

Solano County

*675 Texas Street
Fairfield, California 94533
www.solanocounty.com*



Agenda

Thursday, November 19, 2020

7:00 PM

Board of Supervisors Chambers

Planning Commission

Due to COVID-19 and to protect County staff and members of the public, the Board Chambers will be open with distancing measures provided. This precaution is being taken pursuant to the authority conferred by Governor Newsom's Executive Order N-29-20. All or some of the Commissioners will attend the meeting telephonically and participate in the meeting to the same extent as if they were present.

PUBLIC COMMENTS: To submit public comments, please see the options below.

Email/Mail:

If you wish to address any item listed on the Agenda, or Closed Session by written comment, please submit comments in writing to the Planning Commission by U.S. Mail or by email to jbharrison@solanocounty.com. Written comments must be received no later than 11:00 a.m. on the day of the meeting.

Phone:

To submit comments verbally from your phone, you may do so by dialing: **1-415-655-0001** and using **Access Code 133 423 1119** 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.

Any person wishing to review the application(s) and accompanying information may do so on the county website. Non-confidential materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours and on our website at www.solanocounty.com under Departments, Resource Management, Boards and Commissions.

The County of Solano does not discriminate against persons with disabilities and is an accessible facility. If you wish to attend this meeting and you will require assistance in order to participate, please contact Jamielynn Harrison, 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.

AGENDA

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF THE MINUTES

[PC 20-029](#)

Attachments: [Minutes of October 15, 2020](#)

ITEMS FROM THE PUBLIC:

This is your opportunity to address the Commission on a matter not heard on the Agenda, but it must be within the subject matter jurisdiction of the Commission. Please submit a Speaker Card before the first speaker is called and limit your comments to five minutes. Items from the public will be taken under consideration without discussion by the Commission and may be referred to staff.

REGULAR CALENDAR

- 1 [PC 20-030](#) Conduct a noticed/published public hearing to consider a permanent ordinance (Ordinance No. 2020-XXXX) amending Chapter 28 (Zoning Regulations) requiring a minor use permit rather than an administrative permit for certain types of commercial land uses, including special event facilities and hosted short-term vacation rentals, for properties served by private roads within the unincorporated territory of the County of Solano.

Attachments: [A. Draft Ordinance](#)

[B. Draft Ordinance - Final](#)

ANNOUNCEMENTS AND REPORTS**ADJOURN**

To the Planning Commission meeting of December 3, 2020, at 7:00 P.M., Board Chambers, 675 Texas Street, Fairfield, CA



SOLANO COUNTY PLANNING COMMISSION MINUTES

Meeting of October 15, 2020

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Board of Supervisors' Chambers (1st floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Cayler, Hollingsworth, and Chairwoman Bauer
Commissioner Rhoads-Poston present via WebEx

EXCUSED: None

STAFF PRESENT: Terry Schmidtbauer, Interim Director
Allan Calder, Planning Manager
Mathew Walsh, Principal Planner
Jim Laughlin, Deputy County Counsel
Jamielynn Harrison, Planning Commission Clerk

Chairperson Bauer called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited, roll call was taken, and a quorum was present.

Approval of the Agenda

The Agenda was unanimously approved with no additions or deletions.

Approval of the Minutes

The minutes of the regular meeting of September 3, 2020 were unanimously approved as prepared.

Items from the Public

There was no one from the public wishing to speak. The opportunity for public comment will also be available at the close of the agenda.

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Regular Calendar

Item No. 1

PUBLIC HEARING to consider a final one (1) year extension of an urgency ordinance suspending approval of certain categories of administrative permits such as small event centers and hosted short-term vacation rentals on private roads, and instead requiring conditional use permits for uses in these categories within the unincorporated territory of the County of Solano.

Principal Planner Mathew Walsh gave a brief overview. County Counsel Jim Laughlin drafted the revisions to the ordinance and provided a historical background on the secondary dwelling units. Since 1982, the ordinance reflected that each county could adopt an ordinance that meets state standards. However, if a county could not adopt an ordinance then the state standards applied. The county has decided to use the state's term "Accessory Dwelling Unit" in our residential zoning districts, and the county will continue to use the term "Secondary Dwellings" in the agricultural zoning districts.

There was an additional revision packet provided to the commissioners. There were two revisions:

- 1) The definition of "temporary dwelling unit" has changed. Historically, the county allowed manufactured dwellings or mobile homes as temporary dwelling units. With the LNU Fire, property owners are requesting to move back to their property using recreational vehicles. The ordinance includes this request as long as the recreational vehicle is approved and for up-to 18 months;
- 2) Presently, an administrative permit is required to build a secondary dwelling unit. The change will reflect that it is allowed "by right." There is no need to apply for a separate building permit in the process.

Commissioner Rhoads-Poston asked if the property owners will be able to rebuild within 18 months. At this point, it is an unknown variable. County Counsel indicated that if an extension is needed, written approval from the Zoning Administrator would be necessary and will be anticipated. Commissioner Rhoads-Poston also asked for clarification on the two definitions of secondary dwellings. In the Agricultural Zone 1800 sq. ft. is the maximum and 1500 sq. ft. is allowed in the rural residential zone.

Chairperson Bauer opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Cayler to recommend approval to the Board of Supervisors to adopt the proposal of Zoning Text Amendment ZT-20-02 in Chapter 28 of the Solano County Code. The motion passed unanimously.

Announcements and Reports

There were no announcements or reports.

Commissioner Rhoads-Poston inquired as to the rebuilding in Solano County and if staff could provide an update. Interim Director Terry Schmidtbauer indicated that currently in the two-step debris clean-up process, Phase I is complete by the approval of the Department of Toxic Substance Control contractors and the County's private contractors. Phase I involves a crew assessment of the property and Phase II involves the clean up of the remaining fire debris.

In Phase II, the property owner has two options:

Option 1) The property owner can opt-out and work with their own insurance company;

Option 2) The property owner can work with Government/Cal OES/FEMA to receive approval for a government sponsored opt-in which will allow a complete cleaning of property at no cost to the property owner.

There was continued discussion regarding standards for recreational vehicles and approvals provided by Cal OES. Resource Management has developed standards to provide to OES to allow people to reside on the property during the Phase II clean up.

The following website is available on the main Solano County Resource Management webpage: Solanocountyrecovers.com.

Director Terry Schmidtbauer indicated that there were roughly 309 homes destroyed and 341 parcels with damaged structures by the LNU Lightning Complex Fire.

Commissioner Rhoads-Poston requested an update at each Planning Commission Meeting.

Since there was no further business, the meeting was **adjourned**.

..title

Conduct a noticed/published public hearing to consider a permanent ordinance (Ordinance No. 2020-XXXX) amending Chapter 28 (Zoning Regulations) requiring a minor use permit rather than an administrative permit for certain types of commercial land uses, including special event facilities and hosted short-term vacation rentals, for properties served by private roads within the unincorporated territory of the County of Solano.

..body

Published Notice Required? Yes X No
Public Hearing Required? Yes X No

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Planning Commission consider and make a recommendation to the Board of Supervisors to adopt a permanent ordinance (Ordinance No. 2020-XXXX) amending Chapter 28 (Zoning Regulations) requiring a minor use permit rather than an administrative permit for certain types of commercial land uses, including special event facilities and hosted short-term vacation rentals, for properties served by private roads within the unincorporated territory of the County of Solano.

SUMMARY:

On October 22, 2019, the Board of Supervisors enacted an Interim Ordinance (Ordinance No. 2019-1806) which suspended the approval of administrative permits for certain land uses located on private roads, including special event facilities and short-term vacation rentals, and instead required use permits for these land uses within the unincorporated area of Solano County. The action was for an initial term of 45 days. On November 19, 2019 and as permissible under state law, the Board adopted an ordinance (Ordinance No. 2019-1806-E1) extending this Interim Ordinance for an additional 10 months and 15 days with the future ability for a final one-year extension. A noticed public hearing was required for the extension. The Interim Ordinance was approved for a final one-year extension on October 6, 2020 and is now active through October 21, 2021.

The currently proposed permanent ordinance extension contains the same parameters as the original urgency ordinance. This includes provision to ensure that access to businesses, limited special events, special events facilities and short-term vacation rentals meet current County road standards for emergency vehicle access and thus eliminating threats to the public health, safety, and welfare. The ordinance does not prohibit uses. It does modify permitting requirements to allow for public participation and flexibility to add conditions to address unique site issues or neighborhood concerns for the use to occur. Upon the effective date of the permanent ordinance change, the urgency ordinance would expire.

FINANCIAL IMPACT:

The costs associated with preparing the agenda item and permanent ordinance are nominal and absorbed by the Department’s FY2020/21 Adopted Budget.

DISCUSSION:

Chapter 28 of the Solano County Code (Zoning Regulations) was amended in 2010 to allow for the issuance of an administrative permit for certain land uses allowed by right within various

zoning districts. This amendment allowed an administrative permit rather than a use permit to be issued for certain specified land uses within a zoning district provided that all applicable standards and requirements related to the use were met prior to commencement of the use. In 2012, the types of uses allowed through an administrative permit rather than a discretionary use permit were expanded and included certain types of event venues. With adoption of the Short-term Vacation Rental Ordinance, Hosted Short-term Vacation rentals were also included in the administrative permit category.

In general, the administrative permit process has been effective in streamlining the permit process. Under the terms of the proposed permanent ordinance, there is minimal impact on most administrative permit categories and uses and such permits will continue to be available to prospective applicants. The exception is administrative permit proposals where a private road is necessary to provide access for the proposed use. In those situations, the impact of certain types of uses such as event centers can cause traffic and related impacts on other neighbors who also share the private road. There are also cases where private roads do not meet County road standards and are not suitable for higher traffic volumes. Requiring a use permit rather than an administrative permit in those situations provides an opportunity for all property owners utilizing the private road to participate in the decision-making process and consideration of conditions prior to approval of the permit.

Requiring a use permit does provide flexibility to address issues that might arise in the review of the application. Under an administrative permit, a proposal must meet all the standards established by ordinance and there is no ability to add conditions of approval. Under a use permit, conditions can be applied which allows flexibility in addressing variables that may apply to a specific site or to address concerns that might arise in evaluating an application. A use permit also includes legal findings that give the County the necessary discretion to not approve an application where there are unresolvable issues such as incompatibility with a neighborhood. This is important in cases where there may be disputes over use of a private road.

GENERAL PLAN CONSISTENCY:

The proposed ordinance is consistent with the 2008 Solano County General Plan (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 ANALYSIS:

Staff is recommending that the Planning Commission consider and recommend that this proposed ordinance is exempt from the requirements of CEQA under the “general rule” 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.

PUBLIC HEARING NOTICE:

In accordance with Solano County Zoning Regulations, notice of a public hearing was published at least 15 days before the scheduled hearing in the local newspapers.

ALTERNATIVES:

The Board may choose to not approve the permanent ordinance. This is not recommended as there are recent examples where the urgency ordinance has proven effective in addressing uses proposed on private roads that were incompatible with the neighborhood.

OTHER AGENCY INVOLVEMENT:

County Counsel assisted in development of the ordinance.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION

Attachments

A: Draft Ordinance

B: Draft Ordinance - Final

ORDINANCE NO. 2020 – _____

AN ORDINANCE AMENDING CHAPTER 28 (ZONING REGULATIONS) OF THE SOLANO COUNTY CODE TO REVISE AND UPDATE LAND USE PERMIT REQUIREMENTS FOR CERTAIN COMMERCIAL USES ON PROPERTIES SERVED BY PRIVATE ROADS

The Board of Supervisors of the County of Solano ordains as follows:

SECTION 1 Findings and Purpose

[add either before or after PC hearing]

SECTION II

The following definitions are added or revised, in alphabetical order, to Section 28.01 of Chapter 28 of the Solano County Code:

Limited public event. A carnival, festival, fair, or other similar event, not requiring the construction of permanent structures, and not directly related to agricultural products produced on the property or in the area.

Special events ~~or special events facility~~. A facility offered for use by third parties for hire for the conduct of primarily social gatherings or similar types of events. A special events facility must include permanent restroom facilities and may include food preparation facilities as well as overnight lodging facilities for event attendees, limited to no more than five guest rooms. A special events facility may be either a single-purpose facility or a secondary use of another type of facility, such as an agricultural processing facility or a winery. When a special events facility is a secondary use, events conducted by the facility operator as part of the primary use of the facility and that are directly related to products sourced from that operation, such as marketing or promotional events, are not special events being conducted as a secondary use of the facility.

Special events facility, small. A special events facility at which events are conducted not more than six times per calendar year, and at which not more than 150 people are in attendance, including hosts, guests, and supporting staff.

Special events facility, medium. A special events facility at which events are conducted more than six but not more than twelve times per calendar year, and at which not more than 150 people are in attendance, including hosts, guests, and supporting staff.

Special events facility, large. A special events facility at which events are conducted either more than twelve times per calendar year or at which more than 150 people are in attendance, including hosts, guests, and supporting staff, at any event.

SECTION III

Table 28.21A, pertaining to land use permit requirements for land uses allowed in the Exclusive Agricultural (A) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

	Allowed uses	Permit Requirements				Land Use Regulations
		A-40	A-80	A-20	A-160	
	Agricultural Uses					
	A. Crop Production and Grazing					
	Pastured Poultry					
Delete this row →	With special events	MUP	MUP	MUP	MUP	28.71.30(A) & (B)(4); 28.73.30(A) 7 (B)(4)
	B. Agricultural Processing Uses					
	Agricultural processing facility					
Delete these four rows →	With special events (existing facility)					28.71.20(A) & (B)(1); 28.73.30(A) & (B)(6)
→	6 per year max, and 150 persons or less	A	A	A	A	
→	12 per year max, and 150 persons or less	AP	AP	AP	AP	
→	More than 12 per year or more than 150 persons	MUP	MUP	MUP	MUP	
Replace this row →	Nursery with public sales (6)	A	A	A	A	28.71.20(A) & (B)(2)
With this row →	Nursery with public sales	A/ MUP	A/ MUP	A/ MUP	A/ MUP	28.71.20(A) & (B)(2)
	Winery – 25% or greater on-site grapes					
Replace these three rows →	<i>Winery, small</i>	A	A	A	A	28.71.20(A) & (B)(3)
→	<i>Winery, medium</i>	AP	AP	AP	AP	
→	<i>Winery, large</i>	UP	UP	UP	UP	
With these three rows →	Small	A	A	A	A	28.71.20(A) & (B)(3)
→	Medium	AP/ MUP	AP/ MUP	AP/ MUP	AP/ MUP	

→	Large	UP	UP	UP	UP	
Delete these four rows →	Winery with special events					
→	6 per year max, and 150 persons or less	A	A	A	A	28.71.20(A) & (B)(3); 28.73.30(A) & (B)(6)
→	12 per year max, and 150 persons or less	AP	AP	AP	AP	
→	More than 12 per year or more than 150 persons	MUP	MUP	MUP	MUP	
Recreation, Education and Public Assembly Uses						
C. Public Assembly Uses						
Replace this row →	Limited special event	---	---	UP	---	28.73.30(A) & (B)(3)
With this row →	Limited public event	---	---	UP	---	28.73.30(A) & (B)(3)
Replace these five rows →	Special events facility (other than winery or agricultural processing facility)					
→	6 per year max, and 150 persons or less	AP	AP	AP	AP	28.71.20(A) & (B)(3); 28.73.30(A) & (B)(6)
→	12 per year max, and 150 persons or less	MUP	MUP	MUP	MUP	
→	More than 12 per year or more than 150 persons	UP	UP	UP	UP	
→	With off-site parking	MUP	MUP	MUP	MUP	
With these four rows →	Special events facility					
→	Small	AP/ MUP	AP/ MUP	AP/ MUP	AP/ MUP	28.73.30(A) & (B)(6)
→	Medium	MUP	MUP	MUP	MUP	
→	Large	UP	UP	UP	UP	
Retail and Office Uses						
A. Retail Uses						
	Roadside stand					
Delete these four rows →	Any of the above with a certified farmers market					
→	Small certified farmers market	AP	AP	AP	AP	28.74.10(A) & (B)(8); 28.75.20(A) & (B)(2)

→	Medium certified farmers market	MUP	MUP	MUP	MUP	
→	Large certified farmers market	---	---	---	---	
	Tourist Uses					
	A. Agritourism					
Replace this row →	Vacation house rental, hosted	---	---	AP	---	28.75.30(B)(1)
With this row →	Vacation house rental, hosted	---	---	AP/MUP	---	28.75.30(A) & (B)(1)
	B. Temporary Agritourism					
	Certified farmers market					
Replace these three rows →	Small certified farmers market	AP	AP	AP	AP	28.74.10(A) & (B)(8); 28.75.20(A) & (B)(2)
→	Medium certified farmers market	MUP	MUP	MUP	MUP	
→	Large certified farmers market	---	---	---	---	
With these three rows →	Small	AP/MUP	AP/MUP	AP/MUP	AP/MUP	28.75.20(A) & (B)(2)
→	Medium	MUP	MUP	MUP	MUP	
→	Large	---	---	---	---	

SECTION IV

Table 28.22A, pertaining to land use permit requirements for land uses allowed in the Suisun Marsh Agricultural (A-SM) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

Allowed uses	Permit Requirements	Land Use Regulations
	A-SM-80 and A-SM-160	
Replace these four rows →	Special events facility (other than winery or agricultural processing facility)	
→	6 per year max, and 150 persons or less	AP 28.73.30(A) & (B)(6)
→	12 per year max, and 150 persons or less	MUP 28.73.30(A) & (B)(6)
→	More than 12 per year or more than 150 persons	UP 28.73.30(A) & (B)(6)
With these four rows →	Special events facility	
→	Small	AP/ MUP 28.73.30(A) & (B)(6)
→	Medium	MUP

→	Large	UP	
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SECTION V

Table 28.23A, pertaining to land use permit requirements for land uses allowed in the Suisun Valley Agricultural (A-SV) districts, is amended by deleting, adding, or revising certain rows of the table and deleting note 6, as follows:

	Allowed uses	Permit Requirements			Land Use Regulations
		A-SV-20	ATC	ATC-NC	
	Agricultural Uses				
Replace this row →	Nursery with public sales ⁽⁶⁾	A	---	---	28.71.20(B)(3)
With this row →	Nursery with public sales	A/ MUP	---	---	28.71.20(A) & (B)(2)
	Recreation, Education and Public Assembly Uses				
Replace this row →	Special Events	See Specific Use Regulations			28-23.50(A)(B)(C4)
With these four rows →	Special Events Facility				
→	Small	MUP	MUP	MUP	28.23.50.50(B) & (C)(4); 28.73.30(A) & (B)(6)
→	Medium	MUP	MUP	MUP	
→	Large	UP	UP	UP	
	Tourist Uses				
Replace this row →	Vacation house rental, hosted	AP	AP	---	28.75.30(B)(1)
With this row →	Vacation house rental, hosted	AP/ MUP	AP/ MUP	---	28.75.30(A) & (B)(1)

Notes:

~~6) No more than 1,500 square feet of non plant inventory, indoor and outdoor combined, for display and sales to the general public shall be allowed.~~

SECTION VI

Table 28.31A, pertaining to land use permit requirements for land uses allowed in the Rural Residential (RR) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

	Allowed uses	Permit Requirements			Land Use Regulations
		RR-2.5	RR-5	RR-10	
	28.75 Tourist Uses				
	A. Agritourism				
Replace this row →	Vacation house rental, hosted	AP	AP	AP	28.75.30(B)(1)
With this row →	Vacation house rental, hosted	AP/ MUP	AP/ MUP	AP/ MUP	28.75.30(A) & (B)(1)

SECTION VII

Subdivision (B)(3) of section 28.23.50.50, relating to general standards for tourist uses in the Agricultural-Suisun Valley zoning districts, is amended as follows:

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 in effect at the time the use is approved. 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.

SECTION VIII

Subdivision (B)(2) of section 28.71.20, relating to specific requirements for nurseries with public sales, is amended as follows:

2. Nursery with Public Sales

a. Standards. Nurseries shall:

- (1) Be limited to 1,500 square feet in total display area, indoors and outdoors, for non-plant products.
- (2) Shall provide at least 5 on-site parking spaces.
- (3) Shall require a minor use permit if the property does not have direct access from a public road. 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.

SECTION IX

Subdivision (B)(3)(b) of section 28.71.20, relating to specific requirements for medium-size wineries, is amended as follows:

- b. Medium winery.** A medium winery, as defined in Section ~~28.10~~28.01, is allowed by either an administrative permit or a minor use permit, subject to compliance with the development standards delineated in the applicable zoning district, the general requirements for agricultural processing uses (~~28.70.20B.1(a-i)~~28.71.20(A), above) and as follows:

~~(1) Shall obtain Environmental Health Services Division of the Department of Resource Management, and Fire Department approval, if required, and notify the Sheriff's Office prior to hosting special events. Shall require a minor use permit if the property does not have direct access from a public road. 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.~~

(2) The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.

(3) A tasting facility is allowed ~~by right~~, ancillary to the winery, and must be no larger than 2,000 square feet.

SECTION X

Subdivision (A)(6) of section 28.73.30, relating to general requirements for public assembly uses, is amended as follows:

6. Roads. ~~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. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. 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.

SECTION XI

Subdivision (B)(6)(a)(1) of section 28.73.30, relating to specific access requirements for special event facilities, is amended as follows:

(1) Access. ~~Each parcel on which a special event facility is operated shall provide adequate connections to a public road, or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. 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 in effect at the time the use is approved. 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.

SECTION XII

Subdivision (A)(2) of section 28.75.20, relating to general access requirements for temporary agritourism uses, is amended as follows:

2. Access. ~~Shall provide 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.~~ 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 in effect at the time the use is approved. 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.

SECTION XIII

Subdivision (B)(2)(f) of section 28.75.20, relating to specific access requirements for certified farmers' markets, is amended as follows:

f. ~~Shall have ingress and egress designed so as to avoid traffic congestion and hazards. 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.~~ 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 in effect at the time the use is approved. 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.

SECTION XIV

Subdivision (A)(12), relating to general access requirements for vacation house rentals, of section 28.75.20, is added to section 28.75.20 as follows:

12. Access. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. 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.

SECTION XV

Subdivision (B)(1)(c), relating to specific permitting requirements for temporary agritourism uses, is added to section 28.75.20 as follows:

SECTION XVI

This ordinance will be effective thirty (30) days after its adoption.

SECTION XVII

If any provision of this ordinance or the application of it to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the interim ordinance are declared to be severable.

SECTION XVIII

A summary of this ordinance will be published once within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on _____ by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

Erin Hannigan, Chairwoman
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Board of Supervisors

By: _____
Alicia Draves, Chief Deputy Clerk

ORDINANCE NO. 2020 – _____

**AN ORDINANCE AMENDING CHAPTER 28 (ZONING REGULATIONS) OF THE
SOLANO COUNTY CODE TO REVISE AND UPDATE LAND USE PERMIT
REQUIREMENTS FOR CERTAIN COMMERCIAL USES ON PROPERTIES SERVED
BY PRIVATE ROADS**

The Board of Supervisors of the County of Solano ordains as follows:

SECTION 1 Findings and Purpose

[add either before or after PC hearing]

SECTION II

The following definitions are added or revised, in alphabetical order, to Section 28.01 of Chapter 28 of the Solano County Code:

Limited public event. A carnival, festival, fair, or other similar event, not requiring the construction of permanent structures, and not directly related to agricultural products produced on the property or in the area.

Special events facility. A facility offered for use by third parties for hire for the conduct of primarily social gatherings or similar types of events. A special events facility must include permanent restroom facilities and may include food preparation facilities as well as overnight lodging facilities for event attendees, limited to no more than five guest rooms. A special events facility may be either a single-purpose facility or a secondary use of another type of facility, such as an agricultural processing facility or a winery. When a special events facility is a secondary use, events conducted by the facility operator as part of the primary use of the facility and that are directly related to products sourced from that operation, such as marketing or promotional events, are not special events being conducted as a secondary use of the facility.

Special events facility, small. A special events facility at which events are conducted not more than six times per calendar year, and at which not more than 150 people are in attendance, including hosts, guests, and supporting staff.

Special events facility, medium. A special events facility at which events are conducted more than six but not more than twelve times per calendar year, and at which not more than 150 people are in attendance, including hosts, guests, and supporting staff.

Special events facility, large. A special events facility at which events are conducted either more than twelve times per calendar year or at which more than 150 people are in attendance, including hosts, guests, and supporting staff, at any event.

SECTION III

Table 28.21A, pertaining to land use permit requirements for land uses allowed in the Exclusive Agricultural (A) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

Allowed uses	Permit Requirements				Land Use Regulations
	A-40	A-80	A-20	A-160	
Agricultural Uses					
A. Crop Production and Grazing					
Pastured Poultry					
B. Agricultural Processing Uses					
Agricultural processing facility					
Nursery with public sales	A/ MUP	A/ MUP	A/ MUP	A/ MUP	28.71.20(A) & (B)(2)
Winery – 25% or greater on-site grapes					
Small	A	A	A	A	28.71.20(A) & (B)(3)
Medium	AP/ MUP	AP/ MUP	AP/ MUP	AP/ MUP	
Large	UP	UP	UP	UP	
Recreation, Education and Public Assembly Uses					
C. Public Assembly Uses					
Limited public event	---	---	UP	---	28.73.30(A) & (B)(3)
Special events facility					
Small	AP/ MUP	AP/ MUP	AP/ MUP	AP/ MUP	28.73.30(A) & (B)(6)
Medium	MUP	MUP	MUP	MUP	
Large	UP	UP	UP	UP	
Retail and Office Uses					
A. Retail Uses					
Roadside stand					
Tourist Uses					
A. Agritourism					

Vacation house rental, hosted	---	---	AP/MUP	---	28.75.30(A) & (B)(1)
B. Temporary Agritourism					
Certified farmers' market					
Small	AP/MUP	AP/MUP	AP/MUP	AP/MUP	28.75.20(A) & (B)(2)
Medium	MUP	MUP	MUP	MUP	
Large	---	---	---	---	

SECTION IV

Table 28.22A, pertaining to land use permit requirements for land uses allowed in the Suisun Marsh Agricultural (A-SM) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

Allowed uses	Permit Requirements	Land Use Regulations
	A-SM-80 and A-SM-160	
Special events facility		
Small	AP/ MUP	28.73.30(A) & (B)(6)
Medium	MUP	
Large	UP	

SECTION V

Table 28.23A, pertaining to land use permit requirements for land uses allowed in the Suisun Valley Agricultural (A-SV) districts, is amended by deleting, adding, or revising certain rows of the table and deleting note 6, as follows:

Allowed uses	Permit Requirements			Land Use Regulations
	A-SV-20	ATC	ATC-NC	
Agricultural Uses				
Nursery with public sales	A/ MUP	---	---	28.71.20(A) & (B)(2)
Recreation, Education and Public Assembly Uses				
Special Events Facility				
Small	MUP	MUP	MUP	28.23.50.50(B) & (C)(4); 28.73.30(A) & (B)(6)
Medium	MUP	MUP	MUP	
Large	UP	UP	UP	
Tourist Uses				
Vacation house rental, hosted	AP/MUP	AP/MUP	---	28.75.30(A) & (B)(1)

SECTION VI

Table 28.31A, pertaining to land use permit requirements for land uses allowed in the Rural Residential (RR) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

Allowed uses	Permit Requirements			Land Use Regulations
	RR-2.5	RR-5	RR-10	
28.75 Tourist Uses				
A. Agritourism				
Vacation house rental, hosted	AP/MUP	AP/MUP	AP/MUP	28.75.30(A) & (B)(1)

SECTION VII

Subdivision (B)(3) of section 28.23.50.50, relating to general standards for tourist uses in the Agricultural-Suisun Valley zoning districts, is amended as follows:

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 in effect at the time the use is approved. 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.

SECTION VIII

Subdivision (B)(2) of section 28.71.20, relating to specific requirements for nurseries with public sales, is amended as follows:

2. Nursery with Public Sales

a. Standards. Nurseries shall:

- (1) Be limited to 1,500 square feet in total display area, indoors and outdoors, for non-plant products.
- (2) Shall provide at least 5 on-site parking spaces.
- (3) Shall require a minor use permit if the property does not have direct access from a public road. 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.

SECTION IX

Subdivision (B)(3)(b) of section 28.71.20, relating to specific requirements for medium-size wineries, is amended as follows:

b. Medium winery. A medium winery, as defined in Section 28.01, is allowed by either an administrative permit or a minor use permit, subject to compliance with the development standards delineated in the applicable zoning district, the general requirements for agricultural processing uses (28.71.20(A), above) and as follows:

(1) Shall require a minor use permit if the property does not have direct access from a public road. 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.

(2) The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.

(3) A tasting facility is allowed, ancillary to the winery, and must be no larger than 2,000 square feet.

SECTION X

Subdivision (A)(6) of section 28.73.30, relating to general requirements for public assembly uses, is amended as follows:

6. Roads. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. 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.

SECTION XI

Subdivision (B)(6)(a)(1) of section 28.73.30, relating to specific access requirements for special event facilities, is amended as follows:

(1) Access. 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 in effect at the time the use is approved. 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.

SECTION XII

Subdivision (A)(2) of section 28.75.20, relating to general access requirements for temporary agritourism uses, is amended as follows:

2. Access. 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 in effect at the time the use is approved. 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.

SECTION XIII

Subdivision (B)(2)(f) of section 28.75.20, relating to specific access requirements for certified farmers' markets, is amended as follows:

f. 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 in effect at the time the use is approved. 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.

SECTION XIV

Subdivision (A)(12), relating to general access requirements for vacation house rentals, of section 28.75.20, is added to section 28.75.20 as follows:

12. Access. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. 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.

SECTION XV

Subdivision (B)(1)(c), relating to specific permitting requirements for temporary agritourism uses, is added to section 28.75.20 as follows:

SECTION XVI

This ordinance will be effective thirty (30) days after its adoption.

SECTION XVII

If any provision of this ordinance or the application of it to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the interim ordinance are declared to be severable.

SECTION XVIII

A summary of this ordinance will be published once within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on _____ by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

Erin Hannigan, Chairwoman
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Board of Supervisors

By: _____
Alicia Draves, Chief Deputy Clerk