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MEMORANDUM

Agenda Item No. 3

TO: Solano County Planning Commission

FROM: Jim Leland, Principal Planner

SUBJECT: Study Session regarding the proposed revisions to Chapter 28 (Zoning Regulations) including revisions to the Exclusive Agricultural (A) Zoning District, revisions to the definitions, development regulations and permitting requirements and procedures

DATE: July 21, 2011

REQUEST

Planning staff is asking the Planning Commission to conduct a study session and to provide direction for future amendments to the Zoning Regulations affecting the Exclusive Agricultural (A) District. The changes proposed by the staff have three intended objectives:

I. Additional Uses added to the District,
II. Reduced Permitting Requirements, and
III. Improved Usability

HISTORY

On August 19, 2010, The Planning Commission conducted a public hearing on a series of amendments to the Zoning Regulations. Several of the amendments affected the Exclusive Agricultural (A) District. The Commission decided to refer the proposed changes to the Solano County Farm Bureau for input.

Farm Bureau Review

Staff met with the Farm Bureau on several occasions and made comprehensive revisions to the Exclusive Agricultural (A) District. The Farm Bureau subsequently approved the set of recommendations.

Agricultural Advisory Committee Review

After concluding work with the Farm Bureau, staff next met with the Agricultural Advisory Committee (AAC). After nine working group meetings, staff produced a version of the ordinance revisions that was acceptable to the AAC, which is the version presented to the Commission for this item. There are some differences between the versions found acceptable to each of the two groups, which are summarized in Exhibit III.

Permitting Requirements

Land uses have historically been either allowed as a matter of right (no land use permit) or required to obtain a use permit. Recent changes to the zoning regulations have established the minor use permit and the administrative permit as additional permitting tools. Each one is described below:

Administrative Permits:

Administrative permits are ministerial permits, which means that if they comply with specific standards then they must be issued by the county. This requires that the zoning regulations contain specific standards for any use that may be permitted with an administrative permit. As a result, there are new development standards being proposed (Exhibit 2). Administrative permits are not subject to CEQA and do not require public notice or a public hearing. The cost for an administrative permit application is $745.

Use Permits:

Use permits are a discretionary permit. The county does not have to issue a use permit, or if issuing a use permit, the county may impose conditions of approval on any aspect of the operation. Use permits are heard by the Planning Commission at a noticed public hearing. Use permits are subject to CEQA. The cost of a use permit (not including environmental review) is $5,870.

Minor Use Permits:

Minor use permits function the same as a use permit, except that they are heard by the Zoning Administrator at a noticed public hearing. Minor use permits are subject to CEQA. The cost of a minor use permit (not including environmental review) is $2,467.

SUMMARY OF PROPOSED CHANGES

The changes being proposed deal with additional permitted uses, changes in permitting requirements, changes to development standards and other minor changes, as summarized below:

Additional Permitted Uses and Changes in Permitting Requirements

The Exclusive Agricultural (A) Zoning District sets forth several categories of allowed uses and describes permit requirements for each. The major categories are:

I. Agricultural Uses
II. Residential Uses
III. Recreational, Educational and Public Assembly Uses
IV. Retail and Office Uses
V. Tourist Uses
VI. Commercial Service Uses
VII. Industrial, Manufacturing, Processing and Wholesale Uses,
VIII. Communication and Infrastructure Uses
IX. Resource Protection Uses

The specific uses added and the proposed permitting requirements are discussed below:

A. Agricultural Uses

A. Crop Production and Grazing:

No changes

B. Agricultural Processing Uses:

1. Dairies that are not Confined Animal Facilities

The current regulations consider most dairies to be confined animal facilities, requiring a use permit. Some dairies are managed in a manner that does not confine animals at an intensity that would be considered a confined animal facility. The present code implicitly permits some of these pastured dairy operations but the language is very ambiguous. This code change explicitly recognizes alternative dairy management practices, but only requires a minor use permit since the impacts are less than with a confined animal facility.

2. Agricultural Processing Facilities

Presently, agricultural processing facilities for on-site products only are allowed by right. Facilities that process off-site products require a use permit. This change establishes small, medium and large classes of processing facilities based on size, each with their own permitting requirements. Use permits are reserved only for large facilities.

C. Animal Facilities and Operations

1. Fowl and Poultry Ranches

Currently, any poultry ranch requires a use permit. This change establishes small and large sized ranches. Small poultry ranches (ex. up to 1,000 chickens) require a minor use permit, while large still require a use permit.

2. Hog Ranches

The current regulations require all hog ranches to file for a use permit. Under the new regulations, small, medium and large hog ranches are established. Small hog ranches (20-100) require an administrative permit, medium ranches (101-750) require a minor use permit and large ranches (more than 750) still require a use permit.

3. Pastured Poultry

Pastured poultry is not presently recognized as an alternative poultry management practice in the zoning regulations. Consequently any pastured poultry operation is treated as a poultry ranch (100 or more birds) and requires a use permit. Under the new rules, pastured poultry ranches more than a ¼ mile from an R district are allowed by right, otherwise they require a minor use permit. The minor use permit may also be utilized to add special events, retail sales and commercial kitchens to the operation.

D. Other Agricultural Operations

1. Agricultural Equipment sales and auctions, temporary.

Farm equipment auctions are not allowed. This change would permit up to 3 per year with a minor use permit.

2. Temporary Agricultural Office

   Temporary offices are not permitted. This revision permits temporary office installations, under certain circumstances, with an administrative permit.

B. Residential Uses

A. Dwellings:

No changes

B. Temporary Residential Uses:

1. Agricultural Employee Housing

   Currently, agricultural employee housing requires a use permit. Under this proposal, only an administrative permit would be required.

2. Security Quarters for a business operation

   Security quarters are not currently permitted. This change permits an RV or manufactured dwelling or commercial coach to be utilized for temporary security offices (not dwelling) during construction of buildings and facilities.

3. Temporary Mobilehome Storage

   The temporary storage of a mobilehome (up to one year) requires a minor use permit. This change would lower that requirement to an administrative permit.

4. Temporary Single Family Residence

   The temporary use of an existing single family home, during the construction of a replacement dwelling, is permitted with a minor use permit. This change would lessen the permitting requirement to an administrative permit.

C. Agricultural and Animal Facilities Incidental to a Residence:

1. Small Kennels and Catteries

   Presently, any kennel (6 or more dogs) requires a use permit. This modification creates a new class of small kennels which can be permitted with an administrative permit.

D. Other Residential Uses:

No changes

C. Recreational, Educational and Public Assembly Uses

A. Recreational Uses:

No changes

B. Education Uses:

1. Agricultural Education Facility

Currently, all agricultural education facilities require a use permit. This change establishes minor and major facilities. Minor facilities require an administrative permit. Major facilities require a minor use permit.

C. Public Assembly Uses:

1. Special Events

Presently, the conducting of special events requires a use permit. This modification would permit up to six per year with a 150 attendees with an administrative permit. Up to 12 events with 150 attendees or less would require a minor use permit. Beyond that level would require a use permit.

D. <u>Retail and Office Uses</u>

A. Retail Uses:

1. Farm Equipment Sales

This use presently requires a use permit. Under the changes proposed, a minor use permit would be required.

2. Farm/Ranch Supply Store

This use requires a use permit. This change would require a minor use permit.

3. Roadside Stand

Roadside stands with 1,000 square feet or less are allowed by right. No change is proposed for that circumstance. Currently, for roadside stands larger than 1,000 square feet a use permit is required.

Under the proposed changes a tiering of permits will be implemented. Stands between 1,000 and 2,500 square feet will require an administrative permit. For larger stands, a minor use permit is required. A minor use permit may also be used to permit a certified farmers market and/or a commercial kitchen.

B. Office Uses:

1. Agricultural Research Uses:

This use is presently not permitted. The change would permit agricultural research facilities with a use permit.

E. Tourist Uses

A. Agritourism:

No change

B. Temporary Agritourism:

1. Amusement and Entertainment Uses

Amusement and entertainment uses are not permitted in the A district. This change would allow such uses with a minor use permit.

2. Certified Farmers Markets

Certified farmers markets are not permitted uses at this time. This proposal would permit a certified farmers market on private property with a minor use permit.

3. Seasonal Sales Lots

Seasonal sales lots are currently regulated as roadside stands, usually requiring a major use permit. This change would reduce the permitting requirement to a minor use permit.

F. Commercial Service Uses

A. Agricultural Services:

1. Agricultural Animal Hospital and Veterinary Clinic

Veterinary clinics require a major use permit. This change would require a minor use permit.

2. Agricultural Commercial Kitchen

The current code does not permit this use. The change proposed would permit agricultural commercial kitchens with a minor use permit.

3. Agricultural Trucking Services and Facilities

Agricultural trucking facilities require a use permit. This change reduces the requirement for small trucking facilities (1 acre or less) to a minor use permit.

4. Commercial Farm Equipment Fabrication and Repair

This use currently requires a use permit to be established. The change would reduce the requirement to a minor use permit.

5. Custom Farm Services

Custom farm services require a use permit. The change would reduce the requirement to a minor use permit.

B. Commercial Uses:

1. Large Kennels and Catteries

Currently all kennels require a use permit. As discussed earlier, small kennels would require an administrative permit. This change permits large kennels with a minor use permit.

G. Industrial, Manufacturing, Processing and Wholesale Uses

No changes

H. Communication and Infrastructure Uses

A. Communication Uses:

1. Wireless Communication Facilities

Co-locations (multiple carriers on the same tower) require a use permit. This change would reduce the requirement to a minor use permit.

B. Infrastructure Uses:

1. Meteorological Towers, Temporary

Temporary meteorological towers are permitted with an administrative permit. Due to the need to place conditions of approval on these towers to protect pilot safety, we are recommending increasing the permitting requirement to a minor use permit.

2. Non-commercial Wind Turbines

This change reduces the permitting requirement from a use permit to a minor use permit.

C. Temporary Public Infrastructure Construction

1. Concrete/asphaltic concrete mixing plants and construction storage yards

Concrete/asphaltic concrete mixing plants and construction storage yards are not permitted. This change would allow the use associated with a specific public infrastructure project with a minor use permit.

2. On-site and Off-site Construction Office, Storage, Stockpiling and Construction Yards.

This use is not permitted. The change would permit temporary on-site and off-site construction facilities associated with a specific public infrastructure project with a minor use permit.

I. Resource Protection Uses

A. Resource Protection Uses:

No changes

Land Use Regulations

The introduction of the administrative permit, as well as the addition of many new uses, has necessitated revisions to the land use regulations. Under the current code, these regulations are scattered throughout the text of the zoning regulations. The proposed changes centralize these regulations in a new Land Use Regulations section of the code. The proposed changes affecting the Exclusive Agricultural District are listed in Exhibit II.

Improved Usability

When the agricultural changes are finalized and integrated into the zoning regulations, several changes in the formatting and organization of the code will be utilized to improve the usability of the document. These changes will include a more extensive use of tables to present information, the use of **boldface** headings and sub-headings to assist scanning and navigation and the consolidation of development standards in one location of the document.

RECOMMENDATION

Staff recommends that the Planning Commission conduct a study session, take testimony from the public and provide direction to the staff on the proposed changes o to the Exclusive Agricultural (A) District.

EXHIBITS

Exhibit I - Summary Matrix
Exhibit II - Development Standards
Exhibit III - Differences Between Two Groups