



SOLANO COUNTY

Land Use and Transportation Committee

**Meeting of February 9, 2023 at 2:00 p.m.
675 Texas Street 6th Floor Conference Room 6003**

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 call 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.

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

To submit comments verbally from your phone, you may do so by dialing: 1-323-457-3408 and using Access Code 234 106 708# on your phone. Once entered in the meeting, you will be able to hear the meeting and will be called upon to speak during the public speaking period.

- 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. Update on Proposed Amendments to Chapter 28 Zoning Regulations related to Vacation House Rentals and Zoning Code Enforcement
 - B. General Plan Text Amendments related to wind turbines, habitat and other general clean-up items
 - C. Williamson Act Uniform Rules revisions
 - D. Emergency Ag Pass Program
- 3. Committee Member Comments**
- 4. Adjournment**

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DEPARTMENT OF RESOURCE MANAGEMENT



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MEMORANDUM

DATE: February 7, 2024
TO: Land Use and Transportation Committee (LUTC)
FROM: Terry Schmidtbauer, Director of Resource Management
SUBJECT: February 9, 2023 LUTC Meeting Background Information

A. Update on Proposed Amendments to Chapter 28 Zoning Regulations related to Vacation House Rentals and Zoning Code Enforcement

Urgency Ordinance #2021-1820U-E placing a moratorium on approval of additional vacation house rentals (VHRs) in Rural Residential zoned districts will expire after April 27, 2023. Per previous Board direction, staff have been updating the LUTC and receiving general direction regarding proposed amendments to Solano County Code to improve regulation of VHRs ahead of the moratorium's expiration. On November 14, 2022, staff discussed various amendments proposed to Solano County Code, Chapter 10 – Abatement of Public Nuisances, Chapter 14 – Business Licensing, and Chapter 28 – Zoning Regulations to the LUTC with the goal to move forward with the public approval process at the Planning Commission, Airport Land Use Commission (ALUC) and/or Board of Supervisors, as necessary. Currently, the Board adopted amendments to Chapter 10 and introduced amendments to Chapter 14 on February 7, 2022. Action on Chapter 28 is still pending, and staff is proposing to bring the a draft ordinance amending Chapter 28 to the Planning Commission on February 16, 2023, the ALUC on March 9, 2023, and then to the Board on March 28, 2023. This timeline provides an opportunity to receive additional feedback from the LUTC ahead of the Planning Commission.

The overall intent of the Chapter 28 ordinance amendment is to clarify the various forms of transient occupancy lodging allowed and the conditions under which they can occur, support agritourism while preserving the rural character of the unincorporated area, preserve secondary dwelling units for long-term housing needs, address transient lodging operations to protect visitors and residents, stop public nuisances from occurring and correct them when they do, and improve the permitting process. Staff will provide information to the LUTC on how the proposed ordinance amendments accomplish these goals. Key amendments include prohibition of VHRs in Rural Residential districts and in a State Responsibility Area (SRA) for fire response designated as Very High or High (except property zoned ASV-20 in the Suisun Valley Strategic Plan area can be located in a SRA designated as High).

- Attachments:
- A1: Proposed amendment to Chapter 28 related to VHRs and other transient occupancies
 - A2: Proposed Amendment to Chapter 28 related to Zoning Regulation enforcement
 - A3: Zoning Text Update Table

B. General Plan Text Amendments Related to Wind Turbines, Habitat and Other General Clean-up Items

1. Proposed General Plan amendments for wind turbines

Solano County Ordinance No. 2021-1819U-E, which places a moratorium on commercial wind turbines, is set to expire after April 6, 2023. The Board implemented the moratorium due to potential impacts to Travis Air Force Base (TAFB) operations resulting from wind turbine heights and/or radar interference. The proposed General Plan text amendments add protections to TAFB and flight navigation by placing a 5-year restriction on construction of wind turbines and then requiring demonstration of no increased radar impacts or flight navigation hazards after that time. The proposed amendments are being made to be consistent with the TAFB Land Use Compatibility Plan and to address items raised in the TAFB Sustainability Study Report. Staff have sought input from TAFB staff on the proposed changes and their comments are pending. Comments provided by the LUTC will be incorporated into the proposed General Plan amendments. It is anticipated that the proposed amendments will be brought to the Planning Commission on March 2, 2023 and the Airport Land Use Commission on March 9, 2023 prior to bringing to the Board on March 28, 2023 for consideration of adoption.

Attachment B1 – Proposed General Plan text amendment related to wind turbines

Attachment B2 – Key amendments

2. General direction on amendments related to habitat & other clean up items

Staff are evaluating potential General Plan text amendments to address siting habitat conservation areas to ensure that they do not adversely impact Travis Air Force Base operations. Staff also propose several text amendments to clean-up references or typographical errors in the General Plan. Staff seek LUTC direction on any other relevant text amendments or considerations to include as part of amendments to these items.

C. Update on Williamson Act Uniform Rules revisions

The Department is currently in the process of updating the Williamson Act Uniform Rules (Rules). Once updated, the Rules can be used to audit the contracts to ensure they are being properly used for agricultural purposes. Staff will discuss the proposed updates to the Rules to receive general direction from the LUTC prior to bringing to the Board for concurrence.

Attachment C –Update to the Williamson Act Uniform Rules Table

D. Emergency Ag Pass Program

Staff will provide a verbal update to the LUTC regarding a proposed Solano County Emergency Ag Pass Program. The purpose of the program is to facilitate the safety and continuity of commercial livestock and agricultural operations before, during and after natural disaster events by allowing access to agricultural properties within disaster evacuation areas to verified and trained commercial livestock operators and agriculturalists, and their employees, for performance of essential livestock care and crop management and processing activities. Staff will also provide timeline for presenting to the Board and implementation of training.

Definitions

Accessory building. A subordinate building or structure located on the same lot, the use of which is customarily incidental to that of the main building or to the principal use of the land.

Agricultural accessory building. A building, greenhouse, or other structure that is utilized in conjunction with the use of the property for commercial crop production or grazing, including the storage of agricultural products and supplies and equipment used in agricultural operations. Buildings used for other purposes, such as dwellings or residential accessory buildings, employee housing, stables, dairies or other confined animal facilities, and agricultural processing facilities are not agricultural accessory buildings.

~~**Dwelling space accessory building.** A detached residential accessory building that contains habitable space and is used, or capable of use, as additional living area for an existing dwelling but does not include cooking facilities and is not used or intended as independent living facilities. Examples include an art or music studio, an exercise or recreation room, an office for a licensed home occupation, or a pool house.~~

Residential accessory building. A detached building accessory to a single-family dwelling. Examples include a detached garage, a storage shed, a guest house, and a pool house~~or a dwelling space accessory building~~. In any R district, an accessory building other than a greenhouse on a lot that has a dwelling is classified as a residential accessory building even if the accessory building is used in conjunction with the use of the property for commercial crop production or grazing. A residential accessory building does not include a secondary dwelling or accessory dwelling unit.

~~**Agricultural homestay.** Lodging accommodations provided as part of a farming operation, as regulated under the California Health and Safety Code, which meets all of the following requirements: (a) has not more than 6 guestrooms or accommodates not more than 15 guests; (b) provides overnight transient accommodations; (c) serves food only to its registered guests and serves meals at any time, and includes the price of the food in the price of the lodging; (d) lodging and meals are incidental and not the primary function of the facility; and, (e) the facility is located on, and is part of, a farm, as defined in the Food and Agricultural Code, that produces agricultural products as its primary source of income. A dwelling, occupied by a resident family and located on and part of a farm that produces agricultural products as its the family's primary source of income, in which two or more guest rooms are offered or used for transient occupancy, with or without meals.~~

~~**Bed and Breakfasts Inn:** Lodging accommodations which provides overnight transient accommodations, with no more than 10 guest rooms, and serves food only to its registered guests and that serves only a breakfast or similar early morning meal and no other meals and includes the price of the food in the price of the lodging. A dwelling, occupied by a resident family, in which two or more guest rooms are offered or used for transient occupancy, with or without meals.~~

Gross floor area. For ~~residential structures~~dwellings, gross floor area shall be calculated as the total area of all floors of the dwelling or dwelling unit, as measured to the exterior finished surface of outside walls or to the centerline of common walls separating dwelling units, not including any carport, walkway, garage, overhang, patio, partially-enclosed patio, attached or detached residential accessory structure, or similar area. For residential accessory structures, gross floor area shall be calculated as the total floor area of the structure as measured to the exterior finished surface of outside walls or to the centerline of common walls separating the accessory structure from the dwelling or from a different occupancy classification. For commercial or industrial structures, gross floor area shall be calculated as the total area of all floors of the building, including any loft or mezzanine, measured to the exterior finished surface of outside walls or to the centerline of common walls, including covered and enclosed space, but not including any exterior storage areas incidental to the principal use of the construction, including any garage, parking structure, unenclosed walkway, or utility or disposal area.

Guest house. ~~Detached living quarters of a permanent type of construction, without a kitchen, and accessory to the primary dwelling on the same building site. A guest house may not be rented, let, or leased separate from the primary dwelling, whether compensation be direct or indirect. A residential accessory building, or portion thereof, accessory to a primary dwelling, used or intended to be used for living or sleeping purposes; does not contain or have provision for a kitchen but may contain a full or half-bath and/or wet bar.~~

Guest room. A room used or intended to be used by one or more guests for transient occupancy.

Hosted Rental. A dwelling, occupied by a resident family, in which a single guest room is offered or used for transient occupancy, with or without meals; a single-room bed and breakfast inn.

Hotel. A building, portion of a building, or group of buildings containing six or more guest rooms designed, used, or intended to be used, ~~let or hired out~~ for transient ~~accommodations~~occupancy. A hotel may include accessory uses, such as a commercial kitchen or dining facilities open to the public.

Kitchen. A room, space, or interior area with equipment for the preparation and cooking of food, including a sink, a refrigerator, and either a stove, range, grill, or oven; does not include a wet bar.

Pool house. Includes bathhouse. An accessory building adjacent to a pool or spa for dressing by bathers, which may include a bathroom and incidental storage area. A pool house shall not include indoor cooking or sleeping facilities, HVAC equipment, or greater than a 110-volt electrical connection except for a dedicated service for pool equipment.

Resort Hotel: A hotel that also provides interrelated visitor services intended to serve the needs of the community and ~~people travelling through~~tourists visiting the area. Typical uses may include but are not limited to: recreation activities/facilities, spa or other therapeutic facilities, meeting rooms, banquet facilities, ~~administrative facilities, maintenance and storage facilities,~~ and restaurant and retail uses intended for use by both guests and non-guests.

Rooming or boarding house. A ~~dwellingbuilding~~, other than a hotel, ~~residential hotel, vacation house rental, or dwelling occupied by a resident family~~, where lodging, ~~or with or without meals, or both, for four or more persons are~~is provided for compensation.

Single room occupancy hotel or residential hotel. A building, portion of a building, or group of buildings containing six or more guest rooms or efficiency units, intended or designed to be used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests. A single room occupancy hotel may include accessory uses, such as a commercial kitchen or common dining facilities for residents.

Transient Occupancy. ~~Temporary occupancy of a lodging facility or dwelling by any person other than the resident family by concession, permit, right of access, license, gift, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Does not include an occasional home exchange of a dwelling used as the property owner's primary residence, but does includes temporary occupancy of a dwelling used pursuant to a time share plan or form of co- ownership if any time share period or other entitlement to occupancy of the dwelling is limited to periods of 30 consecutive days or less.~~

Vacation house rental. ~~A dwelling with no more than five guestrooms or sleeping rooms that is offered, or used, let, or hired out for compensation for periods of 30 consecutive days or less for transient occupancy without a resident family present within the dwelling. Does not include an occasional home exchange of a dwelling used as the property owner's primary residence. Includes any dwelling used pursuant to a time share plan or other similar form of co- ownership if any time share period or other entitlement to occupancy of the dwelling is limited to 30 days or less per year.~~

~~**Vacation house rental, hosted.** A vacation house rental on a parcel with either a primary and secondary dwelling or a single family dwelling and an accessory dwelling unit, where the property owner resides on the property in the nonrental dwelling.~~

~~**Vacation house rental, unhosted.** A vacation house rental where the owner does not reside on the property.~~

Wet Bar. ~~A single, bar-sized sink with minimal cabinets and counters. A wet bar shall not contain or have provision for a gas or electric range, cook top, or oven (not including a counter-top microwave oven); a refrigerator with a capacity in excess of 6 cubic feet; a standard-sized kitchen sink; or a dishwasher.~~

Regulations and Standards

28.23.50.20 Residential Uses

- A. **Permit Required.** Residential uses are permitted uses, subject to the permit requirements in Table 28-23A.
- B. **Standards** Residential uses must meet the applicable development standards delineated in Tables 28-23B and 28-23C and comply with the following:

2. SECONDARY DWELLING

- a. **Standards.** A secondary dwelling, as permitted in Table 28.23A, must meet the following specific development standards as well as the development standards delineated in Table 28.23B.
 - (1) The maximum size of the secondary dwelling shall not exceed 2,400 square feet of gross floor area. Notwithstanding this limit, the gross floor area of a detached secondary dwelling shall not exceed 80 percent of the gross floor area of the primary dwelling and the gross floor area of an attached secondary dwelling shall not exceed 50 percent of the gross floor area of the primary dwelling. If the secondary dwelling is established within an existing primary dwelling, the gross floor area of the secondary dwelling shall not exceed 33 percent of the existing gross floor area of the primary dwelling nor result in the gross floor area of the primary dwelling being less than 1,000 square feet.
 - (2) A secondary dwelling may be a detached structure or may be attached to another building on the same lot. If attached to another building, a separate exterior entrance shall be provided, independent from the entrance for the building to which it is attached.
 - (3) A secondary dwelling shall not be allowed on a parcel that has a companion living unit or other similar accessory housing unit. It shall be allowed under the following conditions:
 - (a) Use of an existing dwelling while the replacement dwelling is under construction, in accordance with Section 28.72.20(B)(6);
 - (b) Use of temporary dwelling while the primary dwelling is under construction, with a use permit;

- (c) Agricultural employee housing or HCD agricultural employee housing, as permitted in Table 28.23A.

(4) A secondary dwelling shall not be used as a Vacation House Rental unless approved for such use in accordance with Section 28.75.30.

b. Existing secondary dwellings, companion living units or guest houses.
Secondary dwellings, companion living units or guest house, existing:

- (1) A secondary living unit legally existing on the lot prior to February 1, 2011, which does not comply with the size or setback requirements of this Section shall be considered legal non-conforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”). Such use may continue, provided that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.
- (2) A guest house legally existing on the lot prior to February 1, 2011, and which does not conform to the standards described in Section 28.72.30 shall be considered legal non-conforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”). Such a guest house may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) all facilities necessary to convert the structure to a dwelling, including cooking, sanitation, and parking facilities shall be installed in compliance with County building and zoning standards as applicable; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the structure does not meet the size or setback requirements of this Section for a secondary dwelling, it shall be considered legal non-conforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”).
- (3) A companion living unit legally existing on the lot prior to February 1, 2011, pursuant to an approved conditional use permit, may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) the unit is installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the unit does not meet the size or setback requirements of this Section, it shall be considered legal non-conforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”). If an existing companion living

unit is converted to a secondary dwelling, the conditions of the use permit shall no longer be applicable. If an existing companion living unit is not converted to a secondary dwelling, it shall remain subject to the conditions of the use permit, and shall be promptly removed from the lot upon expiration or revocation of the permit.

- (4) If both a secondary living unit and a companion living unit legally exist on the lot prior to June 13, 2008, the secondary living unit shall be considered the secondary dwelling on the lot and the companion living unit may continue on the lot as a temporary dwelling for the remaining term of the conditional use permit.
- (5) **Additional Extensions.** A companion living unit legally existing on the lot prior to February 1, 2011, pursuant to an approved conditional use permit which expires, may be extended for a temporary period, not to exceed two years, upon securing a minor use permit, provided:
 - (a) All of the findings made in the original use permit still apply.
 - (b) The property owner and the occupant of the companion living unit have not changed since the original issuance of a use permit.

28.23.50.50 Tourist Uses

- A. **Permit Required.** Tourist uses are permitted uses, subject to the permit requirements in Table 28-23A.
- B. **General Standards.** Tourist uses must meet the applicable development standards delineated in Tables 28.23B and 28.23C and comply with the following:
 - 1. Within the A-SV-20 District, tourist uses shall be operated by the property owner or occupant, subject to possession of a valid Solano County business license, and shall be incidental to the principal agricultural use of the property.
 - 2. Minimum setback from an adjacent street shall be the same as required for the main building.
 - 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. 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.

4. Shall provide off-street parking in accordance with Section 28.94 unless additional parking is required by this section. in addition to Shall provide paved parking spaces, aisles, and pathways for the disabled in accordance with the Building Code.
5. Shall obtain necessary approvals for sale of prepared food, including ~~department of resource management from Department of Resource Management~~ (if required) and ~~environmental health services division~~ Environmental Health Services Divisions, ~~approval~~ prior to operation.
6. Shall obtain necessary approvals for adequate water supply and sewage disposal facilities prior to operation.
- ~~6~~7. Shall obtain all necessary approvals with other county departments, if required, prior to operation.

C. Standards for Specific Agritourism Uses.

1. **Bakeries, Cafes and Restaurants.** A bakery, cafe, or restaurant as permitted in Table 28.23A. Such uses must meet the applicable development standards contained in Tables 28.23B and 28.23C.
2. **Galleries.** Such use must meet the applicable development standards delineated in Tables 28.23B and 28.23C.
3. **Resort Hotel.** Resort hotels may be permitted by conditional use permit. Such uses must meet the applicable development standards delineated in Tables 28.23B and 28.23C and all standards specified in the use permit.
4. **Special Events Facilities.** Special events facilities may be permitted by conditional use permit, incidental to the principal agricultural use on the property, except as specified for small and medium wineries above. Such use must meet the applicable development standards delineated in Tables 28.23B and 28.23C.
5. **Marketing Events.** Marketing events are allowed by right, incidental to the principal agricultural use on the property. Such use must meet the applicable development standards delineated in Tables 28.23B and 28.23C.

6. **Bed and Breakfast Inn.** Bed and breakfast inns must meet the applicable development standards delineated in Tables 28.23B and 28.23C and, within the A-SV-20 district, comply with the following:
- a. Signage shall be limited to one nonilluminated wall-mounted sign not to exceed four square feet in area.
 - b. Shall be restricted to one single-family dwelling, or one single-family dwelling plus a legally established guest house, which is the primary residence of the bed and breakfast operator. Shall not be permitted in any of the following: non-habitable structures; tents, RVs, or other provisions intended for temporary occupancy; second dwelling units or accessory dwelling units; structures or dwellings with county covenants or agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, or farmworker housing; or on lands under Williamson Act contract. A vacation house rental is not a bed and breakfast inn, even if the property owner resides in another dwelling unit on the same property.
 - c. Maximum of five (5) guest rooms. The maximum overnight occupancy for bed and breakfast inns shall be two (2) persons per guest room, not including children under three (3) years of age. If a lower limit is stated on the applicable septic permit, the maximum overnight occupancy shall be that stated on the septic permit.
 - d. Shall provide one off-street parking space for each guestroom, plus two spaces for the dwelling. No off-site or on-street guest parking shall be allowed.
 - e. Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests are prohibited unless the bed and breakfast inn is also approved as a special event facility.
 - f. The operator shall reside on-site during all times that guests are present.
 - g. Food service, if provided, shall be limited to registered guests and shall comply with the California Retail Food Code.
 - h. The operation of a bed and breakfast inn is subject to transient occupancy tax (Chapter 11, art. II) and requires a business license (Chapter 14). The transient lodging registration certificate and business license shall be posted in a conspicuous place on the premises prior to operation of the business. The operator or authorized agent shall include the TOT certificate number and business license number on all contracts or rental agreements, and in any advertising or websites.

- i. A bed and breakfast inn shall be permitted only in compliance with the requirements and standards of this section and all other requirements of the applicable zoning district, subject to the issuance of a land use permit. The permit shall expire upon sale or transfer of the property. Reuse of the dwelling as a bed and breakfast inn by a new property owner shall require approval of a new land use permit.
- j. For purposes of the administrative penalty provisions in Chapter 10 and the business license requirements in Chapter 14, this subdivision (C)(6) is part of the County's short-term rental ordinance.

7. Tasting Facilities. Tasting facilities are allowed by right, incidental to a principal agricultural processing use or winery on the property. Such use must meet the applicable development standards delineated in Tables 28.23B and 28.23C and comply with the following:

- a. Tasting facilities must be no larger than 2,000 square feet or 30 percent of the size of the processing facility, whichever is greater. Size shall be determined by measuring the total roof covered area.
- b. Products tasted and sold must be produced on site or off site on land owned or leased by the operator within Solano County.

8. Local Products Store. Local products stores must meet the applicable development standards delineated in Table 28.23B.

9. Hotels. Hotels must meet the applicable development standards delineated in Table 28.23B, all standards specified in the use permit, and comply with the following:

- a. Shall have no more than 30 guest rooms.

10. Agricultural Homestay. An agricultural homestay is subject to compliance with the applicable development standards delineated in Table 28.23B and comply with the ~~following~~ standards for agricultural homestays in Section 28.72.10.

~~a. Shall be restricted to one single family dwelling. No accessory structure shall be allowed for use as transient occupancy.~~

~~b. Shall be operated, maintained, and occupied by the property owner.~~

28.72.10 DWELLINGS

B. Specific Requirements

7. Nonconforming Secondary Dwelling or Guest House

- a. Nonconforming Secondary Dwelling.** A secondary living unit legally existing on the lot prior to October 27, 2006, in an R-R District, June 13, 2008, in an A or R-TC District, and February 1, 2011, in the A-SV-20, ATC, or ATC-NC District which does not comply with the size or setback requirements of this section shall be considered legal nonconforming and subject to the provisions of Section 28.114 (Nonconforming Uses). Such use may continue; provided, that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.
- b. Nonconforming Guest House.** A guest house legally existing on the lot prior to October 27, 2006, in an R-R District, June 13, 2008, in an A or R-TC District, and February 1, 2011, in the A-SV-20, ATC, or ATC-NC District, and which does not conform to the standards described in Section 28.72.30, shall be considered legal nonconforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). Such a guest house or building may be converted to a secondary dwelling or an accessory dwelling unit provided all of the following are met: (1) no other secondary dwelling or accessory dwelling unit is on the lot; (2) all facilities necessary to convert the structure to a dwelling, including cooking, sanitation, and parking facilities, shall be installed in compliance with county building and zoning standards as applicable; (3) except in an R-R or R-TC District, either the primary residence or the secondary dwelling is owner occupied; and (4) if the structure does not meet the size or setback requirements of this section for a secondary dwelling, it shall be considered legal nonconforming and subject to the provisions of Section 28.114 (“Nonconforming Uses”).

28.72.30 RESIDENTIAL ACCESSORY USES AND BUILDINGS

B. Specific Requirements

- 1. Accessory Buildings and Uses.** Residential accessory buildings and uses, subject to the provisions within the applicable zoning district, shall comply with the following standards:

- a. **Attached Accessory Structure.** An accessory building attached to ~~the main building~~ a dwelling shall comply in all respects with the requirements of this chapter applicable to the ~~main building~~ dwelling.
- b. **Detached Accessory Structure.** An accessory building detached from the ~~main building~~ a dwelling shall be located at least 60 feet from the front property line or, on lots less than 120 feet in depth, on the rear 50 percent of the lot, unless otherwise specified in the applicable zoning district.
- c. **Side and Rear Setback Waiver.** The side and rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building, and such buildings, in the aggregate, shall not exceed the maximum site coverage in the rear yard for the main building as may be specified in the applicable zoning district. Waiver of said requirements shall be subject to notice as set forth in Section 28.04(F).
- d. **Setback from Main Building.** An accessory building shall not be located closer than 10 feet from ~~the main building~~ a dwelling; except in the W District, the distance shall be 30 feet. ~~Stables shall be located at least 20 feet from the main building.~~
- e. **Animal Shelter Setbacks.** Stables shall be located at least 20 feet from the main building. An accessory building for the shelter of small animals shall not be placed closer to any side street line than the main building, and in no case shall be placed closer than 10 feet from any property line unless greater setbacks are required by the zoning district.
- f. **~~Living Spaces Accessory Structures~~ Guest House.** In any A or R District, ~~an accessory building that includes an art or music studio, recreation or exercise room, office, or other similar use, including a guest house~~ a pool house in any R District, if allowed by the zoning district in which it is located, shall comply with the following standards:
 - (1) **~~Number of Accessory Structures~~.** Only one ~~accessory building~~ guest house shall be allowed on a lot.
 - (2) **~~Living Unit Prohibited~~ Additional Uses of a Guest House.** ~~The building shall not be designed for, or used as, a living or sleeping quarters, or~~ In addition to providing extra living and sleeping space for guests of the resident family, a guest house may be used by the resident family as an art or music studio, recreation or exercise room, office, or other similar living space use, but may not be used for a commercial use, including transient lodging for compensation, unless otherwise allowed by this chapter. If allowed

for commercial transient lodging use, the guest house shall be counted as a single guest room.

(3) Size. A guest house or pool house shall not exceed 640 square feet of gross floor area and shall not contain more than two bedrooms.

(4) Food Preparation Area. A guest house may include a wet bar but shall not include a kitchen or cooking facility, or room for installation of a stove, full size refrigerator, dishwasher, sink other than the bathroom and wet bar sinks, or laundry facilities.

(35) Number of Bathrooms. Shall not contain more than one full or half bathroom.

(6) Location on Property. A guest house must be located closer to the primary dwelling on the subject lot than to a primary dwelling on any adjacent lot; maximum distance of one hundred feet (100') from the primary dwelling on the lot, but a waiver may be granted to allow a greater setback due to topography, vegetation, or unique physical characteristics.

(4)g. Electrical Service. Only one electric service drop and one electric meter to serve both the ~~main building or~~primary dwelling and such accessory building shall be permitted.

gh. Not a Secondary Dwelling. ~~An A residential~~ accessory building does not include a secondary dwelling or an accessory dwelling unit as defined in Section 28.01. When an accessory dwelling unit is located within an accessory building, the provisions of this subsection shall not apply to the accessory dwelling unit portion of the building.

hi. Sequence of Construction. Accessory structures shall not be constructed on a lot until construction of the ~~principal structure~~primary dwelling has commenced or a principal use has been established on the lot, and an accessory structure shall not be used unless the ~~principal structure~~primary dwelling is being used or a principal use has been established.

28.72.40 HOME OCCUPATIONS, COTTAGE INDUSTRIES, HOSTED RENTALS, AND OTHER COMMERCIAL USES OF RESIDENTIAL PROPERTY

A. General Requirements

~~Other Commercial~~ uses incidental to a residential use shall comply with the following general standards:

1. **Access.** 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. 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.
2. **Food and Beverage.** Food and/or beverages provided for sale and/or consumption must meet all federal, state and local regulations.
3. **Parking.** 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.
4. **Permit Requirements.** Shall obtain all necessary approvals with other County departments and from the applicable fire protection district, if required, prior to operation.
5. **Prevent Storm Water Pollution.** Shall manage storm water to prevent any processing wastes or byproducts from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
6. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
7. **Signs.** All signs shall be installed in accordance with the requirements of Section 28.96.

B. Specific Requirements. The specific uses listed below shall comply with the general requirements (subdivisions (A)(1) through (7) of this section) and the following specific standards:

1. **Cottage Industries**

....

2. **Home Occupations**

....

3. **Rural Resident Enterprise.**

....

4. **Temporary Subdivision Sales Office**

....

5. Hosted Rental

- a.** A hosted rental shall be restricted to one single-family dwelling, or one single-family dwelling plus a legally established guest house, which is the primary residence of the hosted rental operator. Hosted rentals shall not be permitted in non-habitable structures or in tents, RVs, or other provisions intended for temporary occupancy. Only one (1) hosted rental is allowed per parcel. A hosted rental may not be located on the same site as a vacation house rental unless a use permit has been obtained for the combined use. A whole-house vacation rental is not a hosted rental, even if the property owner resides in another dwelling unit on the same property.
- b.** Maximum of one (1) guest room or sleeping area.
- c.** Limit of one (1) one vehicle associated with the transient use.
- d.** Food service, if provided, shall be limited to registered guests and shall comply with the California Retail Food Code.
- e.** No weddings, lawn parties or similar activities shall be permitted.
- f.** The property owner shall maintain a properly functioning septic system or sewer connection.
- g.** The operation of hosted rental is subject to transient occupancy tax (Chapter 11, art. II) and requires a business license (Chapter 14). The transient lodging registration certificate and business license shall be posted in a conspicuous place on the premises prior to operation of the business. The operator or authorized agent shall include the TOT certificate number and business license number on all contracts or rental agreements, and in any advertising or websites.
- h.** For purposes of the administrative penalty provisions in Chapter 10 and the business license requirements in Chapter 14, this subdivision (B)(5) is part of the County's short-term rental ordinance.

28.75 TOURIST USES

28.75.10 AGRITOURISM

A. **General Requirements.** Agritourism, incidental to the principal agricultural use of the property for commercial agricultural purposes, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district and comply with the following:

1. **General Development Standards.** No use of land or buildings shall be conducted except in compliance with the general development standards in Sections 28.70.10 and 28.70.20.
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 if there is a recorded maintenance agreement executed by all lot owners served by the private road.
3. **Truck Loading.** Shall provide an adequate truck loading area together with ingress and egress designed to avoid traffic hazard and congestion.
4. **Encroachment Permit Required.** All connections to County roads shall meet the encroachment permit requirements of the Public Works – Engineering Division, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
5. **Parking.** Adequate off-street parking shall be provided; parking areas and driveways shall be treated as necessary to control dust. ~~Parking areas shall not be located any closer than 200 feet to an adjoining property.~~ 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.
6. **Outdoor Storage.** Outdoor storage incidental to the primary use of the parcel for agritourism purposes is permitted, provided the area devoted to outdoor storage is screened from public view.

B. **Specific Requirements.** The specific agritourism uses listed below shall comply with each provision of subdivision (A) of this section and the following specific standards:

1. **Agricultural Homestay.** An agricultural homestay incidental to the principal agricultural use on the property, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district and comply with the following:
 - a. Shall be restricted to one single-family dwelling. ~~No accessory structure shall be allowed for use as transient occupancy.~~ or one single-family

dwelling plus a legally established guest house, which is the primary residence of the agricultural homestay operator. No accessory structure shall be allowed for use as transient occupancy. Shall not be permitted in any of the following: non-habitable structures; tents, RVs, or other provisions intended for temporary occupancy; second dwelling units or accessory dwelling units; structures or dwellings with county covenants or agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, or farmworker housing. A vacation house rental is not an agricultural homestay, even if the property owner resides in another dwelling unit on the same property.

- b. Shall be located on a farm on which the production of agricultural products is the resident family's primary source of income.
- c. Maximum of five (5) guest rooms. The maximum overnight occupancy for agricultural homestays shall be two (2) persons per guest room, not including children under three (3) years of age. If a lower limit is stated on the applicable septic permit, the maximum overnight occupancy shall be that stated on the septic permit.
- d. Shall provide one off-street parking space for each guestroom, plus two spaces for the dwelling. No off-site or on-street guest parking shall be allowed.
- e. Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests are prohibited unless the bed and breakfast inn is also approved as a special event facility.
- f. The operator shall reside on-site during all times that guests are present.
- g. Food service, if provided, shall be limited to registered guests and shall comply with the California Retail Food Code.
- h. Signage shall be limited to one nonilluminated wall-mounted sign not to exceed four square feet in area.
- i. The operation of an agricultural homestay is subject to transient occupancy tax (Chapter 11, art. II) and requires a business license (Chapter 14). The transient lodging registration certificate and business license shall be posted in a conspicuous place on the premises prior to operation of the business. The operator or authorized agent shall include the TOT certificate number and business license number on all contracts or rental agreements, and in any advertising or websites.
- j. An agricultural homestay stay shall be permitted only in compliance with the requirements and standards of this section and all other requirements

of the applicable zoning district, subject to the issuance of a administrative permit. The administrative permit shall expire upon sale or transfer of the property or upon the owners moving their primary residence off the property, unless there is a tenant farmer continuing to operate the farm and homestay.

k. For purposes of the administrative penalty provisions in Chapter 10 and the business license requirements in Chapter 14, this subdivision (B)(1) is part of the County's short-term rental ordinance.

2. **Agritourism Facility.** An agritourism facility shall meet the following requirements:

~~(1)~~**a. Ingress/Egress.** 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. 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. Must have two 20-foot minimum connections to a public road, or a release from the applicable fire protection district.

~~(2)~~**b. Food Vendors.** Permittee is responsible for ensuring all food vendors operating at an agritourism facility secure food permits with the Division of Environmental Health.

~~(3)~~**c. Kitchen Facilities.** Any kitchen used for the preparation, storage, handling, or service of food at an agritourism facility shall be permitted as a food facility by the Division of Environmental Health.

~~(4)~~**d. Hours of Operation.** All events shall start no sooner than 10:00 a.m. and end by 10:00 p.m. each day. Facility setup and cleanup shall be allowed between the hours of 8:00 a.m. to 11:00 p.m. The public and all guests of an event shall be off the property by 10:30 p.m.

~~(5)~~**e. Nuisance.**

i.(1) Fugitive Dust. All events located on sites with access from unpaved dirt roads and events which proposed unpaved on-site access roads and parking areas shall require the use of water trucks, sprinkler system or other practices acceptable to the applicable air quality management district, in sufficient quantities to prevent airborne dust.

~~ii.~~**(2) Noise.** Outdoor amplified sound may only occur on sites which demonstrate through an acoustical analysis that noise generated during proposed events will not exceed 65 dB when measured at the property lines.

~~iii.~~**(3) Light and Glare.** Any proposed outdoor lighting used during events shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.

~~iv.~~**(4) Odor.** Must take steps to minimize odor on adjacent properties.

~~(6)~~**f. Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors, including restrooms, refuse disposal receptacles, potable water, and wastewater facilities.

~~(7)~~**g. Screening of Parking.** Shall provide a minimum six-foot solid board fence or masonry wall separating parking areas from abutting R district parcels.

~~(8)~~**h. Setbacks.** Must be set back 300 feet from any property line. Parking areas shall not be located any closer than 200 feet to an adjoining property.

~~(9)~~**i. Use of Existing Structures.** The use of existing permanent structures is limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.

~~(10)~~**j. Construction of New Structures.** All new structures proposed for an agritourism facility shall be located off prime agricultural land.

~~(a)~~**k. Other Permits and Licenses.** Must obtain any other required permits from federal, state or local agencies.

~~(b)~~**l. Traffic Control.** For any agritourism facility accommodating 500 people or more, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the event. This shall be submitted with the land use permit application.

28.75.30 VACATION HOUSE RENTALS

- A. **General Requirements.** Vacation house rentals shall comply with the following ~~general~~ standards:
1. **Zoning District Development Standards.** A dwelling used as a vacation house rental shall meet all of the development standards for ~~dwelling specified in Section 28.72.10(A)(1) and in Tables 28.21B, 28.23B, and 28.31B as applicable to the zoning district~~the zoning district in which it is located. If the dwelling includes a guest house, the guest house shall also meet those development standards.
 2. **Allowable Structures.** ~~Space used for overnight accommodations as part of a vacation house rental must be located entirely within a dwelling or a dwelling in combination with an approved guest house. Other accessory buildings, recreational vehicles, recreational vehicle parking space, or tents may not be used as a vacation house rental. A vacation house rental shall be limited to one single-family dwelling, or one single-family dwelling plus a legally established guest house, on the parcel. None of the following shall be used as or included as part of a vacation house rental:~~
 - a. An accessory structure other than a legally established guest house.
 - b. Non-habitable structures, tents, RVs, or other provisions intended for temporary occupancy.
 - c. A dwelling subject to a recorded governmental restriction, including covenants or agreements for affordable housing.
 - d. A dwelling approved for limited types of occupancy, including employee housing or a companion living unit.
 - e. A timeshare.
 - f. Any dwelling unit on a lot created pursuant to Government Code § 66411.7 or local ordinance adopted to implement Government Code § 66411.7.
 - g. Any dwelling unit created pursuant to Government Code § 65852.21 or local ordinance adopted to implement Government Code § 65852.21.
 - h. An accessory dwelling unit or junior accessory dwelling unit.
 - i. A second single-family dwelling on the same parcel as the vacation house rental.

- j. A dwelling or guest house that is the subject of an enforcement action pursuant to any provision of this code.
3. **Maximum Occupancy.** ~~Overnight occupancy is limited to two persons per bedroom plus two additional persons, not to exceed a total of 10 persons. Unless further restricted by other standards of this section, the maximum occupancy for a vacation house rental is up to two (2) guests per bedroom, plus two (2) additional guests per property, up to a maximum of ten (10) guests, not including children under three (3) years of age.~~
4. **Parking.** ~~Three off-street parking spaces shall be provided for all guests. One on-site parking space for each bedroom in the vacation house rental, including any guest house, must be provided and available for use by guests. If fewer than four on-site parking spaces are available, the maximum occupancy allowed for the vacation house rental is reduced accordingly. On-street parking is prohibited for any property on which a vacation house rental is located.~~
5. **Events Prohibited.** A vacation house rental may not be advertised, offered, or used as a special events facility ~~that includes, including use for~~ events such as weddings, parties and similar events. No outdoor amplified sound is allowed.
6. ~~A dwelling or guest house may not be used as a vacation house rental if it is the subject of an enforcement action pursuant to any provision of this code.~~ **Water and Wastewater.** ~~If the potable water supply is from an on-site well, the water quality must be approved by Environmental Health. A vacation house rental shall not exceed the design capacity of any on-site sewage treatment and disposal system, if so connected.~~
- 7. Fire Safety.**
- a. ~~Except in the ASV-20 zoning district, a dwelling shall not be approved for use as a vacation house rental if, as of the date a complete permit application for such use is submitted, the property is located in an area designated as a High or Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE).~~
- b. ~~In the ASV-20 zoning district, a dwelling shall not be approved for use as a vacation house rental if, as of the date a complete permit application for such use is submitted, the property is located in an area designated as a Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE).~~
- c. ~~A fire pit, fireplace, or other outdoor fire area or feature, if present, shall not be available for use by guests.~~

- d. The dwelling and each bedroom shall be equipped with functional smoke and carbon monoxide alarms. At least one functional fire extinguisher shall be available and readily marked.
- e. The operator shall inform guests of area fire risks and what to do in the event of wildfire, including information regarding evacuation routes from the property.
- 78. Taxes and Business License.** ~~Transient occupancy tax registration and payment are required, pursuant to Chapter 11. A business license is required, pursuant to Chapter 14. The operation of hosted rental is subject to transient occupancy tax (Chapter 11, art. II) and requires a business license (Chapter 14). The transient lodging registration certificate and business license shall be posted in a conspicuous place on the premises prior to operation of the business. The operator or authorized agent shall include the TOT certificate number and business license number on all contracts or rental agreements, and in any advertising or websites.~~
- 89. Insurance.** The property shall be covered by commercial property insurance.
- 10. Good Neighbor Measures.** The operator shall take reasonable measures to ensure guests at the vacation house rental will not cause excessive noise or otherwise adversely impact neighboring properties during their stay, and that guests are aware Solano County is a “right to farm” jurisdiction. Quiet hours are between 9 p.m. and 8 a.m. A Good Neighbor Flyer, developed by the Department, shall be posted within the interior of the rental unit by the front door and on the interior of each bedroom door.
- 11. Minimum Rental Term.** The minimum rental term for a vacation house rental is three (3) consecutive nights.
- ~~9. The property owner shall obtain the required permit and complete transient occupancy tax registration prior to advertising or operating the vacation house rental. Online advertisements and/or listings for the vacation house rental shall include the following:~~

 - ~~a. Maximum occupancy, not including children under three;~~
 - ~~b. Maximum number of vehicles;~~
 - ~~c. Notification that quiet hours must be observed between 10:00 p.m. and 8:00 a.m.;~~
 - ~~d. Notification that no outdoor amplified sound is allowed; and~~
 - ~~e. The transient occupancy tax certificate number for that property.~~

~~10. — Vacation house rentals shall meet all building and fire codes at all times and shall be inspected by the Fire Department before any short term rental can occur.~~

~~112. **Signs.** An exterior display with the name of the property owner or manager and a current contact phone number shall be located near the front door of the rental unit. Where the front door is not easily accessible from the road, a duplicate display sign shall be located on a fence or post near the entrance to the property. While a vacation house is rented, the owner or a property manager shall be available 24 hours per day, seven days per week, for the purpose of responding within 45 minutes to complaints regarding the condition of the property; operation; or the conduct of occupants of the guests using the vacation house rental or their guests. Items in need of repair may take longer to correct.~~

~~1213. **Access.** Shall have direct access from a public or private road 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. 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.~~

~~14. **Duration of Permit.** A vacation rental house shall be permitted only in compliance with the requirements and standards of this section and all other requirements of the applicable zoning district, subject to the issuance of a land use permit. The permit shall expire upon sale or transfer of the property. Reuse of the dwelling as a vacation house rental by a new property owner shall require approval of a new land use permit.~~

~~15. For purposes of the administrative penalty provisions in Chapter 10 and the business license requirements in Chapter 14, this Section 28.75.30 is part of the County's short-term rental ordinance.~~

~~**B. — Specific Requirements.** Vacation house rentals listed below shall comply with the general requirements in subdivision (A) of this section and the following specific standards:~~

~~**1. — Vacation House Rental, Hosted**~~

~~**a. —** A hosted vacation house rental requires the property owner to reside on the property during the vacation house rental period.~~

~~**b. —** Only one dwelling may be used as a vacation house rental and the property owner must reside in the other dwelling.~~

	A-20	A-40	A-80	A-160
Guest House	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Hosted Rental	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>
Bed and Breakfast Inn				
Agricultural Homestay	<u>AAP</u>	<u>AAP</u>	<u>AAP</u>	<u>AAP</u>
Vacation House Rental	MUP			
Hotel				
Resort Hotel				
Boarding House				
Residential Hotel				

	ASV-20	ATC	ATC-NC
Guest House	<u>A</u>		
Hosted Rental	<u>AP</u>		
Bed and Breakfast Inn	AP	A	A
Agricultural Homestay	<u>AAP</u>		
Vacation House Rental	MUP	MUP	
Hotel	UP	UP	UP
Resort Hotel	UP	UP	UP
Boarding House			
Residential Hotel			

	RR – 2.5	RR-5	RR-10
Guest House	<u>A</u>	<u>A</u>	<u>A</u>
Hosted Rental	<u>AP</u>	<u>AP</u>	<u>AP</u>
Bed and Breakfast Inn			
Agricultural Homestay			
Vacation House Rental	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>
Hotel			
Resort Hotel			
Boarding House			
Residential Hotel			

	RTC#	RTC-MF	RTC-MU	C-H	W
Guest House					<u>A</u>
Hosted Rental	<u>AP</u>				<u>AP</u>
Bed and Breakfast Inn					
Agricultural Homestay					
Vacation House Rental					<u>MUP</u>
Hotel				UP	
Resort Hotel					
Boarding House		A	<u>A</u>		
Residential Hotel		A			

Proposed Revisions to Section 28.113

28.113 Enforcement of Chapter

- AC. All departments, officials and public employees of the county which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter, and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this chapter; and any such permits or licenses, if issued in conflict with the provisions of this chapter, shall be null and void.
- D. The County may refuse to issue any discretionary or ministerial permit, license, variance or other entitlement, which is sought pursuant to this chapter, including zoning clearance for a building permit, where the property upon which the use or structure is proposed is in violation of this chapter.
- B. Any violation of the terms or conditions of any permit or entitlement issued by the Zoning Administrator, Planning Commission, or Board of Supervisors pursuant to this chapter shall constitute a violation of this chapter.
- A. Any use of buildings or land in violation of this chapter, including any use of buildings or land which has not been authorized in the manner required by this chapter, is prohibited and is declared to be a public nuisance.
- BE. It shall be the duty of the zoning administrator, resource management director, or the planning commission to~~The Zoning Administrator shall~~ issue a notice of violation to any person who has erected, constructed, reconstructed, moved, converted, altered, or added to any building or structure in violation of ~~these provisions~~this chapter, or who is using or allowing the use of that person's property in violation of ~~these provisions~~this chapter, when such enforcement would protect the public health, safety, or general welfare. The notice of violation shall specify the nature of the alleged violation, what corrective action is required, and when the corrective action shall be completed. The Zoning Administrator may, but is not required to, attempt to resolve the matter informally or provide a written warning of violation prior to issuing a notice of violation.
- F. The notice of violation, including the allegations concerning nature of the violation, the required corrective action, and the deadline for corrective action, may be appealed in accordance with Section 28.112. If the notice of violation is not timely appealed, the allegations in the notice are deemed admitted, and the specified corrective action, including the time for completion, is deemed accepted as reasonable and appropriate. The allegations in the notice of violation, either as originally issued and not timely appealed or as upheld or modified on appeal, shall constitute the County's final determination that the buildings or use of property are in violation of this chapter.
- C. ~~Any person who sets up, erects, constructs, alters, enlarges, converts, moves, or maintains any building contrary to the provisions of this chapter, or any person who continues an~~

~~unauthorized use which has not been brought within the provisions of this chapter, as required by the notice of violation, is guilty of a violation of this chapter.~~

- ~~G.~~ If the violation is not corrected as specified in the notice of violation, or if corrections are not completed within the time specified in the notice, the County may impose administrative penalties as provided in Chapter 10.
- ~~H.~~ For purposes of Chapter 10, the corrective actions specified in the notice of violation , either as originally issued and not timely appealed or as upheld or modified on appeal, shall constitute a confirmed order to abate and the violation shall be subject to abatement by the County pursuant to the procedure established in Chapter 10.
- ~~DI.~~ Notwithstanding Section 1-17 of this code, any violation of this chapter shall be an infraction punishable by a fine not exceeding \$250.00 for each separate offense; provided, that in any accusatory pleading charging a violation of this chapter, if the defendant has been previously convicted one or more times of a violation of this chapter, such previous convictions shall be charged in the accusatory pleading, and, if such previous convictions are found to be true, or are admitted by the defendant, any violation shall be a misdemeanor punishable by imprisonment in the county jail for a term not exceeding six (6) months, or by a fine not exceeding \$1,000.00, or by both. the limits imposed by state law, including the amounts specified in Section 25132 of the Government Code. Every day any violation of this chapter shall continue shall constitute a separate offense. Each day a violation continues is a separate and distinct offense.
- ~~E.~~ Any violation of the terms or conditions of any permit or entitlement issued by the zoning administrator, planning commission, or board of supervisors pursuant to this Chapter shall constitute a violation of this Chapter and shall be deemed to be a public nuisance.
- ~~FJ.~~ Any violation of the provisions of this Chapter chapter may be remedied by civil action for injunctive relief or other appropriate proceedings.
- ~~GK.~~ All remedies listed in this Chapter chapter, including permit revocation, shall be cumulative and not exclusive. An order of permit revocation issued by the Planning Commission pursuant to subdivision (J) of Section 28.106 and not timely appealed, or as upheld or modified by the Board of Supervisors on appeal, shall a constitute notice of violation that is final and not subject to appeal.

Attachment A3: Zoning Text Update – Chapter 28, Solano County Code

Section No.:	Topic	Current Code	Proposed	Outcome
28.01 - Definitions	Agricultural Homestay	Kitchen is regulated by CA Health and Safety Code and Food and Agricultural Codes.	A simplified definition that eliminates references to the Health and Safety and Food and Agriculture Codes. Agricultural Homestays are allowed in zone districts A-20 – 160 and ASV-20 with Administrative Permits.	
28.01 - Definitions	Bed and Breakfast Inn		A simplified definition establishing a minimum of two (2) guest rooms for transient accommodations provided by a resident family for compensation, with or without meals. Permitted in ASV-20 zone districts with an Administrative Permit.	
28.01 - Definitions	Guest Room	New definition	Establishing a residential accessory building used for sleeping purposes which does not have a kitchen but can allow a full or half bath and/or a wet bar.	
28.01 - Definitions	Hosted Rental		A single-room bed and breakfast inn dwelling in which transient lodging accommodations are provided, by the resident family for compensation, with or without meals. Hosted rentals are allowed in zone districts A-20 – 160, ASV-20, RR-2.5, RR-5, RR-10, RTC# and W with Administrative Permits.	
28.01 - Definitions	Rooming or Boarding House		A building, other than a hotel, residential hotel, vacation house rental, or resident-occupied dwelling, where lodging is provided for compensation.	
28.01 - Definitions	Vacation House Rental		A dwelling with no more than five (5) guestrooms or sleeping rooms that is offered, used, let, or hired out for compensation, direct or indirect, for periods of 30 consecutive days or less. Vacation House Rentals are allowed in A-20, ASV-20, ATC with Minor Use Permits.	
28.01 - Definitions	Wet Bar	New definition	A single, bar-sized sink with minimal cabinets and counters that does not include a gas or electric range, cook top, oven or refrigerator.	
28.23.50.20 Residential Uses	Restriction of using a secondary dwelling as a VHR		A secondary dwelling shall not be used as a Vacation House Rental unless approved for such use in accordance with Section 28.75.30.	

Attachment A3: Zoning Text Update – Chapter 28, Solano County Code

Section No.:	Topic	Current Code	Proposed	Outcome
28.23.50.50 (B) (6) Tourist Uses	Requirement to provide proof of water and sewer services prior to operation		Shall obtain necessary approvals for adequate water supply and sewage disposal facilities prior to operation.	
28.23.50.50 (C) (6) Tourist Uses	Bed and Breakfast		Shall be restricted to one single-family dwelling, or one single-family dwelling plus a legally established guest house, which is the primary residence of the bed and breakfast operator. Maximum of five (5) guest rooms. Shall provide one off-street parking space for each guestroom, plus two spaces for the dwelling. The operator shall reside on-site during all times that guests are present. The operation of a bed and breakfast inn is subject to transient occupancy tax and requires a business license.	
28.23.50.50 (C) (10) Tourist Uses	Agricultural Homestay		Operation is to comply with standards for agricultural homestays in Section 28.72.10.	
28.72.30 RESIDENTIAL ACCESSORY USES AND BUILDINGS (B) (1) (f) (2)	Guest House requirements		In addition to providing extra living and sleeping space for guests of the resident family, a guest house may be used by the resident family as an art or music studio, recreation or exercise room, office, or other similar living space use, but may not be used for a commercial use, including transient lodging for compensation, unless otherwise allowed by this chapter.	
28.72.40 HOME OCCUPATIONS, COTTAGE INDUSTRIES, HOSTED RENTALS, AND OTHER COMMERCIAL USES OF RESIDENTIAL PROPERTY (B) (5)	Hosted Rentals		A hosted rental shall be restricted to one single-family dwelling, or one single-family dwelling plus a legally established guest house, which is the primary residence of the hosted rental operator. Maximum of one (1) guest room or sleeping area. Limit of one (1) one vehicle associated with the transient use. The operation of a hosted rental is subject to transient occupancy tax and requires a business license.	
28.75 TOURIST USES (B) (1)	Agricultural Homestay		Shall be restricted to one single-family dwelling or one single-family dwelling plus a legally established guest house, which is the primary residence of the agricultural homestay operator. Shall be located on a	

Attachment A3: Zoning Text Update – Chapter 28, Solano County Code

Section No.:	Topic	Current Code	Proposed	Outcome
			<p>farm on which the production of agricultural products is the resident family’s primary source of income. Maximum of five (5) guest rooms. Shall provide one off-street parking space for each guestroom, plus two spaces for the dwelling. The operator shall reside on-site during all times that guests are present. The operation of a Agricultural Homestay is subject to transient occupancy tax and requires a business license.</p>	
<p>28.75.30 VACATION HOUSE RENTALS</p>	<p>Vacation House Rental requirements</p>		<p>A vacation house rental shall be limited to one single-family dwelling, or one single-family dwelling plus a legally established guest house, on the parcel. The maximum occupancy for a vacation house rental is up to two (2) guests per bedroom, plus two (2) additional guests per property, up to a maximum of ten (10) guests, not including children under three (3) years of age. One on-site parking space for each bedroom in the vacation house rental, including any guest house, must be provided and available for use by guests. VHRs not be approved for use as a vacation house rental if, as of the date a complete permit application for such use is submitted, the property is located in an area designated as a High or Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE). In the ASV-20 zoning district, a dwelling shall not be approved for use as a vacation house rental if the property is in an area designated as a Very High Fire Hazard Severity Zone. The operator shall take reasonable measures to ensure guests at the vacation house rental will not cause excessive noise or otherwise adversely impact neighboring properties during their stay, and that guests are aware Solano County is a “right to farm” jurisdiction. The minimum rental term for a vacation house rental is three (3) consecutive nights.</p>	
<p>TABLES OF PERMITTED USES</p>	<p>Establishes allowed uses and required permits per zone</p>		<p>The Exclusive Agricultural District (A-20, A-40, A-80 and A-160), the Suisun Valley Agricultural District (ASV-20), Agricultural Tourist Center (ATC), Agricultural Tourist Center – Neighborhood Commercial (ATC-NC), Rural Residential zone districts</p>	

Attachment A3: Zoning Text Update – Chapter 28, Solano County Code

Section No.:	Topic	Current Code	Proposed	Outcome
	district		<p>(RR-2.5, RR-5 and RR10), Residential Traditional Community 1 acre – 5ac (RTC 1AC-5), Residential Traditional Community – Multi Family (RTC-MF), Residential Traditional Community – Mixed Use (RTC-MU), CH (Commercial Highway) and the Watershed and Conservation District (W) contain Tables of Permitted Uses which list the types of land uses which are permissible as well as the type of permit required to conduct specific land uses. There are several proposed revisions to each of these Tables to reflect changed land uses, new land uses and eliminated land uses. Minor Use Permits will be required for all VHRs in zone districts where they are permitted, establishing conditions of approval (COAs) and allowing for public notification and input into the permitting process. Typical conditions of approval will include: general permit requirements, compliance with performance standards (noise, trash removal, home safety, signage and limitations of outdoor fire uses), parking requirements, compliance with disclosures such as “right to farm”, project access and property management regulations.</p>	

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General Plan Amendments to address new Wind Turbines

Chapter 2

Page LU-27

Travis Air Force Base

Travis AFB occupies approximately 7,100 acres of land, with two 11,000-foot runways oriented along the northeast-southwest diagonal away from existing housing developments. Travis AFB is home to the world's largest military airlift unit, the 60th Air Mobility Wing, and the wing's reserve counterpart, the 349th Air Mobility Wing. In 1995, the function of the base was expanded by the addition of air refueling assets from March AFB. In 2013, function of the base was further expanded by the construction of an Assault Landing Zone, a short runway used to train military pilots in low altitude tactical approaches, landings, and departures. The U.S. Department of Defense has been using the site for military operations since the early 1940s.

The public is interested in protecting the viability of Travis AFB, and as a part of that effort, in preventing the introduction of incompatible land uses in the vicinity. This change has arisen largely from two factors. One is a heightened awareness of the economic importance of Travis AFB. Secondly, the large number of military base closures in California in recent years, together with the ongoing program of the federal government to eliminate unneeded military bases throughout the country, has raised community concerns about the future of Travis AFB. In light of these factors, the need to ensure long-term land use compatibility between the base and its environs has become a high community priority.

In ~~June 2002~~October 2015, the Solano County ALUC adopted an updated ALUCP, ~~now called the~~ for Travis AFB ~~Land Use Compatibility Plan (Travis LUCP)~~. The Travis ALUCP addresses restrictions on residential development using compatibility zones. Nonresidential development is also addressed by the Travis ALUCP according to the number of people per acre, ~~and~~ established the noise sensitivity of different land uses and activities, and the potential for development to create safety hazards to airport operations. In December 2013, the Solano

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County ALUC amended the Travis ALUCP to include an Assault Landing Zone Training Area Overlay, where structures greater than 200 feet in height would be incompatible with operation of the Assault Landing Zone. Figure LU-6 indicates the area in which new development must be compatible with the Travis ALUCP. ~~Please see the Travis LUCP for additional information governing actions in the compatibility zones.~~ Various policies of the General Plan relating to new development have been updated to ensure that the General Plan remains consistent with the recommendations made in the Travis ALUCP.

The Travis Air Force Base Sustainability Study Report (Travis SSR), released in April 2018, was a collaborative planning effort by Solano County and the cities of Fairfield, Suisun City, Vacaville, and Vallejo relating to land use regulation, conservation, and natural resource management issues affecting Travis AFB and local communities. Compatibility factors addressed in the Travis SSR include the growing population and pressure to develop land, the potential increase of alternative energy development in the vicinity, and the natural and biological resources that surround Travis AFB. Development policies in the General Plan also reflect recommendations made in the Travis SSR.

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Goal and Policies

The following goal and policies were developed based on community input and along with the land use diagram will be used to review ~~and update~~ proposals for new development in the Collinsville-Montezuma Hills Area ~~Plan~~.

Goal

SS.G-3: Protect and maintain the historic communities of Birds Landing and Collinsville while continuing to provide opportunities for industrial development that are compatible with the Collinsville area.

Policies

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- SS.P-19: Support the continued commercial use of existing commercial parcels in Birds Landing.
- SS.P-20: Explore historic preservation for historic buildings located within the study area.
- SS.P-21: Preserve the residential character of the Collinsville town site; ensure that any future nonresidential uses are compatible with the residential character and that an adequate buffer is established between residential and nonresidential uses.
- SS.P-22: Preserve and enhance residential and commercial uses in Birds Landing.
- SS.P-23: Focus on renewable energy, other than wind energy, in the development of Water Dependent Industrial uses.
- SS.P-24: Provide adequate circulation for new industrial development in the Water Dependent Industrial land use designation, and protect circulation for adjacent, nonindustrial land uses, including agricultural and other local traffic.
- SS.P-25: Support the development of Commercial Recreation uses in designated portions of the Collinsville town site.
- SS.P-26: Maintain and support the expansion of neighborhood commercial uses appropriate for the traditional community in Birds Landing.
- SS.P-27: Protect existing historic communities from floodwaters by supporting the ongoing maintenance of levees and other flood control mechanisms.

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Regulations

~~SS.1-7 — Review and update the Collinsville-Montezuma Hills Area Plan and Program consistent with the Collinsville special study area land uses, policies and programs. The Area Plan policies and programs that apply to the secondary management area of the Suisun Marsh shall be reviewed and updated consistent with the Suisun Marsh Protection Plan.~~

~~Related Policies: — SS.P-19, SS.P-20, SS.P-21, SS.P-22, SS.P-23, SS.P-24, SS.P-25, SS.P-26, SS.P-~~

~~Agency/Department: — Department of Resource Management~~

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~~Funding Source: General Fund, Project Applicants~~

~~Time Frame: 2011~~

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SS.I-13: ~~Continue to promote~~Promote the development of ~~renewable commercial grid-~~
level solar energy production and battery storage in the Collinsville area.

Renewable energy should be considered in the development of the Water Dependent Industrial area. Maintain an agricultural or marsh buffer between homes in Collinsville and any future industrial uses to mitigate visual impacts, glare, noise, and particulates.

Related Policy: SS.P-23

Agency/Department: Department of Resource Management

Funding Source: General Fund

Time Frame: Ongoing

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Chapter 4

Page RS-4

Relationship to Other General Plan Chapters

State planning law requires general plans to be internally consistent, meaning that statements in one section are in agreement with all other portions of the plan. The Resources chapter contains goals, policies, and programs closely related to those contained in the Land Use, Agriculture, and Public Health and Safety chapters. However, this chapter differs by being almost exclusively oriented toward natural resources.

The Land Use chapter defines a planned land use pattern, identifying natural resource, agricultural, residential, commercial, industrial, and public use designations. Public and private lands intended for conservation, open space, and recreational purposes are identified on the Land Use diagram using the Water Bodies and Courses, Park and Recreation, Marsh, Watershed, Agriculture, and Public/Quasi-Public land use designations. The Land Use chapter and diagram also present ~~four-five~~ special purpose ~~designations-land use overlays~~ intended to further preservation of one or more resources, including a Vacaville-Fairfield-Solano Greenbelt Overlay to provide a permanent separation between the Vacaville and Fairfield urban areas, a Resource Conservation Overlay to conserve biological resources, an Agricultural Reserve Overlay to promote consolidation of agricultural conservation easements and mitigation lands, a Tri-City and County Cooperative Planning area to promote conservation of open space resources, and a ~~Wind Energy Resources Overlay to identify desired locations for wind energy facilities~~ Travis Reserve Area Overlay to maintain existing agricultural uses on lands that may be needed for the expansion of Travis Air Force Base or development of a civilian or joint-use airport.

The Agriculture chapter provides goals and policies to protect the County's farmland resources. Many similarities exist between the policies in the Resources chapter and the Agriculture chapter, including policies regarding urban-agricultural buffers created to reduce conflict

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between adjacent land uses and community separators used to reinforce individual identity and physical separation of communities.

The Public Facilities and Services chapter addresses supply and use of resources and essential services, whereas the Resources chapter addresses their preservation and conservation. Water facilities and service and water resources and quality are closely linked. Policies in this chapter protect the water resources that are the foundation of a public water system. Energy resources and utilities are also closely related. The Resources chapter discusses energy resources within the county and various means of energy generation and conservation, whereas energy infrastructure and supply are discussed in the Public Facilities and Services chapter.

Pages RS-52 & 53

Wind energy converts the movement of wind to electricity through mechanical wind turbines. Wind electricity can be generated both on a small scale in agricultural and residential land and on a large scale through wind farms. Climatic conditions have blessed Solano County with excellent wind energy resources, and the county is one of five major utility-scale producers of wind energy in California.

While the county has extensive wind energy resources, numerous environmental concerns remain related to wind turbines. The biggest of these issues ~~is~~ are the potential for wind turbines to interfere with the air traffic navigation radar used by Travis Air Force Base and the potential for bats and birds to be caught in the turbines and killed. A number of design improvements which have become standard practice have reduced ~~these the~~ potential effects on bat and bird populations but the potential effects on air traffic navigation radar remain unresolved. In addition, newer turbine designs are much taller than older ones and these taller turbines can interfere with flight paths used by Travis Air Force Base even when the turbine structure does not intrude into navigable airspace.

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~~The County has identified the Collinsville-Montezuma Hills south of Highway 12 as the primary wind resource area in the county. Noncommercial accessory wind turbine installations less than 100 feet in height and with a total rated power output of 100 kilowatts or less do not have a potential to cause significant environmental impacts or interfere with Travis Air Force Base, and are allowed with a building permit in any agricultural or natural resource zoning district. These types of installations are defined as less than 100 feet in height, with a total rated power output of 100 kilowatts or less. The guidelines and standards found within the General Plan implementation programs are directed at commercial, non-accessory wind turbine installations. Agricultural lands within the county are particularly appropriate for wind harvesting as turbines generally do not interfere with daily agricultural operations and can provide additional revenue on these properties.~~

~~Wind-Commercial wind energy development is and noncommercial wind turbine generators more than 100 feet in height are inappropriate in certain-most areas of the county, in order to protect public health and safety and natural resources. These areas are urban areas, the agricultural areas north of Highway 12, the Suisun Marsh Primary and Secondary Management AreaAreas, the Stebbins Cold Canyon Natural Area, San Pablo Bay National Wildlife Refuge, and the Jepson Prairie preserve owned by the Solano Land Trust. In addition, commercial wind energy development is inappropriate in areas where such development could materially interfere with the operation of air traffic navigation radar at Travis Air Force Base or the flight paths used by Travis aircraft.~~

~~Based on current radar technology and wind turbine materials, the method of siting wind turbines beyond the radar line-of-sight is the most proven and effective method for minimizing wind turbine impacts on a radar's aircraft detection capabilities. Siting wind turbines outside of the radar's line-of-sight is critical to mitigating additional cumulative effects arising from the addition of new turbines to those already existing within the current radar line-of-sight, as every additional turbine within the radar's line-of-sight negatively impacts the radar. However, radar technology and turbine designs are constantly improving, and better methods are being developed to model how new turbine installations could impact air traffic navigation radar.~~

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~~In other areas of the county~~The County anticipates that the line-of-site method for evaluating potential impacts of wind turbines on radar operation will become outdated during the planning horizon of this General Plan, at which point proposals for commercial wind energy development will be processed under the normal use permit procedure. ~~Additional documentation may be required due to lack of existing data. Wind~~Under the use permit procedure, commercial wind energy development, depending on size and location of the project, may require ~~both wind resource verification and~~ an environmental impact report to meet CEQA requirements. ~~The County incorporates by reference the most up-to-date mapping of wind resource areas available from the California Energy Commission, or subsequent agency, into the General Plan.~~ Applicants seeking permits for commercial wind turbine installations shall be required to demonstrate that the wind resource in their area is adequate using the mapping, wind studies and technology current to their permit application. Any future development of wind energy must be consistent with Airport Land Use Plans, the purposes for those plans as described in the State Aeronautics Act, and air operations of Travis Air Force Base and the Rio Vista Airport.

Pages RS-55 – 57

Policies

- RS.P-49: Ensure energy conservation and reduced energy demand in the county through required use of energy-efficient technology and practices.
- RS.P-50: Provide incentives for city and county residents and businesses to produce and use renewable sources of energy.
- RS.P-51: Promote Solano County as a model for energy efficiency and green building.
- RS.P-52: Ensure adequate and affordable supplies of energy to meet the energy needs of the county.
- RS.P-53: Enable renewable energy sources to be produced from resources available in Solano County, such as solar, water, wind, and biofuels to reduce the reliance on energy resources from outside the county.

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- RS.P-54: Reduce Solano County's reliance on fossil fuels for transportation and other energy-consuming activities.
- RS.P-55: Require responsible extraction, storage, and transportation of natural gas resources that minimize the impact on the natural environment.
- RS.P-56: Provide information, marketing, training, and education to support reduced energy consumption, the use of alternative and renewable energy sources, green building practices, recycling, and responsible purchasing.
- RS.P-57: Encourage the use of technology or siting to minimize adverse impacts from energy production facilities on the environment, including wildlife and agricultural resources.
- RS.P-58: Require the siting of energy facilities in a manner compatible with surrounding land uses, including Travis Air Force Base, and in a manner that will protect scenic resources.
- RS.P-58A: New commercial wind energy facilities and noncommercial wind turbines greater than 100 feet in height should not be sited in identified natural resource areas or in areas north of Highway 12.
- RS.P-58B: No wind turbine greater than 100 feet in height, measured at the apex of the blade at its highest point, shall be within a line-of-sight of the Travis AFB Digital Airport Surveillance Radar (DASR) Radar Installation. All commercial wind turbine facilities and non-commercial wind turbines greater than 100 feet in height shall provide an individual radar line-of-sight analysis to demonstrate that the placement of the proposed facility or wind turbine is not within a line-of-sight to the Travis DASR Radar Installation.
- RS.P-58C: Existing commercial and non-commercial wind turbines may be replaced only if the replacement turbine has dimensions and materials similar to the original. Replacement turbines that are significantly taller than the original, or built with materials that are significantly more reflective than the original, shall be subject to policy RS.P-58B.

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RS.P-58D: Policies RS.P-58B and RS.P-58C implement the Airport Land Use Commission's 2015 Airport Land Use Plan for Travis Air Force Base. For that reason, these two policies will remain in effect through December 31, 2028, unless amended prior to then by the Board of Supervisors due to changes in wind turbine designs, radar technology, or radar impact modeling methods. After December 31, 2028, policy RS.P-58E shall become effective.

RS.P-58E: An applicant proposing installation or replacement of a wind turbine generator greater than 100 feet in height shall model anticipated impacts to verify that there will be no net increase in radar interference above baseline to Travis Air Force Base, using a modeling methodology of proven reliability. The applicant must demonstrate that the project will cause no measurable decrease in the ability of the Travis Air Force Base air navigation radar to detect targets. In addition, the applicant must demonstrate that the project will not negatively impact existing or anticipated flight operations of Travis Air Force Base.

RS.P-59: Encourage on-site renewable energy production and use and energy conservation measures.

Implementation Programs

Regulations

RS.I-37: Amend and maintain the zoning ordinance to guide the siting or repowering of commercial, ~~non-accessory~~ wind turbine installations and noncommercial wind turbines greater than 100 feet in height, consistent with the limitations described in policies RS.P-58A through RS.P-58C. Include the following standards into the ordinance:

- Require a minimum setback of 1,000 feet or three times total turbine height, whichever is greater, from a dwelling unit, residential building site, or land zoned for residential uses.
- Require a minimum setback of three times total turbine height from any zoning district (other than residential) which does not allow wind turbines.

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- Require a minimum setback of three times total turbine height from any property line, public roadway, transmission facility, or railroad. This minimum setback may be waived in the case of wind farms located on adjacent parcels, provided an agreement has been reached between the neighboring property owners.
- Require a setback of 1/4 mile from the right-of-way of any scenic roadway.
- In the Cordelia Hills, wind energy development shall be set back to those areas which are beyond the sight of existing residential neighborhoods and areas planned for residential development, and set back to areas beyond view from I-80 and I-680. No turbine shall be sited within this zone.
- ~~Define noncommercial wind energy generators as “wind driven machines” that convert wind energy into production of electrical power for the primary purpose of on site use and not for resale, that are 100 feet or less in height, and that have a total rated power output of 100 kilowatts or less.~~
- Require that Travis Air Force Base be notified of any permit application for commercial wind energy development or a noncommercial wind turbine more than 100 feet in height.
- Require applicants to demonstrate that the project will not cause material adverse impacts to radar operations at Travis Air Force Base or to flight paths used by Travis Air Force Base.
- Establish a procedure for plan check and testing of wind electric generators prior to use permit or building permit approval. Certification of all detailed plans for electrical systems, electrical substations, support towers, and foundations by California licensed professional engineers shall be required. Performance testing of wind turbine generators shall be required to ensure against catastrophic failure.
- Include commercial wind turbine development as a permitted use in the following zone districts:

Exclusive Agricultural (A)

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~~Limited Agricultural (A-L)~~

Water-Dependent Industrial (I-WD)

Limited Manufacturing (M-L)

General Manufacturing (M-G)

Watershed and Conservation (W)

- Non-commercial wind energy development shall be allowed in districts as currently provided for in the ordinance.

Related Policies: RS.P-22, RS.P-37, RS.P-58 – RS.P-58E

Agency/Department: Department of Resource Management

Funding Source: General Fund

Time Frame: By 2011-2024

Pages RS-61 – 64

RS.I-50: During review of wind turbine generator proposals, consider the following:

- Wind turbine generators shall not be located in areas that conflict with the mission of Travis Air Force Base or other air operation facilities.
- Commercial turbines and non-commercial turbines over 100 feet in height or with a total rated power output of more than 100 kilowatts ~~in-designated wind resource areas~~ require a public hearing and use permit approval by the Planning Commission.
- Following use permit approval, building permits and grading permits are required. Noncommercial turbines 100 feet or less in height and 100 kilowatts or less in rated power output require only building permits and grading permits.
- Submittal requirements for use permit applications ~~within the wind resource areas~~ include the following:
 - Permit application
 - Project description form (requires information on size and characteristics of project, physical and performance specifications of

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equipment, transmission system, certification, project schedule and phasing, circulation, and access).

- Acoustical analysis
- Archaeological survey
- Radar Impact analysis, if wind turbine generators greater than 100 feet in height will be within line-of-sight of the air traffic navigation radar at Travis Air Force Base.
- Geotechnical report (must correlate to standard county requirements for geotechnical analysis)
- Site plan
- Elevation package (elevation drawings to scale of proposed turbines and accessory uses).
- Notification of the Federal Aviation Administration of any application with wind turbines over 200 feet in height ~~within 20,000 feet of a runway of any airport.~~
- Notification of the utility and the California Public Utilities Commission of application filing.
- Notification of application filing to microwave communications link owners within 2 miles of the proposed installation.
- Adjacent property owner's notification package.
- Current aerial photographs or panoramic photographs of the site.
- Evidence of liability and workers compensation insurance.
- Map locating all residences within 2 miles of the proposed project.
- Certification of detailed plans for electrical systems and transmission lines, substation, support towers, generators, and foundations by California licensed professional engineers (electrical, civil, and structural).
- Performance test documentation by a licensed engineer for all proposed turbine types.

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- Contribution to escrow account for removal of inoperable or unsafe wind equipment and associated uses, including foundations.
- Following review of the applicant's site plan by county planning staff, a biological assessment would be required if it is determined that sensitive biological resources identified by the Resource Conservation Overlay (Figure RS-2) could be affected by the proposed project. If the proposed wind turbine siting would fall within or near areas of sensitivity, additional biological assessment of the probable impacts of the project would be required as part of the permit application. Findings of the biological assessment would determine need for biological resource monitoring and mitigation for protection of biological resources. For projects proposed in areas of low biological sensitivity, no additional biological information would be required.
- Submittal requirements for building permit and grading permit applications shall be as follows:
 - Completed permit application.
 - Detailed plans and specifications for structures, foundations, electrical systems, certified by a California licensed professional engineer. Plans will be checked for compliance with such codes as the Uniform Building Code, the National Electrical Code, and applicable ANSI and IEEE standards.
 - Grading and erosion, sediment, and runoff control plans.
- ~~A standard set of minimum conditions would apply to every permit approval. These conditions could be modified or added to at the discretion of Resource Management Department staff, Planning commission, or Board of Supervisors.~~
- ~~Additional environmental information beyond that required for permit processing would not be required for projects proposed within the wind resource areas.~~

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- In addition to the required safety setbacks, applicants would be required to demonstrate that the CNEL 50 influence area of proposed wind turbines would not coincide with residential areas or individual dwelling units. No turbines which exhibit high infrasonic noise generation potential would be permitted within one mile of residential uses or land zoned for residential uses.
- The zoning ordinance should require a bond or other guarantee, such as a contribution to an escrow account, for removal of inoperable or unsafe wind equipment and associated uses, including foundations, after use permit approval.

Related Policies: RS.P-22, RS.P-50, RS.P-52, RS.P-53, RS.P-54, RS.P-56,RS.P-57, RS.P-58 RS.P-58E

Agency/Department: Department Resource Management

Funding Source: General Fund

Time Frame: Ongoing

Attachment B2: Summary of Key General Plan Amendments related to Wind Turbines:

- Require siting of wind turbines to take TAFB into consideration.
- Amend General Plan policies to provide that:
 - Restrict siting new wind turbines in natural resource areas or north of Highway 12.
 - Through December 31, 2028, wind turbines taller than 100' are prohibited from being within a line-of-sight of the Travis AFB Digital Airport Surveillance Radar (DASR) and require all commercial wind turbine facilities and non-commercial wind turbines greater than 100 feet in height to demonstrate that the placement of the proposed facility or wind turbine is not within line-of-sight to the DASR.
 - Allow replacement of existing wind turbines only if same dimension and materials, unless not within line of site of DASR.
 - Beginning January 1, 2029 and thereafter, an applicant must model anticipated impacts to TAFB and show no measurable negative impacts to radar or to flight operations.
- Amend implementation program to:
 - Require the zoning ordinance be amended or maintained to require:
 - Siting or repowering of wind turbines to be consistent with the General Plan policy amendments described above.
 - Notification to TAFB upon wind turbine permit application
 - Demonstration that a wind turbine will not adversely impact TAFB radar or flight paths
 - Require a radar Impact analysis during review of wind turbine generator proposals if wind turbine generators will be within line-of-sight of the air traffic navigation radar at Travis Air Force Base.

Attachment C: Update to the Williamson Act Uniform Rules

OVERVIEW: The Planning Division is working with a consultant Land Logistics, to update the Solano County Agricultural Preserve and Land Conservation Program Rules and Procedures. The primary purpose of the update is to address agricultural and open space standards by which contracts can be measured to ensure viable agricultural and open space uses are both established and then maintained for lands under a Land Conservation contract.

Overview of change	Added Language / Revisions to subsection <i>* Italicized words below indicate added language</i>
Section II A. – Definitions: Add Accessory Use	<i>Accessory Use – Any use of land that is secondary or ancillary to the primary agricultural use of the property.</i>
Section II E. – Definitions: Add Agricultural Production	<i>Agricultural Production – Includes the cultivation and harvesting of crops including plants, fruits, and vegetables or the rearing, feeding, and management of animals intended for commercial wholesale or retail sale.</i>
Section II G. – Definitions: Add Compatible Use	<i>Compatible Use – A use which has been determined to be a compatible use by the Williamson Act and as set forth in Section IV of these rules but is not accessory to the primary agricultural use of the property.</i>
Section II L. – Definitions: Add Non-permitted Use	<i>Non-permitted Use – A land use that is not considered to be a commercial agricultural production use and is not a permitted use for any lands under a land conservation contract.</i>
Section II O. – Definitions: Add Permitted Use	<i>Permitted Use – A primary land use consistent with the Williamson Act that involves commercial agricultural production.</i>
Section II P (4). – Definitions: Raise minimum income of ag production income per acre	<p><i>Suggestion to update to ag production income per acre from existing: \$200 / acre to \$800 / acre.</i></p> <p>Existing language: <i>Land planted with fruit-or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.</i></p>
Section II R. – Definitions: Add Special Events Facility definition	<i>Special Events Facility – An event venue or facility offered for use by third-party individuals or nonprofit entities for the conduct of noncommercial events, such as weddings, parties, or other similar private social gatherings, or for charitable or political fundraisers. A special events facility may include food preparation facilities and limited overnight lodging facilities for event attendees. A special events facility may be either a single-purpose facility or a secondary use of another type of facility that does not typically include an assembly group occupancy, such as an agricultural processing facility or a winery. Marketing or promotional events conducted by the business operator</i>

	<i>to promote the goods or services offered by the business, such as wine club events at a winery, are not special events for purposes of this definition but are subject to regulations applicable to the business operation.</i>
Section III. ELIGIBILITY REQUIREMENTS FOR PRESERVES AND FARMLAND CONSERVATION CONTRACTS FOR AGRICULTURAL USES (C) (1) Commercial Agricultural Use (a)	<i>Owner shall substantiate revenue from commercial agricultural production for at least three of the previous five years (or at least one year for contracts established less than five years prior) using federal income tax documentation filed for those years. Owners shall submit documentation demonstrating compliance with this standard to the County within 30 days of formal request by the County.</i>
..... (b)	<i>A minimum of 60% of the parcel(s) shall be in agricultural production for prime or non-prime farmland.</i>
..... (c)	<i>A minimum of 50% of the parcel(s) shall be in agricultural production use in conjunction with a compatible use on the parcel(s).</i>
..... (d)	<i>Land coverage for agricultural production may be reduced by the amount of acreage required for the accessory uses and/or structure(s), however, in no case shall land coverage for agricultural production be reduced to less than 50%.</i>
IV. PERMITTED AND COMPATIBLE LAND USES FOR ALL PRESERVES FOR AGRICULTURAL USE (B) (1)	<i>A compatible use must be secondary to the primary use of the land for commercial agricultural purposes. A use is considered secondary when it is required for or is part of the agricultural use or will support the vitality and continued operation of the agricultural use.</i>
IV. PERMITTED AND COMPATIBLE LAND USES FOR ALL PRESERVES FOR AGRICULTURAL USE (B) (1) (6) <i>Allowance of horse boarding and breeding facilities on prime land</i>	<i>Public horse boarding or breeding stables (including arenas for training and shows as ancillary uses), and kennels are compatible uses on prime and nonprime land. The total area of the horse or kennel operation, and related facilities (including parking, landscaping, driveways, or other disturbed area), shall be determined on a case by case basis by the County. The facility must be managed by the resident farm operator.</i>
IV. PERMITTED AND COMPATIBLE LAND USES FOR ALL PRESERVES FOR AGRICULTURAL USE (D) <i>Suggestion to revise review to lesser discretionary hearing body (from PC to ZA)</i>	<i>Determination of Compatible Use: A property owner may request a determination of compatibility by the Planning Commission upon written request based on new and sufficient evidence of a use's compatibility with the purposes and intent of the Williamson Act based on the compatibility criteria set forth in subsections A and B above and that the use is incidental to the commercial agricultural use of the property. The Planning Commission may seek advice from the Department of Conservation as part of its review. (Consider change to Planning or Development Services Director discretion for streamlining)</i>

<p>IV. PERMITTED AND COMPATIBLE LAND USES FOR ALL PRESERVES FOR AGRICULTURAL USE (E)</p>	<p>Table A identifies agricultural uses and uses determined by the Solano County Board of Supervisors to be compatible with agriculture for lands within an agricultural preserve. It should be noted that in some cases, the permitted and compatible uses are more or less restrictive than the uses allowed and permitted under the applicable zoning district, <i>and should be cross referenced to ensure a permitted or compatible use is allowed on the subject parcel(s) within an agricultural preserve.</i></p>
<p>IX. Monitoring Procedures for Land Conservation Contracts (C)</p> <p><i>Added this new section</i></p>	<p><i>The Department of Resource Management – Planning Division may mail annual surveys on land use data to property owners with lands under a Land Conservation Contract. Property owners shall return the Planning Division’s request for information by the due date noted on the survey. Failure to return complete information will require additional follow up and coordination with County staff to determine current land use conditions of the lands under contract.</i></p>
<p>IX. Monitoring Procedures for Land Conservation Contracts (D)</p> <p><i>Added this new section</i></p>	<p><i>Upon recordation of a Notice of Non-renewal of a Land Conservation Contract by the Clerk to the Board of Supervisors, the subject parcel(s) shall not be restricted by the listed uses under Table A and shall defer to the permitted uses of the Solano County Zoning Code.</i></p>
<p>Table A – added <i>agritourism land uses</i> as compatible uses</p>	<p><i>Ag Homestay (with and w/out events), Agritourism Facility, Bakery, Café, Restaurant, Tasting Facilities, Bed and Breakfast, Gallery, Hotels, Resort Hotels, and Special Events Facilities.</i></p>
<p>PROCEDURE FOR ESTABLISHMENT OF AGRICULTURAL PRESERVES AND LAND CONSERVATION CONTRACTS IN SOLANO COUNTY (3) (e)</p>	<p>Evidence that the property is in commercial agricultural use by submitting documentation that <i>minimum land coverage percentage requirements have been satisfied (see Section III.C.1.(b) – (d)) including evidence the land has been in agricultural production for at least three of the previous five years (or for at least one year for lands in commercial agricultural production for less than five years) using federal tax documentation for those years as established in the County’s Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts.</i></p>