

DEPARTMENT OF RESOURCE MANAGEMENT

WILLIAM F. EMLEN
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 IRAYANI
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