculture	Exclusive Agriculture (A-40)	Residential/Vacant
West	Agriculture	Exclusive Agriculture (A-40)	Vacant/Agriculture/ Residential
Environmental Analysis: The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.			
Motion to Approve The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Minor Revision No. 1 of Land Use Permit No. U-08-04 based on the enumerated findings and subject to the recommended conditions of approval.			

BACKGROUND

The existing development on this parcel consists of a single family home with attached garage (B2003-0941), and a septic system (SA2004-007), all constructed with the required permits. A manufactured home for farm labor housing is permitted by Administrative Permit AD-15-10 through December 10, 2020, and Building Permit B2016-0103, which is currently in review by the Building and Safety division. Additional accessory structures currently exist on the parcel including a metal storage building, "hoop house" and several shipping containers. On May 21, 2009, Land Use permit U-08-04 for a large dog kennel and cattery to be constructed in 3 phases was approved by the Solano County Planning Commission.

SETTING

The subject property consists of 32.13 acres of land, developed with a primary dwelling, temporary manufactured home for agricultural employee housing, and several accessory buildings.

Land uses fronting along Fox Road are mainly large agricultural parcels, some of which are developed with single family dwellings and accessory buildings.

PROJECT DESCRIPTION

The applicant has applied for a Minor Revision to Land Use permit U-08-04 for a large kennel to allow use as a private kennel for up to 22 dogs until the public kennel and cattery facilities are constructed. The dogs are currently kept in outdoor kennels with chain link walls and a solid metal roof. The proposed changes to the site include the addition of an additional 5 outdoor kennels in the near future for private use, and completion of the original proposed phases I and II and construction of Phase III within 5-10 years, at which point the land use may include operation as a public kennel and cattery once the required improvements are completed and a Business License is obtained.

No other changes to the site or land use are proposed.

LAND USE CONSISTENCY

The parcel is designated Agriculture by the Solano County General Plan Land Use Diagram. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Exclusive Agriculture (A-40) Zoning District is consistent with this designation.

The subject site is zoned Exclusive Agriculture (A-40). Within this district, issuance of a Land Use permit is required for a Large Kennel, which includes the keeping of 12 or more dogs and sales of dogs to the public. Keeping of more than 5 dogs and operation of a public kennel is allowed with a Land Use permit in the Exclusive Agriculture zoning district when conducted by the property owner and/or resident of the subject parcel.

All kennel land uses are subject to the general land use requirements provided in Section 28.763.20(A)&(B)(2) of the Zoning Regulations. These general requirements address access, encroachment, roads, and setbacks. Vehicle access to the site is provided via encroachment off Fox Road a public road and Nicholas Lane, a private road. The existing kennel structures meet the minimum setback of 200 feet from all property lines.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

Assessor's property records indicate the effective age of development on APN 0141-090-230 to be built starting in 2005.

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. U-08-04-MR1, subject to the recommended conditions of approval.

LAND USE PERMIT MANDATORY FINDINGS

1. **That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

This project is located within an area designated Agriculture by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Exclusive Agriculture zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

2. **Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with water and sewer service by an on-site well and on-site sewage disposal system. Access is provided via encroachment off Fox Road and Nicholas Lane.

3. **The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed Large Kennel use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

ADDITIONAL FINDINGS

4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

CONDITIONS OF APPROVAL

General

1. The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-08-04, and as shown on the

approved site plan entitled "K-9 Country Club", drafted by PDF Designs, Inc., dated June 2008 and revised September 2008, and as approved by the Solano County Planning Commission, and the Minor Revision application submitted filed December 5, 2015 and as approved by the Solano County Zoning Administrator.

2. Customer access to the site shall be limited to the proposed operating hours of 8:00a – 5:00p.
3. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan or those otherwise allowed by right, without prior approval of a new permit or revision to the use permit and additional environmental review.
4. If hazardous materials, including fuels, oils, lubricants, and/or welding gases are stored onsite, verification with Solano County Resource Management, Hazardous Materials Section shall be made regarding requirements for a Hazardous Materials Management Plan.
5. The permittee shall ensure that all necessary requirements and permits are obtained from the Solano County Animal Control Department.
6. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
7. Prior to occupancy of any structures related to this use, all requirements of the Dixon Fire Protection District shall be met.
8. The permittee shall apply for and obtain an appropriate grading permit for the construction of the pads, septic systems, parking areas and driveways to serve the facility.
9. The permittee shall apply for, obtain and comply with the requirements of an encroachment permit from Public Works Engineering for the proposed commercial driveway encroachment onto the right of way of Fox Road.
10. Business related signage shall conform to County Code Section 28.66, in terms of allowable type, number, size, height and lighting for signage in the Agricultural Zoning District. A sign permit shall be secured from the Department of Resource Management prior to any installation of signage on site.
11. No building permits shall be issued for Phase III until the septic system is upgraded, reviewed, and approved by the Environmental Health Division of Solano County.
12. This use will be conducted in accordance with the standards for a Large Kennel in the Exclusive Agriculture zoning district:
 - a. Manage storm water to prevent feed and animal waste from entering any natural or constructed storm water facility, canal, creek, lake, pond, stream or river,
 - b. Maintain a setback of 200 feet from any lot, for all activities, buildings and uses of the land,
 - c. Utilize best practices to ensure that stray dogs or cats do not trespass onto adjacent public rights-of-way or private lands,

- d. Regulate, control or prohibit the accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people, and
 - e. Prohibit any nuisance, offensive matter, foul or noxious odors.
13. The permittee shall take such measures to prevent offensive noise, dust, glare, vibration, or odor. All uses of land and buildings shall be conducted in a manner, and provide adequate controls and operational management to prevent:
- a. Dust, glare, vibration which are detectable beyond any property line, and
 - b. Noise that exceeds 65dBA LDN at any property line.
14. All requirements of the Solano County Environmental health division shall be met including :
- a. Before any changes are made to the manure management practices, a written plan shall be submitted to the Environmental Health division for review.

Building and Safety Division

15. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2013 California Building Code, or the latest edition enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
16. Within 180 days of the date of approval of U-08-04-MR1, the applicant will apply for Building Permits for all unpermitted structures (to include shipping containers and hoop house), and renew the expired Building Permit B2006-0561 for the metal building. All Building Permits for existing structures must receive a final inspection before the expiration date of the applicable Building Permit.
- a. The site and any buildings accessed by the public shall meet all of the accessibility requirements found in Chapter 11B of the 2013 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2013 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale, and designed by a licensed architect reflecting all site accessibility.
 - b. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst case requirements between Chapter 11B of the 2013 California Building Code and the ADA Federal Law.

Permit Term

17. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

Attachments

A – Draft Resolution

B – Assessor's Parcel Map

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Minor Revision No. 1 to Use Permit No. U-08-04 of **Ward and Kay Fielding** to permit the existing outdoor kennels and postpone additional development to a later date. The property is located at 5810 Nicholas Lane, 2.5 miles east of the City of Vacaville in an "A-40" Exclusive Agricultural Zoning District, APN: 0141-090-230, and;

WHEREAS, said Zoning Administrator has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on October 20, 2006, and;

WHEREAS, after due consideration, the Zoning Administrator has made the following findings in regard to said proposal:

1. **That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

This project is located within an area designated Agriculture by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Exclusive Agriculture zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

2. **Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with water and sewer service by an on-site well and on-site sewage disposal system. Access is provided via encroachment off Fox Road and Nicholas Lane.

3. **The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed Large Kennel use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Minor Revision No. 1 to Use Permit No. U-08-04 subject to the following recommended conditions of approval:

General

1. The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-08-04, and as shown on the approved site plan entitled "K-9 Country Club", drafted by PDF Designs, Inc., dated June 2008 and revised September 2008, and as approved by the Solano County Planning Commission, and the Minor Revision application submitted December 5, 2015 and as approved by the Solano County Zoning Administrator.
2. Customer access to the site shall be limited to the proposed operating hours of 8:00a – 5:00p.
3. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan or those otherwise allowed by right, without prior approval of a new permit or revision to the use permit and additional environmental review.
4. If hazardous materials, including fuels, oils, lubricants, and/or welding gases are stored onsite, verification with Solano County Resource Management, Hazardous Materials Section shall be made regarding requirements for a Hazardous Materials Management Plan.
5. The permittee shall ensure that all necessary requirements and permits are obtained from the Solano County Animal Control Department.
6. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
7. Prior to occupancy of any structures related to this use, all requirements of the Dixon Fire Protection District shall be met.
8. The permittee shall apply for and obtain an appropriate grading permit for the construction of the pads, septic systems, parking areas and driveways to serve the facility.
9. The permittee shall apply for, obtain and comply with the requirements of an encroachment permit from Public Works Engineering for the proposed commercial driveway encroachment onto the right of way of Fox Road.
10. Business related signage shall conform to County Code Section 28.66, in terms of allowable type, number, size, height and lighting for signage in the Agricultural Zoning District. A sign permit shall be secured from the Department of Resource Management prior to any installation of signage on site.
11. No building permits shall be issued for Phase III until the septic system is upgraded, reviewed, and approved by the Environmental Health Division of Solano County.

12. This use will be conducted in accordance with the standards for a Large Kennel in the Exclusive Agriculture zoning district:
 - a. Manage storm water to prevent feed and animal waste from entering any natural or constructed storm water facility, canal, creek, lake, pond, stream or river,
 - b. Maintain a setback of 200 feet from any lot, for all activities, buildings and uses of the land,
 - c. Utilize best practices to ensure that stray dogs or cats do not trespass onto adjacent public rights-of-way or private lands,
 - d. Regulate, control or prohibit the accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people, and
 - e. Prohibit any nuisance, offensive matter, foul or noxious odors.
13. The permittee shall take such measures to prevent offensive noise, dust, glare, vibration, or odor. All uses of land and buildings shall be conducted in a manner, and provide adequate controls and operational management to prevent:
 - a. Dust, glare, vibration which are detectable beyond any property line, and
 - b. Noise that exceeds 65dBA LDN at any property line.
14. All requirements of the Solano County Environmental health division shall be met including :
 - a. Before any changes are made to the manure management practices, a written plan shall be submitted to the Environmental Health division for review.

Building and Safety Division

15. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2013 California Building Code, or the latest edition enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
16. Within 180 days of the date of approval of U-08-04-MR1, the applicant will apply for Building Permits for all unpermitted structures (to include shipping containers and hoop house), and renew the expired Building Permit B2006-0561 for the metal building. All Building Permits for existing structures must receive a final inspection before the expiration date of the applicable Building Permit.
 - a. The site and any buildings accessed by the public shall meet all of the accessibility requirements found in Chapter 11B of the 2013 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and

the 2013 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale, and designed by a licensed architect reflecting all site accessibility.

- b. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst case requirements between Chapter 11B of the 2013 California Building Code and the ADA Federal Law.

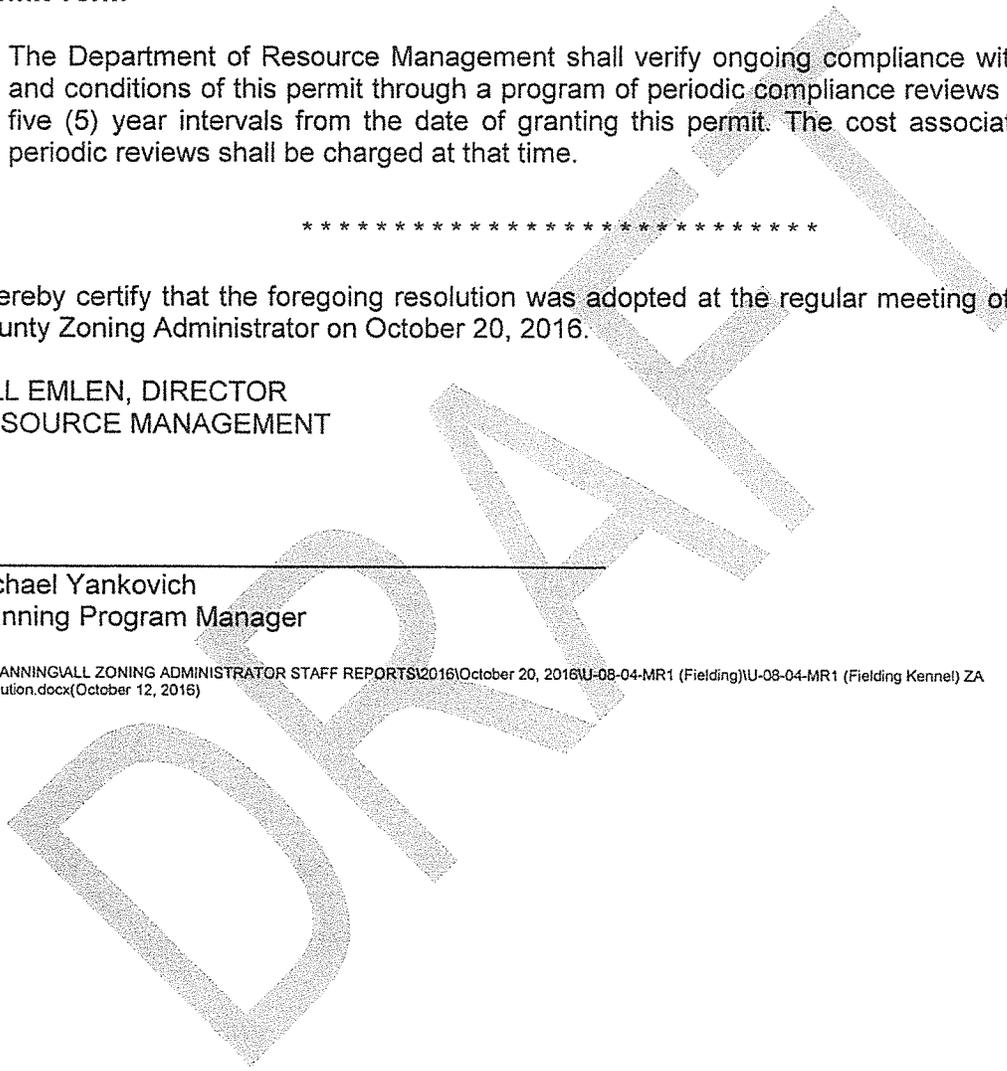
Permit Term

17. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on October 20, 2016.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

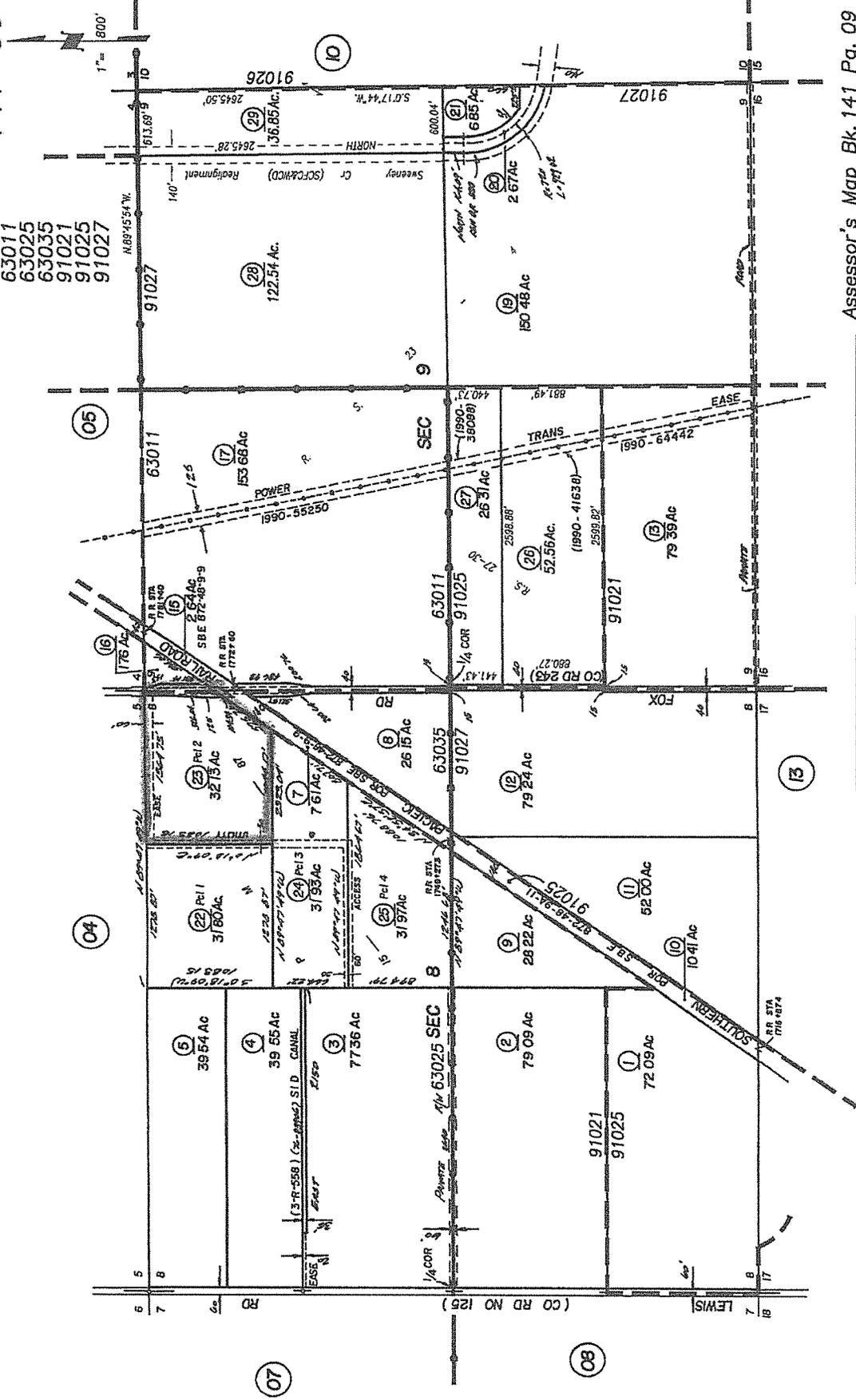


POR. SEC'S 8 & 9, T.6N., R.1E., M.D.B.& M.

Tax Area Code

- 63011
- 63025
- 63035
- 91021
- 91025
- 91027

141-09



NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

REVISION	DATE	BY
100-28629 (LLA)	11-25-09	JS
090-76427(ES)	2-23-06	DV
Sec 9 Re	12-21-98	FC
Esse	6-15-90	SS

Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 141 Pg. 09
County of Solano, Calif.

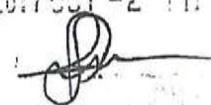
09-10

Exhibit 9

CH-130

Civil Harassment Restraining Order After Hearing

Clerk stamps date here when form is filed.

SOLANO DISTRICT COURT
 2017 OCT -2 PM 2:14


Person in ① must complete items ①, ②, and ③ only.

① Protected Person

a. Your Full Name: MARSHALL FOLETTA
 Your Lawyer (if you have one for this case):
 Name: LUCAS FOLETTA State Bar No.: 255407
 Firm Name: McDONALD CARANO & WILSON

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):
 Address: 100 Liberty St., 10th Fl.
 City: Reno State: NV Zip: 89501
 Telephone: 775-788-2000 Fax: _____
 E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of SOLANO
 600 Union Ave.
 Fairfield, CA 94533

Court fills in case number when form is filed.

Case Number:
 FCS048177

② Restrained Person

Full Name: CHRISTOPHER ELLIS
 Description:

Sex: M F Height: 6'1" Weight: 175 Date of Birth: 8/8/1980
 Hair Color: BRN Eye Color: BRN Age: 37 Race: CAUC
 Home Address (if known): 5580 Nicholas Lane
 City: Dixon State: CA Zip: 95620
 Relationship to Protected Person: Neighbor

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
<u>Khris Lundy Foletta</u>	<u>F</u>	<u>61</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Spouse</u>
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Time: _____ a.m. p.m. midnight on (date): 9/28/2020

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

5 Hearing

- a. There was a hearing on (date): 5/1-7/10/17 at (time): _____ in Dept.: 12 Room: _____
(Name of judicial officer): CARRINGER made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The person in ① (3) The lawyer for the person in ① (name): Lucas Foletta
 - (2) The person in ② (4) The lawyer for the person in ② (name): Joseph Hougnon
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on (date): _____ at (time): _____.

To the Person in 2 :

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You must not do the following things to the person named in ① and to the other protected persons listed in ③ :
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
 - (4) Other (specify): Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

7 Stay-Away Orders

- a. You must stay at least 300 yards away from (check all that apply):
 - (1) The person in ①
 - (2) Each person in ③
 - (3) The home of the person in ①
 - (4) The job or workplace of the person in ①
 - (5) The school of the person in ①
 - (6) The school of the children of the person in ①
 - (7) The place of child care of the children of the person in ①
 - (8) The vehicle of the person in ①
 - (9) Other (specify): _____

This is a Court Order.

b. This stay-away order does not prevent you from going to or from your home or place of employment.

8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
b. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
- File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored.
c. The court has received information that you own or possess a firearm.

9 Lawyer's Fees and Costs

The person in 2 must pay to the person in 1 the following amounts for:

- a. Lawyer's fees b. Costs

Table with 4 columns: Item, Amount, Item, Amount. Row 1: Lawyer's fees, \$ 8,750, Costs, \$ 1,520.

Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Possession and Protection of Animals

- a. The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.)

Blank lines for listing animals.

- b. The person in 2 must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

11 Other Orders (specify):

The restrained party shall not fly drones or paragliders over any part of the Foletta property. He shall not permit any person other than family members to use the easement for any purpose unless otherwise ordered in the civil case currently pending. Music shall not be played at such volume as to be heard on Petitioner's property before 9:00 a.m. and after 7:00 p.m. Music shall never exceed a volume above county noise ordinances. Use of orchard cannon is prohibited.

Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.

To the Person in ① :

⑫ **Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

⑬ **Service of Order on Restrained Person**

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
 - (1) Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
 - (2) The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

⑭ **No Fee to Serve (Notify) Restrained Person**

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

⑮ Number of pages attached to this Order, if any: _____

Date: 9/28/2017


Judicial Officer

This is a Court Order.

Exhibit 10

Leeanna R. Ellis
5580 Nicholas Lane
Dixon CA 95620
707-430-6276
teamellis@gmail.com

Sent Via Fax and US Mail

April 11, 2019

The Honorable Judge Christine A. Carringer
Solano County Superior Court, Dept. 12
Hall Of Justice 600 Union Avenue
Fairfield, CA 94533

Re: Foletta v. Ellis – Case No. FCSO48177

Dear Judge Carringer:

I need your help and clarification. In 2017 you issued a civil restraining order against my Husband Christopher J. Ellis. About 6 month ago I applied for a permit to host 6 small events per year on my farm. My other business has taken a huge hit after the death of my son and I wanted to find a way to supplement my income. I agreed to noise, dust, and any other means necessary to abate any complaints or disturbance the 6 small events a year may cause my neighbors Marshal and Khristina Folleta- to no avail as the Folletas are unwilling to compromise. I should note here that the permit is in my name only. It will be my business only. Christopher Ellis will NOT be on the premises when any event takes place.

On April 4th 2019 I received a letter from Bill Emlen Director of Solano County resource management stating that he would be unable to issue my permit for a lawfully allowable property use by me without clarification from you that your civil restraining order does not limit my rights to have the permit issue. I have attached the letter for your reference.

I respectfully request you to write me a letter stating how, if any of my rights have been limited by the restraining order issued against my husband. I would be happy to appear in person before your court to make this request, however, I was unsure if I am able to since I am not a party to the case. Further, please let me how any activities that take place with a permitted business could be seen as a restraining order violation.

Lastly, do my actions put Christopher Ellis at risk for a violation of your court order? Please let me know if a letter to the county with clarification can be written or how I can go about getting on your docket to come and get clarification of your order.

Respectfully,



Leeanna R. Ellis

Cc:

Bill Emlen via email- Emlen, Bill F. WFEmlen@SolanoCounty.com

Jim Locken via email- JWLaughlin@SolanoCounty.com

1 Attachment- Letter From Bill Emlen of Solano County

Exhibit 11

CH-600

**Request to Modify Terminate
Civil Harassment Restraining Order**

Clerk stamps date here when form is filed.
ENDORSED FILED
 Clerk of the Superior Court
 APR 15 2019
 R. PULIDO
 DEPUTY CLERK

1 Party Seeking Modification/Termination

- a. Your Full Name: Christopher John Derek Ellis
- b. Protected person Restrained person
- c. Your Lawyer (if you have one for this case)
 Name: _____ State Bar No.: _____
 Firm Name: _____

- d. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: 5580 Nicholas Lane
 City: Dixon State: CA Zip: 95620
 Telephone: 916-813-5867 Fax: _____
 E-Mail Address: teamellis@gmail.com

Fill in court name and street address:

Superior Court of California, County of Solano
 600 Union Ave
 Fairfield CA 94533

Fill in case number:

Case Number:
 FCS048177

2 Other Party

- a. Full Name: Marshall S. Foletta
- b. Address (if known): 5610 Nicholas Lane
 City: Dixon State: CA Zip: 95620

3 Current Order

- a. The current order is a/an:
 Civil Harassment Restraining Order After Hearing (form CH-130)
 Order Renewing Civil Harassment Restraining Order (form CH-730)
- b. The current order expires on (date): _____
- c. A copy of the current order is attached.

4 Request to Modify Restraining Order

- a. I ask the court to modify the current order as follows (specify requested changes referring to the item number in order that you want to change or delete):
- Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4a —Requested Changes" for a title. You may use form MC-025, Attachment.

See attachment 4a.

6 **Lawyer's Fees and Costs**

I ask the court to order payment of my: a. Lawyer's fees b. Court costs

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 6—Lawyer's Fees and Costs" for a title.

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 4/12/2019

Christopher John Derek Ellis
Type or print your name

▶ Chris Ellis
Sign your name

SHORT TITLE: Attachment 4a- Requested Changes	CASE NUMBER: FCS048177
--	---------------------------

ATTACHMENT (Number): 4a*(This Attachment may be used with any Judicial Council form.)*

I would respectfully request the court to modify the "Other Orders" in this case as follows: "The restrained party shall not fly drones or paragliders over any part of the Folleta property. He shall not permit any person other than family members to use the center portion of the disputed easement as for any purpose unless otherwise ordered in the civil case currently pending (see map). The restrained party's rights to use the remaining portions of the easement not in dispute remain valid. Music shall never exceed a volume above county noise ordinances. Music shall not be played at such a volume to exceed 65 decibels from the restrained party's property line before 10 a.m. and after 10 p.m. Use of the orchard cannon is prohibited. This order will not prohibit the restrained party from applying for any permits or running any business on his property which is allowed by rights or use permit by Chapter 28 of the Solano County Code."

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1*(Add pages as required)*

SHORT TITLE: Attachment 4b- Reasons For Requested Changes	CASE NUMBER: FCS048177
--	---------------------------

ATTACHMENT (Number): 4b*(This Attachment may be used with any Judicial Council form.)*

1. Clarification is needed on the "easement". The order is written to vague to interpret. The entire road used to access my house in an easement. It is the center portion of the easement currently under dispute which runs through the center of the Plaintiff's property. Clarification is needed as to what portion the order is under this courts jurisdiction. Without clarification I am landlocked from my property. There is no other accesses to my home other than "the easement" (see attached map and please file with the modified order indicating which sections are restricted to "Family Members Only").

2. My wife applied for an administrative use permit to host 6 small events on our property per year. Solano County has denied the permit stating they need clarification wither or not her being granted the permit will put me in a possible violation of the court's current order. After the death of our son our other business has nearly gone under. We are trying to start a new business, in full compliance with all county ordinances in order to provide for our family. The plaintiff has already been granted a similar use permit for daily events on his property. We will host far LESS events and have even less traffic than the Plaintiff. Further, the permit will be done in compliance with county codes which stipulates noise limits, traffic, dust etc so as to cause as little impact to the neighbors as possible.

3. Our family home burned down December 28, 2018. Several other permits will be required to rebuild the home. We will need access to the "easement" using the currently undisputed path of travel to allow contractors to travel to and from our home.

4. Although the small events business of 6 events per year will help to supplement our income we need to be able to find another use for the property, under allowable uses by Solano County to apply for business permits and be able to provide for our family. Utilizing our small family farm is how we plan to sustain our livelihood.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1*(Add pages as required)*

Exhibit 12

ARTICLE V OPERATIONS OF CHAPTER

Sections:

- 28.100 Permits and Procedures
- 28.101 Administrative Permit
- 28.102 Architectural Approval
- 28.103 Design Review
- 28.104 Marsh Development Permit
- 28.105 Reserved
- 28.106 Use Permit
- 28.107 Variance
- 28.108 Waiver
- 28.109 Zoning Clearance

- 28.110 Operations of Chapter
- 28.111 Amendment of Chapter
- 28.112 Appeals
- 28.113 Enforcement of Chapter
- 28.114 Nonconforming Uses
- 28.115 Planning Commission
- 28.116 Rules of Procedure
- 28.117 Zoning Administrator
- 28.118 Rules of Interpretation
- 28.119 Reserved

28.100 Permits and Procedures (Reserved)

28.101 Administrative Permit

A. **Purpose.** For some uses allowed by right within a zoning district, this Chapter requires issuance of an administrative permit prior to development or operation of the use on an ownership. The purpose of an administrative permit is to provide for a mechanism for verifying that all standards and requirements for the use, as described in this Chapter or elsewhere in the Code, are met prior to commencement of the use and can continue to be met during operation of the use.

B. **Application.** Applications for an administrative permit shall be made by the owner or the owner's agent in writing on a form prescribed by the Zoning Administrator, and shall include all information necessary to support issuance of the permit. Such application shall not be accepted unless accompanied by a fee or fees as may be set by the Board of Supervisors pursuant to section 11-111 of this code.

C. Action. The Director of Resource Management shall administratively approve an application for an administrative permit if all standards and requirements specified in this Chapter and elsewhere in the Code are satisfied. Action on an administrative permit is ministerial and shall be taken without notice or public hearing.

D. Revocation.

1. In any case where the requirements of an administrative permit have not been complied with, or where the use has been abandoned, the Zoning Administrator may revoke the permit after first conducting a public hearing.
2. The permittee shall be given notice of intention to revoke the permit at least fifteen days prior to the Zoning Administrator's hearing. Formal rules of evidence shall not apply to revocation proceedings, and witnesses need not be sworn, but the permittee shall be given an opportunity to respond to any evidence or testimony presented at the hearing. After conclusion of the review, the Zoning Administrator may revoke the administrative permit based on a finding that the conditions of the permit have not been complied with or that the use has been abandoned.

E. Appeal. Appeal from the action of the Zoning Administrator or Planning Commission may be made according to the provisions of Section 28-112.

28.102 Architectural Approval

A. Purpose

The purpose of architectural approval is to promote the orderly and harmonious development of the County, the stability of land values and investments, and the general welfare; and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto of unsightly, undesirable, or obnoxious appearance. A building permit shall not be issued until architectural approval has been obtained.

B. Procedure

The Zoning Administrator and Planning Commission are authorized to review and approve or disapprove, or approve subject to compliance, the external design of all proposed new uses, dwellings, buildings or structures with such modifications or conditions as may be deemed necessary to carry out the purpose of this Chapter.

Should the Zoning Administrator or Planning Commission determine that a proposed use or structure does not meet the architectural standards set forth in Section 28.72.10(A) and 28.91, zoning approval of the permit or entitlement authorizing such use or structure shall not be granted.

Exhibit 13

TABLE 28.21A TABLE OF ALLOWED USES

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt,
--- = Prohibited

ALLOWED USES* *See Definitions Section 28-01	Permit Requirements				Land Use Regulations** **See Section 28-70.10
	A-40	A-80	A-20	A-160	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES					
A. RECREATION USES					
Boating or swimming facility on existing waterway	UP	UP	UP	UP	28.73.10(A)
Hunting or fishing club	UP	UP	UP	UP	28.73.10(A) & (B)(1)
Public open space area	---	---	A	A	28.73.10(A)
Stable, public without horse shows	UP	UP	UP	UP	28.73.10(A) & (B)(3)
B. EDUCATION USES					
Agricultural education					28.73.20(A) & (B)(1)
<i>Minor Facility</i>	AP	AP	AP	AP	28.73.20(A) & (B)(1)
<i>Major Facility</i>	MUP	MUP	MUP	MUP	28.73.20(A) & (B)(1)
C. PUBLIC ASSEMBLY USES					
Limited special event	---	---	UP	---	28.73.30(A) & (B)(3)
Public Stable with Horse shows	UP	UP	UP	UP	28.73.30(A) & (B)(5)
Special Events Facility (other than Winery or Agricultural Processing Facility)					28.73.30(A) & (B)(6)
<i>6 per year max, and 150 persons or less</i>	AP	AP	AP	AP	28.73.30(A) & (B)(6)
<i>12 per year max, and 150 persons or less</i>	MUP	MUP	MUP	MUP	28.73.30(A) & (B)(6)
<i>More than 12 per year, or more than 150 persons</i>	UP	UP	UP	UP	28.73.30(A) & (B)(6)