DEPARTMENT OF RESOURCE MANAGEMENT
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COUNTY OF SOLANO
RESOURCE MANAGEMENT

APPEAL REQUEST FORM

1. Name of Appellant: Kristin C. Herman M.D. / James D. Jones / Paul G. Herman / Linda M. Russum / Robert D. Russum DVM — Telephone: 916-730-7720 / 707-333-4047 / 707-694-5342 / 707-344-2784 / 707-863-9098
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2. Mailing Address: 2204 Morrison Ln 2206 Morrison Ln City: Fairfield State: CA Zip: 94534
3. Appealed to: ☐ Planning Commission ☒ Board of Supervisors
4. Appeal Fee: $150.00 ✓ Receipt # 19968
5. State the application name and reason(s) why the decision making body erred in its decision. Attach additional sheets if necessary:

See attached

Appeal of project number U-20-04, Special Events Center permit at 2208 Morrison Lane, presented at the Planning Commission meeting December 16, 2021; agenda item #3,

Appellants Signature: Kristin Herman / Robert Russum Date: 12/23/21

Linda M Russum
Paul G Herman

We feel the Planning Commission erred in its decision to grant Use Permit U-20-04 for the establishment of a medium-sized Special Event Facility located at 2208 Morrison Lane for the following reasons:

1) The Planning Commission failed to follow ordinance 2018-1798 by allowing use of a guest house in conjunction with special events in the permit (#43).
    a. Section I of the ordinance states a guest house may not be rented, let, or leased separate from the primary dwelling, whether compensation is direct or indirect. The rental of the guest house as part of a special event violates this requirement as the unit would be 1) rented out separately from the primary dwelling and 2) compensation would be received either directly, as paid rent, or indirectly, as part of the fee for the special event.
2) The Planning Commission failed to follow ordinance 2018-1798 by allowing use of the vacation rental home for overnight lodging of events associated with the special events facility (up to 5 guest rooms for up to 10 event attendees) (#11).
    a. Section III A 5 states a vacation house may not be advertised, offered, or used as a special events facility that includes events such as weddings, parties, and similar events. Offering lodging for a special event is a continuation of that event and in violation of this requirement.
3) The Planning Commission failed to follow ordinance 2018-1798 by allowing two rental homes on the same property.
    a. Section III B 1 states only one dwelling may be used as a vacation house rental. Allowing the guest house to be rented independently for special events violates this requirement.
4) The Planning Commission failed to study and provide plans for safety issues, which would include the need for evacuation should there be a fire on a day of event.
    a. The Planning Commission did not consider the fact that there are two wineries on Morrison Lane (2212 and 2350). Each winery has unlimited events associated with the winery. The 2350 Morrison winery has 6 special events allotted to them as a winery. The 2212 Morrison winery has a permit for an additional 6 special events, which would be up to 12 special events per year. The Planning Commission did not take into consideration the likely potential for there to three special events taking place on the same day on Morrison Lane which could potentially include over 400 people and over 200 vehicles (including guests and support staff). We are not aware of any studies that were done that looked at the cumulative effect on safety and evacuation plans in the instance of multiple events on the same day.
    b. There is no plan in place to consider the emergent evacuation of this number of people and vehicles in addition to the residents and animals of the 25-30 homes that live along Morrison Lane. Morrison Lane is a narrow dead end road with no other way out. With the Solano Land Trust developing trails for bike, horse, and hiking use, there will be more human activity above the end of Morrison Lane and there will be the greater potential for fire to start on that property. The season for many events would be during peak California fire season. The idea of a "shelter in place" was mentioned but no plans have been put into place. It is important to note that most of a fire's spread is through embers via the wind and the facility at

2208 would not be protected by the canal or vineyards as it would be if a fire traveled by ground vegetation. There would also be a great deal of panic by attendees and it is unlikely that the event organizers would be able to maintain control to achieve a "shelter in place".

5) The Planning Commission failed to study cumulative traffic issues along Morrison Lane should all three event centers hold events at the same time on the same day.
    a. See 3a above.
    b. There are two blind turns and a partially blind S curve on Morrison Lane. The houses at the blind curves are built relatively close to the road, increasing the risk for serious accidents to person and property by individuals who are not familiar with Morrison Lane and who may at least partially under the influence of alcohol.
    c. The response comments to concerns raised about the traffic stated that event attendees would come and go over time and not at once. This is not a likely scenario as in most real world cases, attendees come to an event a short time before it is to start and leave shortly after the event is over.
    d. No consideration was made to mandate coordination between the three event centers so the impact on Morrison Lane would be lessened.
6) The Planning Commission failed to restrict amplified sound to the interior of the event barn.
    a. The hills at the end of Morrison Lane provide an amphitheater effect which naturally amplified any sounds. Outdoor amplified noise will certainly exceed the 65dBA level dictated by code 28.73.30(B)(6)(f)(2) and the permit itself.
    b. The permit states the property owner will be responsible for the noise level of the events but gives no consequences should the 65dBA level be exceeded.
7) The Planning Commission has failed to require the facility have an agricultural basis prior to issuing the permit.
    a. 1.3.1 General Plan states "This designation provides areas for the practice of agriculture as the primary use, including areas that contribute significantly to the local agriculture economy, and allow secondary uses that support the economic vitality of the agriculture." While the Commission allows the project 5 years to establish agricultural use of the land, it did not put in parameters to ensure that it is the agriculture that is primary. At this point, it appears the intent is to have the Special Events Center as the primary use of the land (with three buildings and a 75 car parking lot) and the agriculture portion is an afterthought that may or may not be productive.
    b. The intent of the General Plan and the Suisun Valley Plan is to promote agriculture. We are aware of no other cases where an agribusiness permit was granted before the establishment of a viable agricultural entity.
8) The Planning Commission failed to show that this event center would not have a negative impact on the existing community along Morrison Lane.
    a. The increase in traffic will negatively affect the residents who like to bike, walk, and ride horses along the roadway.
    b. The increase in noise would alter what is a very quiet and peaceful community.
    c. The increased traffic will have a negative effect on the farmers who need to move equipment along the roadway.

d. An important goal of zoning laws and planning departments is to protect the value of property and people's enjoyment of their property, whether they live in town or in the country. There is a high likelihood of this event center disrupting the peace, comfort, safety and general welfare of the residents of Morrison Lane.