

Calder, Allan M.

From: Mary Browning <mbrowning@valleyinternet.com>
Sent: Thursday, June 4, 2020 11:22 AM
To: Emlen, Bill F.; Harrison, Jamielynne B.
Subject: U-19-03 Opposition

For the last eight years, I have been opposing significant inconsistencies with established Chapter 28 definitions in and around Mankas Corner, with regard to traffic circulation, marketing, lack of funding, certain allowed land uses-by-right in ATC districts, and the lack of administrative responsibility resulting from the implementation of the Suisun Valley Strategic Plan (SVSP), which was an amendment to the last update to the Solano County General Plan in 2008. Chapter 5 of the SVSP (Revised January 2019) added new zoning regulation definitions, that furthered those inconsistencies. It is impossible to ignore the SVSP while opposing U-19-03 said outdoor events at the Mankas Corner Agricultural Tourist Center, and associated negative effects that arise with loosely defined "marketing events", namely public safety concerns, increased traffic congestion, noise nuisance, and impediment of the narrow rural Mankas Corner Road intersection (at Clayton Rd.) that is the single means of escape in the event of an emergency evacuation or Cal Fire emergency response. U-19-03 intends to further the continuance of the outdoor seating/serving of food and beverages (outdoor serving of beer and wine within a covered designated area at The Filling Station) and allow for marketing events. The Filling Station operator, Wendy De Caito, holds the alcohol beverage license and is responsible for adhering to ABC license requirements, which large gatherings make unenforceable. Each separate business should be required to have separate use permits. The three separate business operators at this location do not own or lease the land, but rather, each leases one of three building spaces on one site. Only one business had been issued a use permit prior to this (John's Hauling). ABC license requirements apply only to The Filling Station operator.

For several years, my requests for due process have been routinely met with excuses that turned out to be intentional false statements by the former zoning administrator, Mike Yankovich. Agritourism does not allow amplified noise and musical performances. Since it began operation over a year ago, The Filling Station has been defined as a Local Products Store, neighborhood meeting place, and a tasting facility. Never was the widely accepted definition "wine and beer bar" applied because that accurate definition is inconsistent with the Suisun Valley Strategic Plan. Bars are not an allowed use in the Suisun Valley. The Filling Station business operation is conducted as a wine and beer bar, but Mike Yankovich told me he felt it was more similar to a tasting facility. And 1-1/2 years ago, he told me that this business did not require a use permit because tasting facilities are an allowed use. It did not matter that tasting facilities and marketing events are associated with wineries on the same land. In this regard, ATC's are similar to land-uses in A-SV districts, but they are not required to be incidental to a primary agricultural use.

Renewal of one existing use permit for John Crossley (John's Hauling/Suisun Valley Antiques) is now a combined use permit that includes The Filling Station and Simply Savvy, which have been operating without use permits. These are three distinctly different businesses. This is an uncommon practice for which Solano County apparently has no policy for. Arbitrary and Capricious, and reversed for legal accountability.

Below are examples of numerous inconsistencies:

AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE TO REVISE SECTION 28-10, DEFINITIONS, ADD SECTION 28.13 ESTABLISHING THE "A-SV" AGRICULTURAL-SUISUN VALLEY AND "ATC" AGRICULTURAL TOURIST DISTRICTS (ZT-10-03), REVISE SECTION 28-15 AMENDING ZONING MAPS 9S, 10N AND 12N TO CHANGE ALL "A" DISTRICTS WITHIN SUISUN VALLEY TO "A-SV" DISTRICT AND SELECTED NEIGHBORHOOD AGRICULTURAL TOURIST CENTER SITES TO ATC DISTRICT, TO ADD SECTION 28-41 AGRICULTURE-SUISUN VALLEY (A-SV) DISTRICT AND AGRICULTURAL TOURIST CENTER (ATC, ATC-NC) DISTRICTS (Z-10-01)

Ordinance No 2011 Amending Chapter 28:

Agritourism: The provision of facilities, amusement activities, commercial services, guides, or instructional content to encourage visitors to any agricultural, horticultural or agribusiness operation, either temporarily or on a permanent basis, for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation other than as a contractor or employee of the operation. Agritourism includes agriculturally related indoor and outdoor amusement and

recreation activities such as farm tours, hayrides, sleigh rides, corn mazes, picnic and party facilities and other similar uses as determined by the zoning administrator. Agritourism does not include commercial amusement and entertainment uses, such as dance halls, electronic game arcades, studios, theatrical productions, musical entertainment, bowling alleys, billiard and pool establishment, commercial sports such as arenas, rings, racetracks, public golf courses, miniature golf course, amusement parks, membership sports and recreation clubs, game parlors, gun clubs, circus and carnival operations, water parks, amusement parks, fairgrounds, expositions, amphitheater or theater entertainment facilities for the performance of concerts or other entertainment events.

SECTION 28-13. DISTRICTS DESIGNATED AND ESTABLISHED

ATC Districts--AGRICULTURAL TOURIST CENTER DISTRICTS

Mankas Corner is one of eight Agricultural Tourist Centers. One of the virtues of public administration is Substantive Rationality, which is the ability to reason about the ends of governmental action.

28.41.011 - PURPOSES OF AGRICULTURE - SUISUN VALLEY DISTRICT

The majority of land within Suisun Valley is in agricultural use, producing grapes for wine, small grains, or other fruit crops. This farmland is essential to the Valley's agricultural economy and quality of life. The standards in this section maximize the viability of the family farm by allowing uses that support agriculture and excluding incompatible uses. Musical entertainment, concerts, amplified noise and parties are not essential to Suisun Valley's agricultural economy and quality of life.

28.41.012 PURPOSES OF AGRICULTURAL TOURIST CENTER DISTRICTS

Development of agricultural tourism is critical to the future viability of agriculture in Solano County. The standards in this section allow a variety of uses that will help foster small tourist-oriented centers within the Valley, help attract tourists, and provide additional opportunities to market local products. NOTE -- No longer is agricultural tourism critical to preserving farmland here, given that seventy-five percent or more of the 9,000 acre valley is controlled by Caymus Vineyards and E&J Gallo. Those companies do not need tourism in order to sell their products. Rural residents constitutionally protected property rights have been ignored.

Onsite parking is a requirement for any project approval. Administrative law demands observance of public safety measures. Ethical planning includes fair procedures and policies that do not create injustices, much less public safety concerns.

In considering every government action, provisions must be made for the effect that action has on individual rights, while also following established state and federal laws. California Vehicle Code 22507.8 provides for accessible handicapped parking, and applies 24/7. The Circulation Chapter of the SVSP noted the shortage of parking at Mankas Corner 13 years ago. Demands for parking have steadily increased at this rural commercial hub, yet only about 18 new parking spaces have been developed in recent years. Solano County has recognized that with the urbanization of unincorporated areas of the county, there has been a groundswell of awareness and support of the need for code compliance.

Inclusion of handicapped parking was required. It is unlawful to block access to the handicapped parking spaces onsite.

Safe onsite parking is a project approval requirement according to the General Plan. Supporting the integrity of the policy information process, reinforcement of policy, and fairness are required in planning. Therefore, onsite parking should never be reduced, restricted or barred.

The Staff Report states the use permit will be issued to the "Permittee who shall be responsible for preventing offensive noise or other impacts which constitute a hazard or nuisance to surrounding properties". It is my understanding that the property owner April Russell will be the Permittee. It is not logical to expect Ms. Russell to be responsible for nuisances, much less be able to determine what constitutes "offensive noise" or other impacts which constitute a hazard, especially since her primary residence is in southern California. When outdoor live music performances are held at Mankas Corner, sound travels for over one mile. With multiple venues hosting so-called marketing events every weekend, multiple sources of amplified noise converge where I live.

PUBLIC ADMINISTRATION ETHICS AND RESPONSIBILITY

American systems of government operate on the principle that all public officials should rule by law, rather than by will.

Decisions should accord with standards that are publicly deliberated upon and authorized by representative institutions or by the people directly, through legally established processes.

ARBITRARY AND CAPRICIOUS

If it is discovered that a decision is based purely on human will or intuition, it can be declared arbitrary and capricious, and reversed. Legal accountability, at a minimum, must articulate their actions, so their actions can be examined for conformity to legal standards.

The principle of rule of law -- the best laws leave no room for discretionary choices by officials.

The principle of rule by law suggests that laws should achieve the greatest possible clarity and specificity in their standards. The best laws are those that leave no room for discretionary choices by officials. This is called ministerial responsibility under law.

EQUITY

In addition to fair procedures, public officials must attend to fairness in results. Public administrators must be mindful of disparaged (downplayed) impacts to rules and contract provision. Many agencies also develop processes for granting exceptions in situations where the normal functioning of rules and policies creates an injustice or imposes an undue burden on a small number of citizens. **Protection of rights is a chief concern of our governing systems, and it pervades all decision making processes in government. In considering every governmental action, provisions must be made for the effect that action has on individual rights.**

Here at Mankas Corner, public nuisances are created by the outdoor activities that go far beyond seating/serving of food and beverages. Nuisances are amplified noise, increased traffic, congestion due to lack of parking, blocking the onsite parking to accommodate large gatherings for musical entertainment (which is not an allowed use), blocking the handicapped parking space (Penal Code violation), and other significant problems that come with annual marketing events. Myself, as well as the property owner April Russell have seen numerous instances of pedestrians walking in moving lanes of traffic because there was insufficient road width to install pedestrian walkways. Two traffic lanes were merged into one, with bike lanes also merging with traffic lanes, because of the insufficient width of Mankas Corner Road. Events and weekend musical entertainment occur in the parking lot. Drivers are distracted. Noise levels of 80 dBIs are common.

The Resolution says it is fully consistent with the goals and objectives...for the ATC zone. That is not true. Mike Yankovich told me 1-1/2 years ago that The Filling Station was allowed one event only with their grand opening. He called it a "block party". Resolution says the Permittee (April Russell, who doesn't live here full time) shall be responsible for preventing offensive noise or other impacts which constitute a hazard or nuisance to surrounding properties. Nothing here forbids live bands playing outdoors (Agricultural Tourist Center designation does not allow concerts, amplified noise). Nothing said here that forbids blocking onsite parking for events *with tents and other objects related to serving outdoors*. Also, the outdoor ABC designated area under the cover is small and becomes congested if more than 25 people are present. Combined with the ABC designated area outside, the business comfortably seats approximately 12 inside, and 12 outside. There are 24 parking spaces onsite. The marketing events I have witnessed have drawn between 100 and 200 people easily.

Notifying surrounding businesses prior to an event, so they can share parking does little to prevent illegal parking in the vicinity. I live one mile north, yet I am still impacted because we all must travel through the Mankas Corner intersection of Clayton Rd. and Gordon Valley Rd. Including emergency response vehicles. This is a main route for Cal Fire traveling to or from Napa County. When these weekend events take place, they consistently have led to congestion and illegal parking. Often seen and photographed, cars park in the no-parking zones at those islands.

Professional parking attendants for large events is unrealistic. What I have witnessed in the past are young adults (teens) wearing red vests, standing in the ROW watching the traffic, on the opposite side of the road from the businesses, and not doing anything to manage traffic or parking. Once, I observed this while an elderly couple walked in the moving traffic lane, walked past the "attendant", and into the blind curve of Gordon Valley Road because they had parked illegally in the ROW.

Bill Emlen was unaware of how frequent marketing events were occurring last year. Therefore, planning staff did not know. Mr. Emlen said this use permit would allow one marketing event per month. He was unaware that consumption of wine and beer was occurring beyond the designated outside area. He was unaware of handicapped parking and penal code violations. Mr. Emlen is also not aware that state statutes are being ignored.

The Suisun Valley Strategic Plan had a great deal of subjectivity to it's concepts. Challenges to expansion of the Mankas Corner ATC were never resolved. The possible phasing methods became irrelevant.

The economic conditions of 2008, when the plan was approved, has little resemblance to the economic conditions of today. Most of the local stakeholders who participated in the plan development sold out or entered into lease agreements with Caymus. Now, after years of vineyard conversions, there is noticeably less availability of local fruit and produce to draw visitors. As soon as the first two years of funding ran out, Fun Family Farm Days ended. The plan's vision became one of wine tourism primarily. The notion of "Value-added agriculture" was a false narrative, and deceptively altered the true definition of Agriculture. Uses were allowed that have no nexus with agriculture in it's true sense, at the expense of the Rural Character that was supposed to be protected. All with total disregard of citizens (my) constitutionally protected property rights, according to California Civil Code. I previously wrote on the record about the nine civil code violations allowed by the County, that I found just at Mankas Corner....that followed Mike Yankovich stating the County would never violate the civil code, at our 3rd public hearing debating Short-term Rentals.

For the above reasons, I am opposing U-19-03. Postponement will allow for additional considerations by the planning commission, who at this time, do not have sufficient knowledge of the negative effects.

Respectfully,

Mary Browning
Suisun Valley

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To The Department of Resource Management/Planning commission

In **support** of the conditional use permit for the businesses located at 2525 Mankas Corner Road

Attn: Bill Emlen

It has come to my attention that once again; John's Hauling has been targeted as a business that Solano County would like to separate from Suisun Valley Antiques and Collectables and have removed from the Suisun Valley, and that the entire property located at Mankas Corner also housing the Filling station and Simply Savvy may be in danger suffering if this permit isn't issued as well.

I do not believe that John's Hauling has anything but a positive impact on our local community and it would be a grave error to disallow renewal of the use permit from this business. I think it is a shame that as a city we are constantly looking to "improve" to meet a standard for which may draw in more tourism or regional acclaim, while forgoing the needs of the local people that actually live in this small farming community.

John and Janelle Crossley are integral members of our local community. Because John takes the time to pay attention to the needs of the people in this valley, the Suisun Valley Antiques and Collectibles shop offers so much more to our community then it would potentially offer it was not directly associated with his hauling business. John recognizes what items will be things that people in our Valley can use and what items removed locally from local home and property owners (using his hauling service) need to be offered as available to other home owners and community members. John is excellent at making sure that items that can be useful to the people living and farming our valley are available to us

Additionally, the types of hauling needs that are required by farmers and large landowners require the type of equipment that John has at his disposal. Asking him to keep all of his equipment outside of our valley (because we cannot be bothered to have to look at it) puts unearned stress onto his business and like the rest of us living here, our businesses are our livelihood. John and his family members are hard working people that give back locally every chance that they get supporting our local 4-H and Suisun Valley K-8 fundraising events. His services are essential to our region and John does an excellent job of being conscientious of what can be recycled, reused, and disposed of in the most ecologically efficient manner possible which is good for our local environment.

In example for the usefulness of a business that provides more than fancy antiques, two years ago I found myself in need of a fireplace insert that would fit my 120-year-old fireplace and low and behold he had a perfect fit. Being in an older house Inserts like this are no longer being made, however because the other houses in this valley are of a similar age and style, we were able to find what we needed. This was likely because when remodeling and upgrading to central heating, another local homeowner used John's services to clean away the construction debris. The insert made an incredible difference in the efficiency of our household heat and provided much warmth to my ailing grandmother. The same can be said for the door knobs I have had to replace in our very old home as well as several pieces of older, harder to find farming equipment that is not easily found in your average local hardware or garden center. I could go on and on about the useful things I have found that improved my life or the ways that

I have found both John and his business to be priceless to my neighborhood. When the Suisun Valley Road property we managed required the eviction of a tenant that left at least 5 truckloads of garbage, good furniture and farming equipment who did we call to help manage the things we struggled with? John's Hauling. He was able to put all of the good furniture for sale locally and dispose of what we didn't have the capabilities to deal with. Furthermore, if we had been left to deal with it ourselves most of it would have ended up at the dump just because of the time and effort it would have taken us to sort through it and haul it to appropriate places. Without John's as a local place to go, not only as a place to purchase things but also as a place to bring things that need to find a new home, I think the valley will see a higher rate of yard and garage sales, for sale signs on boats, cars equipment and in general bring down the polished look of the houses and nice clean vineyards

I find it frustrating that John's business is constantly under attack, though he has been continuously working to accommodate every request that the county/city has asked him to do to make his business more palatable to those who see his business as nothing but an eyesore. He has had the front of the business painted beautifully while simultaneously supporting a well-respected and talented local artist. He has provided seating so that his patrons can be social when they visit and/or larger events that encompass all of the corner's businesses. And the property is especially cleaned and well maintained, never with things just dumped in front of it. He often highlights local craftsmen and their beautiful hand-crafted products allowing local artisans the opportunity to have their work presented to their neighbors. The people in this valley need John and both of his businesses right exactly where they are, and we need to stop trying to set the bar just a little to high for John to reach. Enough is enough!

Although it may not seem like it to those that aren't paying attention, many people come from all over to check out what he has to offer on a regular basis. I personally have several out of town friends that make the journey to this valley because unlike Napa, it is laid back, family friendly and community oriented. Suisun Valley Antiques and Collectibles, The Filling Station and Larry's produce have been the big draws, more so than the wineries.

The biggest complaints that I have heard have been all centered around the fact that the businesses in our valley are starting to cater more towards tourists then we are to our own local consumers. Wineries are wonderful but do not offer the same opportunities to our community as small hot spots like The Suisun Valley Filling Station and Welcome Center. The Filling station, along with Suisun Valley Antiques and Collectibles, is usually filled with locals and when both business work together to provide an event or entertainment, the community attends in full force and support.

I, fully and without reservation, support John's Hauling (and Suisun Valley Antiques and Collectibles) being allowed continue business with a conditional use permit. I also whole heartedly support the The Suisun Valley Filling Station and Welcome Center being included under this permit as well. I believe as we need to embrace them both for the comradery and attraction that they bring to the community, agritourism at its finest.

Respectfully,

Alexis Kurowski