



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 Nicholas Lane City: Dixon State: CA Zip: 95620
3. Appealed to: ☒ Planning Commission ☐ Board of Supervisors
4. Appeal Fee: \$150.00 150.00 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,

A handwritten signature in blue ink, appearing to read 'Leeanna R. Ellis', with a long, sweeping horizontal line extending to the right.

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
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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 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 GOULART
Water & Natural
Resources Program
Manager

Exhibit 2

2002-57620

#6

Recording Requested by
And When Recorded Mail to:

Morcorp
7545-B Pleasants Valley Road
Vacaville, CA 95688

2002-00057620
Recorded By:
FRONTIER

Official Records
County of Solano
Robert Blechschmidt
Assessor/Recorder

52 RecFee 19.00
SurMon
NoPCOR
IncFee
DTTa
Pl \$ 19.00
DivSht

08:00

07-MAY-02

AR16

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

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. VII

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:

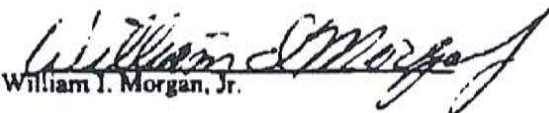

William I. Morgan, Jr.

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 -

Name and Title of Officer (e.g. "Jane Doe, Notary Public")

personally appeared

WILLIAM I. MORAN, 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/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.



Place Notary Seal Above

WITNESS my hand and official seal.

Dawn N. Perez
Signature of Notary Public

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: _____

Top of thumb here

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.

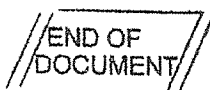
FURTHER EXCEPTING THEREFROM, AS AN APPURTENANCE TO THE REMAINING LANDS OF THE GRANTOR HEREIN, AN EASEMENT FOR PRIVATE ROADWAY, VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, UTILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC AND TELEPHONE FACILITIES, AND INCIDENTAL PURPOSES, INCLUDING BUT NOT LIMITED TO 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



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

Exhibit 5

WILLIAM F. EMLIN

Director
wfemlin@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) 784-4805

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 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 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
tkroger@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



SOLANO COUNTY

Planning Services Division

BILL EMLEN

Director
(707) 784-6765

TERRY SCHMIDTBAUER

Assistant Director
(707) 784-6765

MIKE YANKOVICH

Planning Services Manager
(707) 784-6765

City of Solano, California
Planning Services Division
(707) 784-6765
Fax (707) 784-6765

www.solanocounty.com

MEMORANDUM:

To: Saeed Iravani, 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

Status: Issued Applied Date: 3/10/2016 Issued Date: 3/8/2017 Expires Date: 3/8/2019

Job Address: 5650 NICHOLAS LANE Parcel No.: 0141090220 Valuation: \$575.00

Description: Entry gate, 20'6" width Contractor:

Owner: MENDOZA ARCELLA JT
5650 NICOLAS LN
DEXON, CA 95620
707-377-0617

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 70000) of Division of the Business and Professions Code, and my license is in full force and effect.

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, as 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 EMLIN

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

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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																					
	<table border="1"><thead><tr><th></th><th>General Plan</th><th>Zoning</th><th>Land Use</th></tr></thead><tbody><tr><td>North</td><td>Agriculture</td><td>Exclusive Agriculture (A-40)</td><td>Residential/Agriculture</td></tr><tr><td>South</td><td>Agriculture</td><td>Exclusive Agriculture (A-40)</td><td>Residential/Public Stable</td></tr><tr><td>East</td><td>Agriculture</td><td>Exclusive Agriculture (A-40)</td><td>Residential/Vacant</td></tr><tr><td>West</td><td>Agriculture</td><td>Exclusive Agriculture (A-40)</td><td>Vacant/Agriculture/ Residential</td></tr></tbody></table>		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
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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, 1206, 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 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.

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

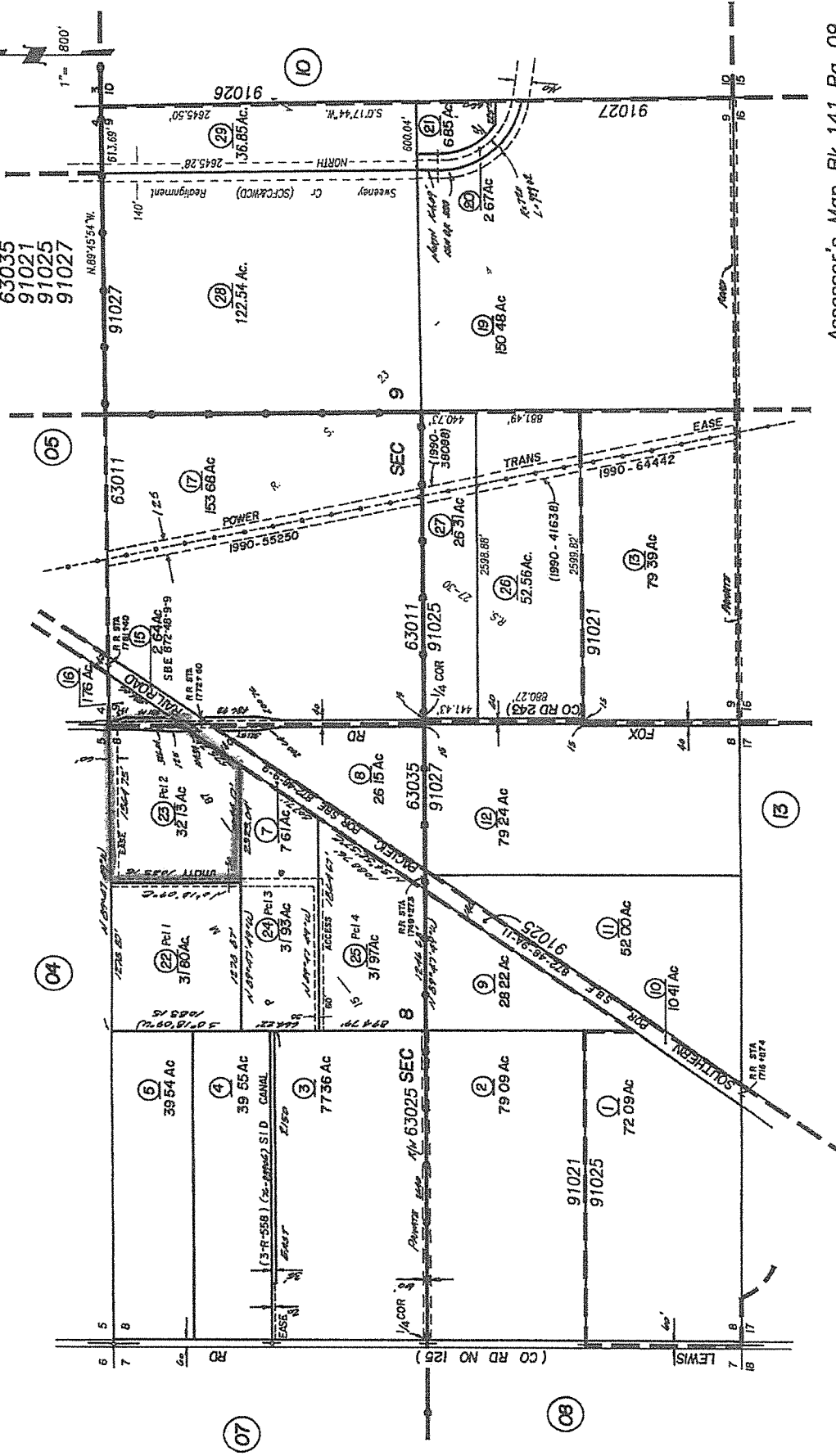
BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

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

Tax Area Code
141-09

63011
63025
63035
91021
91025
91027



REVISION	DATE	BY
100-28429 (LLA)	11-25-08	JS
090-26427 (RS)	2-23-06	DV
Sec 9 R6	12-21-98	FG
Ease	6-15-90	SS

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

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

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

Exhibit 9

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

Clerk stamps date here when form is filed.

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: _____

SOLANO
2017 OCT -2 PM 2:14

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 PersonFull 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) (7) ☐ The place of child care of the children of the person in (1)
(2) ☒ Each person in (3) (8) ☒ The vehicle of the person in (1)
(3) ☒ The home of the person in (1) (9) ☐ Other (specify): _____
(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) _____

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


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****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

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.

Clerk stamps date here when form is filed.
ENDORSED FILED
Clerk of the Superior Court

APR 15 2019

R. PULIDO

By _____ DEPUTY CLERK

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



b. I ask the court to modify the order because *(explain below)*:

- X** Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4b—Reasons for Requested Changes" for a title. You may use form MC-025, Attachment.

See attachment 4b

5 ☐ Request to Terminate Restraining Order

I ask the court to terminate the current order because *(give reasons below)*:

- ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 5—Reasons to Terminate Order" for a title. You may use form MC-025, Attachment.

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.)

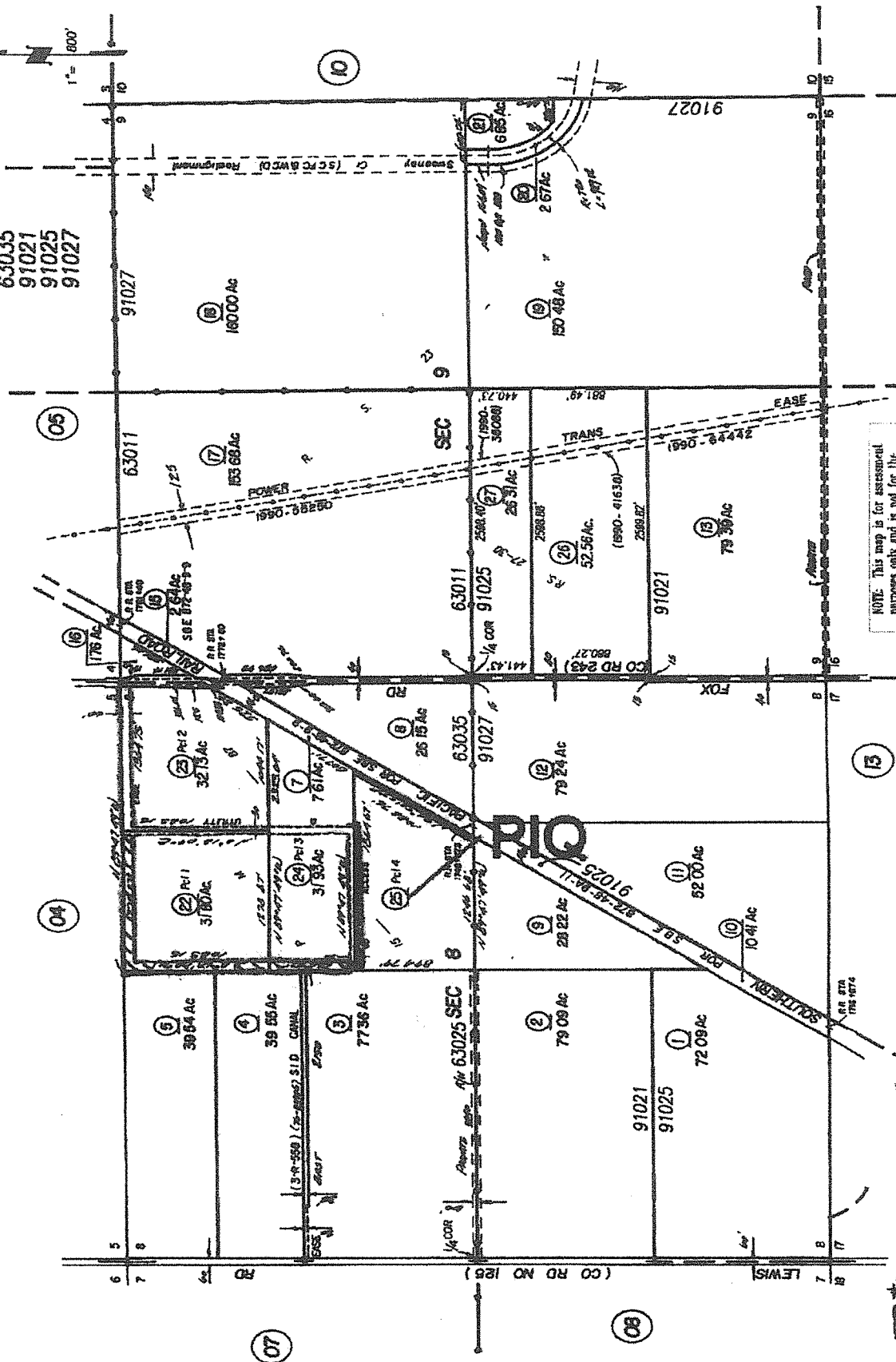
Page 1 of 1

(Add pages as required)

141-09

Tax Area Code

63011
63025
63035
91021
91025
91027



NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or locality of land division laws.

**NOTE: 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.

07-08

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090-26627(RS)	2-23-06	DV
Sec 9 Rb	12-21-98	FC
Ence	8-15-90	SS
090-26627	1-4-88	DJ
SEE 260-G	2-21-80	DJ
090-2240425	7-11-79	ART
REVISION	DATE	BY

VII- PARCEL TWO OF DESCRIPTION
PART OF ACCESS AND UTILITIES SHOWN
ON PARCEL MAP.

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

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

Ordinance No. 2012-
Chapter 28: ZT-11-02 & Z-11-03
Page 31 of 291

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*	Permit Requirements				Land Use Regulations**
*See Definitions Section 28-01					**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)
Minor Facility	AP	AP	AP	AP	28.73.20(A) & (B)(1)
Major Facility	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)
6 per year max, and 150 persons or less	AP	AP	AP	AP	28.73.30(A) & (B)(6)
12 per year max, and 150 persons or less	MUP	MUP	MUP	MUP	28.73.30(A) & (B)(6)
More than 12 per year, or more than 150 persons	UP	UP	UP	UP	28.73.30(A) & (B)(6)