



SOLANO COUNTY

Land Use and Transportation Committee

**Meeting of June 18, 2024 at 1:30 p.m.
675 Texas Street, Fairfield - 6th Floor Conference Room 6003**

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ATTENTION: Please see the instructions below for telephonic participation option for the meeting.

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- 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. Aliquot Division Zone Text Amendments
 - B. Farm Stand Zone Text Amendments
3. **Committee Member Comments**
4. **Adjournment**

DEPARTMENT OF RESOURCE MANAGEMENT

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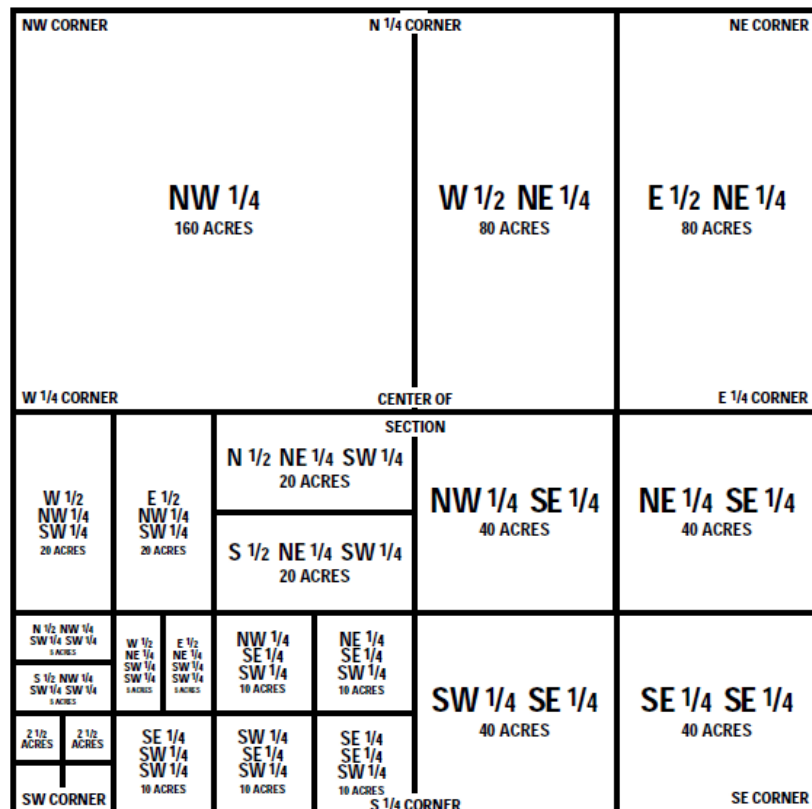
MEMORANDUM

DATE: June 13, 2024
TO: Land Use and Transportation Committee
FROM: James Bezek, Director of Resource Management
SUBJECT: June 18, 2024, Land Use and Transportation Committee (LUTC) Meeting Background Information

1. Agenda item #2A: Aliquot Division Zone Text Amendments

Currently, the Solano County Zoning Code does not have a provision regarding the interpretation of Sectionalized Land under the Public Land Survey System (PLSS) to accommodate for potential blunder and/or errors in the Record distances of Sections of Land. Under the PLSS, a Section of land is defined as 640 acres (5280' x 5280'). Furthermore, as the Section of Land is subdivided, it is known as Aliquot Parts of Land (proper divisor).

Typical Section Format



Examples of a PLSS Aliquot Parts of Land per record dimensions:

1. Section 5 would be all 640 Acres of Section 5.
2. NW ¼ of Section 5 would be the Northwest 160 Acres of the 640 acres of Section 5.
3. SE ¼ of SE ¼ of Section 5 would be the Southeast 40 Acres of the 640 acres of Section 5.
4. SE ¼ of SE ¼ of SW ¼ of Section 5 would be the Southeast 40 Acres of the 640 acres of Section 5S

The current Parcel Size minimum required under Section 28 of Solano County Code varies by Zone. Section 28.21.30 describes the minimal parcel sizes within Agricultural (A) Zones as the following:

Zoning:	A-20	A-40	A-80	A-160
Minimum Lot Area:	20 acres	40 acres	80 acres	160 acres

Section 28.31.30 describes the minimal parcel sizes within Rural Residential (R-R) Zones as the following:

Zoning:	R-R 2.5	R-R 5	R-R 10
Minimum Lot Area:	2.5 acres	5 acres	10 acres

The correlation between the aliquot parts of land and the minimum lot area in specific zones is evident of the intent of the zoning districts as the vast portion of the Unincorporated areas of Solano County fall under the PLSS land and can benefit from the proposed Zone Text Amendment described herein.

During a Boundary Survey, many times blunders and/or errors are discovered in the record dimensions of a Section of Land. This could ultimately lead to Section of land that is irregular in size: 5275' x 5278' = 639.15 acres. As you subdivide this irregular Section of land, the Northwest ¼ would now equal 159.78 acres (160 acres by Legal Description) and would be considered substandard in a A-80 zone. This amendment would ensure the applicant is not penalized for blunders and/or errors in the gross acreage of land as described in their Legal Description.

The Zone Text amendment would allow Staff to work with the applicant and move forward subdividing the land as intended within the spirit of the PLSS and Solano County Code.

Attachment 2A.1: Draft Zone Text Amendments – Aliquot Parts and Interpretation of Code

2. Agenda item #2B: Roadside Stands

The Solano County Planning Division is embarking on a proactive initiative to update zoning regulations clarifying zoning text language and lowering the regulatory bar to incentivize county farm stands and further promote agritourism.

The two primary areas of zone text clarification and clean up are:

- A. Simplify the allowance of *“nonagricultural product inventory and sales”* from three categories to two and to regulate the *allowable square footage* rather than *% of product sales*; and
- B. Allowing signs to promote farm stands with project approval (*unique allowance per zone district*) rather than applying for separate sign permit.

Attachment 2B.1: Draft Zone Text Amendments - Roadside Stands

Attachment 2A.1: Draft Zone Text Amendments - Aliquot Parts and Interpretation of Code

Section 28.03 of the Solano County Code, relating to interpretation of Chapter 28, is amended as follows:

28.03 Interpretation of Chapter

- A. General Rules.** The following general rules apply to the interpretation and application of the Zoning Ordinance.
1. In their interpretation and application, provisions of this chapter shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements.
 2. The words “shall,” “will,” “is to,” and “are to” are mandatory. “Should” means a regulation that is not mandatory but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. “May” is permissive.
- B. Unlisted Land Uses.** If an owner proposes a type of land use which is not described or identified in this chapter, the Zoning Administrator may determine that the proposed use is substantially similar to another type of land use which is described or identified in this chapter, and the permit application shall be accepted and processed for proposed use as if it were functionally equivalent to the substantially similar land use. If a Use Permit or other discretionary approval of the Planning Commission is required by this chapter for the substantially similar land use, the Planning Commission is not bound by the Zoning Administrator’s determination.
- C. Aliquot Divisions of an Irregular Section of Land.** Land divisions consistent with the requirements of the State Subdivision Map Act and Chapter 26 (Subdivisions) of this Code, shall have a minimum parcel size as indicated by the zoning district pursuant to Article II of this chapter (Districts and Allowable Uses) (e.g., A-20, A-40, A-80, A-160, R-R-10, R-R-5, etc.).

However, for the purpose of complying with the minimum lot area as required by the zoning district, surveyed sections of land as established under the Public Land Survey System containing less than the equivalent of a full aliquot part of a standard six hundred forty (640) acre section of land shall be deemed equivalent to a full aliquot part, provided the subject parcel’s legal description describes the area in terms of the aliquot part and the deviation is less than ten (10) percent. Under this provision, the resultant parcels of the Land Division shall be of equal size.

The following table lists aliquot parts of a section of land:

Aliquot Parts of a Section under the Public Land Survey System	Total Area of Aliquot Part
Full section	640 acres
One-half (1/2) section	320 acres
One-quarter (1/4) section	160 acres
One-eighth or quarter-quarter (1/8) section	80 acres
One-sixteenth (1/16) section	40 acres
One-thirty-second (1/32) section	20 acres
One-sixty-fourth (1/64) section	10 acres
One-one-hundred twenty-eighth section (1/128)	5 acres

Attachment 2B.1: Draft Zone Text Amendments - Roadside Stands

DRAFT ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE TO REVISE AND UPDATE REGULATIONS FOR ROADSIDE STANDS.

Section 1.

Article II of Chapter 28 of the Solano County Code (Zoning Regulations, Districts and Allowable Uses) is amended to update the Tables of Allowed Uses in the A-20, A-40, A-80, A-160, A-SV-20, ATC, ATC-NC, RR-2.5, RR-5, RR-10, C-H, C-R, IAS, and P Zoning Districts with respect to Roadside Stands, as follows:

Table 28.21A Table of Allowed Uses

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, UP = Use Permit, E = Exempt, - - - = Prohibited					
ALLOWED USES* *See Definitions Section 28.01	Permit Requirements				Land Use Regulations** **See Section 28.70.10
	A-40	A-80	A-20	A-160	
RETAIL AND OFFICE USES					
A. RETAIL USES					
Roadside stand*					28.74.10(A), (B)(8) <u>*Higher level threshold permit applies.</u>
1,000 sq. ft or less in size	A	A	A	A	
Between 1,000 and 2,500 sq. ft. in size	AP	AP	AP	AP	
Greater than 2,500 sq. ft. in size	MUP	MUP	MUP	MUP	
Nonagricultural product sales, less than 10% <u>inventory and sales area 75 sq. ft or less.</u>	A	A	A	A	
Nonagricultural product <u>inventory and sales area between 76 and 150 sq. ft.</u> sales, between 10% and 25%	MUP <u>AP</u>	MUP <u>AP</u>	MUP <u>AP</u>	MUP <u>AP</u>	
Nonagricultural product sales, greater than 25%	UP	UP	UP	UP	

Table 28.23A Table of Allowed Uses

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, UP = Use Permit, E = Exempt, - - - = Prohibited				
ALLOWED USES* *See Definitions Section 28.01	Permit Requirements			Land Use Regulations** **See Section 28.70.10
	A-SV-20	ATC	ATC-NC	
RETAIL TRADE USES				
Roadside stand*				28.23.50.40 <u>*Higher level threshold permit applies.</u>
1,000 square feet or less in size	A	A	A	
Between 1,000 and 2,500 square feet	AP	A	A	
Greater than 2,500 square feet or with nonagricultural product sales greater than 10%	UP <u>MUP</u>	A	A	
<u>Nonagricultural product inventory and sales area 75 square feet or less.</u>	<u>A</u>	<u>A</u>	<u>A</u>	

Nonagricultural product inventory and sales area between 76 and 150 square feet.	AP	A	A	
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Table 28.31A Table of Allowed Uses

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, UP = Use Permit, E = Exempt, - - - = Prohibited				
ALLOWED USES* *See Definitions Section 28.01	Permitted Uses			Land Use Regulations** **See Section 28.70.10
	RR-2.5	RR-5	RR-10	
28.74 RETAIL AND OFFICE USES				
A. RETAIL USES				
Roadside stand for sales of agricultural crop products grown or produced on the premises	A	A	A	28.74.10(A) & (B)(8)

Table 28.41A Table of Allowed Uses

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, PUD = Planned Unit Development, UP = Use Permit, E = Exempt, - - - = Prohibited							
ALLOWED USES* *See Definitions Section 28.01	Permit Requirements						Land Use Regulations** **See Section 28.70.10
	C-H	C-N	C-R	C-R-L ⁽⁶⁾	C-S	C-O	
RETAIL AND OFFICE USES							
A. RETAIL USES							
Roadside stand*							28.74.10(A) & (B)(8) *Higher level threshold permit applies. 28.74.10(A) & (B)(8) 28.74.10(A) & (B)(8)
More than 80 feet from the centerline of the street	A	---	A	---	---	---	
Less than 80 feet from the centerline of the street	MUP	---	MUP	---	---	---	
1,000 sq. ft. or less in size	A	---	A	---	---	---	
Between 1,000 sq. ft. and 2,500 sq. ft.	AP	---	AP	---	---	---	
Greater than 2,500 sq. ft.	MUP	---	MUP	---	---	---	
Nonagricultural product inventory and sales area 75 sq. ft. or less	A	---	A	---	---	---	
Nonagricultural product inventory and sales area between 76 and 150 sq. ft.	AP	---	AP	---	---	---	

Table 28.43A Table of Allowed Uses – IAS District

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, PUD = Planned Unit Development, UP = Use Permit, E = Exempt, - - - = Prohibited		
ALLOWED USES* *See Definitions Section 28.01	Permit Requirements	Land Use Regulations
28.74 RETAIL AND OFFICE USES		
A. RETAIL USES		

Roadside stand*		
1,000 square feet or less in size	A	28.74.10(A) & (B)(8) <u>*Higher level threshold permit applies</u>
Between 1,000 and 2,500 square feet	AP	
Greater than 2,500 square feet in size	MUP	
Non-agricultural product <u>inventory and sales area 75 sq. ft or less, sales, less than 10%</u>	A	
Non-agricultural product <u>inventory and sales area between 76 and 150 sq. ft, sales, between 10% and 25%</u>	AP	
Any of the above with a Certified Farmers Market		28.74.10(A) & (B)(8); 28.75.20(A) & (B)(2)
Small Certified Farmers Market	A	
Medium Certified Farmers Market	AP	
Large Certified Farmers Market	MUP	

Table 28.61A Table of Allowed Uses

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, UP = Use Permit, E = Exempt, - - - = Prohibited		
ALLOWED USES* *See Definitions Section 28-0110	Permit Requirements Uses	Land Use Regulations** **See Section 28-70.10
	P District	
28.74 RETAIL AND OFFICE USES		
A. RETAIL USES		
Roadside stand for the sale of agricultural products grown on-site*		
<u>1,000 square feet or less in size</u>	<u>A</u>	28.74.10(A) & (B)(8) <u>* Higher level threshold permit applies 28.74.10(A) & (B)(8)</u>
<u>Between 1,000 and 2,500 square feet</u>	<u>AP</u>	
<u>Greater than 2,500 square feet in size</u>	<u>MUP</u>	
More than 80 feet from the centerline of the street	A	
Less than 80 feet from the centerline of the street	UP MUP	

Section 2.

Solano County Code, Article II, Section 28.74.10(B)(8), relating to land use regulations for Roadside Stands is amended as follows:

28.74.10 RETAIL USES

B. Specific Requirements

8. Roadside Stand (A, CR, P and R Districts)

General. Roadside stands, food establishments open to the outside air, and retail dairies shall have ingress and egress designed so as to avoid traffic congestion and hazards; shall provide adequate controls or measures to prevent dust, odor or light; shall provide adequate off-street parking; shall obtain Environmental Health Division approval prior to issuance of the use permit, and shall be determined to be in harmony with the committed character of the subject locality.

a. Roadside Stands within the (R) Districts:

A roadside stand incidental to a dwelling as permitted in an R District, must meet the following specific development standards:

- (1) **Maximum Size.** Shall not be greater than 500 square feet in size, as determined by measuring the total roof-covered area.
- (2) **On-site growing requirement.** Only agricultural products grown on-site shall be sold at the roadside stand. No non-agricultural products or pre-packaged foods may be sold. ~~Non-agricultural Product Sales. Sales of non-agricultural products including pre-packaged food shall not be allowed.~~
- (3) **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
- (4) **Ingress and Egress.** 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 Transportation, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- (5) **Operational Controls.** Shall provide adequate controls or measures to prevent dust, odor or light.
- (6) **Off-Street Parking Requirements.** Shall provide off-street parking in accordance with Section 28-55 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
- (7) **Environmental Health Approval.** Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.
- (8) **Compatibility with Community.** Shall be determined to be in harmony with the community character of the subject locality.
- (9) **Roadside Stand Signs.** A maximum on one awning, freestanding, or wall sign is allowed reflecting the roadside stand business on the property, with a maximum sign area of 16 square feet, notwithstanding and in addition to the signs contemplated by Section 28.96.60 (Zoning District Sign Standards). In addition, one sandwich board (i.e. A-frame) sign is allowed reflecting the roadside stand business on the property, with a maximum sign area of 9 square feet. All other applicable provisions of Section 28.96 (Sign Regulations) remain in effect.

b. Roadside Stands within the (A), (C), or (IAS) ~~and (CR)~~ Districts:

A roadside stand, as permitted in any (A), [\(C\)](#), or [\(IAS\)](#) District, must meet the applicable development standards delineated in the applicable zoning district, as well as the following specific development standards:

- (1) **Determining the Size of a Roadside Stand.** Size, as regulated in the applicable zoning district, shall be determined by measuring the total roof covered area.
- (2) **On-site growing requirement.** At least fifty percent (50%) of the crops sold shall be grown on-site or off-site on land owned or leased by the operator within Solano County. The balance of the stand shall be used for the sale and inventory of crops or other agricultural products, including non-agricultural products as regulated by this Chapter, grown or produced on-site or off-site.
- (3) **Pre-Packaged Food Sales.** An area not exceeding 50 square feet may be used for the sale and inventory of pre-packaged food, provided that such food sales and inventory complies with the requirements of the Department of Resource Management, Environmental Health Services Division, and is from an “approved source” and is not a “potentially hazardous food” as defined by the California Health and Safety Code.
- (4) **Non-agricultural Product Sales.** Non-agricultural product sales shall mean the on-site sales of non-agricultural products produced on and off the property, where the total inventory and sales area for such products is limited to [no more than one hundred and fifty \(150\) square feet, as regulated in the applicable zoning district,](#) except that sales and inventory of pre-packaged food shall be further subject to the requirements of [\(34\)](#) above.
- (5) **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
- (6) **Ingress and Egress.** 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 Transportation, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- (7) **Operational Controls.** Shall provide adequate controls or measures to prevent dust, odor or artificial light and glare.
- (8) **Off-Street Parking Requirements.** Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
- (9) **Environmental Health Approval.** Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.

(10) Compatibility with Community. Shall be determined to be in harmony with the community character of the subject locality.

(11) Roadside Stand Signs. A maximum of one awning, freestanding, projecting or wall sign is allowed reflecting the roadside stand business on the property, with a maximum sign area of 32 square feet, notwithstanding and in addition to the signs contemplated by Section 28.96.60 (Zoning District Sign Standards). In addition, one sandwich board (i.e. A-frame) sign is allowed reflecting the roadside stand business on the property, with a maximum sign area of 9 square feet. All other applicable provisions of Section 28.96 (Sign Regulations) remain in effect.

c. Roadside Stands within the Park (P) District:

A roadside stand, as permitted in any Park (P) District, must meet the applicable development standards delineated in the applicable zoning district, as well as the following specific development standards:

- (1) Determining the Size of a Roadside Stand.** Size, as regulated in the applicable zoning district, shall be determined by measuring the total roof covered area.
- (2) On-site growing requirement.** Only agricultural products grown on-site shall be sold at the roadside stand. No non-agricultural products or pre-packaged foods may be sold.
- (3) Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
- (4) Ingress and Egress.** 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 Transportation, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- (5) Operational Controls.** Shall provide adequate controls or measures to prevent dust, odor or artificial light and glare.
- (6) Off-Street Parking Requirements.** Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
- (7) Environmental Health Approval.** Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.

(8) Compatibility with Community. Shall be determined to be in harmony with the community character of the subject locality.

(9) Roadside Stand Signs. A maximum of one awning, freestanding, projecting or wall sign is allowed reflecting the roadside stand business on the property, with a maximum sign area of 32 square feet, notwithstanding and in addition to the signs contemplated by Section 28.96.60. In addition, one sandwich board (i.e. A-frame) sign is allowed reflecting the roadside stand business on the property, with a maximum sign area of 9 square feet. All other applicable provisions of Section 28.96 (Sign Regulations) remain in effect.

SECTION III

Solano County Code, Article II, Section 28.23.50.40(B)(2) (Special Uses Regulations, Retail Trade Uses) relating to Roadside Stands in the Suisun Valley zoning districts (A-SV-20, ATC, ATC-NC), is amended as follows:

28.23.50 Special Uses Regulations:

28.23.50.40 Retail Trade Uses

2. Roadside Stand.

- a. Standards.** A roadside stand, as permitted in Table 28.23A, must meet the applicable development standards delineated in Tables 28.23B and 28.23C and comply with the following:
- (1)** Shall be operated by the property owner or occupant.
 - (2)** Size, as regulated in Table 28.23A, shall be determined by measuring the total roof-covered area. Where a roadside stand is operated within a portion of a larger building, the roadside stand shall be functionally separated from the remainder of the building by either temporary or permanent walls and size shall be determined by measuring the gross floor area of the enclosed space plus any outdoor display area.
 - (3)** At least 25 percent of the crops sold shall be grown on site or off site on land owned or leased by the operator within Solano County. The balance of the stand shall be used for the sale and inventory of crops or other agricultural products, including nonagricultural products as regulated by this chapter, grown or produced on site or off site.
 - (4)** An area not exceeding 50 square feet may be used for the sale and inventory of prepackaged food; provided, that such food sales and inventory complies with the requirements of the Department of Resource Management, Environmental Health Services Division, and is from an “approved source” and is not a “potentially hazardous food” as defined by the California Health and Safety Code.

- (5) Nonagricultural product sales shall mean the on-site sales of nonagricultural products produced on and off the property, where the total inventory and sales area for such products is limited ~~to a maximum percentage of the size of the stand,~~ as specified in Table 28.23A.
- (6) Minimum setback from an adjacent street shall be the same as required for the main building.
- (7) 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.
- (8) Shall provide adequate controls or measures to prevent dust, odor or light.
- (9) Shall provide off-street parking in accordance with Section 28.94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with the Building Code.
- (10) Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.
- (11) A maximum of one awning, freestanding, projecting or wall sign is allowed reflecting the roadside stand business on the property, with a maximum sign area of 32 square feet, notwithstanding and in addition to the signs contemplated by Section 28.96.60 (Zoning District Sign Standards). In addition, one sandwich board (i.e. A-frame) sign is allowed reflecting the roadside stand business on the property, with a maximum sign area of 9 square feet. All other applicable provisions of Section 28.96 (Sign Regulations) remain in effect.