



Solano County

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

Agenda Submittal

Agenda #:		Status:	PC-Regular
Type:	PC-Document	Department:	Planning Commission
File #:	PC 25-005	Contact:	Allan Calder
Agenda date:	03/20/2025	Final Action:	

District:

Attachments: A - Resolution with Draft Ordinance (Clean), B - Draft Ordinance (Redline), C - Public Notice, D - Draft Solano County Rd Improvement Standards relating to Private Road Maintenance Agreements, E - Civil Code Section 845

Date:	Ver.	Action By:	Action:	Result:
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Published Notice Required? Yes X No ____
Public Hearing Required? Yes X No ____

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a noticed public hearing to consider Zone Text Amendment No. ZT-25-01; and
2. Adopt a resolution recommending that the Board of Supervisors adopt the proposed ordinance Zone Text Amendment No. ZT-25-01 amending Chapter 28 of the Solano County Code to revise and update sections pertaining to Office of County Surveyor review, private road maintenance agreements, agricultural accessory buildings, and farm stands in the unincorporated Solano County (Attachment A).

SUMMARY:

The matter before the Planning Commission involves proposed amendments to Chapter 28 of the Solano County Code (Zoning Regulations) to revise and update certain sections with the goal of eliminating ambiguities, correcting errors, and promoting practicality and internal consistency. Department staff recommend proposed updates to four parts of the Code, as follows.

The first update proposes to clarify public works permitting oversight and the review capacity of the County Surveyor. The second update would correct an error in the zoning standards related to agricultural accessory buildings. The third update proposes to amend the County’s private road maintenance agreement requirement to align with the County’s Road Improvement Standards and Land Development Requirements and State law. The fourth update proposes minor amendments to how farm stands are defined and regulated in the unincorporated area of Solano County.

DISCUSSION:

Summary of Amendments:

General Development Standards Applicable to All Uses in Every Zoning District: Section 28.70.10(E)(3) is

amended to clarify Public Works permitting oversight and the review capacity of the County Surveyor to “review and approve any and all conveyance documents associated with, or as a condition of approval for, any land use subject to this Chapter.” These changes reflect current practice and clarify for the public the role of Public Works and the County Surveyor in reviewing land use applications.

Agricultural Accessory Buildings: Section 28.71.10(B)(1)(f) is removed because it is a standard applicable to *residential* accessory buildings which was erroneously placed in the section of the code related to *agricultural* accessory buildings. This standard currently exists in its correct location, Section 28.72.30(B)(1)(i) [Residential Accessory Uses and Buildings].

Private Road Maintenance Agreements: Section 28.71.10 includes general development standards applicable to all land uses in every zoning district. Department staff propose a new general standard, Section 28.71.10(B)(6), to clarify that all land uses in every zoning district shall comply with the Solano County Road Improvement Standards and Land Development Requirements (“County Road Standards”). This is a current requirement that is not clearly stated in the Code.

The County Road Standards were adopted in 2006, and the Solano County Public Works Engineering Division is nearing completion of a comprehensive update that is anticipated to be considered for approval by the Board of Supervisors in April of 2025, prior to the adoption of this zone text amendment. The update will include, among other things, clarifications regarding maintenance of private roads. The draft language to be included in the County Road Standards regarding private road maintenance is included as Attachment D.

Currently, Solano County Zoning Regulations include a private road maintenance agreement requirement for nearly all new or modified land uses located along a private road. In other words, the County will not approve most new land uses accessed by a private road unless all lot owners served by that private road sign (or already have in place) a road maintenance agreement. This requirement is not common across other jurisdictions in California and is more stringent than State law. The land uses subject to this requirement include those allowed by-right, allowed with an Administrative Permit, and allowed with a conditional Minor Use or Use Permit, including:

- Agricultural Processing Uses; Nursery with Public Sales; Medium Wineries, Animal Facilities and Operations; Commercial Auctions and Agricultural Equipment Sales; Livestock Auction Yards; Cottage Industries; Recreational Uses; Education Uses; Public Assembly Uses; Retail Uses; Office Uses; Agritourism; Temporary Agritourism; Industrial, Manufacturing, and Processing Uses, Wholesale Uses; Infrastructure Uses; Public Service Uses; Temporary Public Construction and Infrastructure Uses; and Suisun Valley specific Agricultural, Tourist, and Commercial Service Uses

The County’s private road maintenance agreement requirement has led to circumstances where a property owner is seeking to develop as otherwise allowed by County Code but is prevented from doing so by unresponsive neighboring landowners. If a neighbor refuses to, or simply fails to respond to efforts to, execute a private road maintenance agreement, County Code prevents the development from moving forward.

The proposed zone text amendment would remove the road maintenance agreement requirement and add a general standard that requires compliance with the County Road Standards. A full list of the land use types to which this amendment is applicable, and references, can be seen in the attached Draft Ordinance (Attachments A [clean] and B [redline]).

The proposed update to County Road Standards will provide that property owners living on private roads are required to maintain their roads according to State law, California Civil Code Section 845 (Attachment E). Civil Code section 845 requires maintenance of privately maintained roads to be shared equitably by the landowners benefiting from those roads, in proportion to the use made by each owner-unless there is a road maintenance agreement in place. The County does not enforce private road maintenance. Rather, it is

enforced through civil action between the neighbors.

The proposed update to County Road Standards would also include a provision that approval of a development application requiring a discretionary permit (e.g., Minor Use Permit or Use Permit), located on a private road, shall be expressly conditioned on compliance with Civil Code section 845. The purpose of this is to make it clear to the landowner that, consistent with State law, they have an obligation to contribute their fair share of maintenance costs or have an executed road maintenance agreement in place. The approval authority for the development application (e.g., Zoning Administrator, Planning Commission, Board of Supervisors) would have discretion to require a private road maintenance agreement on a case-by-case basis.

On November 19, 2024, Department staff brought the concept of this proposed change to the Land Use and Transportation Committee. The feedback received was supportive of the proposed amendment to remove the private road maintenance agreement requirement and defer to State law.

Farm Stands: Section 28.01 (definitions) and Article II of Chapter 28 is amended to update the County's farm stand land use regulations and definitions based on comments received from the Board of Supervisors, members of the public, and multiple divisions of Solano County staff to further clarify County Farm Stand operations.

The most significant changes made through these proposed amendments include the following:

- Clarifying in the Farm Stand definition to provide internal consistency. The land use standards for Farm Stands in Article II provide that Agricultural Products must be grown primarily on-site or off-site on land owned or leased by the farm stand operator. The proposed revision resolves the inconsistency.
- Simplification of Agricultural Products definition language from "honey, pollen, unprocessed bees wax, propolis, royal jelly" to "honey and other bee products" and from "raw sheared wool" to "wool".
- Clarification that "nursery stock" is permitted to be sold at Farm Stands only if grown and produced in Solano County.
- Revised the "are in harmony with" language in both the Local Products and Other Products definitions to "promote" in order to provide more clarity.

Additionally, the on-site growing requirement previously stated that at least 50% of Agricultural Products sold shall be grown or produced on-site or off-site on land within Solano County owned or leased by the Farm Stand operator. In response to concerns regarding the feasibility of this requirement for large farm stands, this requirement would not apply to Farm Stands greater than 2,500 square feet in size that require a minor use permit.

Finally, the regulations are amended to provide that farm stand size is measured by gross floor area, instead of total roof-covered area. This is consistent with regulations for measuring the size of other land uses.

GENERAL PLAN CONSISTENCY:

The proposed ordinance is consistent with the Solano County General Plan in that the amendments to the text of Solano County Zoning Regulations are compatible with the objectives, policies, general land uses, and programs specified in the plan. The proposed ordinance does not alter prior regulations for intensity or location of development in the County.

ENVIRONMENTAL REVIEW:

The proposed zone text amendment is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15061(b)(3) because the proposed project has no potential to cause a significant effect on the environment. The proposed project entails a set of minor amendments to the text of Chapter 28 of the Solano County Code to eliminate ambiguities, correct typographical errors, and promote practicality and internal consistency. The proposed project will not alter prior regulations for intensity or location of development or otherwise compel any physical disturbance to the existing physical environment.

OTHER AGENCY INVOLVEMENT:

County Counsel assisted in development of the proposed zone text amendments.

PUBLIC HEARING NOTICE:

In accordance with Solano County Zoning Regulations, notice of a public hearing was published at least 20 days before the scheduled hearing in the local newspapers.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors adopt the proposed ordinance (ZT-25-01) amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update sections pertaining to Office of County Surveyor review, private road maintenance agreements, agricultural accessory buildings, and farm stands in the unincorporated Solano County.

ATTACHMENTS:

- A - Resolution with Draft Ordinance (Clean)
- B - Draft Ordinance (Redline)
- C - Public Notice
- D - Draft Solano County Road Improvement Standards relating to Private Road Maintenance Agreements
- E - Civil Code section 845

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. **XXX**

RESOLUTION OF THE SOLANO COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF ZONE TEXT AMENDMENT NO. ZT-25-01 TO THE SOLANO COUNTY BOARD OF SUPERVISORS

WHEREAS, the Solano County Planning Commission, after proper notice, conducted a public hearing on March 20, 2025, to consider proposed zone text amendment ZT-25-XX that would amend Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update sections pertaining to general development standards, agricultural accessory buildings, land uses on private roads, and farmstands; and

WHEREAS, the proposed zone text amendment is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15061(b)(3) because the proposed project has no potential to cause a significant effect on the environment. The proposed project entails a set of minor amendments to the text of Chapter 28 of the Solano County Code to eliminate ambiguities, correct typographical errors, and promote practicality and internal consistency. The proposed project will not alter prior regulations for intensity or location of development or otherwise compel any physical disturbance to the existing physical environment; and

WHEREAS, based on the staff report and recommendations, and after considering all public testimony and due deliberation, the Planning Commission determines that the proposed zone text amendment is appropriate and desirable, and is consistent with the Solano County General Plan.

RESOLVED, that the Solano County Planning Commission does hereby recommend approval of the proposed zone text amendment, attached hereto as Exhibit A, to the Solano County Board of Supervisors.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on March 20, 2025, by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

By: _____
Hector De La Rosa, Chair
Solano County Planning Commission

Attest:

By: _____
James Bezek, Secretary

EXHIBIT A

ORDINANCE NO. 2025-___

An ordinance amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update sections pertaining to general development standards, agricultural accessory buildings, land uses on private roads, and farmstands (ZT-25-01)

Whereas, Chapter 28 of the Solano County Code (Zoning Regulations) is occasionally amended by the Board of Supervisors with the goal of modernizing certain regulations to eliminate ambiguities, correct typographical errors, and promote practicality and internal consistency; and

Whereas, in furtherance of the above-stated goal, the proposed zone text amendment ZT-25-01 would revise and update sections of the County Zoning Regulations pertaining to general development standards, agricultural accessory buildings, land uses on private roads, and farmstands; and

Whereas, on March 20, 2025, the Solano County Planning Commission held a noticed public hearing to consider the proposed zone text amendment, and adopted a resolution recommending approval by the Board of Supervisors; and

Whereas, based on the staff report, recommendation of the Planning Commission, and all other relevant evidence presented to the Board of Supervisors, and after considering all public testimony and due deliberation, the Board of Supervisors determines that the proposed zone text amendment is appropriate and desirable, and is consistent with the Solano County General Plan.

Therefore, the Solano County Board of Supervisors ordains as follows:

SECTION I

Section 28.70.10(E)(3) of the Solano County Code, relating to general development standards applicable to all uses in every zoning district, is amended as follows:

28.70.10 General Development Standards Applicable to All Uses in Every Zoning District

No use of land or buildings shall be conducted except in compliance with these general development standards.

E. Other Permits. The use of lands and buildings may be subject to additional permits from the County of Solano or other public agencies. Prior to conducting any land use authorized under this Chapter, please check with the following agencies for additional permit requirements:

3. Public Works Engineering Division. The Engineering Services Division administers a variety of regulations which may require permits including, but not limited to, encroachment, grading, and drainage permits. The Office of the County Surveyor may review and approve any and all conveyance documents associated with, or as a condition of approval for, any land use subject to this Chapter.

SECTION II

Section 28.71.10(B)(1)(f) of the Solano County Code, relating to specific requirements for agricultural accessory buildings, is amended as follows:

28.71.10 CROP PRODUCTION AND GRAZING

B. Specific Requirements

The specific crop production and grazing uses listed below shall comply with the general performance standards (Section 28.70.10(A)) and the following specific standards:

- 1. Agricultural Accessory Buildings.** New accessory buildings, including alterations to existing buildings, shall be designed, constructed, and/or established in compliance with the development standards in the applicable zoning district and the following standards:

SECTION III

Section 28.70.10(B) of the Solano County Code is amended to add a general development standard related to public and private roads, as follows:

28.70.10 General Development Standards Applicable to All Uses in Every Zoning District

No use of land or buildings shall be conducted except in compliance with these general development standards.

- B. Performance Standards.** Except as provided in Chapter 2.2, any use of land or buildings must meet the applicable performance standards listed below:

- 6. Public and Private Roads.** All land uses shall comply with the Solano County Road Improvement Standards and Land Development Requirements, as they may be amended from time to time.

- 7.** Should the Zoning Administrator determine that a proposed use in any district is likely to violate the performance standards listed above, the Zoning Administrator may impose additional performance standards as described in Section 28.95.

SECTION IV

Articles II and III of Chapter 28 of the Solano County Code is amended to remove references to a required road maintenance agreement for specific land use types, as follows:

Section of Chapter 28	Amended Text
28.23.50.10(B)(1)(b)(3) Suisun Valley Agricultural Uses	3. Roads. Shall be located on a public road or a private road in compliance with the Solano County Road Improvement Standards and Land Development Requirements, as they may be amended from time to time. 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.
28.23.50.50(B)(3) Suisun Valley Tourist Uses	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 Solano County Road Improvement Standards and Land Development Requirements, as they may be amended from time to time. 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. The entrance, parking area, and walkways shall be kept free of obstructions or hazards of any type.
28.23.50.60(B)(2) Suisun Valley Commercial Service Uses	2. Roads. Commercial service uses shall be located on a public road or a private road in compliance with the Solano County Road Improvement Standards and Land Development Requirements, as they may be amended from time to time. 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.
28.71.20(A)(2) Agricultural Processing Uses	2. Processing facilities may be located on a public or private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.71.20 (B)(2)(a)(3) Nursery With Public Sales	(3) May be accessed from a public or private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.71.20(B)(3)(b)(1) Medium Winery	(1) Shall require a minor use permit if the property does not have direct access from a public road. May be accessed from a public or private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.71.30(A)(2) Animal Facilities and Operations	2. Processing facilities may be located on a public or private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.71.40(B)(2)(a)(3) Commercial Auctions and Agricultural Equipment Sales	(3) Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.71.40(B)(6)(a)(2) Livestock Auction Yard	(2) Roads. Livestock auction yards shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10
28.72.40(B)(1)(d)(4) Cottage Industries	(4) The site of the cottage industry shall have direct access to a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10

28.73.10(A)(3) Recreational Uses	3. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.73.20(A)(2) Education Uses	2. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.73.30 (A)(2) Public Assembly Uses	2. Access. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Unless required to be on a public road, a public assembly use shall have direct access from either a public or private road in accordance with the General Development Standards set forth in Section 28.70.10. Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion.
28.74.10 (A)(2) Retail Uses	2. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.74.20(A)(2) Office Uses	2. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.75.10(A)(2) Agritourism	2. Access. Shall have ingress and egress designed so as to avoid traffic congestion and hazards and shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.75.20(A)(2) Temporary Agritourism	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 in accordance with the General Development Standards set forth in Section 28.70.10.
28.77.10(A)(6) Industrial, Manufacturing, and Processing Uses	6. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.77.20(A)(3) Wholesale Uses	3. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.
28.78.20(A)(2) Infrastructure Uses	2. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.

<p>28.78.30(A)(2) Public Service Uses</p>	<p>2. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.</p>
<p>28.78.40(A)(3) Temporary Public Construction and Infrastructure (construction offices, storage, stockpiling, construction yards, concrete/ asphaltic mixing plants)</p>	<p>3. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10.</p>

SECTION V

Section 28.01 of the Solano County Code is amended as follows:

Farm Stand: An area of a property set aside for the sale of Agricultural Products, as defined below. Local and Other Products may also be sold, but only in conjunction with the sale of Agricultural Products, as regulated by the applicable zoning district. A Farm Stand shall not include the sale of alcoholic beverages, or any processing of Agricultural Products or “food preparation” unless conducted in compliance with the California Health and Safety Code and approved by the Department of Resource Management, Environmental Health Services Division. For purposes of Farm Stands, the following definitions apply:

Agricultural Products: Fresh or processed products including, but not limited to, fruits, nuts, vegetables, herbs, mushrooms, shell eggs, honey and other bee products, flowers, grains, nursery stock (grown in Solano County only), jams and jellies, and wool.

Local Products: Products made on-site or off-site within Solano County that promote the agricultural community character, such as handcrafted items (pottery, knitted goods, homemade clothing, jewelry, and similar), specialty candies, jams and jellies, and chocolates made with local ingredients, homemade soaps and lotions, and local artwork and photography.

Other Products: Other products include arts, crafts, bakery, candies, soaps, balms, perfumes, cosmetics, pottery, clothing, fabrics, pastas, compost, fertilizers, candles, ceramics, foraged foods, types of wares and other similar products that either do not promote the agricultural community character or products where the majority of its content is from outside Solano County.

SECTION VI

Solano County Code, Article II, Section 28.74.10(B)(8)(b)(4), relating to land use regulations for Roadside Stands is amended as follows:

- (4) **On-Site Growing Requirement.** At least 50% of Agricultural Products sold shall be grown or produced on-site or off-site on land within Solano County owned or leased by the Farm Stand operator. The remainder of Agricultural Products sold may be produced off-site. This requirement does not apply to Farm Stands greater than 2,500 square feet in size that require a minor use permit. Please note that nursery stock may only be grown and produced on land within Solano County.

SECTION VII

Solano County Code, Article II, Section 28.23.50.40(B)(2)(a)(4) (Special Uses Regulations, Retail Trade Uses) relating to Farm Stands in the Suisun Valley zoning districts (A-SV-20, ATC, ATC-NC), is amended as follows:

- (4) 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 products as regulated by this chapter, grown or produced on site or off site. This requirement does not apply to Farm Stands greater than 2,500 square feet in size that require a minor use permit. Please note that nursery stock may only be grown and produced on land within Solano County.

SECTION VIII

Solano County Code, Article II, Section 28.74.10(B)(8)(a)(1), relating to land use regulations for Roadside Stands is amended as follows:

- (1) **Maximum Size.** Shall not be greater than 2,500 square feet in size, as determined by measuring the gross floor area.

SECTION IX

- (1) **Determining the Size of a Farm Stand.** Size, as regulated in the applicable zoning district, shall be determined by measuring the gross floor area. Where a farm stand is operated within a portion of a larger building, the farm 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.

SECTION X

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

- (2) **Stand Size Calculation.** Size, as regulated in Table 28.23A, shall be determined by measuring the gross floor area. Where a Farm Stand is operated within a portion of a larger building, the Farm 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.

SECTION XI

This Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §21000, et seq.) (CEQA) pursuant to CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.) Section 15061(b)(3) (Common Sense Exemption) because the proposed project has no potential to cause a significant effect on the environment. The proposed project entails a set of minor amendments to the text of Chapter 28 of the Solano County Code to eliminate ambiguities, correct typographical errors, and promote practicality and internal consistency. The proposed project will not alter prior regulations for intensity or location of development or otherwise compel any physical disturbance to the existing physical environment.

SECTION XII

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

SECTION XIII

If any provision of this Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance with case be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION XIV

A summary of this ordinance will be published within 15 days of its adoption in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

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 _____

MITCH H. MASHBURN, Chair
Solano County Board of Supervisors

ATTEST:
BILL EMLEN, Clerk
Solano County Board of Supervisors

By: _____
Alicia Draves, Chief Deputy Clerk

Introduced:
Adopted:
Effective:
Operative:

SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. XXX

RESOLUTION OF THE SOLANO COUNTY PLANNING COMMISSION
RECOMMENDING APPROVAL OF ZONE TEXT AMENDMENT NO. ZT-25-01 TO THE
SOLANO COUNTY BOARD OF SUPERVISORS

WHEREAS, the Solano County Planning Commission, after proper notice, conducted a public hearing on March 20, 2025, to consider proposed zone text amendment ZT-25-XX that would amend Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update sections pertaining to general development standards, agricultural accessory buildings, land uses on private roads, and farmstands; and

WHEREAS, the proposed zone text amendment is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15061(b)(3) because the proposed project has no potential to cause a significant effect on the environment. The proposed project entails a set of minor amendments to the text of Chapter 28 of the Solano County Code to eliminate ambiguities, correct typographical errors, and promote practicality and internal consistency. The proposed project will not alter prior regulations for intensity or location of development or otherwise compel any physical disturbance to the existing physical environment; and

WHEREAS, based on the staff report and recommendations, and after considering all public testimony and due deliberation, the Planning Commission determines that the proposed zone text amendment is appropriate and desirable, and is consistent with the Solano County General Plan.

RESOLVED, that the Solano County Planning Commission does hereby recommend approval of the proposed zone text amendment, attached hereto as Exhibit A, to the Solano County Board of Supervisors.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on March 20, 2025, by the following vote:

AYES:	Commissioners	_____
NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

By: _____
Hector De La Rosa, Chair

Attest:
By:

EXHIBIT A

ORDINANCE NO. 2025-___

An ordinance amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update sections pertaining to general development standards, agricultural accessory buildings, land uses on private roads, and farmstands (ZT-25-01)

Whereas, Chapter 28 of the Solano County Code (Zoning Regulations) is occasionally amended by the Board of Supervisors with the goal of modernizing certain regulations to eliminate ambiguities, correct typographical errors, and promote practicality and internal consistency; and

Whereas, in furtherance of the above-stated goal, the proposed zone text amendment ZT-25-01 would revise and update sections of the County Zoning Regulations pertaining to general development standards, agricultural accessory buildings, land uses on private roads, and farmstands; and

Whereas, on March 20, 2025, the Solano County Planning Commission held a noticed public hearing to consider the proposed zone text amendment, and adopted a resolution recommending approval by the Board of Supervisors; and

Whereas, based on the staff report, recommendation of the Planning Commission, and all other relevant evidence presented to the Board of Supervisors, and after considering all public testimony and due deliberation, the Board of Supervisors determines that the proposed zone text amendment is appropriate and desirable, and is consistent with the Solano County General Plan.

Therefore, the Solano County Board of Supervisors ordains as follows:

SECTION I

Section 28.70.10(E)(3) of the Solano County Code, relating to general development standards applicable to all uses in every zoning district, is amended as follows:

28.70.10 General Development Standards Applicable to All Uses in Every Zoning District

No use of land or buildings shall be conducted except in compliance with these general development standards.

E. Other Permits. The use of lands and buildings may be subject to additional permits from the County of Solano or other public agencies. Prior to conducting any land use authorized under this Chapter, please check with the following agencies for additional permit requirements:

3. Public Works Engineering Division. The Engineering Services Division administers a variety of regulations which may require permits including, but not limited to, encroachment, ~~permits and~~ grading, and drainage permits. The Office of the County Surveyor may review and approve any and all conveyance documents associated with, or as a condition of approval for, any land use subject to this Chapter.

SECTION II

Section 28.71.10(B)(1)(f) of the Solano County Code, relating to specific requirements for agricultural accessory buildings, is amended as follows:

28.71.10 CROP PRODUCTION AND GRAZING

B. Specific Requirements

The specific crop production and grazing uses listed below shall comply with the general performance standards (Section 28.70.10(A)) and the following specific standards:

- 1. Agricultural Accessory Buildings.** New accessory buildings, including alterations to existing buildings, shall be designed, constructed, and/or established in compliance with the development standards in the applicable zoning district and the following standards:

~~**f. Sequence of Construction.** A residential accessory building, including a dwelling space accessory building, shall not be constructed on a lot until construction of the primary dwelling has commenced.~~

SECTION III

Section 28.70.10(B) of the Solano County Code is amended to add a general development standard related to public and private roads, as follows:

28.70.10 General Development Standards Applicable to All Uses in Every Zoning District

No use of land or buildings shall be conducted except in compliance with these general development standards.

- B. Performance Standards.** Except as provided in Chapter 2.2, any use of land or buildings must meet the applicable performance standards listed below:

~~**6. Public and Private Roads.** All land uses shall comply with the Solano County Road Improvement Standards and Land Development Requirements, as they may be amended from time to time.~~

~~**76.** Should the Zoning Administrator determine that a proposed use in any district is likely to violate the performance standards listed above, the Zoning Administrator may impose additional performance standards as described in Section 28.95.~~

SECTION IV

Articles II and III of Chapter 28 of the Solano County Code is amended to remove references to a required road maintenance agreement for specific land use types, as follows:

Section of Chapter 28	Amended Text
28.23.50.10(B)(1)(b)(3) Suisun Valley Agricultural Uses	3. Roads. Shall be located on a public road or a private road <u>in compliance with the Solano County Road Improvement Standards and Land Development Requirements, as they may be amended from time to time.</u> if there is a recorded maintenance agreement executed by all lot owners 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.
28.23.50.50(B)(3) Suisun Valley Tourist Uses	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 <u>Solano County Road Improvement Standards and Land Development Requirements, as they may be amended from time to time</u> County road standards. 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 and the road shall comply with County road standards. 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. The entrance, parking area, and walkways shall be kept free of obstructions or hazards of any type.
28.23.50.60(B)(2) Suisun Valley Commercial Service Uses	2. Roads. Commercial service uses shall be located on a public road or a private road <u>in compliance with the Solano County Road Improvement Standards and Land Development Requirements, as they may be amended from time to time</u> if there is a recorded maintenance agreement executed by all lot owners 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.
28.71.20(A)(2) Agricultural Processing Uses	2. Processing facilities may be located on a <u>public or private road</u> only if there is a recorded maintenance agreement executed by all lot owners served by the private road <u>in accordance with the General Development Standards set forth in Section 28.70.10.</u>
28.71.20 (B)(2)(a)(3) Nursery With Public Sales	(3) <u>May be accessed from a public or private road in accordance with the General Development Standards set forth in Section 28.70.10.</u> 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 and the road shall comply with County road standards.
28.71.20(B)(3)(b)(1) Medium Winery	(1) Shall require a minor use permit if the property does not have direct access from a public road. <u>May be accessed from a public or private road in accordance with the General Development Standards set forth in Section 28.70.10.</u> 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 and the road shall comply with County road standards.
28.71.30(A)(2) Animal Facilities and Operations	2. Processing facilities may be located on a public or private road in accordance with the General Development Standards set forth in Section 28.70.10 only if there is a recorded maintenance agreement executed by all lot owners served by the private road.
28.71.40(B)(2)(a)(3) Commercial Auctions and Agricultural Equipment Sales	(3) Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10 if there is a recorded maintenance agreement executed by all lot owners 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.
28.71.40(B)(6)(a)(2) Livestock Auction Yard	(2) Roads. Livestock auction yards shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10 if there is a recorded maintenance agreement executed by all lot owners 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.
28.72.40(B)(1)(d)(4) Cottage Industries	(4) The site of the cottage industry shall have direct access to a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10 a public road or access from an adequate private road. Where access to the site is by private road, the applicant for the cottage industry permit must demonstrate either (1) active financial participation in a road maintenance association, or (2) written consent to use the private road for business purposes from all co-owners of the private road easement.
28.73.10(A)(3) Recreational Uses	3. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10 if there is a recorded maintenance agreement executed by all lot owners 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.
28.73.20(A)(2) Education Uses	2. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10 if there is a recorded maintenance agreement

	<p>executed by all lot owners 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.</p>
28.73.30 (A)(2) Public Assembly Uses	<p>2. Access. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Unless required to be on a public road, a public assembly use shall have direct access from either a public or private road in accordance with the General Development Standards set forth in Section 28.70.10 that complies with County road standards. 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. Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion.</p>
28.74.10 (A)(2) Retail Uses	<p>2. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10 if there is a recorded maintenance agreement executed by all lot owners 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.</p>
28.74.20(A)(2) Office Uses	<p>2. Roads. Shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10 if there is a recorded maintenance agreement executed by all lot owners 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.</p>
28.75.10(A)(2) Agritourism	<p>2. Access. Shall have ingress and egress designed so as to avoid traffic congestion and hazards and shall be located on a public road or a private road in accordance with the General Development Standards set forth in Section 28.70.10 if there is a recorded maintenance agreement executed by all lot owners served by the private road.</p>
28.75.20(A)(2) Temporary Agritourism	<p>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 in accordance with the General Development Standards set forth in Section 28.70.10 that complies with County road standards. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the</p>

	<p>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.</p>
<p>28.77.10(A)(6) Industrial, Manufacturing, and Processing Uses</p>	<p>6. Roads. Shall be located on a public road or a private road <u>in accordance with the General Development Standards set forth in Section 28.70.10</u> if there is a recorded maintenance agreement executed by all lot owners 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.</p>
<p>28.77.20(A)(3) Wholesale Uses</p>	<p>3. Roads. Shall be located on a public road or a private road <u>in accordance with the General Development Standards set forth in Section 28.70.10</u> if there is a recorded maintenance agreement executed by all lot owners 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.</p>
<p>28.78.20(A)(2) Infrastructure Uses</p>	<p>2. Roads. Shall be located on a public road or a private road <u>in accordance with the General Development Standards set forth in Section 28.70.10</u> if there is a recorded maintenance agreement executed by all lot owners 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.</p>
<p>28.78.30(A)(2) Public Service Uses</p>	<p>2. Roads. Shall be located on a public road or a private road <u>in accordance with the General Development Standards set forth in Section 28.70.10</u> if there is a recorded maintenance agreement executed by all lot owners 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.</p>
<p>28.78.40(A)(3) Temporary Public Construction and Infrastructure (construction offices, storage, stockpiling,</p>	<p>3. Roads. Shall be located on a public road or a private road <u>in accordance with the General Development Standards set forth in Section 28.70.10</u> if there is a recorded maintenance agreement executed by all lot owners 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</p>

construction yards, concrete/ asphaltic mixing plants)	shall not be limited to, paving of the connection within the County road right-of-way.
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SECTION V

Section 28.01 of the Solano County Code is amended as follows:

Farm Stand: An area of a property set aside for the sale of Agricultural Products, as defined below. ~~, that are grown primarily on the property (“on-site”). Agricultural Products that have been grown or produced off the property (“off-site”) may only be sold in conjunction with the sale of crops grown on-site or off-site on land owned or leased by the operator within Solano County and in compliance with applicable laws or regulations governing the construction, operation and maintenance of the stand.~~ Local and Other Products may also be sold, but only in conjunction with the sale of Agricultural Products, as regulated by the applicable zoning district. A Farm Stand shall not include the sale of alcoholic beverages, or any processing of Agricultural Products or “food preparation” unless conducted in compliance with the California Health and Safety Code and approved by the Department of Resource Management, Environmental Health Services Division. For purposes of Farm Stands, the following definitions apply:

Agricultural Products: Fresh or processed products including, but not limited to, fruits, nuts, vegetables, herbs, mushrooms, shell eggs, honey and other bee products, ~~potter,~~ unprocessed bees wax, propolis, royal jelly, flowers, grains, nursery stock (grown in Solano County only), jams and jellies, and ~~raw sheared~~ wool.

Local Products: Products made on-site or off-site within Solano County that ~~are in harmony with promote~~ the agricultural community character, such as handcrafted items (pottery, knitted goods, homemade clothing, jewelry, and similar), specialty candies, jams and jellies, and chocolates made with local ingredients, homemade soaps and lotions, and local artwork and photography.

Other Products: Other products include arts, crafts, bakery, candies, soaps, balms, perfumes, cosmetics, pottery, clothing, fabrics, pastas, compost, fertilizers, candles, ceramics, foraged foods, types of wares and other similar products that ~~are either do not in harmony with promote~~ the agricultural community character or products where the majority of its content is from outside Solano County.

SECTION VI

Solano County Code, Article II, Section 28.74.10(B)(8)(b)(4), relating to land use regulations for Roadside Stands is amended as follows:

- (4) **On-Site Growing Requirement.** At least 50% of Agricultural Products sold shall be grown or produced on-site or off-site on land within Solano County owned or leased by the Farm Stand operator. The remainder of Agricultural Products sold may be produced off-site. This requirement does not apply to Farm Stands greater than 2,500 square feet in size that require a minor use permit. Please note that nursery stock may only be grown and produced on land within Solano County.

SECTION VII

Solano County Code, Article II, Section 28.23.50.40(B)(2)(a)(4) (Special Uses Regulations, Retail Trade Uses) relating to Farm Stands in the Suisun Valley zoning districts (A-SV-20, ATC, ATC-NC), is amended as follows:

- (4) 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 products as regulated by this chapter, grown or produced on site or off site. This requirement does not apply to Farm Stands greater than 2,500 square feet in size that require a minor use permit. Please note that nursery stock may only be grown and produced on land within Solano County.

SECTION VIII

Solano County Code, Article II, Section 28.74.10(B)(8)(a)(1), relating to land use regulations for Roadside Stands is amended as follows:

- (1) **Maximum Size.** Shall not be greater than 2,500 square feet in size, as determined by measuring the ~~total roof covered gross floor~~ area.

SECTION IX

- (1) **Determining the Size of a Farm Stand.** Size, as regulated in the applicable zoning district, shall be determined by measuring the ~~total roof covered gross floor~~ area. Where a farm stand is operated within a portion of a larger building, the farm 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.

SECTION X

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

- (2) **Stand Size Calculation.** Size, as regulated in Table 28.23A, shall be determined by measuring the ~~total roof covered gross floor~~ area. Where a Farm Stand is operated within a portion of a larger building, the Farm 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.

SECTION XI

This Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §21000, et seq.) (CEQA) pursuant to CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.)

Section 15061(b)(3) (Common Sense Exemption) because the proposed project has no potential to cause a significant effect on the environment. The proposed project entails a set of minor amendments to the text of Chapter 28 of the Solano County Code to eliminate ambiguities, correct typographical errors, and promote practicality and internal consistency. The proposed project will not alter prior regulations for intensity or location of development or otherwise compel any physical disturbance to the existing physical environment.

SECTION XII

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

SECTION XIII

If any provision of this Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance with case be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION XIV

A summary of this ordinance will be published within 15 days of its adoption in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

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 _____

MITCH H. MASHBURN, Chair
Solano County Board of Supervisors

ATTEST:
BILL EMLLEN, Clerk
Solano County Board of Supervisors

By: _____
Alicia Draves, Chief Deputy Clerk

Introduced:
Adopted:
Effective:

DEPARTMENT OF RESOURCE MANAGEMENT



Planning Services Division

NOTICE OF PUBLIC HEARING

(Planning Commission)

NOTICE IS HEREBY GIVEN that the Solano County Planning Commission will hold a PUBLIC HEARING to consider zone text amendment ZT-25-01, which would amend Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update regulations related to Office of County Surveyor review, private road maintenance agreements, agricultural accessory buildings, and farm stands in the unincorporated Solano County. The project has been determined not to have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act pursuant to the General Rule Section 15061(b)(3). (Project Planner: Allan Calder, 707-784-6765)

The hearing will be held on **Thursday, March 20, 2025 at 6:00 p.m.** in the Board of Supervisors Chambers, County Administration Center, 1st Floor, 675 Texas Street, Fairfield, California. Staff reports and associated materials will be available to the public approximately one week prior to the meeting at www.solanocounty.com under Departments; Resource Management; Boards, Commissions & Special Districts; Solano County Planning Commission.

The County of Solano does not discriminate against persons with disabilities. If you wish to participate in this meeting and you will require assistance in order to do so, please contact the Department of Resource Management at 707-784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC COMMENTS:

In-Person: You may attend the public hearing at the time and location listed above and provide comments during the public speaking period. Email/Mail: Written comments can be emailed to PlanningCommission@SolanoCounty.com or mailed to Resource Management, Planning Commission, 675 Texas Street, Suite 5500, Fairfield, CA 94533 and must be received by 10:00 a.m. the day of the meeting. Copies of written comments received will be provided to the Planning Commission and will become a part of the official record but will not be read aloud at the meeting.

If you challenge the proposed consideration in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Sec. 1-3.4 ROAD MAINTENANCE

For applications of development (new or changes to the existing use) on existing parcels where primary access is provided through a Private Road shared by other parcels, the applicant shall be conditioned to pay its fair share of the Private Road maintenance costs in proportion to the additional use made under the application as defined by California Civil Code.

The Director of Resource Management may waive this standard if one of the following conditions apply:

1. An existing recorded Private Road Maintenance agreement over the Private Road in question exists.
2. Circumstances of the application require that the Director condition the application to execute a Private Road Maintenance Agreement with all parcel owners. The Maintenance Agreement shall be submitted to the Director for review and approval prior to recording.

Note: the above Private Road Maintenance Agreement requirement is in draft form subject to refinement prior to the Approval of the Board of Supervisors.

State of California

CIVIL CODE

Section 845

845. (a) The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair.

(b) If the easement is owned by more than one person, or is attached to parcels of land under different ownership, the cost of maintaining it in repair shall be shared by each owner of the easement or the owners of the parcels of land, as the case may be, pursuant to the terms of any agreement entered into by the parties for that purpose. In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

(c) If any owner refuses to perform, or fails after demand in writing to pay the owner's proportion of the cost, an action to recover that owner's share of the cost, or for specific performance or contribution, may be brought by the other owners, either jointly or severally. The action may be brought before, during, or after performance of the maintenance work, as follows:

(1) The action may be brought in small claims court if the amount claimed to be due as the owner's proportion of the cost does not exceed the jurisdictional limit of the small claims court. A small claims judgment shall not affect apportionment of any future costs that are not requested in the small claims action.

(2) Except as provided in paragraph (1), the action shall be filed in superior court and, notwithstanding Section 1141.13 of the Code of Civil Procedure, the action shall be subject to judicial arbitration pursuant to Chapter 2.5 of Title 3 of Part 3 (commencing with Section 1141.10) of the Code of Civil Procedure. A superior court judgment shall not affect apportionment of any future costs that are not requested in the action, unless otherwise provided in the judgment.

(3) In the absence of an agreement addressing the maintenance of the easement, any action for specific performance or contribution shall be brought in a court in the county in which the easement is located.

(4) Nothing in this section precludes the use of any available alternative dispute resolution program to resolve actions regarding the maintenance of easements in the small claims court or the superior court.

(d) In the event that snow removal is not required under subdivision (a), or under any independent contractual or statutory duty, an agreement entered into pursuant to subdivision (b) to maintain the easement in repair shall be construed to include snow removal within the maintenance obligations of the agreement if all of the following exist:

(1) Snow removal is not expressly precluded by the terms of the agreement.

(2) Snow removal is necessary to provide access to the properties served by the easement.

(3) Snow removal is approved in advance by the property owners or their elected representatives in the same manner as provided by the agreement for repairs to the easement.

(e) This section does not apply to rights-of-way held or used by railroad common carriers subject to the jurisdiction of the Public Utilities Commission.

(Amended by Stats. 2012, Ch. 244, Sec. 1. (AB 1927) Effective January 1, 2013.)