

From: Jack Duich

Sent: Thursday, September 30, 2021 8:46 AM

To: 'vanessa.baugh@mymanatee.org' <vanessa.baugh@mymanatee.org>

Cc: board@saddlebagcreek.org

Subject: BOCC support for William Clague and Scott Hopes re: mandating Special Permit for Medieval Fair

Hello Vanessa – it's Jack Duich from Saddlebag Creek Ranches.

Per ongoing discussions with Robert Lincoln P.A., we're requesting your & other BOCC members support of Mr. Clague & Mr. Hopes in mandating Sarasota Medieval Fair comply with Special Permit requirements including conduct of a public hearing.

I realize the Fair is not news to you and would like you to realize that our community residents remain deeply concerned and are continuing pursuit of legal remedies via Robert Lincoln's engagement & support. See email below from Robert to Clague & Hopes.

Many thanks Vanessa for anything you can do.

I'd appreciate any feedback you can provide on my request.

Thanks again – Jack

Jack Duich

President

Saddlebag Creek Ranches Home Owners Association

561-543-9151 (cell)

<http://saddlebagcreek.org/>

From: Robert Lincoln <robert.lincoln@flandlaw.com>

Sent: Monday, September 27, 2021 7:35 PM

To: William Clague <william.clague@mymanatee.org>; Scott Hopes

<scott.hopes@mymanatee.org>

Cc: Robert Wenzel

<robert.wenzel@mymanatee.org>; misty.servia@mymanatee.org; carol.whitmore@mymanatee.org; james.satcher@mymanatee.org; reggie.bellamy@mymanatee.org; vanessa.baugh@mymanatee.org; george.kruse@mymanatee.org; kevin.vanostenbridge@mymanatee.org; Brendan Lavell <blavell@yourobsvr.com>; myoung@bradenton.com; Russell Ireland <irelandjr@aol.com>; Jack Duich <jduich@outlook.com>; Stacy Dillard-Spahn <stacy.dillard@flandlaw.com>

Subject: "Landowners Claiming Agritourism" Letter and Mallaranny, LLC/ Sarasota Medieval Fair

Dear Mr. Clague and Administrator Hopes:

As you know, I represent Russell Ireland and Saddlebag Creek Ranches Home Owners Association, whose properties are adjacent to the Mallaranny property at 29847 SR &) on which Sarasota Medieval Fair, LLC intends to conduct a medieval fair every weekend in November. Today's letter (attached) to "Landowners Claiming Agritourism Exemption" was brought to my attention. That letter informs persons claiming such exemptions that they proceed "at their own risk" if they proceed without obtaining a Special Permit but fails to state any consequences that such a person might face.

Based on Mallaranny's application for a Special Permit "under protest" and its (absurd) assertion that its activities are exempt from regulation by the County pursuant to Sec. 570.85, Fla. Stat., I can only assume the County has clear indication that Mr. Croteau and Mallaranny/Sarasota Medieval Fair have indicated their intention to proceed with the Fair without first obtaining the required Special Permit. Mallaranny's continued refusal to comply with County permitting is a major issue for my clients, the entire Myakka City area, and the County.

First, while Mr. Croteau's special permit application estimated 2,500 to 3,000 visitors per day (for the 8 days, so 20,000 to 24,000 total) in the special permit application, news reports available readily on-line state the Fair reported a total attendance of 62,000 in 2013 – or over 7,500 per day over the eight day event – along with over 130 vendors and 125 employees. "Fairfinder.com" reports anticipated attendance of 63,000 for the upcoming November days. That means the daily traffic – of just visitors – could be in the range of 3,750 total cars off of and then back onto SR 70. Assuming 75% arrive between 9 and 11, that would be 1,400 cars per hour turning off SR 70 and into the driveway during those times – or 23 to 24 per minute. Assuming most come from the west, that could mean 20 left hand turns into the Mallaranny property from SR 70 every minute for two hours – with no left hand turn lane. Almost any back-up will block access to Mr. Ireland's property. If 100 cars get backed up waiting, they will block entrance into Saddlebag Creek Ranches. The same stream could be expected between 4:00 and 6:00 (the Fair states it will close at 5:30) --- a car going right onto SR 70 every 3-4 seconds for two hours, effectively blocking Mr. Ireland and the Saddlebag Creek Ranch residents in their homes, every weekend day for the entire month of November.

Second, it is my clients who will bear the brunt of Mallaranny's refusal to consider and mitigate the "off site impacts" of the Faire through the Special Permit process. They may be trapped in their homes for hours by the traffic. They may endure noise, blown trash, and other nuisances from the event if it is not regulated. They may suffer security issues – particularly if Mallaranny allows vendors to "dry camp" (as it has in the past) and stay overnight with no security for the adjacent properties. This situation has only gone this far because the County

refused to stand up to Mallaranny's previous misstatements and bullying over this project.

Third, while Mr. Croteau's attorney has been threatening and bullying the staff over the supposed "agritourism preemption," that statute may not apply, and – if it does – it only applies to "land classified as agricultural land under s. [193.461](#)." Mallaranny only requested and received agricultural classification for 7.3 acres of its 46 acres. The Property Appraiser's records for the relevant parcels establishes that only parts of two of the three parcels are classified as exempt, and none of that is on the "entrance" parcel.

Which brings up the key issue: under today's letter, exactly what "risk" is Mallaranny accepting if it proceeds without obtaining a special permit? An after-the-fact "code enforcement" action under Chapter 162/ County Code Sec. 2-7-23 will be of no benefit to my clients, who may have to endure traffic, noise and other off-site impacts of the Faire that the Special Permit process is intended to remedy. Will the County sue pursuant to LDC 106.03.A to obtain an injunction to stop the illegal and unpermitted Fair? Alternatively – given that Mallaranny is improving buildings on-site and doing other "work" to make it ready for the Faire – will the County issue an Immediate Stop Work Order pursuant to LDC 106.03.A and then follow up with an injunction if Mallaranny fails to do so?

The letter's failure to state any meaningful consequence would indicate it is simply posturing so the County can pretend it is protecting the public when it intends to do nothing and let my clients bear the brunt of the County's failure to enforce the LDC. My clients need the County to take a position NOW and state the consequences Mallaranny will face if it proceeds without the Special Permit.

Best regards,
Robert Lincoln

Robert K Lincoln
Board Certified in City, County and Local Government Law
LAW OFFICE OF ROBERT K. LINCOLN, P.A.
2055 Wood Street, Suite 206 | Sarasota, FL 34237
941-681-8700 941-363-7930 (f) Robert.Lincoln@flalandlaw.com

The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in this message. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this email in error, please contact the sender by reply e-mail and delete the material from any computer. Thank you very much