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Conduct a Public Hearing to consider a Consistency Determination (ALUC-20-09) for the proposed County of Solano Land Use Permit Ordinance with the Nut Tree Airport, Travis Air Force Base and Rio Vista Airport Land Use Compatibility Plans. (Sponsor: County of Solano)

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### **RECOMMENDATION:**

Determine that application ALUC-20-09 (County of Solano Land Use Permit Ordinance Ordinance) is consistent with the Nut Tree Airport, Travis Air Force Base and Rio Vista Airport Land Use Compatibility Plans.

### **DISCUSSION:**

#### **Introduction**

In recent years, the County of Solano has received growing complaints from property owners residing on private roads about the impacts of certain commercial land uses on their roads and quality of life. As a result, the County is considering amendments to Chapter 28 (Zoning Regulations) of the Solano County Code which would modify the permitting requirements for certain land uses and eliminate certain other land uses on properties served by private roads. In addition, the proposed changes include clean-up items designed to make current regulations clearer.

#### **Summary of the Solano County Land Use Permit Ordinance**

The specific changes being proposed by the County of Solano in its Land Use Permit Ordinance provided in Attachment A with the proposed language in **red text**, and are summarized below:

##### **1. Section I**

###### **Section 28.01 (Definitions).**

The proposed ordinance amends the definition of Special Event Facility to clarify its scope and to establish size categories for use in determining permit requirements.

##### **2. Section II**

###### **Table 28.21.A (Permit Requirement Table).**

The proposed ordinance amends the tables of permit requirements in the Exclusive Agricultural District.

##### **3. Section III**

###### **Table 28.22.A. (Permit Requirement Table).**

The proposed ordinance amends the tables of permit requirements in the Agriculture - Suisun Marsh District.

##### **4. Section IV**

###### **Table 28.23.A. (Permit Requirement Table).**

The proposed ordinance amends the tables of permit requirements in the Agriculture - Suisun Valley District.

The proposed ordinance amends the tables of permit requirements in the Rural Residential Districts.

**5. Section V**

Table 28.31.A. (Permit Requirement Table).

The proposed ordinance amends the tables of permit requirements in the Rural Residential Districts.

**6. Section VI**

Section 28.23.50.30 (Recreation, Education and Public Assembly Uses).

The proposed ordinance amends Section 28.23.50.30 to delete "Limited Special Events" as an allowable land use in the Exclusive Agricultural and Agriculture-Suisun Valley District.

**7. Section VII**

Section 28.23.50.50.B.3 (Tourist Use Standards).

The proposed ordinance amends Section 28.23.50.50.B.3 to enhance the road requirements for tourist uses on public and private roads and to require a road maintenance agreement among the owners of a private road with tourist uses.

**7. Section VIII**

Section 28.71.20.B.2 (Nurseries with Public Sales).

The proposed ordinance amends Section 28.71.20.B.2 to clarify size limitations on nurseries with public sales and to require a road maintenance agreement among the owners of a private road with nurseries with public sales uses.

**8. Section IX**

Section 28.71.20.B.3.b (Medium Size Wineries).

The proposed ordinance amends Section 28.71.20.B.3.b to require a road maintenance agreement among the owners of a private road with medium wineries and to modify requirements for a tasting room.

**9. Section X**

Section 28.73.30.A.6 (Requirements for Public Assembly Uses).

The proposed ordinance amends Section 28.73.30.A. to enhance the road requirements and to require a road maintenance agreement among the owners of a private road with public assembly uses.

**11. Section XI**

Section 28.73.30.B.3 (Requirements for Limited Public Events).

The proposed ordinance amends Section 28.73.30.B.3 to eliminate development standards for “Limited Public Events” since the land use has been deleted from the zoning regulations.

**12. Section XII**

Section 28.73.30.B.6.a.1 (Requirements for Special Events).

The proposed ordinance amends Section 28.73.30.B.6.a.1 to enhance the road requirements and to require a road maintenance agreement among the owners of a private road with special events uses.

**13. Section XIII**

Section 28.75.20.A.2 (Requirements for Agritourism Uses).

The proposed ordinance amends Section 28.75.20.A.2 to enhance the road requirements and to require a road maintenance agreement among the owners of a private road with temporary agritourism uses.

**14. Section XIV**

Section 28.75.20.B.2.f (Requirements for Certified Farmers Markets).

The proposed ordinance amends Section 28.75.20.B.2.f to enhance the road requirements and to require a road maintenance agreement among the owners of a private road with Certified Farmers Market uses.

**15. Section XV**

Section 28.75.20.A.12 (Requirements for Vacation House Rentals).

The proposed ordinance amends Section 28.75.20.A.12 to enhance the road requirements and to require a road maintenance agreement among the owners of a private road with Vacation House Rental uses.

The County of Solano’s Use Permit Ordinance is statutorily required to come before the ALUC for a consistency determination. The ordinance affects existing zoning regulations on properties within the Area of Influence of both the Nut Tree Airport and the Rio Vista Municipal Airport, as well as Travis Air Force Base.

**REQUIRED TESTS FOR CONSISTENCY**

**ALUC Review Requirements**

State law, under Section 21661.5 of the Public Utilities Code, requires that any proposed zoning regulations or revisions to the local zoning ordinance be reviewed for consistency with adopted airport land use compatibility plans.

The ALUC is concerned with those aspects of the proposed zoning changes which have the potential to be incompatible with the Travis Plan.

**California Airport Land Use Planning Handbook**

The State Department of Aeronautics has published the California Airport Land Use Planning Handbook as a guide for Airport Land Use Commissions in the preparation and implementation

of Land Use Compatibility Plans and Procedure Documents. Section 6.4.2 sets forth procedures for the review of local zoning ordinances and directs agencies to consider the topics listed in Table 5A, as follows:

***Zoning or Other Policy Documents*** (from Table 5A, CalTRANS Airport Land Use Planning Handbook)

The Handbook lists the following topics for consideration when reviewing zoning or other policy documents.

- *Intensity Limitations on Nonresidential Uses*
- *Identification of Prohibited Uses*
- *Open Land Requirements*
- *Infill Development*
- *Height Limitations and Other Hazards to Flight*
- *Buyer Awareness Measures*
- *Non-conforming Uses and Reconstruction*

## **INITIAL CONSISTENCY ANALYSIS**

Staff has reviewed the proposed County of Solano Land Use Permit Ordinance for consistency with the applicable land use compatibility considerations discussed above and our analysis is presented below.

### Intensity Limitations on Nonresidential Uses

The proposed County regulations will not alter the intensity parameters for non-residential land uses. Nor will they alter any residential density limitations. The proposed regulations also do not create or change the zoning designations on any properties within the area of influence of the three airport land use compatibility plans. As a result, the County of Solano Land Use Permit Ordinance is consistent with this review provision.

### Identification of Prohibited Uses

The proposed County zoning regulations do not add any new land uses to any county zoning districts and thus do not create any circumstances where proposed new uses might be in conflict with identified prohibited uses within any of the existing airport land use compatibility plans. Therefore, the County of Solano Land Use Permit Ordinance is consistent with this review provision.

### Open Land Requirements

The proposed County zoning regulations do not make any changes to the existing county zoning regulations pertaining to open land requirements. As a result, the County of Solano Land Use Permit Ordinance is consistent with this criterion.

### Infill Development

The proposed County regulations apply to the Exclusive Agricultural, Agricultural-Suisun Marsh, Agricultural-Suisun Valley and the Rural Residential zoning districts. The regulations do not

provide any increased density or intensity parameters to infill areas and thus the infill issue is mute. No further consideration is required for this criterion and the regulations would be consistent with these criteria.

#### Height Limitations and Other Hazards to Flight

##### Height Review for Objects Greater than 200 Feet in Height

The County of Solano Land Use Permit Ordinance does not alter any maximum height requirements and so no further review of this factor is required.

##### Commercial Scale Solar Projects

The County of Solano Land Use Permit Ordinance does not alter any Commercial Solar regulations and as such no further consideration is required for this criterion.

##### Projects within the Bird Strike Hazard Zone or the Outer Perimeter Area

The project lies outside of the Bird Strike Hazard Zone and the Outer Perimeter Area. In addition, the proposed zoning changes do not propose new land uses which might attract birds or other wildlife to an area within the jurisdiction of any airport land use compatibility plan. As a result, the County of Solano Land Use Permit Ordinance does not conflict with these criteria and is consistent with the requirements of all three airport land use compatibility plans.

#### Buyer Awareness Measures

The proposed regulations do not designate any new residential uses. As a result, Buyer Awareness Measures are not required due to the proposed zoning regulations and the proposed zoning regulations are thereby consistent with all three airport land use compatibility plans.

#### Non-conforming Uses and Reconstruction

The project is not authorizing any construction, nor does it modify the non-conforming use provisions of the County zoning regulations. As a result, Non-conforming uses and reconstruction issues do not arise with the proposed County of Solano Land Use Permit Ordinance. As a result, the proposed regulations do not conflict with these criteria and is consistent with the requirements of all three airport land use compatibility plans.

### **CONCLUSION**

The County of Solano's Use Permit Ordinance addresses issues which arise from permitting certain commercial land uses on private roads. The proposed ordinance addresses those issues in a variety of ways, including:

1. requiring more conservative road standards for private roads serving commercial land uses,
2. requiring discretionary permits for commercial land uses on private roads,
3. requiring private road maintenance agreements for private roads serving commercial land uses, and
4. deleting intense event uses served by private roads.

Since this is a zoning ordinance amendment, it is required to come before the Airport Land Use Commission for a consistency determination. It can be clearly seen that this ordinance does not impact any of the compatibility factors found in the airport land use plans within Solano County.

### **RECOMMENDATION**

Based on the analysis and discussions above, staff recommends that the Solano County Airport Land Use Commission find as follows:

**Determination:** Determine that application ALUC-20-09 (County of Solano Use Permit Ordinance Ordinance) is consistent with the Nut Tree Airport, Travis Air Force Base and Rio Vista Airport Land Use Compatibility Plans.

### **Attachments:**

Attachment A: Draft Use Permit Ordinance

Attachment B: Resolution to be distributed at the Hearing

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 I

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

**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 II**

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	
	<b>Agricultural Uses</b>					
	<b>A. Crop Production and Grazing</b>					
	<b>Pastured Poultry</b>					
Delete this row →	With special events	MUP	MUP	MUP	MUP	28.71.30(A) & (B)(4); 28.73.30(A) 7 (B)(4)
	<b>B. Agricultural Processing Uses</b>					
	<b>Agricultural processing facility</b>					
Delete these four rows →	With special events (existing facility)					
→	6 per year max, and 150 persons or less	A	A	A	A	28.71.20(A) & (B)(1); 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	
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)
	<b>Winery – 25% or greater on-site grapes</b>					
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	
<b>Recreation, Education and Public Assembly Uses</b>							
<b>C. Public Assembly Uses</b>							
Delete this row →		Limited special 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	
<b>Retail and Office Uses</b>							
<b>A. Retail Uses</b>							
		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	---	---	---	---	
<b>Tourist Uses</b>							
<b>A. Agritourism</b>							
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>B. Temporary Agritourism</b>					
	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 III**

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
→	Medium	MUP
→	Large	UP
		28.73.30(A) & (B)(6)

**SECTION IV**

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	
	<b>Agricultural Uses</b>				
Replace this row →	Nursery with public sales <sup>(6)</sup>	A	---	---	28.71.20(B)(3)
With this row →	Nursery with public sales	A/ MUP	---	---	28.71.20(A) & (B)(2)
	<b>Recreation, Education and Public Assembly Uses</b>				
Delete this row →	Limited Public Events	UP	UP	UP	28.23.50.30
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	
	<b>Tourist Uses</b>				
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 V**

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	
	<b>28.75 Tourist Uses</b>				
	<b>A. Agritourism</b>				
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 VI

Subdivision (B) of section 28.23.50.30, relating to specific standards for limited public events in the Agricultural-Suisun Valley zoning districts, is deleted.

**28.23.50.30 Recreation, Education and Public Assembly Uses**

**A. Permit Required.** Recreation, education and public assembly uses are permitted uses, subject to the permit requirements in Table 28-23A.

~~**B. Standards** Recreation, education and public assembly uses must meet the applicable development standards delineated in Tables 28-23B and 28-23C and comply with the following:~~

~~**1. Limited Public Events**~~

~~**a. Standards.** Limited Public Events in the A-SV-20 and A-T-C districts zoning district shall comply with the following standards:~~

- ~~(1) Shall be limited to once per year,~~
- ~~(2) Shall not be open to the public for more than 10 weeks,~~
- ~~(3) Shall not cause significant adverse impacts to adjacent agricultural operations,~~
- ~~(4) Shall not operate on land which has been utilized for crop production within the past five years (operation on grazing land is acceptable), shall be limited to outdoor events (no fully enclosed structures or tents open to the public),~~
- ~~(5) Shall not utilize electric sound amplification systems, and shall require only minimal site alterations or permanent physical improvements.~~
- ~~(6) Upon termination, expiration, or revocation of the use permit, the site shall be fully restored to its original condition.~~

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)(3) of section 28.73.30, relating to specific requirements for limited public events, is deleted.

~~3. Limited Public Event. Limited public events, as permitted in the applicable zoning district, shall meet the following standards:~~

~~a. Shall be limited to once per year and shall not be open to the public for more than 10 weeks;~~

~~b. Shall not cause significant adverse impacts to adjacent agricultural operations;~~

~~c. Shall not operate on land which has been utilized for crop production within the past five years (operation on grazing land is acceptable);~~

~~d. Shall be limited to outdoor events (no fully enclosed structures or tents open to the public);~~

~~e. Shall not utilize electric sound amplification systems, and~~

~~f. Shall require only minimal site alterations or permanent physical improvements. Upon termination, expiration, or revocation of the use permit, the site shall be fully restored to its original condition.~~

## SECTION XII

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 XIII

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 XIV

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 XV

Subdivision (A)(12) of section 28.75.30, relating to general access requirements for vacation house rentals, is added 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 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.

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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

B. Resolution to be distributed at the meeting.