



# SOLANO COUNTY

## Land Use and Transportation Committee

**Meeting of May 21, 2024 at 1:30 p.m.  
675 Texas Street, Fairfield - 6<sup>th</sup> Floor Conference Room 6003**

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 call 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.

**ATTENTION:** [Please see the instructions below for telephonic participation option for the meeting.](#)

To submit comments verbally from your phone, you may do so by dialing: **1-323-457-3408** and using Access Code **926 883 327#** on your phone. 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. Please use your phone's Mute feature when not speaking.

### - A G E N D A -

1. **Public Comment** (*This is the opportunity for members of the public to address the committee on matters not listed on the agenda.*)
2. **Discussion items:**
  - A. Draft Solano County Tiny Home Ordinance
  - B. Battery Energy Storage System – Program Update
  - C. Small Special Event Facilities - Barriers to Market Entry
3. **Committee Member Comments**
4. **Adjournment**

## 2.A DRAFT SOLANO COUNTY TINY HOME ORDINANCE

### Definitions:

#### **Moveable Tiny House.**

A structure no larger than 400 square feet intended for separate, independent living quarters, designed and built as a permanent, year-round residence for one household that meets these nine conditions:

1. Is licensed and registered with the California Department of Motor Vehicles and meets National Fire Protection Association (NFPA) 1192 RV standards, or if certified after January 1, 2021, meets American National Standards Institute (ANSI) 119.5 Park Model standards and the provisions of the California Building Code, including 2019 CA Residential Code Appendix Q Tiny Houses. Certification must be made by a qualified third-party inspector accredited through American Society for Testing and Materials.
2. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, and is not designed to move under its own power;
3. Is no larger than allowed by California State Law for movement on public highways;
4. Has at least 120 square feet of first floor interior living space;
5. Is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation;
6. Is designed and built to look like a conventional building structure, using conventional building materials, and is thus architecturally distinct from traditional mobile homes and recreational vehicles;
7. Is sited behind the principal residential dwelling unit, between the applicable rear setback line and the principal residential dwelling unit.
8. Substantially complies with local building, health, and safety codes as set forth in this code so that it qualifies as a permanent dwelling; and
9. Is placed on a permitted permanent moveable tiny house foundation.

#### **Tiny House.**

A structure intended for separate, independent living quarters, designed as a permanent, year-round residence for one household that meets these six conditions:

1. Is built or installed on a permanent foundation or anchored with a foundation system meeting the State approved requirements for manufactured housing, or that is designed by a licensed architect or engineer to meet those requirements;
2. Is no larger than 400 square feet;
3. Has at least 120 square feet of first floor interior living space;
4. Is designed and built to look like a conventional building structure, using conventional building materials, and is thus architecturally distinct from traditional mobile homes and recreational vehicles;
5. Is sited behind the principal residential dwelling unit, between the applicable rear setback line and the principal residential dwelling unit; and
6. Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation.

### **Tiny Houses and Moveable Tiny Houses as ADUs.**

A Tiny House as defined in [REDACTED] that meets all applicable building and development standards in this code is deemed a single-family dwelling and is allowed as an ADU. A Moveable Tiny House as defined in [REDACTED] that meets all applicable building and development standards in this code, and meets the criteria in [REDACTED], is deemed a single-family dwelling and is allowed as an ADU.

### **Recreational Vehicles as Tiny Houses in Residential Zones.**

Moveable tiny houses shall be considered an additional type of accessory dwelling unit, allowed as an accessory use to single-unit residential dwelling unit, consistent with [Government Code, Section 65852.2, subdivision \(g\)](#) which allows cities to adopt less restrictive requirements than the State-mandated minimums for accessory dwelling units. A moveable tiny house that meets the definition in this subsection may be built and occupied as a new detached accessory dwelling unit, subject to the Director of Resource Management's or their designee review and approval of a Director's Action application if it complies with [the standards of this subsection](#).

### **Movable Tiny House Development Standards.**

Moveable tiny houses must meet the development standards of this section.

- A. **Design.** The Director of Resource Management or their designee, shall review the design of each proposed moveable tiny house to ensure that the structure is designed to look like a conventional building structure and is architecturally distinct from traditional mobile homes and recreational vehicles. The undercarriage (wheels, axels, tongue and hitch) must be hidden from view. Moveable tiny houses must conform with the requirements for new detached accessory dwelling units and thus must conform to the setbacks, lot coverage, height, and other applicable zoning requirements of the zoning district in which the site of the proposed moveable tiny house is located, except as modified by this subsection.
- B. **Location:** THOW shall be sited behind the principal residential dwelling unit, between the applicable rear setback line and the principal residential dwelling unit. A THOW shall not be located in an existing driveway.
- C. **Maximum Floor Area.** The maximum square footage of habitable floor space for a moveable tiny house shall be 440 square feet.
- D. **Energy Efficiency.** Applications submitted for tiny houses shall demonstrate that the tiny home has been constructed to exceed ANSI energy standards through one of the following methods:
  - a. Include insulation with values of R13 for the walls and R19 for the floor and ceiling; or
  - b. Ensure that the stud/joist/rafter space in the walls, floors and ceiling are completely filled with insulation.
- E. **Parking.** Moveable Tiny Houses shall not require additional parking.
- F. **Replacement Parking.** Where a moveable tiny house occupies a required parking space, a replacement parking space is required. A replacement parking space may be in any configuration on the same lot as the moveable tiny house, including but not limited to covered spaces, uncovered spaces, or tandem spaces. Parking shall be permitted only in those locations specified in these Zoning Regulations.

- G. **Mechanical Equipment.** All mechanical equipment, other than solar energy panels or collectors, for a moveable tiny house shall be incorporated into the structure and shall not be located on the roof.
- H. **Utility Connections and Requirements.** Moveable tiny houses shall have adequate, safe, and sanitary utility systems providing water, sewer, heat, cooling, and electric power, as determined by the Director of Resource Management or their designee, and the Building Official. Moveable tiny houses shall comply with the utility requirements applicable to accessory dwelling units as stated in [REDACTED]. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the ADU, including any septic or waterless toilet systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply.
- I. **Permanent Moveable Tiny House Foundation Requirements.** Once sited on the parcel of the primary unit, moveable tiny houses shall be mounted onto a permitted, permanent foundation that meets the requirements of NFPA 225 or equivalent foundation and installation safety standards as determined by the Director of Resource Management or their designee and Building Official, and shall meet the following additional foundation requirements:
- a. If the wheels are removed so the moveable tiny house sits directly on the permanent foundation, the foundation shall follow the state approved requirements for foundation systems for manufactured housing.
  - b. If the moveable tiny house does not have its wheels removed, then all wheels and leveling/support jacks must sit on a permitted, permanent concrete or asphalt surface sufficient to support its weight, secured to prevent movement, and the wheels, leveling/support jacks, and undercarriage must be skirted and not visible.
  - c. **OPTION 1:** If the wheels are not removed, the parking area shall include bumper guards, curbs, or other installations adequate to prevent movement of the unit. The wheels and leveling or support jacks must sit on a hard-paved surface (i.e. durable asphaltic paving, porous asphalt or concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock or compacted gravel.)
  - d. **OPTION 2:** The moveable tiny house shall not have its wheels removed, and all wheels and leveling/support jacks shall sit on a concrete, paved, or compacted gravel surface sufficient to support its weight.
- J. **Pedestrian Access.** An all-weather surface pedestrian path from the street frontage to the main entrance of the moveable tiny house shall be provided.
- K. **Addresses.** Moveable tiny houses may be given separate street addresses from the primary unit.
- L. **Emergency and Rescue Openings.** Moveable tiny houses shall meet the requirements of Section R310 of the California Building Code for emergency escape and rescue openings. Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet this requirement if installed such that the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of California Building Code Section R310.2.1.
- M. **Outside Decking Requirement.** All moveable tiny houses shall have a minimum of eighty square feet of exterior deck area adjacent to the moveable tiny house. (M) Class "A" Roof Requirement. All moveable tiny houses shall have a roof, including skylights and any egress roof access window, that meets the standards for a Class "A" roof assembly as tested in accord with ASTM

E108 or UL 790 standards or equivalent fire roof assembly safety standards requirements as demonstrated by sufficient evidence satisfactory to the Director of Resource Management or their designee.

- N. **Defensible Space Requirement.** All moveable tiny houses shall have a minimum of five feet of defensible space surrounding the moveable tiny home and the adjacent, exterior deck area, consistent with the defensible space standards in **Public Resources Code section 4291.**
- O. **Prohibition on Excessive Movement.** No parcel may be approved for more than one moveable tiny house in a 12-month period. No parcel may contain more than one moveable tiny house at a time. No parcel may contain both a moveable tiny house and a conventional accessory dwelling unit.
- P. **Renewal.** The Director of Resource Management or their designee shall renew the approval of a movable tiny home for a period of five years upon receipt of a complete application and completion of an inspection by the County to confirm continued compliance with the standards in this section.

#### **Application.**

- A. In addition to submitting the application materials for an accessory dwelling unit, an applicant for a moveable tiny house shall submit proof that:
  - a. The proposed moveable tiny house is licensed and registered with the California Department of Motor Vehicles;
  - b. The proposed moveable tiny house has been certified by a qualified third-party inspector as meeting ANSI 119.2 or 119.5 or NFPA 1192 standard requirements, or was built to meet ANSI 119.2 or 119.5 or NFPA 1192 standards or equivalent fire and life safety standards requirements, or the provisions of the California Building Code, including 2019 CA Residential Code Appendix Q Tiny Houses, as demonstrated by sufficient evidence satisfactory to the Director of Resource Management or their designee;
  - c. THOW's located in Wildland Urban Interface shall be designed with materials and construction methods for exterior wildfire exposure in compliance with Section R337 of the California Residential Code and local ordinance.
  - d. The applicant is the property owner, or, if not, that the property owner has signed the application form, consenting in writing to the intended location of the proposed moveable tiny house;
  - e. The proposed moveable tiny house meets the standards of this subsection.
  - f. The proposed moveable tiny house will be located on a permitted permanent movable tiny house foundation, which may be either simultaneously permitted with the proposed moveable tiny house or a previously permitted permanent moveable tiny house foundation; and
  - g. Prior to the issuance of building permits, **a covenant agreement** shall be recorded which discloses the structure's approved floor plan, status as a movable tiny home, agreeing that the property will be owner-occupied and that the movable tiny house shall not be utilized as a vacation house rental (VHR). This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for annual

inspections for compliance with the agreement and to verify continued compliance with requirements of this Section and health and safety codes. If a property can no longer be occupied as the owner's primary place of residence, the movable tiny home shall no longer be used as overnight sleeping quarters.

**WASTEWATER OPTIONS:**

- 1. Utility Connections and Requirements.** Moveable tiny houses shall have adequate, safe, and sanitary utility systems providing water, sewer, heat, cooling, and electric power, as determined by the Director of Resource Management or their designee, and the Building Official. Moveable tiny houses shall comply with the utility requirements applicable to accessory dwelling units as stated in Section \_\_\_\_\_. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the ADU, including any septic or **waterless toilet systems** used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply. The unit shall be plumbed to allow connection to an approved means of sewage disposal, septic system, **or waterless toilet. Portable or enclosed waste storage tanks that are permitted by the County Environmental Health Department are not allowed solely for sewage disposal of the Tiny Movable House.**
- 2. Utility Connections and Requirements.** Moveable tiny houses shall have adequate, safe, and sanitary utility systems providing water, sewer, heat, cooling, and electric power, as determined by the Director of Resource Management or their designee, and the Building Official. Moveable tiny houses shall comply with the utility requirements applicable to accessory dwelling units as stated in Section \_\_\_\_\_. Where wastewater treatment is not available, a private sanitation and/or water supply system must meet County Health Department requirements. Outside Urban Service Areas, sanitation facilities, plumbing, and water supply for the ADU, including any septic ~~or waterless toilet~~ systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply. **The unit shall be plumbed to allow connection to an approved means of sewage disposal or septic system or waterless toilet. Portable or enclosed waste storage tanks are not allowed for sewage disposal.**
- 3. Off-Grid Systems.** If not connected to a local electric utility power source, an off-grid system may be used that is designed to provide sufficient power based on the expected loads. All off-grid systems shall include solar panels and battery storage. Within the Urban Service Areas, a THOW shall not rely on a generator as a primary source of electric power and may include provisions for connection to a generator and meet all requirements of the California Electrical Code and local ordinance. Outside the Urban Service Areas, the generator shall be a stationary emergency stand-by generator as defined in, and in compliance with \_\_\_\_\_.

**PROGRAM OPTIONS:**

- 1. Limited Pilot Program.** The County's moveable tiny house ordinance is a limited, two-year pilot program and therefore the County shall issue no more than 24 zoning clearances for permanent moveable tiny house foundations per calendar year, on a first come, first available basis, during the two-year pilot program period.







## Tiny Homes For Sale



2018 Cypress 20 Overlook

**BIG PRICE DROP**

**\$617** /mo\*

\$ Deposit	\$7,787
🛏 Sleeps	2 in loft
🏠 Size	165 + 77 ft <sup>2</sup> in loft



2024 Farallon 26 Alta

**SOLD**

**\$947** /mo\*

\$ Deposit	\$12,159
🛏 Sleeps	2 + 4 in lofts
🏠 Size	225 + 137 ft <sup>2</sup> in lofts



2018 Cypress 26 Equator

**BIG PRICE DROP**

**\$712** /mo\*

\$ Deposit	\$14,370
🛏 Sleeps	1 + 2 in loft
🏠 Size	215 + 77 ft <sup>2</sup> in loft

## 2.B BATTERY ENERGY STORAGE SYSTEM – PROGRAM UPDATE

### Solano County Planning Division Launches Battery Energy Storage Systems Ordinance Development Process

The Solano County Planning Division is embarking on a proactive initiative to develop a comprehensive ordinance regulating Battery Energy Storage Systems (BESS) permitting within the unincorporated county. This initiative comes in response to recent developments, including the approval of an urgency ordinance by the Solano County Board of Supervisors on January 23, 2024, imposing a temporary moratorium on BESS approvals. The moratorium aims to provide sufficient time for the drafting of specific criteria ensuring the safe and responsible deployment of BESS while safeguarding public health, safety, and welfare.

The Planning Division has formed a Technical Working Group (TWG) comprising stakeholders representing diverse local interests. This collaborative effort aims to address various facets of BESS regulation, including land use planning, fire protection standards, community benefits agreements, and environmental considerations. The TWG will meet monthly from May to December 2024 to advise the development siting guidelines for BESS facilities while Solano County Planning staff draft a comprehensive zoning ordinance specific to BESS.

Key elements being addressed include:

**1. Fire Safety Standards:** Given recent incidents at BESS facilities nationwide, the TWG will prioritize fire safety considerations. Expert speakers will address fire protection standards during TWG meetings, focusing on NFPA 855 and UL 9540 certifications.

**2. Agricultural Impacts Mitigation:** The TWG will explore measures to mitigate the impact of BESS installations on agricultural land, including prime vs. non-prime agricultural considerations and potential mitigation strategies.

**3. Community Benefits:** Emphasizing community engagement, the TWG will analyze existing and potential community benefit models to maximize benefits for Solano County residents, workers, and business owners.

**4. Decommissioning and Recycling:** The TWG will discuss requirements for BESS decommissioning, including considerations for land use, groundwater, and hazardous materials impacts. Additionally, recycling initiatives will be explored to minimize environmental impacts.

**Public Input:** Two public workshops will be held to solicit feedback on the draft ordinance, ensuring transparency and public participation in the regulatory process. The first Public Workshop will be held in July and the second will be held in October 2024.

The Planning Division has also applied for a \$100,000 grant from the California Clean Energy Planning Program to support the ordinance development process.

The Planning Division encourages public participation in the ordinance development process and invites residents to attend public workshops to provide input and feedback.

**Contact:** Erik Hagstrom, CivicSpark Planning Fellow, Department of Resource Management, 707 384-3066, ehagstrom@solanocounty.com

## 2.C SMALL SPECIAL EVENT FACILITIES - BARRIERS TO MARKET ENTRY

### GOAL:

To explore ways to assist Small Special Event operators to successfully and incrementally grow their businesses with reduced County requirements and related costs.

### PROPOSAL:

1. Per the recommendation in the 2008 Suisun Valley Strategic Plan (SVSP), on properties with wineries, allow ten (10) “By-Right” Small Special Events per year.
  - OPTION 1: Allow a minimum of six (6) per SVSP recommendations, or
  - OPTION 2: Allow up to 12 special events per year.
2. For other Small Special Event Operators County-wide (outside of SVSP area):
  - Currently allowed with Minor Use Permits (MUP – 3-6 months, =-\$1,800 fee).
  - OPTION 1: If agritourism or an agricultural production use is already underway on the property, staff proposes to reduce the permit type to an Administrative Permit (AP – 2-4 months, \$1,198 fee) and allow up to 10 “by-right” special events per calendar year.

	Existing Permit	Proposed Permit	# of Events per season	Notes
Small Event Facility (with winery)	MUP (3-6 months \$1,800)	By Right (No fee)	6 min up to 12	LUTC / BOS discretion
Small Event Facility (with Ag tourism or ag production on site)	MUP (3-6 months \$1,800)	Admin Permit (AP) (2 - 4 months - \$1,198)	6 min up to 12	LUTC / BOS discretion
Small Event Facility (No winery, Ag tourism or ag production on site)	MUP (3-6 months \$1,800)	MUP (3-6 months \$1,800)	6 min up to 12	

### 3. Septic Systems:

- Allow up to 21 days per year for simple “Porta Potty” use. Can be in any combination but not to exceed 21 total days per calendar year (i.e. 10 – 2-day events = 20 days, or 10 – 1-day events = 10 days, etc.).
  - 21-day allowance became a precedent from the early Fairground days.
- If more than 10 events per season (up to 20), applicant would be required to obtain a Minor Use Permit and need to rent / utilize a “portable bathroom facility” (upgraded porta potty system on a trailer). 21 total days per calendar year for portable toilet use applies. For all portable toilets, the number would be based on environmental health department standards.
- If more than 20 events per season (up to max. # per staff allowance), applicant would be required to obtain a Conditional Use Permit (CUP) and to install permanent restroom facilities. Site would then be permitted as a Special Events Facility.



Photos courtesy of Black-Tie Products <https://blacktieproducts.com/gallery/>

