

Inn, Guest House, Guest Room, Hosted Rental, Rooming or Boarding house, Vacation House Rental and Wet Bars. (Attachment A).

DISCUSSION:

Background:

On October 2, 2018, the Board of Supervisors adopted Ordinance 2018-1798, amending Chapter 28 of the Solano County Code to define the short term rental of a dwelling, for periods of 30 days or less, as a "Vacation House Rental" and to add various requirements into Solano County Code for their approval and operation. These requirements were later amended on October 6, 2020, by adoption of urgency Ordinance No. 20-1806-E1 to require a use permit rather than an Administrative Permit for specific types of uses on private roads including hosted vacation rentals. On April 27, 2021, the Board of Supervisors adopted a permanent ordinance, following adoption and extension of urgency ordinances, to require a Use Permit rather than an Administrative Permit for VHRs located on private roads (effective May 21, 2021). On June 8, 2021, the Board of Supervisors adopted urgency Ordinance #2021-1820U-E that places a temporary moratorium for additional vacation house rentals in the Rural Residential (RR2.5, RR-5 and RR-10) zone districts. This temporary moratorium remains in effect but will expire on April 27, 2023 unless the Board enacts permanent restriction or amendments to existing requirements prior to that date. The Board directed staff to continue meeting with the LUTC to develop recommendations for their consideration.

Key direction received from the Board and the LUTC included that VHRs should preserve the residential character of county neighborhoods, be promoted in areas that support agritourism and ensure that residents are protected during their stays. As part of this comprehensive update to the short term rental ordinance, the department has implemented a three pronged approach:

1. Updates to Chapter 10 - abatement of Public Nuisances to add an administrative process to abate code violations, which is set for adoption by the Board on February 7, 2023;
2. Updates to Chapter 14 - Business Licensing to add suspension and can serve as a license to operate, which is set for consideration by the Board on February 7, 2023; and
3. Updates to Chapter 28 penalties.

Since June of 2021, staff has researched the industry and met with the LUTC. Based upon prior direction received from the Board of Supervisors and input from the LUTC and industry best management practices, the areas of focus for this VHR ordinance update include:

1. Lodging definition updates;
2. Promoting VHRs in zone districts that support agritourism;
3. Preservation of existing housing stock due to state and region's housing shortage;
4. Preservation of the rural residential character of neighborhoods in the unincorporated areas;
5. Reduce the fire threat to residents and tourists by prohibiting VHRs in High and Very High Fire Hazard Severity Zones (FHSZ) in Rural Residential zone districts and very high FHSV in A-SV-20 and other agricultural zone districts. See Attachment C;
6. New permitting and inspection procedures;
7. Enhanced noise / complaint response enforcement procedures; and
8. Increased safety measures for disaster preparedness, parking and solid waste management.

Attachment A is the draft ordinance with the proposed revisions shown in red text. Attachment A also includes Tables of Permitted Uses for each of the zoning districts with revisions shown in red. The definitions and revisions to the zoning districts are discussed below.

Definitions

The proposed ordinance contains a series of revisions, additions and deletions to the definitions section (28.01) of the zoning regulations. These revisions are largely driven by the need to provide more clarity to the user. Some of the examples are:

1. Revisions to the *Agricultural Homestay*; a simplified definition that eliminates references to the Health and Safety and Food and Agriculture Codes,
2. Revisions to *Bed & Breakfasts Inn*; a simplified definition establishing a minimum of two (2) guest rooms for transient accommodations provided by a resident family for compensation, with or without meals,
3. Revisions to *Guest House*; establishing a residential accessory building used for sleeping purposes which does not have a kitchen but can allow a full or half bath and/or a wet bar,
4. Addition of *Guest Room*; A room used or intended to be used by one or more guests for living or sleeping purposes,
5. Revisions to *Hosted Rental*; A single-room bed and breakfast inn dwelling in which transient lodging accommodations are provided, by the resident family for compensation, with or without meals,
6. Revisions to *Rooming or Boarding House*; a building, other than a hotel, residential hotel, vacation house rental, or resident-occupied dwelling, where lodging is provided for compensation,
7. Revisions to *Vacation House Rental*; A dwelling with no more than five (5) guestrooms or sleeping rooms that is offered, used, let, or hired out for compensation, direct or indirect, for periods of 30 consecutive days or less,
8. Addition of *Wet Bar*; A single, bar-sized sink with minimal cabinets and counters that does not include a gas or electric range, cook top, oven or refrigerator.

Key Amendments

The proposed ordinance amendments clarify distinctions between various transient dwelling uses in the unincorporated area and provide specific regulations for such uses. The proposed new definitions will provide clarity to both the public and County staff regarding how the County's land use regulations apply to various types of transient lodging facilities. Key amendments include:

General: Amendment to section 28.23.50.20 Residential Uses update certain requirements related to transient uses of dwellings, including that a secondary dwelling shall not be used as a VHR unless approved for such use in Section 28.75.30 Vacation House Rentals.

Bed and Breakfast Inn: The definition is simplified to establish that a minimum of two guest rooms for transient accommodations is provided by a resident family for compensation, with or without meals. Additional amendments in Agritourism Uses (section 28.23.50.50 (C)(6)) limits maximum occupancy to five (5) guest rooms or occupancy specified on septic permit, establishes parking requirements, requires operator on site at all times of use and that the permit shall expire upon sale or transfer of property. Permitted in ASV-20 zone districts with an Administrative Permit.

Hosted Rental: Is now defined as a single-room bed and breakfast inn in which transient lodging accommodations are provided, by the resident family for compensation, with or without meals. Other requirements include requiring a limit of one (1) vehicle associated with transient use, that it cannot be on the same site as a vacation house rental unless a use permit has been obtained for the combined use, limits maximum occupancy to one (1) guest room / sleeping area, does not permit special events. (Section 28.72.40). Hosted rentals are allowed in zone districts A-20 - 160, ASV-20, RR-2.5, RR-5, RR-10, RTC# and W with Administrative Permits.

Agricultural Homestay: Simplified definition that eliminates references of the kitchen use to the Health and Safety and Food and Agriculture Codes which required: *service of food only to its registered guests and could serve meals at any time, and includes the price of the food in the price of the lodging; lodging and meals are incidental and not the primary function of the facility; and, (e) the facility is located on, and is part of, a farm.*

Additional regulations limit maximum occupancy to five (5) guest rooms or occupancy specified on septic permit, requires operation only on site where production of agricultural products is the resident family's primary source of income, requires permit for special events, establishes parking requirements, and permit shall expire upon sale or transfer of property (section 28.23.50.50 (C)(10)).

Vacation House Rental: Establishes Vacation House Rentals dwelling regulations (VHR's are limited to one (1) single-family dwelling and a legally established guest house, on the parcel (prohibits use of an ADU or secondary dwelling as a short term rental), establishes maximum allowable occupancy of two guests per bedroom plus two (2) additional guests on property up to a maximum of 12 guests, not including children under three years in age, and three (3) night minimum stays, prohibits VHRs in high and very high Fire Hazard Severity Zones (FHSZ) per 2023 Cal Fire mapping, and permit shall expire upon sale or transfer of property (Section 28.72.30 (A)). Vacation House Rentals are allowed in A-20, ASV-20 and ATC zone districts with Minor Use Permits.

Other changes that are similar to all uses include: All commercial transient uses are subject to transient occupancy tax and require a county business license. Proposed parking, signage and additional use requirements vary per transient dwelling use and a detailed list along with a complete set of proposed changes to the County Zoning Regulations are contained within Attachment A.

Tables of Permitted Uses

The Exclusive Agricultural District (A-20, A-40, A-80 and A-160), the Suisun Valley Agricultural District (ASV-20), Agricultural Tourist Center (ATC), Agricultural Tourist Center - Neighborhood Commercial (ATC-NC), Rural Residential zone districts (RR-2.5, RR-5 and RR10), Residential Traditional Community 1 acre - 5ac (RTC 1AC-5), Residential Traditional Community - Multi Family (RTC-MF), Residential Traditional Community - Mixed Use (RTC-MU), CH (Commercial Highway) and the Watershed and Conservation District (W) contain Tables of Permitted Uses which list the types of permissible land uses as well as the type of permit required to conduct specific land uses. There are several proposed revisions to each of these Tables to reflect changed land uses, new land uses and eliminated land uses. Minor Use Permits will be required for all VHRs in zone districts where they are permitted, establishing conditions of approval (COAs) and allowing for public notification and input into the permitting process. Typical conditions of approval will include: general permit requirements, compliance with performance standards (health safety / American with Disability Act, noise, trash removal, home safety, signage and limitations of outdoor fire uses), parking requirements, compliance with disclosures such as "right to farm", project access and property management regulations.

Cal Fire - Fire Hazard Severity Zones (FHSZ)

Cal Fire has created a FHSZ map in 2007 that reflects the zones in California that are susceptible to wildfire, to help provide transparency for planning and preparedness efforts, and to provide communities a forecasting tool so that the public can take steps to prevent and prepare for wildfire. The hazard mapping process incorporates local climate data and changes in burn probability based on recent trends in fire occurrence. Cal Fire is currently revising the FHSZ maps, the first revision in 16 years. Final FHSZ mapping is anticipated in mid summer 2023.

Staff has utilized this draft mapping to determine where to prohibit VHRs in Solano County to assist in protecting residents and visitors from fire hazards. As a result, staff are proposing to prohibit VHRs in High and Very High Fire Hazard Severity Zones. Other zone districts such as A-SV-20 where agrotourism is allowed as part of the business plan and a VHR is just one component of bringing tourists into the area, VHRs are allowed in high FHSZ with a provision that they have to have a safety plan.

Staff have prepared a series of maps that includes county-wide coverage of the FHSZ zone districts where VHRs are permitted. These maps show the High and Very High Fire Hazard Severity Zones (FHSZ) per 2007 Cal Fire mapping. These two Fire Hazard Severity Zones are those where VHRs are proposed to be prohibited (See Attachment C). These maps also indicate the zone districts where VHRs can be permitted.

Interaction between Chapter 10, 14 & 28

Staff is presenting ZT-23-02 to the Planning Commission on February 16 which would amend Section 28.113 of the Solano County Code relating to enforcement procedures and penalties for violations of Solano County's land use and zoning regulations. In addition to Chapter 28 updates relating to VHRs, the Board has introduced an ordinance with complimentary amendments to Chapter 10 (Abatement of Public Nuisances). These proposed amendments to Chapter 10 would provide administrative penalties for County code violations, including VHRs. These penalties are tiered to different uses to match penalty levels allowed by State law. For violations of the VHR ordinance, penalties as introduced by the Board of Supervisors on January 24, 2023 are as follows: \$1,500 for the first, \$3,000 for the second and \$5,000 for the third violation.

The proposed ordinance would amend Chapter 28 to clarify that a business license is required. Chapter 14 regulates business licensing and is being brought to the Board for consideration to add a method to suspend the license for non-compliance and to ensure that operation cannot occur without an issued license. These three codes, once they are all amended, will work together to ensure proper operation of VHRs.

Update on February 9, 2023 LUTC meeting:

Staff presented the draft included in Attachment A to the LUTC on February 9, 2023 to receive additional direction. The LUTC commissioners supported prohibiting VHR's in all Rural Residential zoning districts (RR-2.5, RR-5, and RR 10 acre) due to the potential for on going fire safety hazard and the potential for nuisance-related issues such as late night noise and general disturbance of the rural residential character. The LUTC also supported the establishment of a method to allow for exemptions in the High Fire Hazard Severity Zones with ample proof of compliance for structure hardening and defensible space around the structure based on Cal Fire compliance. This exemption would only apply to zone districts where VHR's are permitted.

Staff are evaluating whether other factors such as site access and permitting should be considered for exemption. The current version, Attachment A, does not include these any exemption criteria. Staff will provide a draft of these updated proposed requirements for consideration at the Planning Commission public hearing.

Alternatives for Consideration:

The Planning Commission could choose to provide additional modifications. For example, the Planning Commission could choose to

1. Allow VHRs in districts other than as proposed by staff;
2. Limit VHR's to only Suisun Valley areas, due to that area being the subject of the Suisun Valley Strategic Plan;
3. Allow the processing of one (1) pending permit (due to moratorium) that is located in the high FHSZ area of the ASV-20 zone district.

GENERAL PLAN CONSISTENCY:

The proposed ordinance is consistent with the Solano County General Plan in that the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.

ENVIRONMENTAL REVIEW:

Staff is recommending that the Board find this proposed ordinance revision is exempt from the requirements of CEQA under the "common sense" exemption since this ordinance is a set of technical adjustments and corrections which do not alter prior regulations for intensity or location of development or any other physical

alterations to the environment.

OTHER AGENCY INVOLVEMENT:

County Counsel assisted in development of the VHR ordinance update.

PUBLIC HEARING NOTICE:

Consistent with §28.112 and §28.04 of the Solano County Code, a public hearing notice was published in the Daily Republic at least 15 days prior to the public hearing (Attachment B).

RECOMMENDATION:

Based on the discussion above, staff recommends that the Planning Commission recommend that the Board of Supervisors adopt the proposed ordinance (ZT-23-01) amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update definitions and regulations to update the VHR program in unincorporated Solano County.

Attachments:

- A - Draft Zoning Code Amendments and Definitions (28.75.30)
- B - Public Notice
- C - Draft VHR SRA mapping
- D - Summary of Key Changes Comparison Table

**SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. ____**

**RESOLUTION RECOMMENDING
APPROVAL OF ZONE TEXT AMENDMENT NO. ZT-23-01
TO THE SOLANO COUNTY BORD OF SUPERVISORS**

WHEREAS, the Solano County Planning Commission, after proper notice, conducted a public hearing on February 16, 2023, to consider proposed zoning text amendments that would revise and update definitions and regulations for dwellings used as transient lodging facilities, including hosted rentals, bed and breakfast inns, agricultural homestays, and vacation home rentals, in unincorporated Solano County; and

WHEREAS, because the proposed amendments are technical adjustments and corrections which do not significantly alter prior regulations for intensity or location of development transient lodging facilities and would not cause other physical alterations to the environment, it can be seen with certainty that there is no possibility the proposed amendments would have a significant effect on the environment; a Notice of Exemption may be filed for the project; and

WHEREAS, based on the staff report and recommendations, and after considering all public testimony and due deliberation, the Planning Commission determines that the proposed zone text amendment is appropriate and desirable, and is consistent with the Solano County General Plan.

RESOLVED, that the Solano County Planning Commission does hereby recommend approval of the proposed zone text amendment, attached hereto as Exhibit A, to the Solano County Board of Supervisors.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on February 16, 2023, by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

By: _____
_____, Chairperson
Solano County Planning Commission

Attest:

By: _____
Terry Schmidtbauer, Secretary

EXHIBIT A

Definitions

Accessory building. A subordinate building or structure located on the same lot, the use of which is customarily incidental to that of the main building or to the principal use of the land.

Agricultural accessory building. A building, greenhouse, or other structure that is utilized in conjunction with the use of the property for commercial crop production or grazing, including the storage of agricultural products and supplies and equipment used in agricultural operations. Buildings used for other purposes, such as dwellings or residential accessory buildings, employee housing, stables, dairies or other confined animal facilities, and agricultural processing facilities are not agricultural accessory buildings.

~~**Dwelling space accessory building.** A detached residential accessory building that contains habitable space and is used, or capable of use, as additional living area for an existing dwelling but does not include cooking facilities and is not used or intended as independent living facilities. Examples include an art or music studio, an exercise or recreation room, an office for a licensed home occupation, or a pool house.~~

Residential accessory building. A detached building accessory to a single-family dwelling. Examples include a detached garage, a storage shed, a guest house, and a pool house~~or a dwelling space accessory building~~. In any R district, an accessory building other than a greenhouse on a lot that has a dwelling is classified as a residential accessory building even if the accessory building is used in conjunction with the use of the property for commercial crop production or grazing. A residential accessory building does not include a secondary dwelling or accessory dwelling unit.

~~**Agricultural homestay.** Lodging accommodations provided as part of a farming operation, as regulated under the California Health and Safety Code, which meets all of the following requirements: (a) has not more than 6 guestrooms or accommodates not more than 15 guests; (b) provides overnight transient accommodations; (c) serves food only to its registered guests and serves meals at any time, and includes the price of the food in the price of the lodging; (d) lodging and meals are incidental and not the primary function of the facility; and, (e) the facility is located on, and is part of, a farm, as defined in the Food and Agricultural Code, that produces agricultural products as its primary source of income. A dwelling, occupied by a resident family and located on and part of a farm that produces agricultural products as its the family's primary source of income, in which two or more guest rooms are offered or used for transient occupancy, with or without meals.~~

~~**Bed and Breakfasts Inn:** Lodging accommodations which provides overnight transient accommodations, with no more than 10 guest rooms, and serves food only to its registered guests and that serves only a breakfast or similar early morning meal and no other meals and includes the price of the food in the price of the lodging. A dwelling, occupied by a resident family, in which two or more guest rooms are offered or used for transient occupancy, with or without meals.~~

Gross floor area. For ~~residential structures~~dwellings, gross floor area shall be calculated as the total area of all floors of the dwelling or dwelling unit, as measured to the exterior finished surface of outside walls or to the centerline of common walls separating dwelling units, not including any carport, walkway, garage, overhang, patio, partially-enclosed patio, attached or detached residential accessory structure, or similar area. For residential accessory structures, gross floor area shall be calculated as the total floor area of the structure as measured to the exterior finished surface of outside walls or to the centerline of common walls separating the accessory structure from the dwelling or from a different occupancy classification. For commercial or industrial structures, gross floor area shall be calculated as the total area of all floors of the building, including any loft or mezzanine, measured to the exterior finished surface of outside walls or to the centerline of common walls, including covered and enclosed space, but not including any exterior storage areas incidental to the principal use of the construction, including any garage, parking structure, unenclosed walkway, or utility or disposal area.

Guest house. ~~Detached living quarters of a permanent type of construction, without a kitchen, and accessory to the primary dwelling on the same building site. A guest house may not be rented, let, or leased separate from the primary dwelling, whether compensation be direct or indirect.~~ A residential accessory building, or portion thereof, accessory to a primary dwelling, used or intended to be used for living or sleeping purposes; does not contain or have provision for a kitchen but may contain a full or half-bath and/or wet bar.

Guest room. A room used or intended to be used by one or more guests for transient occupancy.

Hosted Rental. A dwelling, occupied by a resident family, in which a single guest room is offered or used for transient occupancy, with or without meals; a single-room bed and breakfast inn.

Hotel. A building, portion of a building, or group of buildings containing six or more guest rooms designed, used, or intended to be used, ~~let or hired out~~ for transient ~~accommodations~~occupancy. A hotel may include accessory uses, such as a commercial kitchen or dining facilities open to the public.

Kitchen. A room, space, or interior area with equipment for the preparation and cooking of food, including a sink, a refrigerator, and either a stove, range, grill, or oven; does not include a wet bar.

Pool house. Includes bathhouse. An accessory building adjacent to a pool or spa for dressing by bathers, which may include a bathroom and incidental storage area. A pool house shall not include indoor cooking or sleeping facilities, HVAC equipment, or greater than a 110-volt electrical connection except for a dedicated service for pool equipment.

Resort Hotel: A hotel that also provides interrelated visitor services intended to serve the needs of the community and ~~people travelling through~~tourists visiting the area. Typical uses may include but are not limited to: recreation activities/facilities, spa or other therapeutic facilities, meeting rooms, banquet facilities, ~~administrative facilities, maintenance and storage facilities,~~ and restaurant and retail uses intended for use by both guests and non-guests.

Rooming or boarding house. A ~~dwelling building~~, other than a hotel, ~~residential hotel, vacation house rental, or dwelling occupied by a resident family~~, where lodging, ~~or with or without meals, or both, for four or more persons are~~ is provided for compensation.

Single room occupancy hotel or residential hotel. A building, portion of a building, or group of buildings containing six or more guest rooms or efficiency units, intended or designed to be used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests. A single room occupancy hotel may include accessory uses, such as a commercial kitchen or common dining facilities for residents.

Transient Occupancy. ~~Temporary occupancy of a lodging facility or dwelling by any person other than the resident family by concession, permit, right of access, license, gift, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Does not include an occasional home exchange of a dwelling used as the property owner's primary residence, but does include temporary occupancy of a dwelling used pursuant to a time share plan or form of co- ownership if any time share period or other entitlement to occupancy of the dwelling is limited to periods of 30 consecutive days or less.~~

Vacation house rental. A dwelling ~~with no more than five guestrooms or sleeping rooms that is offered, or used, let, or hired out for compensation for periods of 30 consecutive days or less for transient occupancy without a resident family present within the dwelling. Does not include an occasional home exchange of a dwelling used as the property owner's primary residence. Includes any dwelling used pursuant to a time share plan or other similar form of co- ownership if any time share period or other entitlement to occupancy of the dwelling is limited to 30 days or less per year.~~

Vacation house rental, hosted. ~~A vacation house rental on a parcel with either a primary and secondary dwelling or a single family dwelling and an accessory dwelling unit, where the property owner resides on the property in the nonrental dwelling.~~

Vacation house rental, unhosted. ~~A vacation house rental where the owner does not reside on the property.~~

Wet Bar. ~~A single, bar-sized sink with minimal cabinets and counters. A wet bar shall not contain or have provision for a gas or electric range, cook top, or oven (not including a counter-top microwave oven); a refrigerator with a capacity in excess of 6 cubic feet; a standard-sized kitchen sink; or a dishwasher.~~

Regulations and Standards

28.23.50.20 Residential Uses

- A. **Permit Required.** Residential uses are permitted uses, subject to the permit requirements in Table 28-23A.
- B. **Standards** Residential uses must meet the applicable development standards delineated in Tables 28-23B and 28-23C and comply with the following:

2. SECONDARY DWELLING

- a. **Standards.** A secondary dwelling, as permitted in Table 28.23A, must meet the following specific development standards as well as the development standards delineated in Table 28.23B.

- (1) The maximum size of the secondary dwelling shall not exceed 2,400 square feet of gross floor area. Notwithstanding this limit, the gross floor area of a detached secondary dwelling shall not exceed 80 percent of the gross floor area of the primary dwelling and the gross floor area of an attached secondary dwelling shall not exceed 50 percent of the gross floor area of the primary dwelling. If the secondary dwelling is established within an existing primary dwelling, the gross floor area of the secondary dwelling shall not exceed 33 percent of the existing gross floor area of the primary dwelling nor result in the gross floor area of the primary dwelling being less than 1,000 square feet.
- (2) A secondary dwelling may be a detached structure or may be attached to another building on the same lot. If attached to another building, a separate exterior entrance shall be provided, independent from the entrance for the building to which it is attached.
- (3) A secondary dwelling shall not be allowed on a parcel that has a companion living unit or other similar accessory housing unit. It shall be allowed under the following conditions:
 - (a) Use of an existing dwelling while the replacement dwelling is under construction, in accordance with Section 28.72.20(B)(6);
 - (b) Use of temporary dwelling while the primary dwelling is under construction, with a use permit;

- (c) Agricultural employee housing or HCD agricultural employee housing, as permitted in Table 28.23A.

(4) A secondary dwelling shall not be used as a Vacation House Rental unless approved for such use in accordance with Section 28.75.30.

b. Existing secondary dwellings, companion living units or guest houses.
Secondary dwellings, companion living units or guest house, existing:

- (1) A secondary living unit legally existing on the lot prior to February 1, 2011, which does not comply with the size or setback requirements of this Section shall be considered legal non-conforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”). Such use may continue, provided that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.
- (2) A guest house legally existing on the lot prior to February 1, 2011, and which does not conform to the standards described in Section 28.72.30 shall be considered legal non-conforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”). Such a guest house may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) all facilities necessary to convert the structure to a dwelling, including cooking, sanitation, and parking facilities shall be installed in compliance with County building and zoning standards as applicable; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the structure does not meet the size or setback requirements of this Section for a secondary dwelling, it shall be considered legal non-conforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”).
- (3) A companion living unit legally existing on the lot prior to February 1, 2011, pursuant to an approved conditional use permit, may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) the unit is installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the unit does not meet the size or setback requirements of this Section, it shall be considered legal non-conforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”). If an existing companion living

unit is converted to a secondary dwelling, the conditions of the use permit shall no longer be applicable. If an existing companion living unit is not converted to a secondary dwelling, it shall remain subject to the conditions of the use permit, and shall be promptly removed from the lot upon expiration or revocation of the permit.

- (4) If both a secondary living unit and a companion living unit legally exist on the lot prior to June 13, 2008, the secondary living unit shall be considered the secondary dwelling on the lot and the companion living unit may continue on the lot as a temporary dwelling for the remaining term of the conditional use permit.
- (5) **Additional Extensions.** A companion living unit legally existing on the lot prior to February 1, 2011, pursuant to an approved conditional use permit which expires, may be extended for a temporary period, not to exceed two years, upon securing a minor use permit, provided:
 - (a) All of the findings made in the original use permit still apply.
 - (b) The property owner and the occupant of the companion living unit have not changed since the original issuance of a use permit.

28.23.50.50 Tourist Uses

- A. **Permit Required.** Tourist uses are permitted uses, subject to the permit requirements in Table 28-23A.
- B. **General Standards.** Tourist uses must meet the applicable development standards delineated in Tables 28.23B and 28.23C and comply with the following:
 - 1. Within the A-SV-20 District, tourist uses shall be operated by the property owner or occupant, subject to possession of a valid Solano County business license, and shall be incidental to the principal agricultural use of the property.
 - 2. Minimum setback from an adjacent street shall be the same as required for the main building.
 - 3. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Shall have direct access from a public or private road that complies with county road standards. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road

and the road shall comply with county road standards. All connections to county roads shall meet the encroachment permit requirements of the director of resource management, which generally include, but shall not be limited to, paving of the connection within the county road right-of-way. The entrance, parking area, and walkways shall be kept free of obstructions or hazards of any type.

4. Shall provide off-street parking in accordance with Section 28.94 unless additional parking is required by this section. in addition to Shall provide paved parking spaces, aisles, and pathways for the disabled in accordance with the Building Code.
5. Shall obtain necessary approvals for sale of prepared food, including ~~department of resource management from Department of Resource Management~~ (if required) and ~~environmental health services division~~ Environmental Health Services Divisions, ~~approval~~ prior to operation.
6. Shall obtain necessary approvals for adequate water supply and sewage disposal facilities prior to operation.
- ~~67.~~ Shall obtain all necessary approvals with other county departments, if required, prior to operation.

C. Standards for Specific Agritourism Uses.

1. **Bakeries, Cafes and Restaurants.** A bakery, cafe, or restaurant as permitted in Table 28.23A. Such uses must meet the applicable development standards contained in Tables 28.23B and 28.23C.
2. **Galleries.** Such use must meet the applicable development standards delineated in Tables 28.23B and 28.23C.
3. **Resort Hotel.** Resort hotels may be permitted by conditional use permit. Such uses must meet the applicable development standards delineated in Tables 28.23B and 28.23C and all standards specified in the use permit.
4. **Special Events Facilities.** Special events facilities may be permitted by conditional use permit, incidental to the principal agricultural use on the property, except as specified for small and medium wineries above. Such use must meet the applicable development standards delineated in Tables 28.23B and 28.23C.
5. **Marketing Events.** Marketing events are allowed by right, incidental to the principal agricultural use on the property. Such use must meet the applicable development standards delineated in Tables 28.23B and 28.23C.

- 6. Bed and Breakfast Inn.** Bed and breakfast inns must meet the applicable development standards delineated in Tables 28.23B and 28.23C and, within the A-SV-20 district, comply with the following:
- a.** Signage shall be limited to one nonilluminated wall-mounted sign not to exceed four square feet in area.
 - b.** Shall be restricted to one single-family dwelling, or one single-family dwelling plus a legally established guest house, which is the primary residence of the bed and breakfast operator. Shall not be permitted in any of the following: non-habitable structures; tents, RVs, or other provisions intended for temporary occupancy; second dwelling units or accessory dwelling units; structures or dwellings with county covenants or agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, or farmworker housing; or on lands under Williamson Act contract. A vacation house rental is not a bed and breakfast inn, even if the property owner resides in another dwelling unit on the same property.
 - c.** Maximum of five (5) guest rooms. The maximum overnight occupancy for bed and breakfast inns shall be two (2) persons per guest room, not including children under three (3) years of age. If a lower limit is stated on the applicable septic permit, the maximum overnight occupancy shall be that stated on the septic permit.
 - d.** Shall provide one off-street parking space for each guestroom, plus two spaces for the dwelling. No off-site or on-street guest parking shall be allowed.
 - e.** Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests are prohibited unless the bed and breakfast inn is also approved as a special event facility.
 - f.** The operator shall reside on-site during all times that guests are present.
 - g.** Food service, if provided, shall be limited to registered guests and shall comply with the California Retail Food Code.
 - h.** The operation of a bed and breakfast inn is subject to transient occupancy tax (Chapter 11, art. II) and requires a business license (Chapter 14). The transient lodging registration certificate and business license shall be posted in a conspicuous place on the premises prior to operation of the business. The operator or authorized agent shall include the TOT certificate number and business license number on all contracts or rental agreements, and in any advertising or websites.

- i. A bed and breakfast inn shall be permitted only in compliance with the requirements and standards of this section and all other requirements of the applicable zoning district, subject to the issuance of a land use permit. The permit shall expire upon sale or transfer of the property. Reuse of the dwelling as a bed and breakfast inn by a new property owner shall require approval of a new land use permit.
- j. For purposes of the administrative penalty provisions in Chapter 10 and the business license requirements in Chapter 14, this subdivision (C)(6) is part of the County's short-term rental ordinance.

7. **Tasting Facilities.** Tasting facilities are allowed by right, incidental to a principal agricultural processing use or winery on the property. Such use must meet the applicable development standards delineated in Tables 28.23B and 28.23C and comply with the following:

- a. Tasting facilities must be no larger than 2,000 square feet or 30 percent of the size of the processing facility, whichever is greater. Size shall be determined by measuring the total roof covered area.
- b. Products tasted and sold must be produced on site or off site on land owned or leased by the operator within Solano County.

8. **Local Products Store.** Local products stores must meet the applicable development standards delineated in Table 28.23B.

9. **Hotels.** Hotels must meet the applicable development standards delineated in Table 28.23B, all standards specified in the use permit, and comply with the following:

- a. Shall have no more than 30 guest rooms.

10. **Agricultural Homestay.** An agricultural homestay is subject to compliance with the applicable development standards delineated in Table 28.23B and comply with the ~~following~~ standards for agricultural homestays in Section 28.72.10.

~~a. Shall be restricted to one single family dwelling. No accessory structure shall be allowed for use as transient occupancy.~~

~~b. Shall be operated, maintained, and occupied by the property owner.~~

28.72.10 DWELLINGS

B. Specific Requirements

7. Nonconforming Secondary Dwelling or Guest House

- a. Nonconforming Secondary Dwelling.** A secondary living unit legally existing on the lot prior to October 27, 2006, in an R-R District, June 13, 2008, in an A or R-TC District, and February 1, 2011, in the A-SV-20, ATC, or ATC-NC District which does not comply with the size or setback requirements of this section shall be considered legal nonconforming and subject to the provisions of Section 28.114 (Nonconforming Uses). Such use may continue; provided, that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.
- b. Nonconforming Guest House.** A guest house legally existing on the lot prior to October 27, 2006, in an R-R District, June 13, 2008, in an A or R-TC District, and February 1, 2011, in the A-SV-20, ATC, or ATC-NC District, **and which does not conform to the standards described in Section 28.72.30**, shall be considered legal nonconforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). Such a guest house or building may be converted to a secondary dwelling or an accessory dwelling unit provided all of the following are met: (1) no other secondary dwelling or accessory dwelling unit is on the lot; (2) all facilities necessary to convert the structure to a dwelling, including cooking, sanitation, and parking facilities, shall be installed in compliance with county building and zoning standards as applicable; (3) except in an R-R or R-TC District, either the primary residence or the secondary dwelling is owner occupied; and (4) if the structure does not meet the size or setback requirements of this section for a secondary dwelling, it shall be considered legal nonconforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”).

28.72.30 RESIDENTIAL ACCESSORY USES AND BUILDINGS

B. Specific Requirements

- 1. Accessory Buildings and Uses.** Residential accessory buildings and uses, subject to the provisions within the applicable zoning district, shall comply with the following standards:

- a. **Attached Accessory Structure.** An accessory building attached to ~~the main building~~ a dwelling shall comply in all respects with the requirements of this chapter applicable to the ~~main building~~ dwelling.
- b. **Detached Accessory Structure.** An accessory building detached from the ~~main building~~ a dwelling shall be located at least 60 feet from the front property line or, on lots less than 120 feet in depth, on the rear 50 percent of the lot, unless otherwise specified in the applicable zoning district.
- c. **Side and Rear Setback Waiver.** The side and rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building, and such buildings, in the aggregate, shall not exceed the maximum site coverage in the rear yard for the main building as may be specified in the applicable zoning district. Waiver of said requirements shall be subject to notice as set forth in Section 28.04(F).
- d. **Setback from Main Building.** An accessory building shall not be located closer than 10 feet from ~~the main building~~ a dwelling; except in the W District, the distance shall be 30 feet. ~~Stables shall be located at least 20 feet from the main building.~~
- e. **Animal Shelter Setbacks.** Stables shall be located at least 20 feet from the main building. An accessory building for the shelter of small animals shall not be placed closer to any side street line than the main building, and in no case shall be placed closer than 10 feet from any property line unless greater setbacks are required by the zoning district.
- f. **~~Living Spaces Accessory Structures~~ Guest House.** In any A or R District, ~~an accessory building that includes an art or music studio, recreation or exercise room, office, or other similar use, including a guest house~~ a pool house in any R District, if allowed by the zoning district in which it is located, shall comply with the following standards:
 - (1) **~~Number of Accessory Structures~~.** Only one ~~accessory building~~ guest house shall be allowed on a lot.
 - (2) **~~Living Unit Prohibited~~ Additional Uses of a Guest House.** ~~The building shall not be designed for, or used as, a living or sleeping quarters, or~~ In addition to providing extra living and sleeping space for guests of the resident family, a guest house may be used by the resident family as an art or music studio, recreation or exercise room, office, or other similar living space use, but may not be used for a commercial use, including transient lodging for compensation, unless otherwise allowed by this chapter. If allowed

for commercial transient lodging use, the guest house shall be counted as a single guest room.

(3) Size. A guest house or pool house shall not exceed 640 square feet of gross floor area and shall not contain more than two bedrooms.

(4) Food Preparation Area. A guest house may include a wet bar but shall not include a kitchen or cooking facility, or room for installation of a stove, full size refrigerator, dishwasher, sink other than the bathroom and wet bar sinks, or laundry facilities.

(35) Number of Bathrooms. Shall not contain more than one full or half bathroom.

(6) Location on Property. A guest house must be located closer to the primary dwelling on the subject lot than to a primary dwelling on any adjacent lot; maximum distance of one hundred feet (100') from the primary dwelling on the lot, but a waiver may be granted to allow a greater setback due to topography, vegetation, or unique physical characteristics.

(4)g. Electrical Service. Only one electric service drop and one electric meter to serve both the ~~main building or~~primary dwelling and such accessory building shall be permitted.

gh. Not a Secondary Dwelling. ~~An A residential~~ accessory building does not include a secondary dwelling or an accessory dwelling unit as defined in Section 28.01. When an accessory dwelling unit is located within an accessory building, the provisions of this subsection shall not apply to the accessory dwelling unit portion of the building.

hi. Sequence of Construction. Accessory structures shall not be constructed on a lot until construction of the ~~principal structure~~primary dwelling has commenced or a principal use has been established on the lot, and an accessory structure shall not be used unless the ~~principal structure~~primary dwelling is being used or a principal use has been established.

28.72.40 HOME OCCUPATIONS, COTTAGE INDUSTRIES, HOSTED RENTALS, AND OTHER COMMERCIAL USES OF RESIDENTIAL PROPERTY

A. General Requirements

~~Other Commercial~~ uses incidental to a residential use shall comply with the following general standards:

1. **Access.** Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
2. **Food and Beverage.** Food and/or beverages provided for sale and/or consumption must meet all federal, state and local regulations.
3. **Parking.** Shall provide off-street parking in accordance with Section 28.94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with building code.
4. **Permit Requirements.** Shall obtain all necessary approvals with other County departments and from the applicable fire protection district, if required, prior to operation.
5. **Prevent Storm Water Pollution.** Shall manage storm water to prevent any processing wastes or byproducts from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
6. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
7. **Signs.** All signs shall be installed in accordance with the requirements of Section 28.96.

B. Specific Requirements. The specific uses listed below shall comply with the general requirements (subdivisions (A)(1) through (7) of this section) and the following specific standards:

1. **Cottage Industries**

....

2. **Home Occupations**

....

3. **Rural Resident Enterprise.**

....

4. **Temporary Subdivision Sales Office**

....

5. Hosted Rental

- a.** A hosted rental shall be restricted to one single-family dwelling, or one single-family dwelling plus a legally established guest house, which is the primary residence of the hosted rental operator. Hosted rentals shall not be permitted in non-habitable structures or in tents, RVs, or other provisions intended for temporary occupancy. Only one (1) hosted rental is allowed per parcel. A hosted rental may not be located on the same site as a vacation house rental unless a use permit has been obtained for the combined use. A whole-house vacation rental is not a hosted rental, even if the property owner resides in another dwelling unit on the same property.
- b.** Maximum of one (1) guest room or sleeping area.
- c.** Limit of one (1) one vehicle associated with the transient use.
- d.** Food service, if provided, shall be limited to registered guests and shall comply with the California Retail Food Code.
- e.** No weddings, lawn parties or similar activities shall be permitted.
- f.** The property owner shall maintain a properly functioning septic system or sewer connection.
- g.** The operation of hosted rental is subject to transient occupancy tax (Chapter 11, art. II) and requires a business license (Chapter 14). The transient lodging registration certificate and business license shall be posted in a conspicuous place on the premises prior to operation of the business. The operator or authorized agent shall include the TOT certificate number and business license number on all contracts or rental agreements, and in any advertising or websites.
- h.** For purposes of the administrative penalty provisions in Chapter 10 and the business license requirements in Chapter 14, this subdivision (B)(5) is part of the County's short-term rental ordinance.

28.75 TOURIST USES

28.75.10 AGRITOURISM

A. **General Requirements.** Agritourism, incidental to the principal agricultural use of the property for commercial agricultural purposes, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district and comply with the following:

1. **General Development Standards.** No use of land or buildings shall be conducted except in compliance with the general development standards in Sections 28.70.10 and 28.70.20.
2. **Access.** Shall have ingress and egress designed so as to avoid traffic congestion and hazards and shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road.
3. **Truck Loading.** Shall provide an adequate truck loading area together with ingress and egress designed to avoid traffic hazard and congestion.
4. **Encroachment Permit Required.** All connections to County roads shall meet the encroachment permit requirements of the Public Works – Engineering Division, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
5. **Parking.** Adequate off-street parking shall be provided; parking areas and driveways shall be treated as necessary to control dust. ~~Parking areas shall not be located any closer than 200 feet to an adjoining property.~~ Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
6. **Outdoor Storage.** Outdoor storage incidental to the primary use of the parcel for agritourism purposes is permitted, provided the area devoted to outdoor storage is screened from public view.

B. **Specific Requirements.** The specific agritourism uses listed below shall comply with each provision of subdivision (A) of this section and the following specific standards:

1. **Agricultural Homestay.** An agricultural homestay incidental to the principal agricultural use on the property, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district and comply with the following:
 - a. Shall be restricted to one single-family dwelling. ~~No accessory structure shall be allowed for use as transient occupancy.~~ or one single-family

dwelling plus a legally established guest house, which is the primary residence of the agricultural homestay operator. No accessory structure shall be allowed for use as transient occupancy. Shall not be permitted in any of the following: non-habitable structures; tents, RVs, or other provisions intended for temporary occupancy; second dwelling units or accessory dwelling units; structures or dwellings with county covenants or agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, or farmworker housing. A vacation house rental is not an agricultural homestay, even if the property owner resides in another dwelling unit on the same property.

- b. Shall be located on a farm on which the production of agricultural products is the resident family's primary source of income.
- c. Maximum of five (5) guest rooms. The maximum overnight occupancy for agricultural homestays shall be two (2) persons per guest room, not including children under three (3) years of age. If a lower limit is stated on the applicable septic permit, the maximum overnight occupancy shall be that stated on the septic permit.
- d. Shall provide one off-street parking space for each guestroom, plus two spaces for the dwelling. No off-site or on-street guest parking shall be allowed.
- e. Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests are prohibited unless the bed and breakfast inn is also approved as a special event facility.
- f. The operator shall reside on-site during all times that guests are present.
- g. Food service, if provided, shall be limited to registered guests and shall comply with the California Retail Food Code.
- h. Signage shall be limited to one nonilluminated wall-mounted sign not to exceed four square feet in area.
- i. The operation of an agricultural homestay is subject to transient occupancy tax (Chapter 11, art. II) and requires a business license (Chapter 14). The transient lodging registration certificate and business license shall be posted in a conspicuous place on the premises prior to operation of the business. The operator or authorized agent shall include the TOT certificate number and business license number on all contracts or rental agreements, and in any advertising or websites.
- j. An agricultural homestay stay shall be permitted only in compliance with the requirements and standards of this section and all other requirements

of the applicable zoning district, subject to the issuance of a administrative permit. The administrative permit shall expire upon sale or transfer of the property or upon the owners moving their primary residence off the property, unless there is a tenant farmer continuing to operate the farm and homestay.

k. For purposes of the administrative penalty provisions in Chapter 10 and the business license requirements in Chapter 14, this subdivision (B)(1) is part of the County's short-term rental ordinance.

2. **Agritourism Facility.** An agritourism facility shall meet the following requirements:

~~(1)~~**a. Ingress/Egress.** Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way. Must have two 20-foot minimum connections to a public road, or a release from the applicable fire protection district.

~~(2)~~**b. Food Vendors.** Permittee is responsible for ensuring all food vendors operating at an agritourism facility secure food permits with the Division of Environmental Health.

~~(3)~~**c. Kitchen Facilities.** Any kitchen used for the preparation, storage, handling, or service of food at an agritourism facility shall be permitted as a food facility by the Division of Environmental Health.

~~(4)~~**d. Hours of Operation.** All events shall start no sooner than 10:00 a.m. and end by 10:00 p.m. each day. Facility setup and cleanup shall be allowed between the hours of 8:00 a.m. to 11:00 p.m. The public and all guests of an event shall be off the property by 10:30 p.m.

~~(5)~~**e. Nuisance.**

i.(1) Fugitive Dust. All events located on sites with access from unpaved dirt roads and events which proposed unpaved on-site access roads and parking areas shall require the use of water trucks, sprinkler system or other practices acceptable to the applicable air quality management district, in sufficient quantities to prevent airborne dust.

~~ii.~~**(2) Noise.** Outdoor amplified sound may only occur on sites which demonstrate through an acoustical analysis that noise generated during proposed events will not exceed 65 dB when measured at the property lines.

~~iii.~~**(3) Light and Glare.** Any proposed outdoor lighting used during events shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.

~~iv.~~**(4) Odor.** Must take steps to minimize odor on adjacent properties.

~~(6)~~**f. Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors, including restrooms, refuse disposal receptacles, potable water, and wastewater facilities.

~~(7)~~**g. Screening of Parking.** Shall provide a minimum six-foot solid board fence or masonry wall separating parking areas from abutting R district parcels.

~~(8)~~**h. Setbacks.** Must be set back 300 feet from any property line. Parking areas shall not be located any closer than 200 feet to an adjoining property.

~~(9)~~**i. Use of Existing Structures.** The use of existing permanent structures is limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.

~~(10)~~**j. Construction of New Structures.** All new structures proposed for an agritourism facility shall be located off prime agricultural land.

~~(a)~~**k. Other Permits and Licenses.** Must obtain any other required permits from federal, state or local agencies.

~~(b)~~**l. Traffic Control.** For any agritourism facility accommodating 500 people or more, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the event. This shall be submitted with the land use permit application.

28.75.30 VACATION HOUSE RENTALS

- A. **General Requirements.** Vacation house rentals shall comply with the following **general** standards:
1. **Zoning District Development Standards.** A dwelling used as a vacation house rental shall meet all of the development standards for ~~dwelling specified in Section 28.72.10(A)(1) and in Tables 28.21B, 28.23B, and 28.31B as applicable to the zoning district~~the zoning district in which it is located. If the dwelling includes a guest house, the guest house shall also meet those development standards.
 2. **Allowable Structures.** ~~Space used for overnight accommodations as part of a vacation house rental must be located entirely within a dwelling or a dwelling in combination with an approved guest house. Other accessory buildings, recreational vehicles, recreational vehicle parking space, or tents may not be used as a vacation house rental. A vacation house rental shall be limited to one single-family dwelling, or one single-family dwelling plus a legally established guest house, on the parcel. None of the following shall be used as or included as part of a vacation house rental:~~
 - a. An accessory structure other than a legally established guest house.
 - b. Non-habitable structures, tents, RVs, or other provisions intended for temporary occupancy.
 - c. A dwelling subject to a recorded governmental restriction, including covenants or agreements for affordable housing.
 - d. A dwelling approved for limited types of occupancy, including employee housing or a companion living unit.
 - e. A timeshare.
 - f. Any dwelling unit on a lot created pursuant to Government Code § 66411.7 or local ordinance adopted to implement Government Code § 66411.7.
 - g. Any dwelling unit created pursuant to Government Code § 65852.21 or local ordinance adopted to implement Government Code § 65852.21.
 - h. An accessory dwelling unit or junior accessory dwelling unit.
 - i. A second single-family dwelling on the same parcel as the vacation house rental.

- j. A dwelling or guest house that is the subject of an enforcement action pursuant to any provision of this code.
3. **Maximum Occupancy.** ~~Overnight occupancy is limited to two persons per bedroom plus two additional persons, not to exceed a total of 10 persons. Unless further restricted by other standards of this section, the maximum occupancy for a vacation house rental is up to two (2) guests per bedroom, plus two (2) additional guests per property, up to a maximum of ten (10) guests, not including children under three (3) years of age.~~
4. **Parking.** ~~Three off-street parking spaces shall be provided for all guests. One on-site parking space for each bedroom in the vacation house rental, including any guest house, must be provided and available for use by guests. If fewer than four on-site parking spaces are available, the maximum occupancy allowed for the vacation house rental is reduced accordingly. On-street parking is prohibited for any property on which a vacation house rental is located.~~
5. **Events Prohibited.** A vacation house rental may not be advertised, offered, or used as a special events facility ~~that includes, including use for~~ events such as weddings, parties and similar events. No outdoor amplified sound is allowed.
6. ~~A dwelling or guest house may not be used as a vacation house rental if it is the subject of an enforcement action pursuant to any provision of this code.~~ **Water and Wastewater.** ~~If the potable water supply is from an on-site well, the water quality must be approved by Environmental Health. A vacation house rental shall not exceed the design capacity of any on-site sewage treatment and disposal system, if so connected.~~
- 7. Fire Safety.**
- a. ~~Except in the ASV-20 zoning district, a dwelling shall not be approved for use as a vacation house rental if, as of the date a complete permit application for such use is submitted, the property is located in an area designated as a High or Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE).~~
- b. ~~In the ASV-20 zoning district, a dwelling shall not be approved for use as a vacation house rental if, as of the date a complete permit application for such use is submitted, the property is located in an area designated as a Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE).~~
- c. ~~A fire pit, fireplace, or other outdoor fire area or feature, if present, shall not be available for use by guests.~~

- d. The dwelling and each bedroom shall be equipped with functional smoke and carbon monoxide alarms. At least one functional fire extinguisher shall be available and readily marked.
 - e. The operator shall inform guests of area fire risks and what to do in the event of wildfire, including information regarding evacuation routes from the property.
- 78. Taxes and Business License.** ~~Transient occupancy tax registration and payment are required, pursuant to Chapter 11. A business license is required, pursuant to Chapter 14. The operation of hosted rental is subject to transient occupancy tax (Chapter 11, art. II) and requires a business license (Chapter 14). The transient lodging registration certificate and business license shall be posted in a conspicuous place on the premises prior to operation of the business. The operator or authorized agent shall include the TOT certificate number and business license number on all contracts or rental agreements, and in any advertising or websites.~~
- 89. Insurance.** The property shall be covered by commercial property insurance.
- 10. Good Neighbor Measures.** ~~The operator shall take reasonable measures to ensure guests at the vacation house rental will not cause excessive noise or otherwise adversely impact neighboring properties during their stay, and that guests are aware Solano County is a “right to farm” jurisdiction. Quiet hours are between 9 p.m. and 8 a.m. A Good Neighbor Flyer, developed by the Department, shall be posted within the interior of the rental unit by the front door and on the interior of each bedroom door.~~
- 11. Minimum Rental Term.** ~~The minimum rental term for a vacation house rental is three (3) consecutive nights.~~
- ~~9. The property owner shall obtain the required permit and complete transient occupancy tax registration prior to advertising or operating the vacation house rental. Online advertisements and/or listings for the vacation house rental shall include the following:~~
- ~~a. Maximum occupancy, not including children under three;~~
 - ~~b. Maximum number of vehicles;~~
 - ~~c. Notification that quiet hours must be observed between 10:00 p.m. and 8:00 a.m.;~~
 - ~~d. Notification that no outdoor amplified sound is allowed; and~~
 - ~~e. The transient occupancy tax certificate number for that property.~~

~~10. — Vacation house rentals shall meet all building and fire codes at all times and shall be inspected by the Fire Department before any short term rental can occur.~~

~~112. **Signs.** An exterior display with the name of the property owner or manager and a current contact phone number shall be located near the front door of the rental unit. Where the front door is not easily accessible from the road, a duplicate display sign shall be located on a fence or post near the entrance to the property. While a vacation house is rented, the owner or a property manager shall be available 24 hours per day, seven days per week, for the purpose of responding within 45 minutes to complaints regarding the condition of the property; ~~operation;~~ or the conduct of ~~occupants of the guests using~~ the vacation house rental ~~or their guests.~~ ~~Items in need of repair may take longer to correct.~~~~

~~1213. **Access.** Shall have direct access from a public or private road that complies with county road standards. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. All connections to county roads shall meet the encroachment permit requirements of the director of resource management, which generally include, but shall not be limited to, paving of the connection within the county road right-of-way.~~

~~14. **Duration of Permit.** A vacation rental house shall be permitted only in compliance with the requirements and standards of this section and all other requirements of the applicable zoning district, subject to the issuance of a land use permit. The permit shall expire upon sale or transfer of the property. Reuse of the dwelling as a vacation house rental by a new property owner shall require approval of a new land use permit.~~

~~15. For purposes of the administrative penalty provisions in Chapter 10 and the business license requirements in Chapter 14, this Section 28.75.30 is part of the County's short-term rental ordinance.~~

~~**B. — Specific Requirements.** Vacation house rentals listed below shall comply with the general requirements in subdivision (A) of this section and the following specific standards:~~

~~**1. — Vacation House Rental, Hosted**~~

~~**a. —** A hosted vacation house rental requires the property owner to reside on the property during the vacation house rental period.~~

~~**b. —** Only one dwelling may be used as a vacation house rental and the property owner must reside in the other dwelling.~~

	A-20	A-40	A-80	A-160
Guest House	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Hosted Rental	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>
Bed and Breakfast Inn				
Agricultural Homestay	<u>AAP</u>	<u>AAP</u>	<u>AAP</u>	<u>AAP</u>
Vacation House Rental	MUP			
Hotel				
Resort Hotel				
Boarding House				
Residential Hotel				

	ASV-20	ATC	ATC-NC
Guest House	<u>A</u>		
Hosted Rental	<u>AP</u>		
Bed and Breakfast Inn	AP	A	A
Agricultural Homestay	<u>AAP</u>		
Vacation House Rental	MUP	MUP	
Hotel	UP	UP	UP
Resort Hotel	UP	UP	UP
Boarding House			
Residential Hotel			

	RR – 2.5	RR-5	RR-10
Guest House	<u>A</u>	<u>A</u>	<u>A</u>
Hosted Rental	<u>AP</u>	<u>AP</u>	<u>AP</u>
Bed and Breakfast Inn			
Agricultural Homestay			
Vacation House Rental	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>
Hotel			
Resort Hotel			
Boarding House			
Residential Hotel			

	RTC#	RTC-MF	RTC-MU	C-H	W
Guest House					<u>A</u>
Hosted Rental	<u>AP</u>				<u>AP</u>
Bed and Breakfast Inn					
Agricultural Homestay					
Vacation House Rental					<u>MUP</u>
Hotel				UP	
Resort Hotel					
Boarding House		A	<u>A</u>		
Residential Hotel		A			

DEPARTMENT OF RESOURCE MANAGEMENT



Planning Services Division

NOTICE OF PUBLIC HEARING (Planning Commission)

NOTICE IS GIVEN that the Solano County Planning Commission will hold a PUBLIC HEARING to consider zoning text amendment ZT-23-01, the Short-Term Vacation Home Rental Ordinance, that would revise and update definitions and regulations for dwellings used as transient lodging facilities, including bed and breakfast inns, agricultural homestays, and vacation home rentals, in unincorporated Solano County. The project has been determined not to have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the General Rule Section 15061(b)(3). (Project Planner: Allan Calder, 707-784-6765)

The hearing will be held on **Thursday, February 16, at 7:00 p.m.** in the Board of Supervisors Chambers, County Administration Center, 1st Floor, 675 Texas Street, Fairfield, California.

The County of Solano does not discriminate against persons with disabilities. If you wish to participate in this meeting and you will require assistance in order to do so, please contact the Department of Resource Management at 707-784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC COMMENTS:

In-Person: You may attend the public hearing at the time and location listed above and provide comments during the public speaking period. Phone: You may provide comments verbally from your phone by dialing **1-415-655-0001** and entering **Access Code 2467 197 1378**. Once entered in the meeting, you will be able to hear the meeting and will be called upon to speak during the public speaking period. Email/Mail: Written comments can be emailed to PlanningCommission@SolanoCounty.com or mailed to Resource Management, Planning Commission, 675 Texas Street, Suite 5500, Fairfield, CA 94533 and must be received by 10:00 a.m. the day of the meeting. Copies of written comments received will be provided to the Planning Commission and will become a part of the official record but will not be read aloud at the meeting.

Staff reports and associated materials will be available to the public approximately one week prior to the meeting at www.solanocounty.com under Departments; Resource Management; Boards, Commissions & Special Districts; Solano County Planning Commission.

If you challenge the proposed consideration in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Daily Republic – DISPLAY AD/one time in NEWS SECTION – Wednesday, February 1, 2023

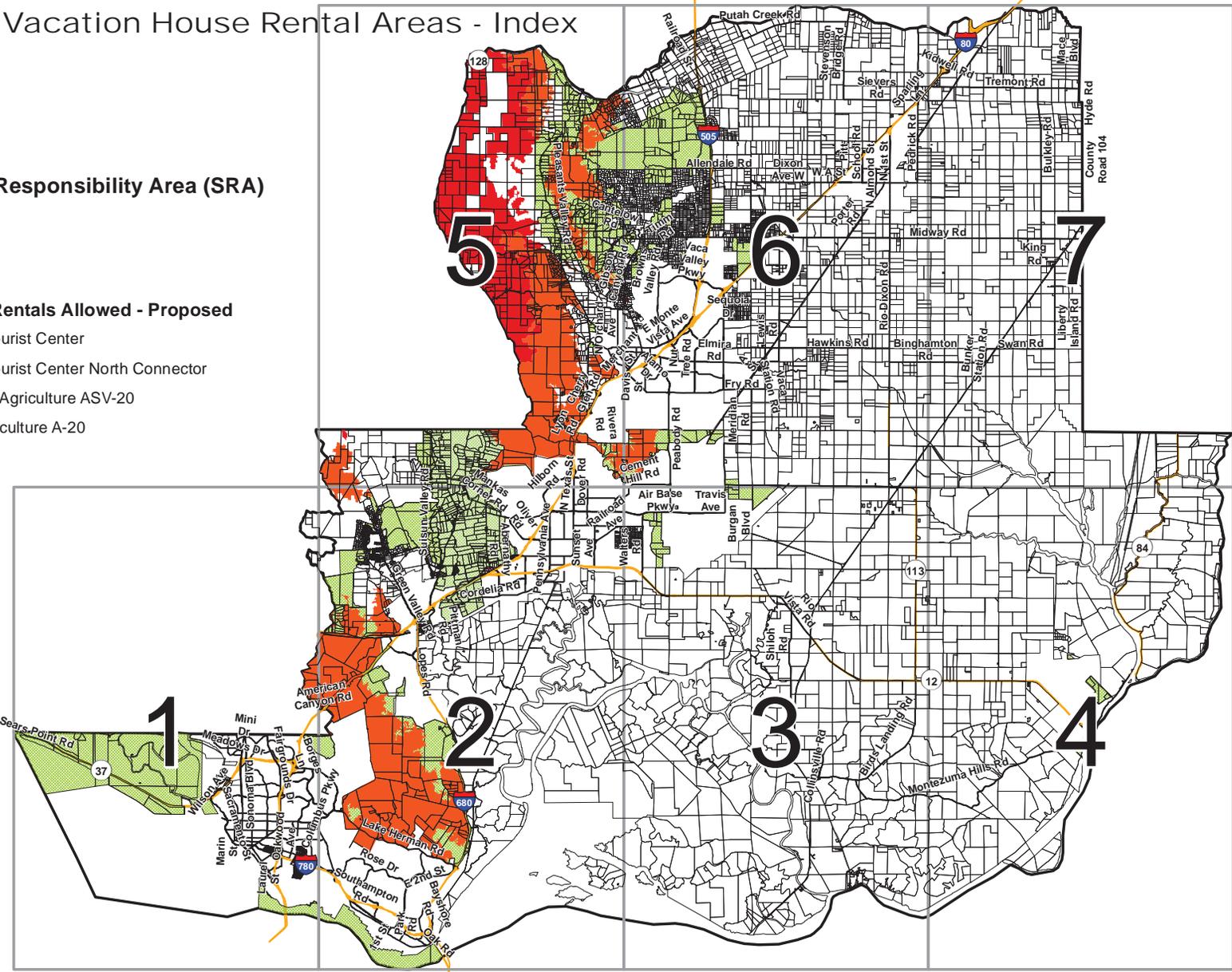
Proposed Vacation House Rental Areas - Index

Cal Fire State Responsibility Area (SRA)

- Very High
- High
- Map Index

Vacation House Rentals Allowed - Proposed

- Agricultural Tourist Center
- Agricultural Tourist Center North Connector
- Suisun Valley Agriculture ASV-20
- Exclusive Agriculture A-20

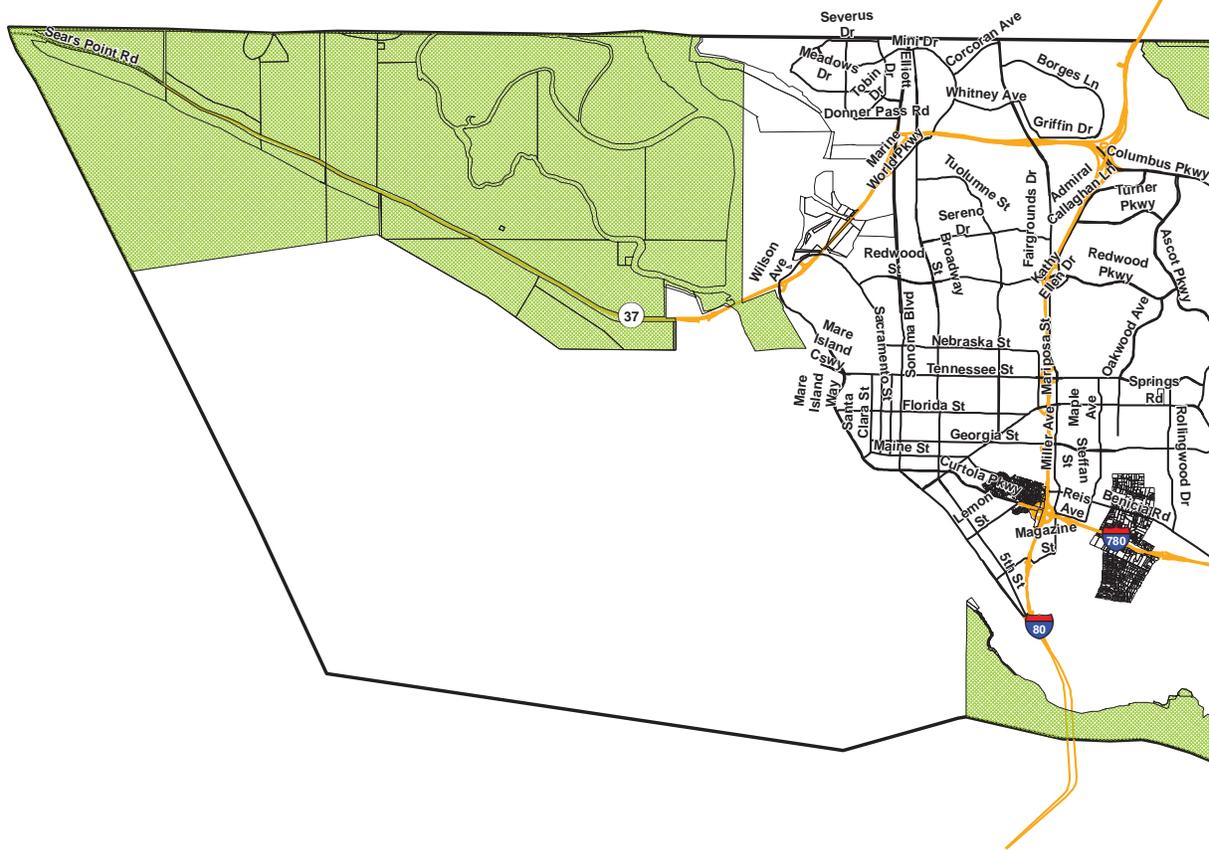


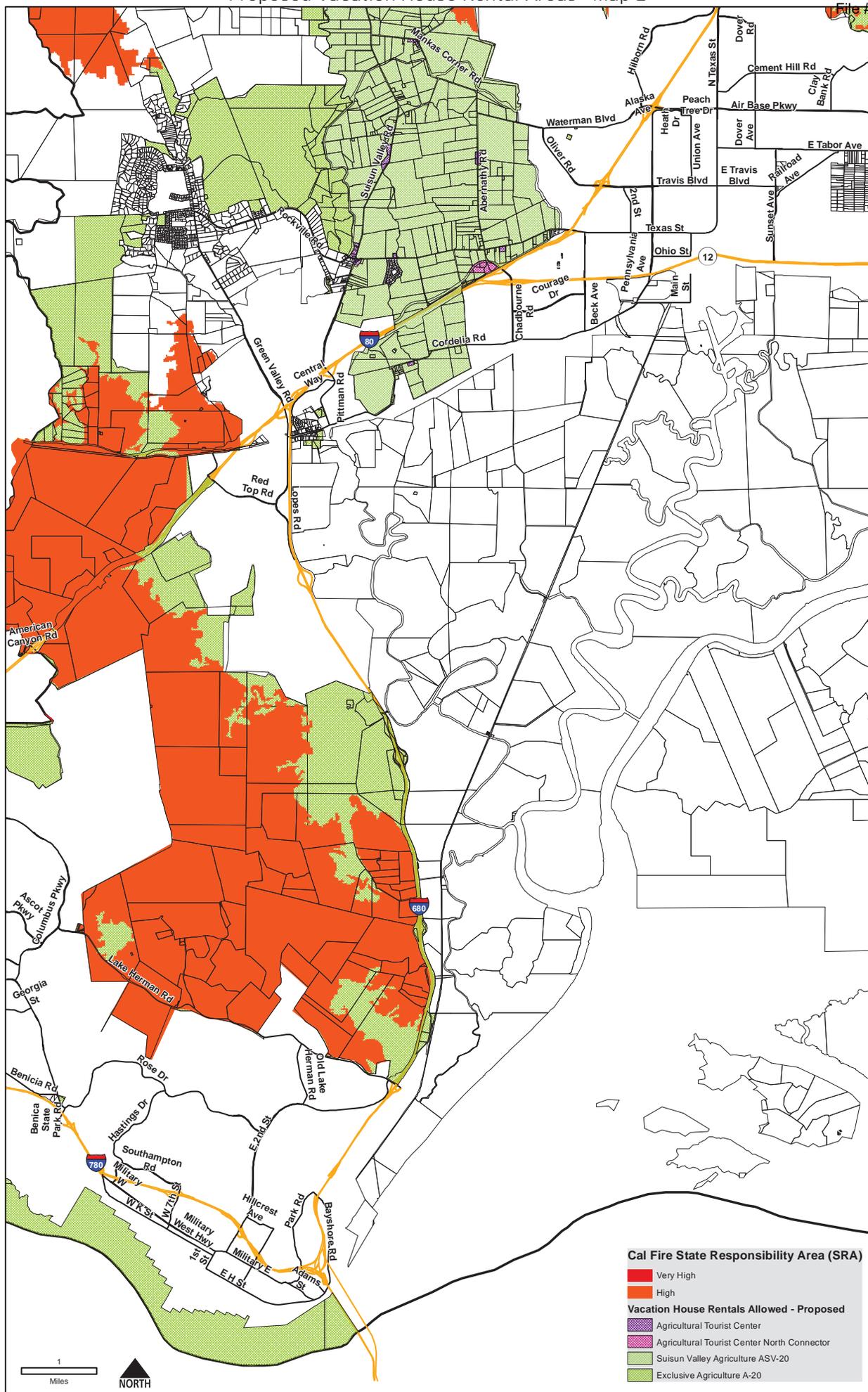
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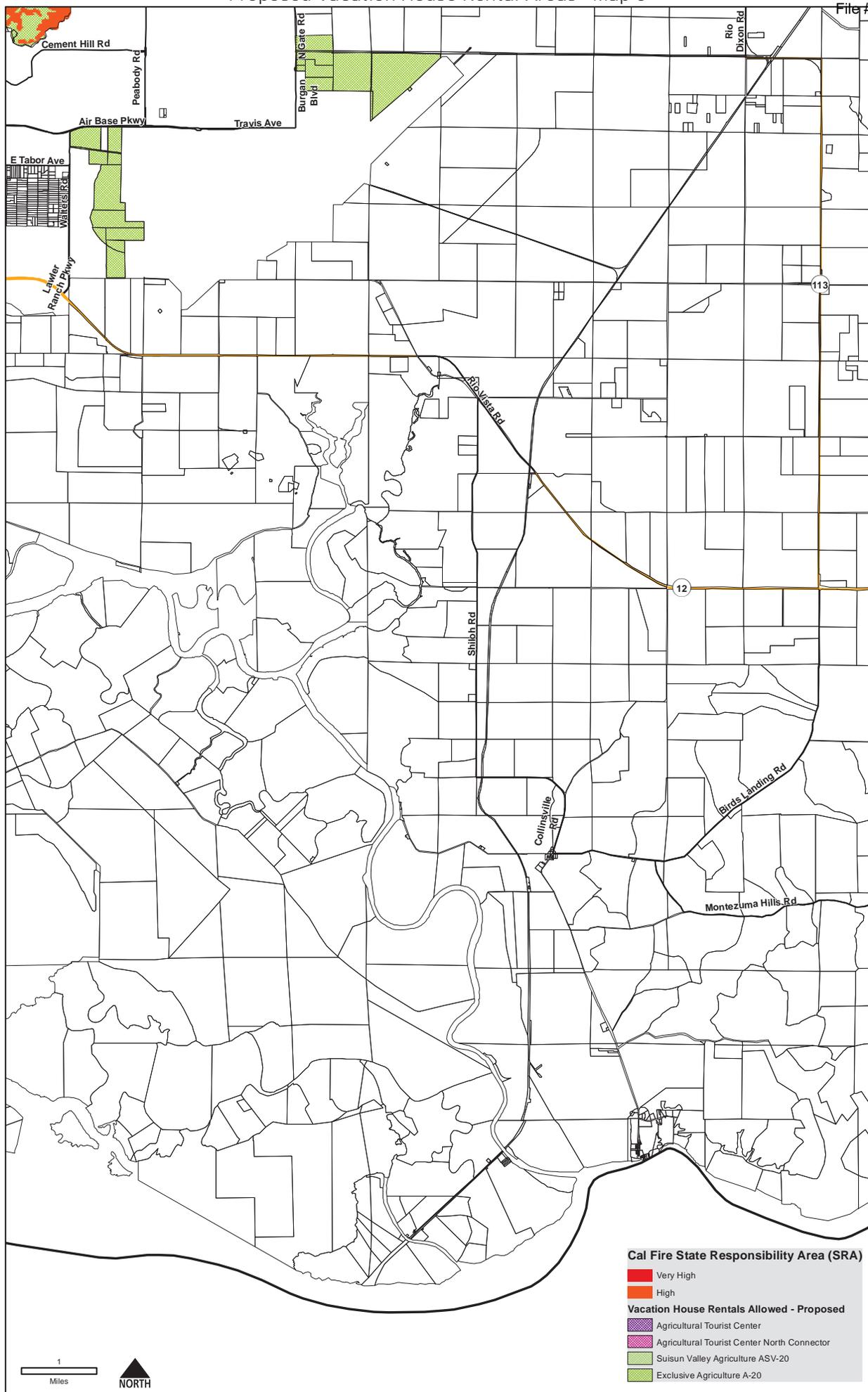
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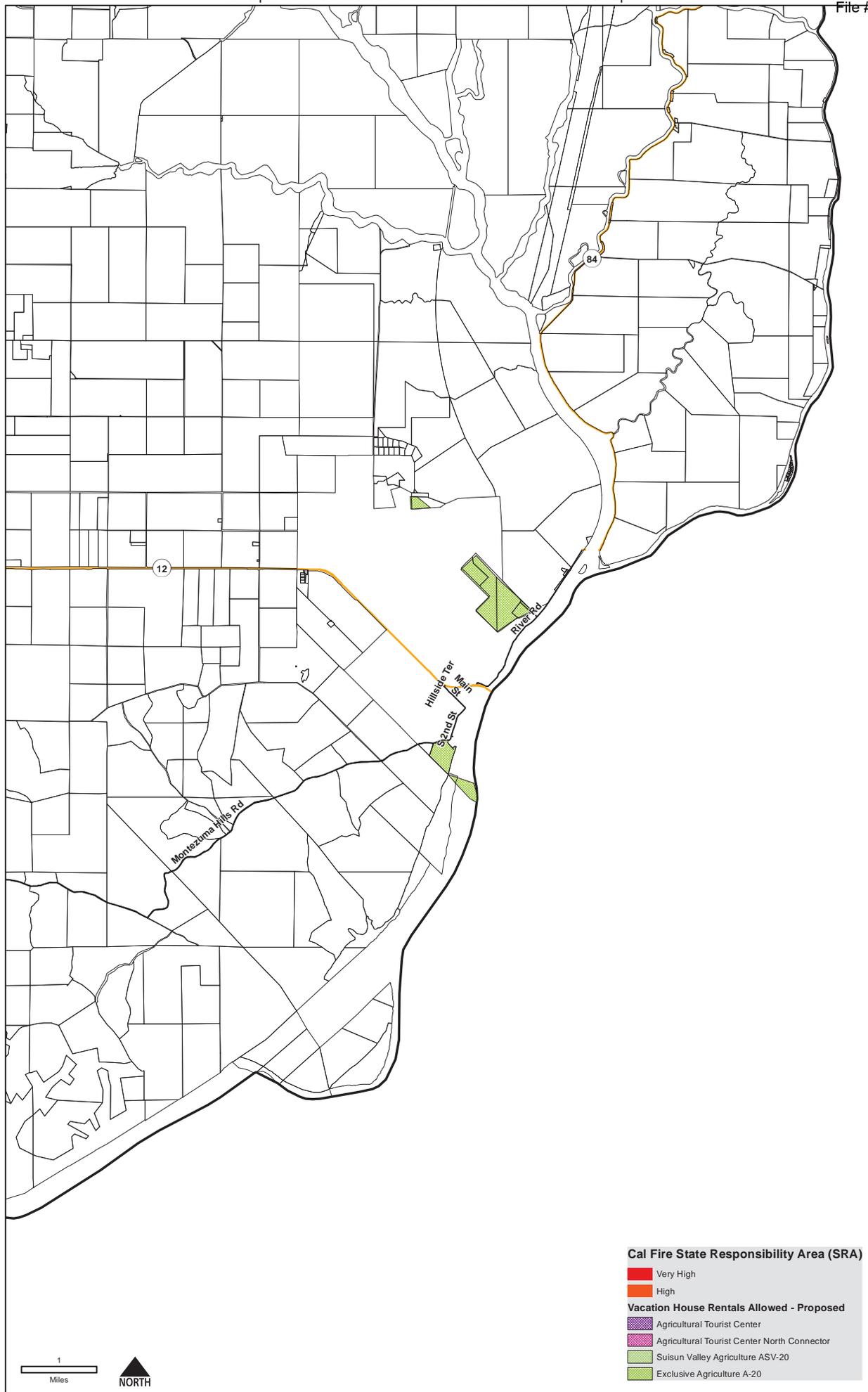
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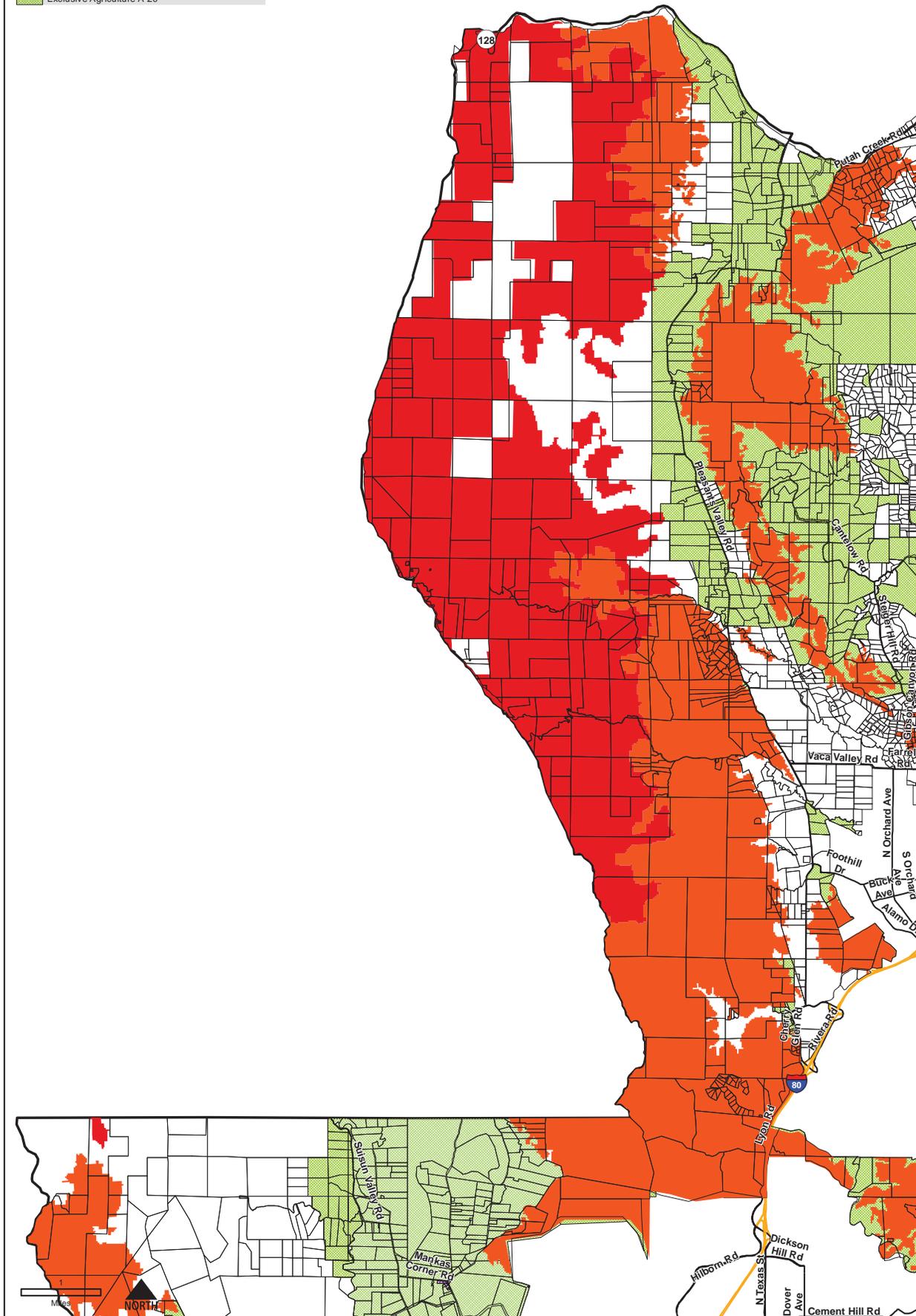


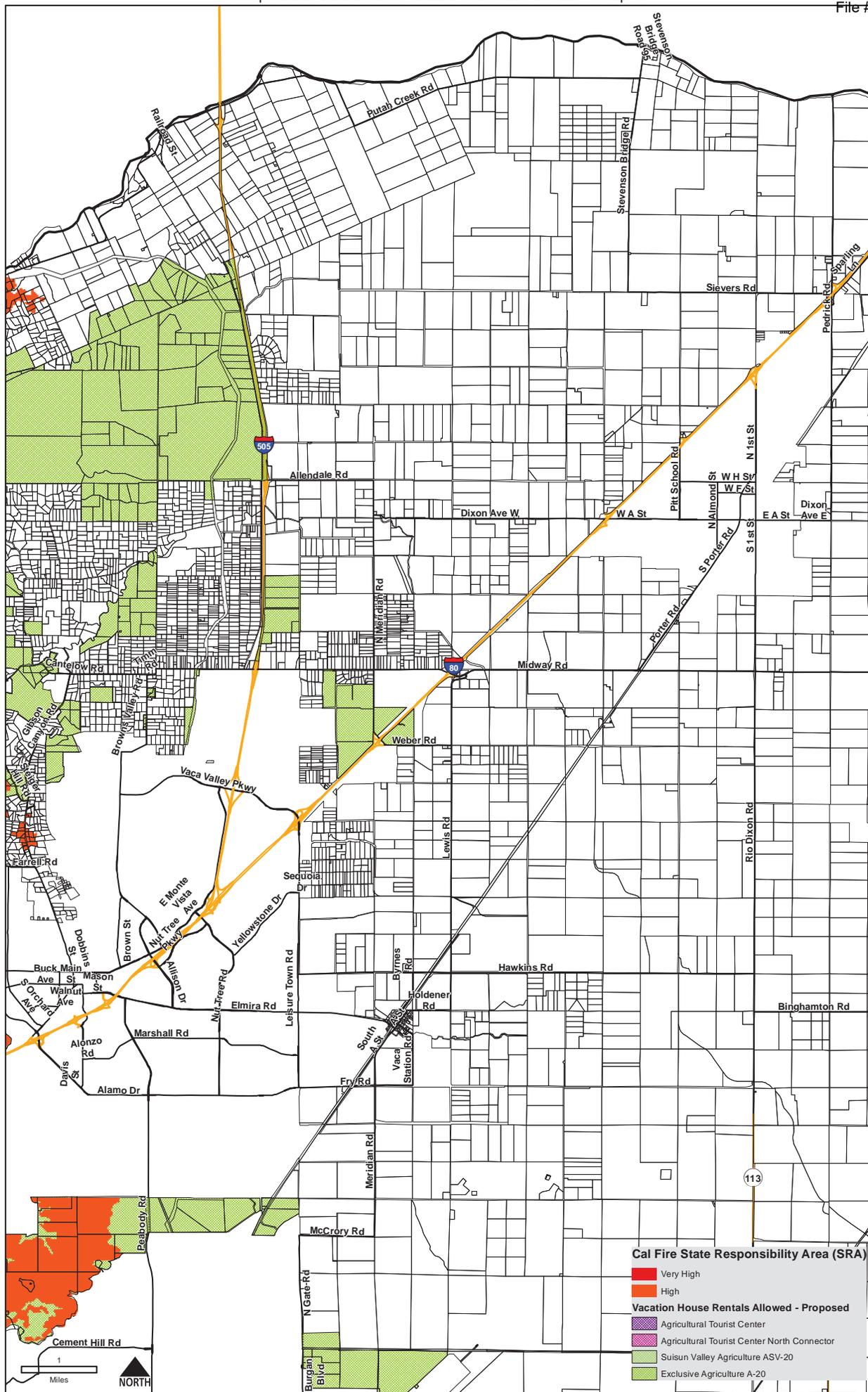






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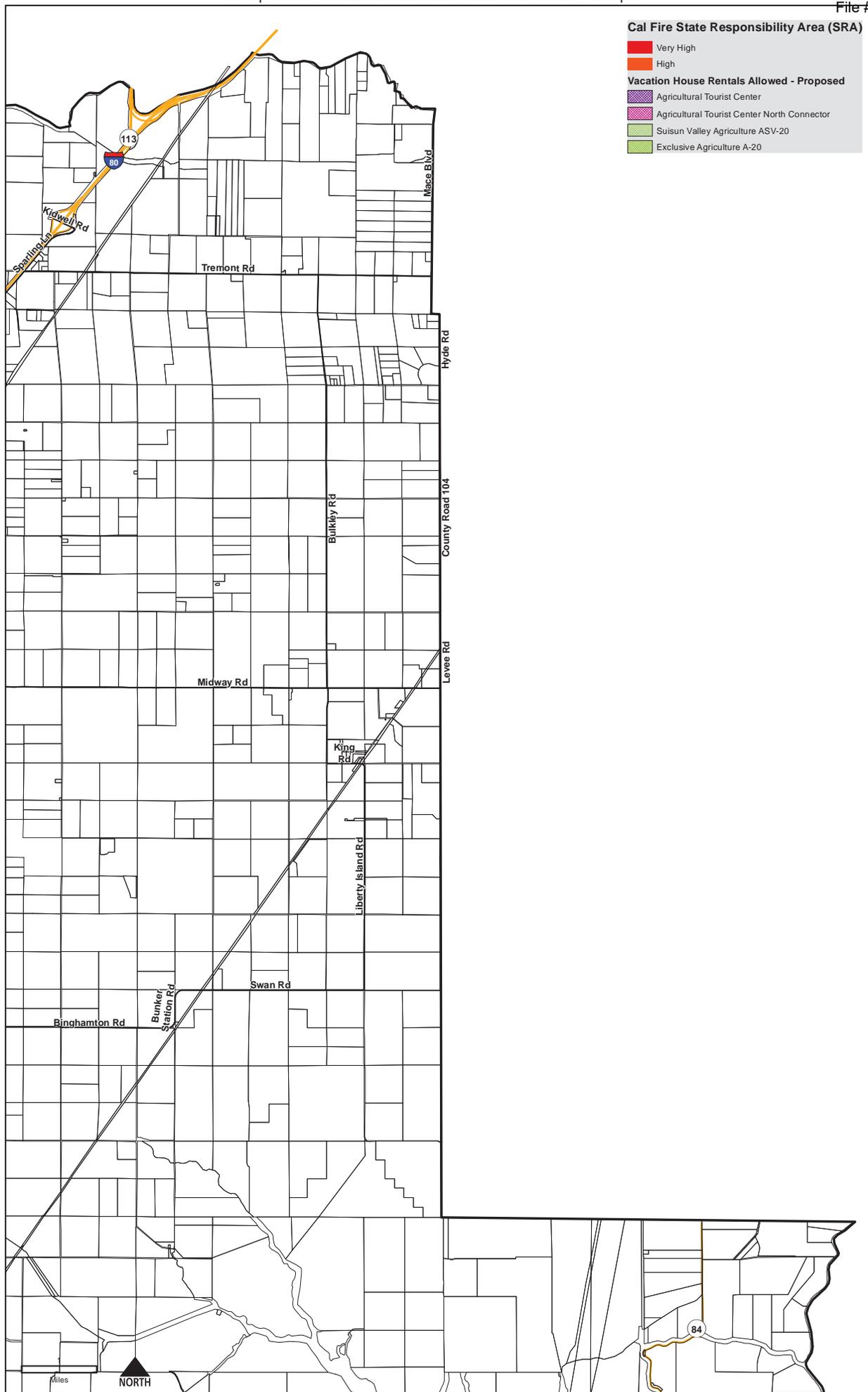
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1 Miles
NORTH



Section No.:	Topic	Current Code	Proposed	Outcome
28.01 - Definitions	Agricultural Homestay	Kitchen is regulated by CA Health and Safety Code and Food and Agricultural Codes.	A simplified definition that eliminates references to the Health and Safety and Food and Agriculture Codes. Agricultural Homestays are allowed in zone districts A-20 – 160 and ASV-20 with Administrative Permits.	
28.01 - Definitions	Bed and Breakfast Inn		A simplified definition establishing a minimum of two (2) guest rooms for transient accommodations provided by a resident family for compensation, with or without meals. Permitted in ASV-20 zone districts with an Administrative Permit.	
28.01 - Definitions	Guest Room	New definition	Establishing a residential accessory building used for sleeping purposes which does not have a kitchen but can allow a full or half bath and/or a wet bar.	
28.01 - Definitions	Hosted Rental		A single-room bed and breakfast inn dwelling in which transient lodging accommodations are provided, by the resident family for compensation, with or without meals. Hosted rentals are allowed in zone districts A-20 – 160, ASV-20, RR-2.5, RR-5, RR-10, RTC# and W with Administrative Permits.	
28.01 - Definitions	Rooming or Boarding House		A building, other than a hotel, residential hotel, vacation house rental, or resident-occupied dwelling, where lodging is provided for compensation.	
28.01 - Definitions	Vacation House Rental		A dwelling with no more than five (5) guestrooms or sleeping rooms that is offered, used, let, or hired out for compensation, direct or indirect, for periods of 30 consecutive days or less. Vacation House Rentals are allowed in A-20, ASV-20, ATC with Minor Use Permits.	
28.01 - Definitions	Wet Bar	New definition	A single, bar-sized sink with minimal cabinets and counters that does not include a gas or electric range, cook top, oven or refrigerator.	
28.23.50.20 Residential Uses	Restriction of using a secondary dwelling as a VHR		A secondary dwelling shall not be used as a Vacation House Rental unless approved for such use in accordance with Section 28.75.30.	

Section No.:	Topic	Current Code	Proposed	Outcome
28.23.50.50 (B) (6) Tourist Uses	Requirement to provide proof of water and sewer services prior to operation		Shall obtain necessary approvals for adequate water supply and sewage disposal facilities prior to operation.	
28.23.50.50 (C) (6) Tourist Uses	Bed and Breakfast		Shall be restricted to one single-family dwelling, or one single-family dwelling plus a legally established guest house, which is the primary residence of the bed and breakfast operator. Maximum of five (5) guest rooms. Shall provide one off-street parking space for each guestroom, plus two spaces for the dwelling. The operator shall reside on-site during all times that guests are present. The operation of a bed and breakfast inn is subject to transient occupancy tax and requires a business license.	
28.23.50.50 (C) (10) Tourist Uses	Agricultural Homestay		Operation is to comply with standards for agricultural homestays in Section 28.72.10.	
28.72.30 RESIDENTIAL ACCESSORY USES AND BUILDINGS (B) (1) (f) (2)	Guest House requirements		In addition to providing extra living and sleeping space for guests of the resident family, a guest house may be used by the resident family as an art or music studio, recreation or exercise room, office, or other similar living space use, but may not be used for a commercial use, including transient lodging for compensation, unless otherwise allowed by this chapter.	
28.72.40 HOME OCCUPATIONS, COTTAGE INDUSTRIES, HOSTED RENTALS, AND OTHER COMMERCIAL USES OF RESIDENTIAL PROPERTY (B) (5)	Hosted Rentals		A hosted rental shall be restricted to one single-family dwelling, or one single-family dwelling plus a legally established guest house, which is the primary residence of the hosted rental operator. Maximum of one (1) guest room or sleeping area. Limit of one (1) one vehicle associated with the transient use. The operation of a hosted rental is subject to transient occupancy tax and requires a business license.	
28.75 TOURIST USES (B) (1)	Agricultural Homestay		Shall be restricted to one single-family dwelling or one single-family dwelling plus a legally established guest house, which is the primary residence of the agricultural homestay operator. Shall be located on a	

Section No.:	Topic	Current Code	Proposed	Outcome
			<p>farm on which the production of agricultural products is the resident family's primary source of income. Maximum of five (5) guest rooms. Shall provide one off-street parking space for each guestroom, plus two spaces for the dwelling. The operator shall reside on-site during all times that guests are present. The operation of a Agricultural Homestay is subject to transient occupancy tax and requires a business license.</p>	
<p>28.75.30 VACATION HOUSE RENTALS</p>	<p>Vacation House Rental requirements</p>		<p>A vacation house rental shall be limited to one single-family dwelling, or one single-family dwelling plus a legally established guest house, on the parcel. The maximum occupancy for a vacation house rental is up to two (2) guests per bedroom, plus two (2) additional guests per property, up to a maximum of ten (10) guests, not including children under three (3) years of age. One on-site parking space for each bedroom in the vacation house rental, including any guest house, must be provided and available for use by guests. VHRs not be approved for use as a vacation house rental if, as of the date a complete permit application for such use is submitted, the property is located in an area designated as a High or Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE). In the ASV-20 zoning district, a dwelling shall not be approved for use as a vacation house rental if the property is in an area designated as a Very High Fire Hazard Severity Zone. The operator shall take reasonable measures to ensure guests at the vacation house rental will not cause excessive noise or otherwise adversely impact neighboring properties during their stay, and that guests are aware Solano County is a "right to farm" jurisdiction. The minimum rental term for a vacation house rental is three (3) consecutive nights.</p>	
<p>TABLES OF PERMITTED USES</p>	<p>Establishes allowed uses and required permits per zone</p>		<p>The Exclusive Agricultural District (A-20, A-40, A-80 and A-160), the Suisun Valley Agricultural District (ASV-20), Agricultural Tourist Center (ATC), Agricultural Tourist Center – Neighborhood Commercial (ATC-NC), Rural Residential zone districts</p>	

Section No.:	Topic	Current Code	Proposed	Outcome
	district		<p>(RR-2.5, RR-5 and RR10), Residential Traditional Community 1 acre – 5ac (RTC 1AC-5), Residential Traditional Community – Multi Family (RTC-MF), Residential Traditional Community – Mixed Use (RTC-MU), CH (Commercial Highway) and the Watershed and Conservation District (W) contain Tables of Permitted Uses which list the types of land uses which are permissible as well as the type of permit required to conduct specific land uses. There are several proposed revisions to each of these Tables to reflect changed land uses, new land uses and eliminated land uses. Minor Use Permits will be required for all VHRs in zone districts where they are permitted, establishing conditions of approval (COAs) and allowing for public notification and input into the permitting process. Typical conditions of approval will include: general permit requirements, compliance with performance standards (noise, trash removal, home safety, signage and limitations of outdoor fire uses), parking requirements, compliance with disclosures such as “right to farm”, project access and property management regulations.</p>	