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Conduct a noticed public hearing to consider amendments to the Zoning Regulations (Chapter 28 of Solano County Code) to revise and update sections pertaining to public hearing notices, maximum size for secondary dwellings, wireless communication facilities permit life of approval terms and miscellaneous text corrections

..body

Published Notice Required? Yes X No ___

Public Hearing Required? Yes X No ___

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a noticed public hearing to consider amendments to the Zoning Code; and,
2. Adopt a Resolution to forward a recommendation of approval to the Board of Supervisors to adopt amendments to the Zoning Code as recommended.

SUMMARY:

The proposed amendments include revisions and updates to certain sections of the Zoning Code with a goal to correct typos or cross references, clarify the code to reflect current practices and, facilitate permit or application processing. Attachment A contains the proposed amendments in redline format and Attachment B is the clean version of the proposed amendments.

DISCUSSION:

The proposed amendments include both substantive and non-substantive changes to the code. Multiple sections require non-substantive changes to the code such as correcting references to applicable sections of the Zoning Code. Below is a brief discussion regarding the proposed substantive changes to the Zoning Code:

A. Section 28.04 - Public Notice Requirements

Current regulations require mailed notices to property owners within a certain radius of the subject site or on-site posting of the public notice and do not set a maximum time frame for continuances. Proposed amendments eliminate the option to post a public notice on the project site and limits continuances to no more than 35 days from the hearing day without renoticing the neighboring property owners. Public noticing via mail and newspaper display ads will remain.

B. Section 28.21 Agricultural Zoning District Development Standards TABLE 28.21B

Proposed amendments clarify the minimum lot area for each Exclusive Agricultural Zoning District, consistent with the Development Standards in the remaining zoning districts.

C. Section 28.23.50.10 Agricultural Uses

Clarifies that an Administrative Permit can be issued to Temporary Auctions and Agricultural Equipment sales.

D. Section 28.23.50.40 Retail Trade Uses in Suisun Valley Zoning Districts

Current regulations restrict retail spaces within a building. Proposed amendments would not restrict retail space to be contained within a building and allow outdoor spaces to be utilized.

E. Section 28.23.50.50.(C)(7) Tasting Facilities in Suisun Valley Zoning Districts

Current regulations require tasting facilities as incidental uses to agricultural processing or winery. Proposed amendments allow stand-alone tasting facilities in the ATC zoning district.

F. Section 28.21 Table.21A Development Standards for Residential Accessory buildings in the Rural Residential Zoning Districts

Current regulations allow accessory buildings to be built prior to the primary dwelling. Proposed amendments prohibit the construction of accessory buildings (barns or workshops) prior to the primary dwelling. Proposed amendments are consistent with current practice.

G. Section 28.71.10 (B)(1)(c) Side and Rear Yard Setback Waiver for Agricultural Accessory Buildings

Current regulations do not set criteria for approval or denial of waiver of the minimum side yard requirements for an Agricultural Accessory Building. Proposed amendments clarify that reduced yards may be waived if certain criteria are met provided the neighboring property owners do not object.

H. Section 28.70.10 (B) Performance Standards for All Uses in All Zoning Districts

Current regulations required parking areas to be located 200 feet or more from adjoining property. Proposed amendments delete the 200-foot distance requirement and allow parking areas in closer proximity.

I. Section 28.72.10 (B)(3)(a) Maximum Size for Secondary Dwellings in the Agricultural Zoning Districts

Current regulations limit the size for secondary dwellings to 2,000 square feet. Proposed amendments increase the size to 2,400 square feet to accommodate four (4) to five (5) bedroom homes for larger families.

J. Section 28.73.30 (A)(2) Public Assembly Access

Current regulations do not address access requirements. Proposed amendments clarify that ingress and egress may be direct from public road or private road, and if from a private road, then a recorded maintenance agreement for all property owners served by the private road shall be in effect.

L. Section 28.81 (E) (1) Wireless Communication Facilities: Use Permits before the Zoning Administrator

Current regulations for Zoning Administrator level approvals refer to Use Permit approvals by Planning Commission. Proposed amendments clarify that that a minor use permit is required for the uses heard by the Zoning Administrator.

M. Section 28.81 (J) Wireless Communication Facilities: Life of Approval

Current regulations establish fixed term use permits subject to renewal period which may be customized for the project, generally a 5-year period; and allows all permits issued prior to January 1, 2012 to expire on December 31, 2022. Proposed amendments would eliminate fixed term use permits and instead allow use permits to be renewed every 10 years subject to review by the Department. Renewals for co-location facilities are subject to the terms of the

master/original tower/permit. It should be noted that this would not preclude the Department from implementing a revocation process if conditions of the use permit were not being met.

N. Section 28-95 Performance Standards Applicability and Procedures

Current regulations allow Director approval without public hearing. Proposed amendments would allow Zoning Administrator approval within the context of a public hearing.

O. Section 28.106 (C) Use Permit Application Requirements

Current regulations do not specify the deadline for an applicant to provide information required for application processing. Proposed amendments would set a 6-month maximum timeframe.

P. Section 28.106(D) Public Hearing for Use Permits

Proposed amendments clarify that applications which require Planning Commission and Board of Supervisors action such as a use permit and zoning change, may be scheduled for Planning Commission public hearing for its recommendation before the Board of Supervisors for action. Proposed amendments are consistent with current practice.

Q. Section 28.106 (N) Use Permit Renewal Procedures

Current regulations regarding renewal appeals are vague. Proposed amendments clarify that renewals are non-appealable.

R. Section 28.108 (A) Waivers for Residential Development Standards

Proposed amendments clarify that reduced yards may be waived without objection by neighboring property owners.

S. Section 28.111(B) Public Hearing on amendments

Current regulations require minimum 10-day noticing for Board of Supervisors action. Proposed amendments require 15-day noticing, consistent with Planning Commission actions.

T. Section 28.112 (F) Appeals

Current regulations provide limited detail on the process for the Board of Supervisors to have a decision by the Zoning Administrator or Planning Commission be brought before them for review. Proposed amendments clarify the process to include a motion for approval by the Board of Supervisors within 35 days and hearing on the matter within 60 days unless longer period as agreed upon by the project proponent.

Attachments:

[A – Draft Zoning Code Amendments – Redline](#)

[B – Draft Zoning Code Amendments – Clean](#)

C – Draft Resolution (To be distributed under Separate Cover)

DRAFT ZONING CODE AMENDMENTS - REDLINED

SECTION I

Section 28.03 of the Solano County Code, relating to interpretation of Chapter 28, is amended without substantive change as follows:

28.03 Interpretation of Chapter

In their interpretation and application, provisions of this chapter shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements.

If an owner proposes a type of land use which is not described or identified in this chapter, the ~~Director of Resource Management~~Zoning Administrator may determine that the proposed use is substantially similar to another type of land use which is described or identified in this chapter, and the permit application shall ~~accept be accepted~~ and ~~process permit applications~~processed for proposed use as if it were functionally equivalent to the substantially similar land use. If a use permit or other discretionary approval of the Planning Commission is required by this chapter for the substantially similar land use, the ~~hearing body~~Planning Commission is not bound by the ~~Director's Zoning Administrator's~~ determination.

SECTION II

Section 28.04 of the Solano County Code, relating to public notice requirements, is amended as follows:

28.04 Public Notice Requirements

When a public hearing is required by this chapter, public notice shall be given as provided by this ~~action~~section. Failure to receive notice shall not invalidate the permit or decision.

- A. Content of notice.** Notice of a public hearing shall include: the date, time and place of the hearing; the name of the hearing body; a general explanation of the matter to be considered; a general description, in text or by diagram, of the location of the real property that is the subject of the hearing; and ~~may include consideration of any~~indicate whether a negative declaration or an environmental impact report has been prepared and will be considered for the project pursuant to the California Environmental Quality Act.
- B. Method of notice distribution.** Notice of a public hearing required by this chapter, as required by Government Code Sections 65090 and 65091, shall be given as follows:
1. Notice shall be published at least once in a newspaper of general circulation in the County, ~~or posted on site in public view and at least two other public locations in the vicinity of the project~~ at least 15 days before the hearing; ~~and~~
- And**
2. Notice shall be mailed or delivered at least 15 days before the hearing to:

- a. The owner(s) of the property being considered, the owner's agent, and the applicant.
 - b. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide such facilities and services may be significantly affected.
 - c. All owners of real property as shown on the latest equalized assessment roll within 500 feet of the property that is the subject of the hearing, unless otherwise required in subdivision (d) following.
 - d. All owners of real property as shown on the latest equalized assessment roll within one-half mile of the property that is the subject of the hearing if the property is located in any A or R-R district.
 - e. All persons and organizations requesting notice of the public hearing.
3. If the number of property owners to whom notice would be mailed as provided by subdivisions (B)(2)(a) and (B)(2)(c) above is more than 1,000, the Director of the Department of Resource Management may choose to place a display advertisement of at least one-eighth page in a newspaper of general circulation in the county at least 15 days before the hearing, ~~as provided by Government Code section 65091(a)(3).~~
- C. **Additional notice.** In addition to the notice required by this section, any other notice or form of distribution may be provided as may be determined necessary or desirable. Planning Commission or Zoning Administrator agendas shall be provided to all persons and organizations who, within the calendar year, have requested said agendas, in writing, and paid such fee as may be set by the Board of Supervisors to cover the cost of such mailing.
- D. **Scheduling of hearing.** After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and Planning Division review or staff report, the matter shall be scheduled for public hearing on the Zoning Administrator, Planning Commission, ~~of or~~ Board of Supervisors agenda (as applicable) reserved for such matters. At the discretion of the hearing body, a public hearing may be continued from its scheduled date to a future date as provided by subdivision (E) following.
- E. **Notice of ~~county~~ County action when hearing continued.** ~~Any noticed public hearing conducted under this chapter may be continued from time to time, but not to exceed 35 days from the date specified in the notice, without new or additional public notice being provided. If a decision hearing on a permit or amendment is continued by the county to a date and time which is neither previously stated in the public notice of the hearing, nor more than 35 days from the date specified in the notice, or which is not announced at the hearing at a time certain when the hearing is continued, the county~~ County shall provide notice of the ~~further hearings~~ continued hearing ~~(or action on the permit)~~ in the same manner and within the same time limits as provided in subdivisions (A), (B) and (C) above.
- F. **Notice for Waivers.** To grant a waiver of any requirement authorized pursuant to the provisions of this ~~Code~~ chapter, notification of intent to grant a waiver shall be sent to owners, as shown on

the latest equalized assessment roll, of real property contiguous to that property for which a request for waiver has been received, 10 days in advance of a decision on said request.

SECTION III

Section 28.21.020 of the Solano County Code, relating to uses and permit requirements for Agricultural Districts, is renumbered as Section 28.21.20 and amended without substantive change as follows:

28.21.20 AGRICULTURE DISTRICTS USES AND PERMIT REQUIREMENTS

- A. Allowed Uses and Permit Requirements.** Table ~~28-21A~~28.21A identifies the land uses allowed by right ~~this Zoning Ordinance~~ in each agricultural district and the land use permit required to establish each use. In addition to the land use permit required by Table ~~28-21A~~28.21A, special requirements may apply to certain uses.
- B. Architectural Review.** Architectural Approval may be required for certain uses in compliance with Section 28.102 (Architectural Approval).
- C. Land Use Regulations.** Where the last column in the Table 28.21A (Land Use Regulations²) includes a section number, e.g. 28.21.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced chapter of the Solano County Code apply to the use. Provisions in other sections of this ~~Zoning Ordinance~~chapter or in other chapters of the Solano County Code may also apply.
- D. Site Development and Other Standards.** All uses shall comply with the provisions of Article IV of this chapter, relating to Site Development and Other Standards and beginning with Section 28-90~~28.90, Site Development and Other Standards~~ which includes standards for parking, signs and other project elements.

SECTION IV

Table 28.21B in Section 28.21 of the Solano County Code, relating to development standards for main buildings, primary dwellings, and secondary dwellings in the Exclusive Agricultural (A) zoning districts, is amended as follows:

Development Standards for Main Building, Primary and Secondary Dwelling				
	A-20	A-40	A-80	A-160
MAIN BUILDING OR PRIMARY DWELLING				
<u>Minimum Lot Area</u>	<u>20 acres</u>	<u>40 acres</u>	<u>80 acres</u>	<u>160 acres</u>
Dwelling size	<i>Minimum of 1,000 square feet</i>			
Setbacks ⁽¹⁾				
Front	<i>30 feet, but at least 50 feet from the street centerline and unless otherwise indicated by building lines on the zoning maps</i>			
Sides (each)	<i>20 feet</i>			
Rear	<i>25 feet</i>			

Between Structures	<i>10 feet</i>
Height limit	<i>35 feet, and as allowed by Section 28.93, special regulations</i>
Height limit for agricultural processing uses	<i>50 feet, and as allowed by Section 28.93, special regulations</i>
SECONDARY DWELLING	
Dwelling size	<i>Maximum of 1,8002,400 square feet, <u>see 28.72.10(B)(3)(a)</u></i>
Setbacks ⁽²⁾	
Front	<i>30 feet, but at least 50 feet from the street centerline and unless otherwise indicated by building lines on the zoning maps</i>
Sides (each)	<i>20 feet</i>
Rear	<i>25 feet</i>
Between structures ⁽³⁾	<i>10 feet</i>
Height limit	<i>35 feet, and as allowed by Section 28.93, special regulations</i>

Notes:

- (1) Other setbacks may be required for specific uses listed in Table ~~28-21A~~28.21A, as provided elsewhere in this chapter.
- (2) Reserved.
- (3) Other separation between structures may be required by County Building Code.

SECTION V

Section 28.22.20 of the Solano County Code, relating to uses and permit requirements for Suisun Marsh Agricultural Districts, is amended without substantive change as follows:

28.22.20 Suisun Marsh Agricultural District Land Uses and Permit Requirements

- A. Allowed Uses and Permit Requirements** Table ~~28-22A~~28.22A identifies the land uses allowed by ~~right this Zoning Ordinance~~ in each Suisun Marsh Agricultural district and the land use permit required to establish each use. In addition to the land use permit required by Table ~~28-22A~~28.22A, special requirements may apply to certain uses.
- B. Marsh Development Permit Requirements** Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this ~~Code~~chapter. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and Secondary Management Area, as defined in the Suisun Marsh Preservation Act of 1977, the land use shall be subject to a use permit covering the whole of the project.
- C. Architectural Review** Architectural Approval may be required for certain uses, in compliance with Section 28.102 (Architectural Approval).
- D. Building Permits** A Building Permit shall be required prior to any construction.

- E. Land Use Regulations** Where the last column in Table 28.22A (Land Use Regulations) includes a section number, e.g. 28.70.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced chapter of the Solano County Code apply to the use. Provisions in other sections of this ~~Zoning Ordinance~~ chapter or in other chapters of the Solano County Code may also apply.
- F. Non-Conforming Uses** Within the Suisun Marsh, as defined by Section 29101 of the Public Resources Code, uses established prior to 1977 that do not conform to the uses set forth in Table ~~28-22A~~ 28.22A shall be considered nonconforming uses under Section 28.114, except that non-substantial changes, alterations, and additions to nonconforming uses may be allowed within the existing established project footprint area subject to a marsh development permit, pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this code. The overall existing development area may not be expanded under these provisions. Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment, and runoff control plan shall be prepared in accordance with Section 31.26(b) of the Solano County Code regulating Grading, Drainage, Land Leveling and Erosion Control ~~Ordinance~~. When the non-conforming use is located in both the Primary and Secondary Management Areas, as defined by the Suisun Marsh Preservation Act of 1977, non-substantial changes, alterations, and additions to the nonconforming use shall be subject to a use permit covering the whole of the project.
- G. Site Development and Other Standards** All uses shall comply with the provisions of Article IV of this chapter, relating to Site Development and Other Standards and beginning with Section ~~28-90~~ 28.90-Site Development and Other Standards, which includes standards for parking, signs, and other project elements.

SECTION VI

Section 28.23.30 of the Solano County Code, relating to uses and permit requirements for Suisun Valley Agricultural Districts, is amended without substantive change as follows:

28.23.30 Agriculture - Suisun Valley District Uses and Permit Requirements

- A. Allowable uses:** Table ~~28-23A~~ 28.23A identifies the land uses allowed by ~~right these Zoning Regulations~~ in the Agriculture - Suisun Valley (A-SV-20) District, the Agriculture Tourist Center (ATC) District and the Agriculture Tourist Center - North Connector (ATC-NC) District, as well as, the land use permit required to establish each use. In addition to the land use permit required by Table ~~28-23A~~ 28.23A, special requirements may apply to certain uses (~~See see~~ Section 28.23.50). Where the last column of Table 28.23A (Land Use regulations) includes a section number, e.g. 28.70, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced chapter of the Solano County Code section apply to the use. Provisions ~~contained~~ in other

sections of ~~the Zoning Regulations~~ this chapter or in other chapters of the Solano County Code may also apply.

- B. Building and Other Permits:** A building permit, as required under Chapter 6.3 of the County Code, and any other permits required by the County Code, shall also be required prior to any construction, demolition, or change of occupancy type.
- C. Design Review:** Design review, as described in ~~Section 28-23.103~~ Sections 28.23.60 and 28.103 of ~~the Solano County Zoning Regulations~~ this chapter, shall be required for all new construction requiring a building permit within the Agriculture - Suisun Valley (A-SV-20) District and the Agriculture Tourist Center (ATC and ATC-NC) Districts. In ~~carrying out the purposes of this Section~~ performing design review, the Zoning Administrator or Planning Commission shall consider the Suisun Valley Design Guidelines as a manual for determining Architectural Approval.

SECTION VII

Section 28.23.50.10, subdivisions (A) and (B)(1), of the Solano County Code, relating to permit requirements for agricultural uses and special use regulations for temporary auctions and agricultural equipment sales in the Suisun Valley Agricultural Districts, is amended without substantive change as follows:

28.23.50.10 Agricultural Uses

- A. Permit Required.** Agricultural uses are permitted uses, subject to the permit requirements in ~~28-23A~~ Table 28.23A.
- B. Standards.** Agricultural uses must meet the applicable development standards delineated in Tables ~~28-23B and 28-23C~~ 28.23B and 28.23C and comply with the following:
1. Temporary Auctions, and Agricultural Equipment Sales
 - a. Permit Required. An administrative permit is required for temporary auctions and agricultural equipment sales uses, provided any such use shall meet the standards delineated in Table ~~28-23B~~ 28.23B. ~~Permits-Administrative permits issued under this section~~ single auction and sales event. ~~In the event that an agritourism~~ If a temporary auction and agricultural equipment sales use cannot meet the standards in ~~this section~~ paragraph (2), below, then a minor use permit shall be required ~~to alter any of the standards in (2) below~~.
 - b. Standards. ~~Auctions~~ Temporary auctions and agricultural equipment sales in the A-SV-20 and ~~A-T-CATC~~ districts zoning district shall comply with the following standards:
 1. Duration. Auctions and agricultural equipment sales shall be limited to one event per calendar year, not to exceed seven days per event.

2. Access. Shall provide ingress and egress designed so as to avoid traffic congestion;
3. Roads. Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. 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.
4. Hours of Operation. Shall be limited to 8:00am until 6:00 pm Mondays through Sunday
5. Prevent Offensive Noise, Dust, Glare, Vibration or Odor. Shall provide adequate controls or measures to prevent noise, dust, glare, vibration or odor.

SECTION VIII

Section 28.23.50.20, subdivision (B)(2)(b)(2), of the Solano County Code, relating to existing secondary dwellings, companion living units, or guest houses in the Suisun Valley Agricultural Districts, is amended without substantive change as follows:

- (2) A guest house legally existing on the lot prior to February 1, 2011, shall be considered legal non-conforming and subject to the provisions of Section ~~28-60~~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~~28.114 (“Nonconforming Uses”).

SECTION IX

Section 28.23.50.40 of the Solano County Code, relating to retail trade uses in the Suisun Valley Agricultural Districts, is amended without substantive change as follows:

28.23.50.40 Retail Trade Uses

- A. **Permit Required.** Retail trade uses are permitted uses, subject to the permit requirements in Table ~~28-23A~~28.23A.
- B. **Standards.** Retail Trade uses must meet the applicable development standards delineated in Tables ~~28-23B and 28-23C~~28.23B and 28.23C and comply with the following:
 1. **Retail stores and services.**

- a. **Permit Required.** Retail stores and services are permitted uses, subject to the provisions below:
- (1) ~~When a Permit Is Not Required.~~ A use permit is not required when the building area is 1,500 square feet or less and the use is conducted entirely within the building.
 - (2) ~~When a Minor Use Permit Is Required.~~ A minor use permit is required when the building area exceeds 1,500 square feet or where any outdoor or yard area is utilized for the provisions of goods and services, regardless of the size of the building area.
- b. **Standards.** Retail stores and services, as permitted in Table ~~28-23A~~28.23A, must meet the applicable development standards delineated in Tables ~~28-23B and 28-23C~~28.23B and 28.23C and comply with the following:
- (1) ~~Shall be conducted entirely within a building or buildings on a single ownership where such building(s) or uses does not exceed one thousand five hundred square feet of floor area, unless referred to the planning commission by the director of Resource Management for determination of consistency with the intent of ATC or ATC-NC districts.~~
 - ~~(2)~~ Shall provide adequate utilities, access roads, drainage and other necessary facilities.
- c. **Conditional Uses.** Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28.106 are fulfilled:
- (1) ~~**Retail Stores and Services.** Allowed by right if conducted entirely within a building or buildings on a single ownership where such building(s) do not exceed 1,500 square feet of floor area, and subject to a use permit where the building(s) exceeds 1,500 square feet of floor area or where any outdoor or yard area is utilized for the provision of goods and services, regardless of the size of the building(s).~~ A use permit shall not be approved unless the nature of the business is found to be consistent with the intent of the Agricultural Tourist Center (ATC ~~and or~~ ATC-NC) zoning ~~districts~~district.

2. Roadside stand.

- a. **Standards.** A roadside stand, as permitted in Table ~~28-23A~~28.23A, must meet the applicable development standards delineated in Tables ~~28-23B and 28-23C~~28.23B and 28.23C and comply with the following:
- (1) Shall be operated by the property owner or occupant.
 - (2) Size, as regulated in Table ~~28-23A~~28.23A, shall be determined by measuring the total roof-covered area. Where a roadside stand is operated within a portion of a larger building, the roadside stand shall

be functionally separated from the remainder of the building by either temporary or permanent walls and size shall be determined by measuring the gross floor area of the enclosed space plus any outdoor display area.

- (3) At least twenty-five percent (25%) of the crops sold shall be grown on-site or offsite on land owned or leased by the operator within Solano County. The balance of the stand shall be used for the sale and inventory of crops or other agricultural products, including nonagricultural products as regulated by this ~~Chapter~~chapter, grown or produced on-site or off-site.
- (4) An area not exceeding 50 square feet may be used for the sale and inventory of prepackaged food, provided that such food sales and inventory complies with the requirements of the Department of Resource Management, Environmental Health Services Division, and is from an “approved source” and is not a “potentially hazardous food” as defined by the California Health and Safety Code.
- (5) Nonagricultural product sales shall mean the on-site sales of nonagricultural products produced on and off the property, where the total inventory and sales area for such products is limited to a maximum percentage of the size of the stand, as specified in Table ~~28-23A~~28.23A, ~~except that sales and inventory of prepackaged food shall be further subject to the requirements of subdivision E.4.~~
- (6) Minimum setback from an adjacent street shall be the same as required for the main building.
- (7) Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- (8) Shall provide adequate controls or measures to prevent dust, odor or light.
- (9) Shall provide off-street parking in accordance with Section ~~28-55~~28.94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
- (10) Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.

SECTION X

Section 28.23.50.50, subdivision (B)(7), of the Solano County Code is deleted.

~~7. The specific tourist uses listed below may be conducted subject to the permitting requirements specified in Table 28.23A, the development standards contained in Tables 28.23B and 28.23C, the general requirements of subsections (B)(1) through (6) of this section, and comply with the following general requirements:~~

SECTION XI

Section 28.23.50.50, subdivision (C), of the Solano County Code, relating to specific agritourism uses within the Suisun Valley agricultural districts, is amended without substantive change as follows:

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.
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, when located in the A-SV-20 district, 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:
 - 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.

SECTION XII

Note 1 to Table 28.31A in Section 28.31 of the Solano County Code, relating to residential accessory buildings in the Rural Residential (R-R) districts, is amended as follows:

- (1) ~~Accessory Residential accessory~~ building:
 - a) Does not include a guest house.
 - b) May not be established prior to construction or installation of a primary dwelling on the same property.

SECTION XIII

Note 2 to Table 28.31B in Section 28.31 of the Solano County Code, relating to minimum lot area in the Rural Residential (R-R) districts, is amended without substantive change as follows:

- (2) The following may be used to determine acceptable lot area:
 - a) The actual number of lots allowed is determined through the applicable subdivision process, based on specific site characteristics and potential environmental impacts, and there is no guarantee that the maximum possible number may be achieved.
 - b) The area bounded by the centerline of the right-of-way on which the lot fronts, and the lot sidelines extended to such right-of-way centerline may be included in the computation of the minimum lot area requirement.
 - c) Reduced lot area may be allowed for specific uses with a use permit, see subdivision (C)(6) of Section 28-9728.92.

SECTION XIV

Section 28.31.030 of the Solano County Code, relating to general development standards for Rural Residential Districts, is renumbered as Section 28.31.30.

SECTION XV

Section 28.52.20, subdivisions (F) and (G), of the Solano County Code, relating to nonconforming uses and site development standards in the Marsh Preservation (MP) zoning district, are amended without substantive change as follows:

F. Nonconforming Uses

Within the Suisun Marsh, as defined by Section 29101 of the Public Resources Code, uses established prior to 1977 that do not conform to the uses set forth in Table ~~28.38A~~28.52A shall be considered nonconforming uses under Section 28.114 ~~and subject to Section 28.18~~, except that non-substantial changes, alterations, and additions to nonconforming uses may be allowed within the existing established project footprint area subject to a marsh development permit pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this code. The overall existing development area may not be expanded under these provisions. Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment, and runoff control plan shall be prepared in accordance with Section ~~31.26(b)~~31.26 in Chapter 31 of the Solano County Code, regulating Grading, Drainage, Land Leveling and Erosion Control ~~Ordinance~~. When the non-conforming uses is located in both the Primary Management Area and Secondary Management Area, as defined by the Suisun Marsh Preservation Act of 1977, non-substantial changes, alterations, and additions to the nonconforming use shall be subject to a use permit covering the whole of the project.

G. Site Development and Other Standards

All uses shall comply with the provisions of Article IV of this chapter, relating to Site Development and Other Standards and beginning with Section ~~28-90~~28.90, Site Development and Other Standards which includes standards for parking, signs, and other project elements.

SECTION XVI

Section 28.71.10, subdivision (B)(1)(c), of the Solano County Code, relating to agricultural accessory buildings, is amended without substantive change as follows:

- c. Side and Rear Yard Setback Waiver.** The minimum side and rear yard requirements may be waived for an accessory building other than an animal shelter if no objection is received from a neighboring property owner, 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).

SECTION XVII

Section 28.70.10, subdivision (B), of the Solano County Code, relating to performance standards applicable to all uses in all zoning districts, is amended without substantive change as follows:

- B. Performance Standards.** Except as provided in Chapter 2.2, any use of land or buildings must meet the applicable performance standards listed below:
1. **Prevent Offensive Noise, Dust, Glare, Vibration, or Odor.** All uses of land and structures shall be conducted in a manner, and provide adequate controls and operational management to prevent:
 - a. Dust, offensive odors, or vibrations detectable beyond any property line;
 - b. Noise that exceeds 65dBA ~~LDN~~ at any property line; and
 - c. Glint or glare detectable beyond any property line or by overflying aircraft.
 2. **Prevent Storm Water Pollution.** Any use of land or buildings shall contain measures to manage storm water to prevent any potential contaminants, processing wastes, or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream, or river.
 3. **Parking.** Adequate off-street parking shall be provided pursuant to Section ~~28-94~~28.94; 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 and shall provide~~ paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
 4. **Removal of Natural Material.** Removal of natural material 1) shall prevent offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
 5. **Solid Waste and General Liquid Waste Storage and Disposal.**
 - a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
 - b. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.

- c. All burning of waste materials accessory to any use shall comply with the Yolo-Solano Air Quality Management District or the San Francisco Bay Area Air Quality Management district based on geographic location of the activity specific to each air quality management district.
- d. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.

6. Should the ~~Director of Resource Management believe~~Zoning Administrator determine that a proposed use in any district is likely to violate the performance standards ~~in B.1-8 listed~~ above, the ~~Director~~Zoning Administrator may ~~invoke the~~impose additional performance standard ~~procedures contained as described~~ in Section ~~28-95~~28.95.

SECTION XVIII

Section 28.71.20, subdivision (B), of the Solano County Code, relating to specific requirements for agricultural processing uses, is amended without substantive change as follows:

B. Specific Requirements

The specific agricultural processing uses listed below shall comply with the following specific standards:

1. Agricultural Processing Facility

- a. **Small Agricultural Processing Facility.** A small agricultural processing facility, as defined in Section ~~28-10~~28.01, is shall comply with the applicable development standards delineated in the zoning district, the general requirements for agricultural processing uses ~~(28.71.20A above)~~listed in subdivision (A), above, and the following standards:
 - (1) At least ten percent (10%) of the product used in production, averaged over 5 consecutive years, must be grown on-site or off-site on land owned or leased by the operator within Solano County.
 - (2) The facility operator shall report at the end of each calendar year to the Department of Resource Management the amount and source of product processed during the calendar year.
 - (3) Shall obtain Environmental Health Services Division of the Department of Resource Management, and Fire Department approval, if required, and notify the Sheriff's Office prior to hosting special events.
 - (4) A retail sales and tasting facility, ancillary to the processing facility, must be no larger than 1,000 square feet.
 - (5) If less than ten percent (10%) of the product used in production, averaged over 5 consecutive years, is grown on-site or off-site on land owned or leased by the operator in Solano County, then the facility shall

be subject to the permitting requirements of the zoning district applicable to a Medium Agricultural Processing Facility.

- b. Medium Agricultural Processing Facility.** A medium agricultural processing facility, as defined in Section ~~28-1028.01~~, shall comply with the applicable development standards delineated in the zoning district, the general requirements for agricultural processing uses (~~28-71.20A-above~~)listed in subdivision (A), above, and the following standards:
- (1) A least ten percent (10%) of the product used in production, averaged over 5 consecutive years, must be grown on-site or off-site on land owned or leased by the operator within Solano County.
 - (2) The facility operator shall report at the end of each calendar year to the Department of Resource Management the amount and source of product processed during the calendar year.
 - (3) Provided that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance, special events are allowed as permitted under the use permit.
 - (4) A retail sales and tasting facility, ancillary to the processing facility, must be no larger than 1,000 square feet.
 - (5) Shall show that proposed source of water will not deprive others of normal supply.
 - (6) Shall provide loading spaces as required by the Zoning Administrator or Planning Commission;
 - (7) If less than ten percent (10%) of the product used in production, averaged over 5 consecutive years, is grown on-site or off-site on land owned or leased by the operator in Solano County, then the facility shall be subject to the permitting requirements of the zoning district applicable to a Large Agricultural Processing Facility.
- c. Large Agricultural Processing Facility.** A large, as defined in Section ~~28-1028.01~~, shall comply with the applicable development standards delineated in the zoning district, the general requirements for agricultural processing uses (~~28-71.20A-above~~)listed in subdivision (A), above, and the following standards:
- (1) Provided that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance, special events are allowed as permitted under the use permit.
 - (2) A retail sales and tasting facility, ancillary to the processing facility, must be no larger than 2,000 square feet.
 - (3) Shall show that proposed source of water will not deprive others of normal supply.

- (4) Shall provide loading spaces as required by the Zoning Administrator or Planning Commission;

2. **Nursery with Public Sales**

a. **Standards.** Nurseries shall:

- (1) Be limited to 1,500 square feet in total display area, indoors and outdoors, for nonplant products.
- (2) Shall provide at least five on-site parking spaces.
- (3) 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.

3. **Wineries**

a. **Small winery.** A small winery, as defined in Section ~~28-1028.01~~, is allowed by right subject to compliance with the development standards delineated in the zoning district, the general requirements for agricultural processing uses ~~(28-70.20B.1(a-i) above)~~ listed in subdivision (A), above, and the standards below:

- (1) At least twenty-five percent (25%) of the grapes or other fruit used in production, averaged over 5 consecutive years, must be grown on-site or off-site on land owned or leased by the operator within Solano County.
- (2) The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.
- (3) A tasting facility is allowed by right, ancillary to the winery, and must be no larger than 1,000 square feet.

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

- (1) Shall require a minor use permit if the property does not have direct access from a public road. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road and the road shall comply with county road standards.

- (2) The winery operator shall report at the end of each calendar year to the department of resource management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.
- (3) A wine tasting and sales area must be no larger than 2,000 square feet.

c. **Large winery.** A large winery, as defined in Section ~~28-1028.01~~, is allowed with a use permit, subject to compliance with the applicable development standards delineated in the applicable zoning district, the general requirements for agricultural processing uses ~~(28-70.20 B.1. (a-i) above)~~ listed in subdivision (A), above, and the standards below:

- (1) A tasting facility is allowed by right, ancillary to the winery, and must be no larger than 2,000 square feet.
- (2) The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.

SECTION XIX

Section 28.71.30, subdivision (B), of the Solano County Code, relating to specific requirements for animal facilities and operations, is amended without substantive change as follows:

B. Specific Requirements

The animal facilities and operations listed below shall comply with the general requirements for animal facilities and operations listed in subdivision (A), above, and the following specific standards:

1. Confined Animal Facilities

Confined Animal Facilities shall conform to the following standards:

- a. **Small Confined Animal Facilities.** Small Confined Animal Facilities may be permitted, provided the facilities shall not locate any developed portions of the facility, including barns, corrals, feed and manure storage areas, milking parlor, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, closer than 200 feet from any property line. Truck loading areas may occur within the front setback area, provided that they do not encroach into the road right of way.

b. Medium Confined Animal Facilities. Medium Confined Animal Facilities may be permitted upon the issuance of a Use Permit, provided the facilities conform to the following minimum development standards:

- (1) Minimum Setbacks.** To minimize potential impacts of odor, dust and noise, the developed portions of the facility, including barns, corrals, feed and manure storage areas, milking parlor, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, shall be located no closer than:
- i. One (1) mile from any city's sphere of influence line, as established by the Solano Local Agency Formation Commission, or, where no sphere of influence line has been established, from any city limit line. This requirement may be reduced in distance or waived if the area within the sphere of influence line or city limit line is being used, or will be used, for municipal wastewater treatment facilities. This minimum distance may be increased based on site specific factors and potential impacts identified through the environmental review process.
 - ii. This minimum setback requirement from a sphere of influence shall only apply at the time of the facility's initial approval, and a change in the sphere of influence shall not alone render an operating facility non-conforming, ~~as described in Subdivision 3.5.5.~~
 - iii. Two hundred (200) feet from any property line. Truck loading areas may occur within the front setback area, provided that they do not encroach into the road right of way.
 - iv. Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within these minimum setback areas.
- (2) Water Protection.** The following minimum water protection standards are applicable:
- i. **Ground Water Monitoring Standards.** As part of the use permit application materials, the applicant shall submit a proposed ground water monitoring plan. The Division of Environmental Health shall review the proposed plan and recommend appropriate revisions, if any. The plan shall provide for the testing and reporting of ground water quality on the project site both prior to, and at least once every six months during, the operation of the facility. In granting a use permit, the ground water monitoring plan shall be approved as a component of the

approved land use operation and the permit shall be conditioned to require that the permittee comply with the provision of the approved plan.

ii. **Wastewater Pond Design Standards.** All wastewater storage ponds and treatment lagoons shall be designed and constructed to meet the following standards:

- a) A liner of compacted clay that is a minimum of 1 foot thick, with a maximum permeability of 1×10^{-6} cm/sec.
- b) Minimum of 5 feet separation between bottom of liner and groundwater.
- c) Must be designed and operated with a minimum of 2 feet of freeboard and must be capable of accommodating a 100 year precipitation event occurring over a 24 hour period.
- d) Retention ponds and settling basins shall be designed to minimize odor, to the greatest extent feasible, by using the best available proven technology at the time of application. This includes, but is not limited to, pond covers, methane digesters, aerobic and anaerobic systems or operational or management practices.
- e) Performance based, engineered alternatives that meet or exceed the above requirements may be considered and approved.

These standards are minimums. Stricter standards may be required if recommended pursuant to environmental review or by other regulatory agencies.

c. **Large Confined Animal Facilities.** Large Confined Animal Facilities may be permitted provided the facilities conform to the following minimum development standards:

(1) **Minimum Setbacks.** To minimize potential impacts of odor, dust and noise, the developed portions of the facility, including barns, corrals, feed and manure storage areas, milking parlors, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, shall be located no closer than:

- i. Three (3) miles from any city's sphere of influence line, as established by the Solano Local Agency Formation Commission, or, where no sphere of influence line has been established, from any city limit line. This requirement may be reduced in distance

or waived if the area within the sphere of influence line or city limit line is being used, or will be used, for municipal wastewater treatment facilities. This minimum distance may be increased based on site specific factors and potential impacts identified through the environmental review process.

- ii. This minimum setback requirement from a sphere of influence shall only apply at the time of the facility's initial approval, and a change in the sphere of influence shall not alone render an operating facility non-conforming, ~~as described in Subdivision 3.5.5.~~
- iii. One (1) mile from the nearest large confined animal facility
- iv. 2,500 feet from any natural public drinking surface water supply intake and 200 feet from a primary tributary to a domestic surface water supply (measured from any liquid or solid waste storage area or land application area only), including but not limited to the Barker Slough intake.
- v. One (1) mile from any Residential zoning district, as established in Section ~~28-1528.13~~ of this Chapter.
- vi. Two hundred (200) feet from any property line. Truck loading areas may occur within the front setback area, provided that they do not encroach into the road right of way.
- vii. One quarter (1/4) mile (1,320 feet) downwind and one half (1/2) mile (2,640 feet) upwind of any existing occupied dwelling unit not owned or occupied by the facility's owner or personnel. This requirement may be waived if the owner of the dwelling has provided comment, in writing, that he or she has no objection to the location of developed portions of the facility within such setback area.
- viii. Two (2) miles from the boundary of the National Veterans Cemetery.
- ix. Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within these minimum setback areas.

~~d.~~(2) **Other Standards**

- ~~(1)~~i. All structures shall be constructed with materials suitable to prevent excessive glare so as not to create a nuisance to neighbors or a danger to aircraft.

~~(2)~~ii. All exterior night lighting shall be directional lighting that directs the light downward and inward toward the project site so as not to create a nuisance to neighbors.

~~(3)~~iii. Applications must meet all requirements set forth in Chapter 27 of the Solano County Code regulating Large Confined Animal Facilities.

~~(4)~~iv. Notice of a hearing on a use permit application for a Large Confined Animal Facility, or any revision to such permit, shall be provided to any affected local governmental agencies and to all owners of real property, as shown on the latest equalized assessment roll, within one (1) mile of the property that is the subject of the hearing.

~~(4)~~d. **Standards for All Confined Animal Facilities**

~~(a)~~1) Manure and Silage Storage. Storage or stockpiling of manure and silage shall occur in a manner which minimizes odor and vector nuisances to the greatest extent practicable, based on current industry practices.

~~(b)~~2) Loading Areas and Access. Adequate truck loading areas shall be provided within the developed portion of the facility. Ingress and egress shall be designed to avoid creation of traffic hazards and congestion, odor, dust, noise or drainage impacts.

~~(c)~~3) Grandfathered Non-conforming Uses. Any confined animal facility, including any sales and feed lot, stockyard, or dairy, legally established prior to May 3, 2005, which does not meet the standards set forth above in subdivisions (A) and (B)(1) of this section [excepting Subdivisions 28-70.20.C.2(a)(1) and 28-70.20.C.3(a)(1) the minimum setback standards for medium and large facilities], shall be considered legal nonconforming.

~~(d)~~4) Expansion of Grandfathered Non-Conforming Uses. A legal non-conforming confined animal facility shall not be allowed to physically expand its use or increase the number of animals allowed unless the standards set forth above in 28-71.30.A and B1 subdivisions (A) and (B)(1) of this section [excepting Subdivisions 28-71.30.B1b(1) i and 28-71.30.B1c(1) i the minimum setback standards for medium and large facilities] are met.

2. Fowl and Poultry Ranch

“Fowl and Poultry Ranches” are distinguished from “Pastured Poultry” operations in the definitions ~~found in Section 28.1028.01. Regulations for pastured poultry operations may be found in Section 28-71.30.B4.~~

a. **Standards.** Fowl and poultry ranches shall:

- (1) Employ best practices to ensure that stray birds do not trespass onto adjacent public rights-of-way or private lands~~, and.~~
- (2) Manage supplemental feeds, manure, bedding and nesting materials to lessen any potential adverse impacts that the pastured poultry operation might have on neighbors or the larger community. Fowl and poultry ranch operators are required to submit to the Agricultural Commissioner, on an annual basis, a plan for the management of the operation which will provide policies and procedures for insuring that the pastured poultry operation is not likely to become a nuisance to surrounding property owners or the community and that no health and safety problems will arise due to its operation. The Plan should describe policies and procedures that:
 - i. Regulate, control or prohibit the accumulation of manure.
 - ii. Prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people.
 - iii. Protect pollutants from entering in creeks, streams, drainage ditches or groundwater supplies.

3. Hog Ranch

- a. All hog ranches shall regulate, control or prohibit the accumulation of animal matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people.
- ab. **Standards for Large Hog Ranches.** ~~Large hog ranches:~~
 - (1) Trucking access shall not interfere with normal traffic~~;~~
 - (2) 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~~; and.~~
 - (3) Shall show that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance or a hazard~~;~~
 - (4) Shall show that proposed source of water will not deprive others of normal supply.

4. Pastured Poultry

“Pastured Poultry” operations are distinguished from “Fowl and Poultry Ranches” in the definitions found in Section ~~28.1028.01. Regulations for fowl and poultry ranches may be found in Section 28.71.30.B2.~~

- a. **Standards.** Pastured poultry operations shall:

- (1) Manage storm water to prevent feed and manure from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
 - (2) Maintain a setback of 200 feet from any (R) district parcel.
 - (3) Employ best practices to ensure that stray birds do not trespass onto adjacent public rights-of-way or private lands.
 - (4) Be limited to 3,000 birds or less.
 - (5) Manage supplemental feeds, manure, bedding and nesting materials to lessen any potential adverse impacts that the pastured poultry operation might have on neighbors or the larger community. Pastured poultry operators are required to submit to the Agricultural Commissioner, on an annual basis, a plan for the management of the operation which will provide policies and procedures for insuring that the pastured poultry operation is not likely to become a nuisance to surrounding property owners or the community and that no health and safety problems will arise due to its operation. The Plan should describe policies and procedures that:
 - i. Regulate, control or prohibit the accumulation of manure.
 - ii. Prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people.
 - iii. Prohibit any nuisance, offensive matter, foul or noxious odors.
- b. **Special Events Facility.** A special events facility may be operated in conjunction with a pastured poultry operation, as permitted in the applicable zoning district and subject to the provisions of Section 28.73.30.A and B8 of this Chapter.
- c. **Public Sales.** ~~Public sales, as permitted in the applicable zoning district,~~ The sale of live birds or eggs to the public at a pastured poultry operation must meet the applicable development standards delineated in the applicable zoning district, as well as the following specific development standards:
- (1) Shall be operated by the property owner or occupant.
 - (2) Shall not exceed 1,000 square feet. Size shall be determined by measuring the total roof-covered area. Where public sales are operated within a portion of a larger building, the public sales shall be functionally separated from the remainder of the building by permanent walls and size shall be determined by measuring the gross floor area of the enclosed space plus any outdoor display area.
 - (3) Public sales of on-site eggs are permitted. No meat sales are permitted. At least twenty-five percent (25%) of the product sold shall be grown

on-site or off-site on land owned or leased by the operator within Solano County. The balance of the stand shall be used for the sale and inventory of crops or other agricultural products, including nonagricultural products as regulated by this ~~Chapter~~chapter, grown or produced on-site or off-site.

- (4) An area not exceeding 50 square feet may be used for the sale and inventory of prepackaged food, provided that such food sales and inventory complies with the requirements of the Department of Resource Management, Environmental Health Services Division, and is from an “approved source” and is not a “potentially hazardous food” as defined by the California Health and Safety Code.
- (5) Nonagricultural product sales shall mean the on-site sales of nonagricultural products produced on and off the property, where the total inventory and sales area for such products is limited to an area of 50 square feet, except that sales and inventory of prepackaged food shall be allowed subject to the requirements of paragraph (4) above.
- (6) Minimum setback from an adjacent street shall be the same as required for the main building.
- (7) Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- (8) Shall provide adequate controls or measures to prevent dust, odor or light.
- (9) Shall provide off-street parking in accordance with Section ~~28-55~~28.94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
- (10) Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.

gd. **Agricultural Commercial Kitchen.** A commercial kitchen operated in conjunction with a pastured poultry operation, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the applicable zoning district, as well as the specific development standards in Section 28.76.10.~~A and B1.~~

5. Slaughterhouse

- a. **Standards.** Slaughterhouses shall:

- (1) Regulate, control or prohibit the accumulation of animal matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people~~;~~
- (2) Trucking access shall not interfere with the normal traffic~~;~~
- (3) 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~~;~~~~and~~~~;~~
- (4) Shall control odor, dust, noise, and waste disposal~~;~~
- (5) Shall show that proposed source of water will not deprive others of normal supply.

SECTION XX

Section 28.72.10, subdivision (B)(1), of the Solano County Code, relating to specific requirements for primary dwellings, is amended without substantive change as follows:

1. Primary Dwelling

- a. **Minimum Dwelling Size.** Except as otherwise provided for in this section, ~~each a primary~~ dwelling shall have a minimum gross floor area of 1,000 square feet.
- b. **Two-Car Garage Required.** A two-car enclosed garage shall accompany each primary dwelling, ~~and~~ the siding and roofing materials of which shall substantially match the dwelling.
- c. Number of Primary Dwellings. In any district where primary dwellings are allowed, only one primary dwelling is allowed per lot or parcel.

SECTION XXI

Section 28.72.10, subdivision (B)(3)(a), of the Solano County Code, relating to minimum and maximum size limits for secondary dwellings, is amended as follows:

- a. **Minimum and Maximum Size.** The gross floor area of a secondary dwelling shall not exceed ~~2,000~~2,400 square feet. If the gross floor area of the secondary dwelling is less than 380 square feet, the unit shall be occupied by no more than two people and shall provide all of the following features: (1) a living room of not less than 220 square feet of floor area, (2) a separate closet, (3) a kitchen sink, cooking appliance, and refrigerator, each having a clear working space of at least 30 inches in front, as well as light and ventilation conforming to the California Building Code, and (4) a separate bathroom containing a water closet, lavatory, and bathtub or shower.

Notwithstanding these limits, 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.

SECTION XXII

Section 28.72.30, subdivision (B)(1)(c), of the Solano County Code, relating to residential accessory buildings and uses, is amended without substantive change as follows:

- c. **Side and Rear Setback Waiver.** The minimum side and rear yard requirements may be waived for an accessory building other than an animal shelter if no objection is received from a neighboring property owner, 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).

SECTION XIII

The introductory statement in Section 28.73.10, subdivision (B), of the Solano County Code, relating to specific requirements for recreational uses, is amended without substantive change as follows:

B. Specific Requirements

The specific recreational uses listed below shall comply with the general requirements (28.73.10A)in subdivision (A) of this section, above, and the following specific standards:

SECTION XXIV

The introductory statement in Section 28.73.20, subdivision (B), of the Solano County Code, relating to specific requirements for education uses, is amended without substantive change as follows:

B. Specific Requirements

The specific educational uses listed below shall comply with the general requirements (28.73.20A.1-13)in subdivision (A) of this section, above, and the following specific standards:

SECTION XXV

Section 28.73.30, subdivision (A)(2), of the Solano County Code, relating to access standards for public assembly uses, is amended as follows:

2. **Access.** Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Unless required to be on a public road, a public assembly use shall have direct access from either a public or private road that complies with County road standards. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion.

SECTION XXVI

The introductory statement in Section 28.74.10, subdivision (B), of the Solano County Code, relating to specific requirements for retail uses, is amended without substantive change as follows:

B. Specific Requirements

The specific retail uses listed below shall comply with the general requirements ~~(28.74.10A.1-10)~~in subdivision (A) of this section, above, and the following specific standards:

SECTION XXVII

The introductory statement in Section 28.74.20, subdivision (B), of the Solano County Code, relating to specific requirements for office uses, is amended without substantive change as follows:

B. Specific Requirements

The specific office uses listed below shall comply with the general requirements ~~(28.74.20.A.1-10)~~in subdivision (A) of this section, above, and the following specific standards:

SECTION XXVIII

The introductory statement in Section 28.76.10, subdivision (B), of the Solano County Code, relating to specific requirements for agricultural service uses, is amended without substantive change as follows:

B. Specific Requirements

The specific agricultural service uses listed below shall comply with the general requirements ~~(A.1-7)~~in subdivision (A) of this section, above, and the following specific standards:

SECTION XXIX

Section 28.78.10, subdivision (B)(3), of the Solano County Code, relating to performance standards for parking areas, is amended without substantive change as follows:

Parking. ~~Adequate off-street parking shall be provided pursuant to Section 28-94; parking~~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~~ All uses shall provide adequate off-street parking in accordance with Section ~~28-94~~28.94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.

SECTION XXX

The introductory statement in Section 28.78.20, subdivision (B), of the Solano County Code, relating to specific requirements for infrastructure uses, is amended without substantive change as follows:

B. Specific Requirements

The specific infrastructure uses listed below shall comply with the general requirements ~~(28.78.20.A.1-10)~~in subdivision (A) of this section, above, and the following specific standards:

SECTION XXXI

Section 28.78.20, subdivision (B)(7), of the Solano County Code, relating to specific requirements for oil and gas wells, is amended without substantive change as follows:

Oil and Gas Well

Oil ~~and or~~ gas well drilling shall be allowed in A, ~~A-LA-SM~~, M-G, I-WD and R-R, districts upon issuance of an administrative permit for oil ~~and or~~ gas well drilling ~~permit~~ by the Zoning Administrator; provided, the Zoning Administrator finds the conditions of this Section have or will be met. A permit shall be issued upon submission of an application and payment of such fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this Code. The Zoning Administrator may require the submission of such information as deemed necessary to make this determination, and may require the posting of security satisfactory to the Zoning Administrator to guarantee performance of any conditions.

- a. Security satisfactory to the Director of ~~the Transportation Department~~Resource Management has been or will be posted as security for payment of repairs to County roads and highways damaged by well-drilling activities, including transportation of equipment to and from the site.
- b. Drilling operations will conform to the regulations of the California Division of Oil and Gas designed to prevent damage to natural resources.
- c. The drilling operation will be confined to as small an area as practical and will not cause irreversible damage to unique vegetation or fish and wildlife habitats.
- d. After drilling is complete, all drilling muds, tail wastes, wastewater and other fluids will be removed from the site and disposed of in a manner that does not adversely affect other areas.
- e. Measures will be taken to prevent any significant pollution of ground water, surface water or watercourses.
- f. Derricks will be removed when wells are brought into production.

g. If wells are abandoned, they shall be sealed in accordance with Division of Oil and Gas regulations, and the drilling or production facilities will be removed.

h. Necessary measures will be taken to prevent dust, noise, light, glare, odor, and other objectionable elements from adversely affecting the surrounding area beyond acceptable limits.

SECTION XXXII

Section 28.81, subdivision (C), of the Solano County Code, relating to relating to permit exemptions for wireless communication facilities, is amended without substantive change as follows:

C. Exemptions. The following wireless communication facilities shall be exempt from this section, and shall be permitted without review by the Planning Commission or Zoning Administrator, provided that the specified conditions are met:

1. Receive-only radio and television antenna, including satellite dishes, provided that:
 - a. The antenna must meet all height, setback, lot coverage and other limitations on structures in its zoning district;
 - b. The antenna may not installed between a public street and a structure;
 - c. All required building permits must be obtained;
 - d. If installed in ~~the R-S, R-D, R-M or R-Ea~~ R-TC zoning ~~districts~~-district and the antenna is mounted on a tower less than 12 feet high; and
 - e. These requirements do not (1) unreasonably delay or prevent the installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable signal.
2. Temporary wireless communication facilities providing public information coverage of a news event, provided that they are set up for a duration of 72 hours or less.
3. Cell on Wheels (C.O.W.) and Cell on Light Truck (COLT) facilities replacing a damaged facility and/or meeting the public need in the event of a public emergency or disaster declared by the County of other governmental authority.
4. Temporary crank-up towers up to 100 feet erected for a duration of 24 hours or less for the purposes of testing.
5. Amateur radio station facilities, provided that all antennas and supporting structures meet the following requirements:
 - a. Only one amateur radio station facility shall be installed on any single parcel, and all fixed radio equipment, antennas and antenna support structures so installed shall be included as part of that single facility.

- b. All fixed radio equipment, antennas and antenna support structures shall comply with setback, lot coverage and other standards, except height, required in its zoning district.
- c. In ~~the R-S, R-D, R-M and R-Ea~~ R-TC zoning ~~districts~~district, the height of the supporting tower shall not be more than 35 feet above natural grade when the station is not in use, and not more than 75 feet above natural grade when the station is in use.
- d. In non-residential districts and the Rural Residential (R-R) district, the height of the supporting tower shall not be more than 75 feet above natural grade at any time.
- e. Multiple antennas shall be grouped so as not to exceed 16 square feet in area when feasible.
- f. All required building permits shall be obtained.

SECTION XXXIII

Section 28.81, subdivision (E)(1), of the Solano County Code, relating to relating to minor use permits heard by the Zoning Administrator for wireless communication facilities, is amended without substantive change as follows:

1. Use Permit before the Zoning Administrator. Certain wireless communication facilities may be conditionally approved by the Zoning Administrator, as described in this subsection.

- a. **Qualifying Facilities.** The following types of wireless communication facilities qualify for a minor use permit ~~before to be heard and decided by~~ the Zoning Administrator:
 - (1) Receive-only radio and television antennas and satellite dishes or antennas that do not qualify for exemption under ~~Sub-Section (c)~~subdivision (C) of this section, including multiple antennas or dishes on a single parcel.
 - (2) Amateur radio facilities that do not qualify for exemption under ~~Sub-Section (c)~~subdivision (C) of this section. When required, a ~~Use Permit~~minor use permit before the Zoning Administrator shall be granted to amateur radio operators with no fee.
 - (3) Wireless communication facilities installed on publicly-owned property, regardless of zoning district, provided they comply with the general requirements in ~~Sub-Section (d)~~subdivision (D) of this section and hold an executed license or lease agreement.
 - (4) Co-located wireless communication facilities, regardless of zoning district, provided they comply with the general requirements in ~~Sub-Section (d)~~subdivision (D) of this section.

- (5) Wireless communication facilities located on sites that would be considered to be co-located or grouped under this ~~ordinance section~~ in a Commercial District (C-H, C-G, C-S, C-O), Industrial Districts (M-L, M-G, I-WD, ~~I-AS~~) or Agricultural Districts (A, ~~A-SM, A-SV, ATC~~) provided they comply with the general requirements in ~~Sub-Section (d) subdivision (D) of this section~~ and are not located within 500 feet of a residential zone (R-R, ~~R-E, R-S, R-D, R-MR-TC~~).
- b. **Required Findings.** In order for the Zoning Administrator to approve a proposed wireless communication facility under a ~~Use Permit~~ minor use permit, the Zoning Administrator shall make the findings required in Section 28.106 for a Use Permit, as well as the following additional findings:
- (1) The facility complies with all applicable ~~sub-sections~~ provisions of this section.
- (2) The facility either 1) does not require an RF Environmental Evaluation Report as described in ~~Sub-Section (h) subdivision (H) of this section~~, or 2) the RF Environmental Evaluation Report for the facility shows that the cumulative radio-frequency energy emitted by the facility and any near-by facilities will be consistent with FCC regulations.
- (3) The facility blends in with its existing environment and will not have significant visual impacts.

SECTION XXXIV

Section 28.81, subdivision (J), of the Solano County Code, relating to the life of approval of use permits for wireless communication facilities, is amended as follows:

J. **Life of Approval**

1. **General Term.** ~~Permits-Use permits~~ for wireless communication facilities issued under these regulations shall generally be valid for ~~a fixed term of~~ ten years and may be renewed administratively, unless otherwise specified in the conditions of the permit as being approved either for a fixed term or subject to periodic renewal on a different schedule. All permits issued prior to January 1, 2012, shall become fixed term permits and shall expire December 31, 2022.
2. **Co-located facilities.** ~~A-Unless otherwise exempt from County use permit requirements by federal law, a~~ permit for a new co-located facility at a facility with an existing permit that has more than five years remaining on it shall have the same term or renewal date as the existing permit. If a permit is issued for a new co-located facility at a facility with an existing permit that has less than five years remaining on it, ~~than then~~ the existing permit shall be extended ministerially to the same term or renewal date as the new permit.

3. **Revocation.** If the conditions of a Use Permit granted under this Section are not complied with, the Use Permit may be revoked pursuant to subdivision (J) of Section 28.53 (j)28.106 of the Zoning Code.
4. **Renewal.** All permits for wireless communication facilities, regardless of the date on which they were originally approved, may be extended administratively by the Zoning Administrator upon verification of the permit-holder's continued compliance with the findings and conditions of approval under which the application was originally approved or may have been modified. However, permits approved for a fixed term based on a specific finding that the life of the permit approval should be limited due to site-specific circumstances shall not be renewed administratively, but the term of the permit may be modified through a minor revision pursuant to Section 28.106(l).

SECTION XXXV

Section 28.82, subdivision (D), of the Solano County Code, relating to personal cannabis cultivation standards, is amended without substantive change as follows:

D. Personal Cannabis Cultivation Standards**1. Indoor Cannabis Cultivation**

- a. The indoor cultivation of personal use cannabis must occur within either an inhabited residence or in a permanent residential accessory structure on the grounds of an inhabited residence. The residence must be occupied by the person for whom the personal use cannabis grown on that parcel is intended.
- b. The location of indoor cannabis cultivation, drying, curing, trimming, and other processing activities must be in a secured room not accessible to visitors or underage individuals.
- c. Gas products (including, but not limited to, CO₂, butane, propane, and natural gas) or ozone generators shall not be used in any cultivation room.
- d. No open flame or burning of any substance may occur in the cultivation room.
- e. In the event electric lights are used in a greenhouse to cultivate cannabis, the lights must be either turned off between the hours of 9:00 p.m. and 6:00 ~~p.m.~~a.m. or the greenhouse must be shielded so that any such light is not visible from a contiguous property.

SECTION XXXVI

Section 28.92, subdivision (C)(6), of the Solano County Code, relating to minimum building site requirements for uses subject to use permit, is amended without substantive change as follows:

6. The minimum parcel area requirement of the zoning district wherein certain uses ~~maybe~~ may be permitted, subject to the securing of a use permit in each case, may be reduced, provided such use is determined to be any of the following:
- a. Public service facility;
 - b. Crematory, mausoleum or columbarium;
 - c. Oil and gas wells;
 - d. Radio or television transmission facilities;
 - e. Airport or heliport;
 - f. Any use employing a portion of ~~a one or more~~ contiguous ownership lots or parcels, whereby such property is under single or unified control as one ownership, when such ownership meets the minimum area requirement of the district.

SECTION XXXVII

Section 28.95 of the Solano County Code, relating to performance standards, is amended without substantive change as follows:

28.95 Performance Standards

- A. **Applicability.** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness; radioactivity, electrical or other disturbances; glare; liquid or solid refuse or wastes; or other substances, condition or element referred to herein as dangerous or objectionable elements in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises; provided, that any use permitted by this ~~Chapter~~ chapter may be undertaken and maintained if it conforms to the regulations of this ~~Section~~ section limiting dangerous and objectionable elements.
- B. **Performance standards procedure.**
 1. Performance standards may be imposed on a proposed use otherwise allowed by right within the zoning district if the ~~Director~~ Zoning Administrator determines that the proposed use is likely to create or emit dangerous or objectionable elements. The ~~Director's~~ Zoning Administrator's determination may be appealed to the Planning Commission.
 2. If the ~~Director~~ Zoning Administrator determines that the proposed use may cause the emission of dangerous or objectionable elements, the ~~Director~~ Zoning Administrator may refer the applicant to one or more expert consultants qualified to advise as to whether a proposed use would adversely affect surrounding areas or adjoining premises by the creation or emission of dangerous or objectionable elements for investigation and report. Such report shall set forth definite findings as to the actual performance of

the proposed use, and in a positive and concise manner, recommend such additional installations or safeguards, or devise such standards to be applied as would obviate the creation or emission of dangerous or objectionable elements. Such consultant or consultants shall address his report to the Zoning Administrator and a copy to the applicant at the same time.

3. Whenever the performance standards procedure has been invoked, the applicant shall submit, in addition to the application for a building permit, a plan in duplicate and supplemental statement of the proposed machinery, processes and products, and specifications or standards for the mechanisms and techniques to be used in obviating the emission of dangerous and objectionable elements as set forth in this ~~Section~~section. Building permits may be issued only as described in the performance standards approved by the Zoning Administrator for the use.
 4. Within thirty days after the Zoning Administrator has received the aforesaid application, or the aforesaid report if a report be required, the Zoning Administrator shall decide whether the proposed use will conform to the requirements of this ~~Section~~section, and on such basis shall authorize or refuse to authorize issuance of a zoning-building permit or require a modification of the proposed plan of construction or specifications, proposed equipment or operation. Any zoning-building permit so authorized and issued shall be conditioned upon the applicant's completed buildings and installations conforming in operation to the performance standards as stipulated in the zoning-building permit.
- C. **Enforcement.** Whenever the performance standards procedure has been invoked and a conditioned zoning-building permit has been issued, the Zoning Administrator shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall notify the Planning Commission of the occurrence or existence of a probable violation thereof. The Planning Commission shall investigate the alleged violation, and for such investigation may employ qualified experts and hold public hearings. If the Planning Commission finds that a violation has occurred or exists, a copy of such findings shall be forwarded to the Board of Supervisors. The services of any qualified experts employed by the Zoning Administrator or Planning Commission to advise in establishing a violation shall be financed by the violator, if such violation is established; otherwise by the County.
- D. **Appeals.** Appeal from the action of the Zoning Administrator may be made according to the provisions of Section ~~28-112~~28.112.

SECTION XXXVIII

Section 28.96.10 of the Solano County Code, relating the purposes of the County's sign regulations, is amended without substantive change as follows:

28.96.10 **Purpose of ~~Section~~Sign Regulations**

The sign regulations established ~~by this Section in this chapter~~ are intended to specify standards for the placement, type, size, and number of signs allowed within the unincorporated areas of the County, and to require the proper maintenance of signs. The purposes of these standards and requirements are to:

- A. Avoid traffic safety hazards to motorists and pedestrians caused by visual distractions and obstructions;
- B. Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the County as a place to live, work, and shop;
- C. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached; and
- D. Safeguard and protect the public health, safety, and general welfare.

SECTION XXXIX

Section 28.96.20 of the Solano County Code, relating the to the applicability of the County's sign regulations, is amended without substantive change as follows:

28.96.20 Applicability

- A. **Signs regulated.** The requirements ~~of this Section established in Sections 28.96.10 through 28.96.130~~ shall apply to all signs in all zoning districts.
- B. **Applicability to sign content.** The ~~provisions of this Section requirements established in Sections 28.96.10 through 28.96.130~~ do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or noncommercial.

SECTION XL

Section 28.96.40 of the Solano County Code, relating to prohibited signs, is amended without substantive change as follows:

28.96.40 Prohibited Signs

In order to achieve the purposes ~~of this Section~~ described in Section ~~28.96.010~~28.96.10 (Purpose of ~~Section~~Sign Regulations), the following types of signs and devices are prohibited:

- A. Abandoned signs;
- B. Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs, except time and temperature displays (which are not considered signs);
- C. Signs attached to balloons and other inflatable devices;
- D. Banners and pennants;

- E. Flags, except as allowed by ~~Section 28.96.030~~ Subdivision (D) of Section 28.96.30;
- F. Moving signs, except barber poles;
- G. Off-premise signs, except as provided in ~~Section 28.96.070~~ Subdivision (F) of Section 28.96.70;
- H. Pole signs and other freestanding signs over six feet in height;
- I. Roof signs;
- J. Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic;
- K. Signs attached to or suspended from a vehicle parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle; and
- L. Temporary and portable signs, except as allowed by ~~Section 28.96.070~~ Subdivision (D) of Section 28.96.70.

SECTION XLI

The introductory statement in Section 28.96.50, subdivision (E), of the Solano County Code, relating to illumination of signs, is amended without substantive change as follows:

- E. **Illumination of signs.** When allowed by Section ~~28.96.060~~ 28.96.60 (Zoning District Sign Standards), the artificial illumination of signs, either from an internal or external source, shall be designed to minimize light and glare on surrounding rights-of-way and properties.

SECTION XLII

Section 28.96.60 of the Solano County Code, relating to zoning district sign standards, is amended without substantive change as follows:

28.96.60 Zoning District Sign Standards

All signs shall comply with the following sign standards for the applicable zoning district, except as otherwise provided by Section 28.96.34 (Signs and Sign Changes Allowed without a Sign Permit) or ~~28.96.070~~ 28.96.70 (Standards for Specific Types of Signs).

Zoning District	Allowed Sign Types (1)	Maximum Number (2)	Maximum Sign Area (3)	Maximum Sign Height	Type of Lighting Allowed
A A-SM A-SV-20	Awning	3	60 sf	N/A	Indirect
	Freestanding			6 ft	
	Projecting			As provided by	

	Wall			Section 28.96.70(C) Eave height	
R-R R-TC	Wall	1	2 sf	Eave height	None
P	Freestanding	3	60 sf	6 ft	Indirect
	Wall			Eave height	
ATC ATC-NC C-H C-N C-R C-S	Awning	3	200 sf	N/A	Indirect
	Freestanding			6 ft	
	Projecting			As provided by Section 28.96.070(C) 28.96.70(C)	
	Wall			Eave height	
	Window			N/A	
C-O	Awning	3	30 sf	N/A	Indirect
	Freestanding			6 ft	
	Projecting			As provided by Section 28.96.070(C) 28.96.70(C)	
	Wall			Eave height	
	Window			N/A	
M-I M-G I-WD I-AS	Wall	2	200 sf	Eave height	Indirect
W MP	Freestanding	1	15 sf	6 ft	Indirect
	Wall			Eave height	

Notes:

(1) Any of the sign types allowed in the applicable zoning district may be installed; provided, that they do not exceed the maximum number, total combined area, height, or type of lighting allowed.

(2) The maximum total number of signs that may be installed on the site.

(3) The maximum total combined area of all signs that may be allowed on the site.

SECTION XLIII

Section 28.96.110 of the Solano County Code, relating to appeals from denials of sign permit applications, is amended without substantive change as follows:

The denial of an application for a Sign Permit, may be appealed in compliance with Section ~~28.63~~28.112 (Appeals). The Planning Commission shall act to grant or deny the appeal within 60 days of receipt of the request for review/appeal.

SECTION XLIV

Section 28.97, subdivision (B), of the Solano County Code, relating to building lines and required yards, is amended without substantive change as follows:

- B.** In any case where a building line has been established in accordance with Section ~~28-92~~28.92, the required yards on the street shall be not less than the distance from the centerline of the street specified for such building line and in no case shall the provisions of this ~~Chapter~~chapter be construed as permitting any structures to extend beyond such building line.

SECTION XLV

Section 28.106, subdivision (A), of the Solano County Code, relating to applications for use permits, is amended without substantive change as follows:

- A.** **Purpose.** The purpose of the use permit is to provide for public review of certain land uses that may be compatible with other allowed and permitted land uses within a zoning district, but due to their type or intensity require consideration of location, site design, adjacent land uses, availability of public infrastructure and services, and environmental impacts. A use permit may be approved either for a fixed term, ~~a maximum term~~, or for an indefinite term subject to periodic renewal. Action on a use permit is discretionary.

SECTION XLVI

Section 28.106, subdivision (C), of the Solano County Code, relating to applications for use permits, is amended without substantive change as follows:

- C.** **Application.** Applications for use permits shall be made in writing on a form prescribed by the Zoning Administrator, and shall be accompanied by floor plans, site plans, operating plans and data necessary to show that requirements set forth in subdivision (H) of this section and in Article III of this ~~Chapter~~chapter are fulfilled. Such application shall not be accepted as complete unless accompanied by a fee or fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this code. No part of such fee shall be refundable.

Once a complete application is submitted, additional information and processing fees may be required in order to conduct environmental review of the proposal.

Either before or after a complete application has been submitted, ~~When if~~ additional information or processing fees are required and are requested from the applicant, in writing, and but are not provided by the applicant within sixty days of such a request, the ~~Director of Resource Management~~Zoning Administrator may determine that the application has been abandoned and shall promptly notify the applicant of such determination.

SECTION XLVII

Section 28.106, subdivision (D), of the Solano County Code, relating to public hearings on use permits, is amended as follows:

- D. Public hearing.** A public hearing on ~~any a~~ use permit application shall be held by the Zoning Administrator or Planning Commission, who shall maintain a public record of all hearings. Applications for minor use permits, extensions of time to exercise a previously approved use permits, minor revisions to use permits, and amendments to use permits originally approved by the Zoning Administrator, and projects that are categorically exempt from the California Environmental Quality Act (CEQA) shall be heard by the Zoning Administrator, who may administratively refer any such application to the Planning Commission for hearing. All other applications shall be heard by the Planning Commission. However, a use permit being processed concurrently with an application requiring action by the Board of Supervisors shall be scheduled for public hearing before the Planning Commission for its recommendation and then the Board of Supervisors for final action.

SECTION XLVIII

Section 28.106, subdivision (E), of the Solano County Code, relating to public notice for use permit hearings, is amended without substantive change as follows:

- E. Public notice.** Notice of the hearing shall be given pursuant to Section ~~28-1428.04 of this Chapter.~~

SECTION XLIX

Section 28.106, subdivision (K), of the Solano County Code, relating to expiration of use permits, is amended without substantive change as follows:

- K. Expiration**
1. In any case where a use permit has not been exercised within one year after the date of approval thereof, or any other period for exercise as stated in a condition of the permit, the use permit shall expire and thereafter be null and void without further action by the Zoning Administrator or Planning Commission; except that, upon written request by the owner, the Zoning Administrator may authorize an extension of time to exercise the permit, not to exceed one year. Only one such extension may be granted.
 2. Once exercised, a use permits approved for a temporary, fixed period of time shall expire on the date specified in the permit and shall thereafter be null and void, but any such permit may be revised pursuant to subdivision ~~28.106.2C~~28.106(I)(2) to modify its expiration date if an application to do so is filed at least 30 days prior to the expiration date.
 3. A use permits approved for an indefinite period does not expire once exercised, but shall be revoked by the Planning Commission if abandoned or not timely renewed.

SECTION L

Section 28.106, subdivision (M), of the Solano County Code, relating to appeals of use permit decisions, is amended as follows:

- M. Appeal.** Appeal from the action of the Zoning Administrator or Planning Commission may be made according to the provisions of Section ~~28-112~~28.112.

SECTION LI

Section 28.106, subdivision (N), of the Solano County Code, relating to the renewal of use permits, is amended as follows:

- N. Renewal.** A use permit approved for ~~a maximum term or~~ an indefinite term shall be subject to periodic renewal every five years, or such other period of time established in this chapter or as may be set by the Zoning Administrator or Planning Commission in approving the use permit. The Zoning Administrator shall administratively approve a use permit renewal, without public notice or hearing, if all of the following criteria are met:
1. The owner has requested renewal;
 2. The owner has paid a renewal fee as may be set by the Board of Supervisors pursuant to Section 11-111; and
 3. The use is being conducted in full-substantial compliance with all conditions of the use permit.

The Zoning Administrator's determination that all criteria are met and decision to approve renewal of the use permit are non-appealable. If the Zoning Administrator is unable to approve a renewal, the use permit shall be set for revocation.

Every use permit approved prior to October 28, 2010, and still in effect as of that date shall be subject to the renewal period and procedure described in this subsection unless a different renewal period or procedure is specifically described in the conditions of the permit or this chapter.

SECTION LII

Section 28.107, subdivision (E), of the Solano County Code, relating to public notice for variance hearings, is amended without substantive change as follows:

- E. Public notice.** Notice of the hearing shall be given pursuant to Section ~~28-1428.04~~28.04 of this Chapter.

SECTION LIII

Section 28.107, subdivision (I), of the Solano County Code, relating to appeals of variance decisions, is amended as follows:

- I. **Appeal.** Appeal from the action of the Planning Commission may be made according to the provisions of Section ~~28-112~~28.112.

SECTION LIV

Section 28.108, subdivision (A), of the Solano County Code, relating to waiver of residential development standards, is amended without substantive change as follows:

- A. **Neighborhood Compatibility Waiver.** Waiver of any of the residential minimum development and architectural standards in Sections 28.72.10(A)(2), ~~and 28.72.10(B)(1), and 28.72.30(B)~~ may be granted administratively by the ~~zoning administrator~~Zoning Administrator if the proposed dwelling or residential accessory building is compatible with the surrounding neighborhood in accord with the architectural standards set forth in Section 28.91 and if no objection is received from a neighboring property owner. The waiver request shall be submitted on an application form prepared by the ~~director of resource management~~Department of Resource Management and is subject to the noticing requirements as set forth in Section 28.04(F). The Zoning Administrator's decision to approve a waiver is non-appealable but a decision to deny a waiver may be appealed by the applicant in accordance with Section 28.112.

SECTION LV

Section 28.111, subdivision (B), of the Solano County Code, relating to public hearing on amendments to this Chapter 28, is amended as follows:

- B. **Public hearings.**
 1. The Planning Commission shall hold a public hearing on any proposed amendment that changes any property from one zone to another or imposes, ~~modified-modifies~~, or removes any regulation which affects the permitted uses of real property, including land, buildings, signs and other structures.
 2. Notice of the hearing shall be given pursuant to Section ~~28-04-28.04~~of this Chapter. After conclusion of its hearing, the Planning Commission shall render its decision by recommending approval, approval with modifications, or disapproval of the proposed amendment. The recommendation shall include the reasons for the recommendation, and shall describe the relationship of the proposed amendment to the General Plan and any applicable specific plan. The Planning Commission shall file with the Board of Supervisors an attested copy of a report of its recommendations within ninety days after the conclusion of the public hearings.
 3. Upon receipt of such report from the Planning Commission the Board of Supervisors shall set the matter for public hearing and shall give notice thereof ~~by first-class mail~~pursuant to Section

28.04 and to the same persons and organizations who were given notice of the Planning Commission hearing, ~~and by publication in a newspaper of general circulation within the County at least ten days prior to such hearing.~~ After conclusion of its hearing, the Board of Supervisors may enact the proposed amendment or any part thereof in such form as the Board may deem advisable to protect the public health, safety, and general welfare of the County, or it may deny the propose amendment. Prior to enacting any alternative to the proposed amendment that was not previously considered by the Planning Commission during its hearing, the Board shall first refer the alternative to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing or issue a report and recommendation on the alternative. Failure of the Planning Commission to issue a report and recommendation within sixty (60) days after the Board makes its referral shall be deemed to be a positive recommendation on the alternative. However, if the proposal requests only that property be rezoned from one zoning district to another and the Planning Commission has recommended disapproval of the proposal, then the Board of Supervisors is not required to take any further action on the proposal unless an interested person requests a hearing by filing a written request with the Clerk of the Board within ten days after the Planning Commission files its recommendation with the Board. If no request for hearing is timely filed or if the Board does not initiate review as described in subdivision (F) of Section 28.112, then the proposal shall be deemed denied ten days after the Planning Commission files its recommendation with the Board.

4. Upon the consent of the Planning Commission, any petition for an amendment may be withdrawn upon the written request of a majority of all persons who signed the petition. The Board of Supervisors or the Planning Commission, as the case may be, may, by resolution, abandon any proceedings for an amendment initiated by its own direction; provided, that such abandonment may be made only when such proceedings are before such body for consideration; and provided further, that any hearing of which public notice has been given shall be held.
5. Whenever a petition for an amendment to this ~~Chapter~~ chapter has been denied, no new petition for the same amendment shall be accepted by the Department for a period of one year from the effective date of the final denial of the original petition; provided, that upon a showing of a substantial change of circumstances, the Director of Resource Management may permit the filing of such new petition prior to the expiration of such one-year period. Nothing contained herein shall prevent the Board of Supervisor or Planning Commission from at any time initiating any proceedings which either of such bodies may initiate pursuant to this ~~Chapter~~ section.

SECTION LVI

Section 28.112 of the Solano County Code, relating to appeals, is amended without substantive change as follows:

- A. The Planning Commission shall have power to hear and decide appeals when it is alleged by the appellant that there is error in any order, requirement, permit, decision or determination made

by an administrative official or architectural review committee in the administration or enforcement of this ~~Chapter~~chapter.

- B. Any person, firm, corporation, unincorporated association, public officer, or agency aggrieved or affected by any determination of this ~~Chapter~~chapter may, within ten days, file an appeal in writing with the Planning Commission secretary. In the written appeal, the reasons of the appeal shall be outlined and said appeal shall be accompanied by such fee or fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this Code. No part of said fee or fees shall be refundable, except that the Zoning Administrator may waive the fee for a nonprofit social service organization, including a church. Filing of an appeal shall stay all proceedings until determination of the appeal. Upon receipt of such appeal, the Planning Commission secretary shall set the date for a public hearing, to be held within thirty-five days thereafter. Notice of the hearing shall be given pursuant to Section ~~28-1428.04 of this Chapter, except that if the project has been previously posted, it need not be reposted.~~
- C. The Zoning Administrator shall transmit to the commission copies of all papers constituting the record of action appealed, including a written statement setting forth the reason for his decision.
- D. Upon hearing the appeal, the Planning Commission shall find that the decision appealed from shall be affirmed, reversed, or modified. Notice of the Commission's decision shall be mailed forthwith to the original applicant ~~who has filed with the Commission a written request therefore.~~
- E. Any person, firm, corporation, unincorporated association, public officer or agency aggrieved or affected by any determination of the Planning Commission may, within ten days, file an appeal in writing with the Board of Supervisors. A copy of such appeal shall be submitted by the appellant to the Planning Commission. In the written appeal, the reasons of the appeal shall be outlined and said appeal shall be accompanied by such fee or fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this Code. No part of said fee or fees shall be refundable, except that the Zoning Administrator may waive the fee of a nonprofit social service organization, including a church. Filing of an appeal shall stay all proceedings until determination of the appeal. Upon receipt of such appeal, the Board of Supervisors shall, within thirty-five days, set the date for a public hearing, to be held within ~~thirty-fivesixty~~ days thereafter unless a longer period is agreed to by the appellant and the applicant. Notice of the hearing shall be given pursuant to Section ~~28-0428.04 of this Chapter, except that if the project has been previously posted, it need not be reposted.~~
- F. Notwithstanding any other provision of this Chapter, the Board of Supervisors, ~~upon its own motion or motion of any individual member thereof made within ten days from the making of any final order, requirement, decision or determination by the Zoning Administrator or Planning Commission, may review, reaffirm, reverse or modify, wholly or in part, such final order, requirement, decision or determination. No fees shall be assessed. Notice of such review shall be delivered or mailed to the Zoning Administrator, the Planning Commission, and the original applicant. The notice shall include a provision for a public hearing, to be held within thirty five days from the date of the motion.~~ may review any decision, determination, or order of the Zoning Administrator or Planning Commission. A motion for review shall be submitted in writing

to the Clerk of the Board within ten days after the Zoning Administrator's or Planning Commission's action. The motion shall identify the specific decision, determination, or order to be reviewed and may state one or more reasons for the motion. Receipt of the motion by the Clerk shall stay the action of the Zoning Administrator or Planning Commission. Notice of receipt of the motion shall be promptly delivered or mailed to the Zoning Administrator or Planning Commission and the original applicant. The Board shall either accept or deny review within thirty-five days from the date of the motion. If the Board accepts review, the Board shall set the matter for review at a hearing to be commenced within sixty days thereafter, unless a longer period is agreed to by the applicant. Notice of the hearing shall be given pursuant to Section 28-0428.04 of this Chapter, except that if the project has been previously posted, it need not be reposted. The review hearing shall be a de novo proceeding and the Board may make any decision, determination, or order within the jurisdiction of the Zoning Administrator or Planning Commission, or it may remand the matter to the Zoning Administrator or Planning Commission with instructions. Any member who makes a motion for review shall not be deemed an aggrieved or affected party due solely to the making of such motion, and that member may fully participate in the decision to accept review and in the review itself unless otherwise disqualified.

DRAFT ZONING CODE AMENDMENTS - CLEAN

SECTION I

Section 28.03 of the Solano County Code, relating to interpretation of Chapter 28, is amended without substantive change as follows:

28.03 Interpretation of Chapter

In their interpretation and application, provisions of this chapter shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements.

If an owner proposes a type of land use which is not described or identified in this chapter, the Zoning Administrator may determine that the proposed use is substantially similar to another type of land use which is described or identified in this chapter, and the permit application shall be accepted and processed for proposed use as if it were functionally equivalent to the substantially similar land use. If a use permit or other discretionary approval of the Planning Commission is required by this chapter for the substantially similar land use, the Planning Commission is not bound by the Zoning Administrator's determination.

SECTION II

Section 28.04 of the Solano County Code, relating to public notice requirements, is amended as follows:

28.04 Public Notice Requirements

When a public hearing is required by this chapter, public notice shall be given as provided by this section. Failure to receive notice shall not invalidate the permit or decision.

- A. Content of notice.** Notice of a public hearing shall include: the date, time and place of the hearing; the name of the hearing body; a general explanation of the matter to be considered; a general description, in text or by diagram, of the location of the real property that is the subject of the hearing; and indicate whether a negative declaration or an environmental impact report has been prepared and will be considered for the project pursuant to the California Environmental Quality Act.
- B. Method of notice distribution.** Notice of a public hearing required by this chapter, as required by Government Code Sections 65090 and 65091, shall be given as follows:
1. Notice shall be published at least once in a newspaper of general circulation in the County at least 15 days before the hearing; and
 2. Notice shall be mailed or delivered at least 15 days before the hearing to:
 - a. The owner(s) of the property being considered, the owner's agent, and the applicant.

- b. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide such facilities and services may be significantly affected.
 - c. All owners of real property as shown on the latest equalized assessment roll within 500 feet of the property that is the subject of the hearing, unless otherwise required in subdivision (d) following.
 - d. All owners of real property as shown on the latest equalized assessment roll within one-half mile of the property that is the subject of the hearing if the property is located in any A or R-R district.
 - e. All persons and organizations requesting notice of the public hearing.
3. If the number of property owners to whom notice would be mailed as provided by subdivisions (B)(2)(a) and (B)(2)(c) above is more than 1,000, the Director of the Department of Resource Management may choose to place a display advertisement of at least one-eighth page in a newspaper of general circulation in the county at least 15 days before the hearing.
- C. **Additional notice.** In addition to the notice required by this section, any other notice or form of distribution may be provided as may be determined necessary or desirable. Planning Commission or Zoning Administrator agendas shall be provided to all persons and organizations who, within the calendar year, have requested said agendas, in writing, and paid such fee as may be set by the Board of Supervisors to cover the cost of such mailing.
- D. **Scheduling of hearing.** After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and Planning Division review or staff report, the matter shall be scheduled for public hearing on the Zoning Administrator, Planning Commission, or Board of Supervisors agenda (as applicable) reserved for such matters. At the discretion of the hearing body, a public hearing may be continued from its scheduled date to a future date as provided by subdivision (E) following.
- E. **Notice of County action when hearing continued.** Any noticed public hearing conducted under this chapter may be continued from time to time, but not to exceed 35 days from the date specified in the notice, without new or additional public notice being provided. If a hearing is continued to a date and time which is more than 35 days from the date specified in the notice, or which is not announced when the hearing is continued, the County shall provide notice of the continued hearing in the same manner and within the same time limits as provided in subdivisions (A), (B) and (C) above.
- F. **Notice for Waivers.** To grant a waiver of any requirement authorized pursuant to the provisions of this chapter, notification of intent to grant a waiver shall be sent to owners, as shown on the latest equalized assessment roll, of real property contiguous to that property for which a request for waiver has been received, 10 days in advance of a decision on said request.

SECTION III

Section 28.21.020 of the Solano County Code, relating to uses and permit requirements for Agricultural Districts, is renumbered as Section 28.21.20 and amended without substantive change as follows:

28.21.20 AGRICULTURE DISTRICTS USES AND PERMIT REQUIREMENTS

- A. Allowed Uses and Permit Requirements.** Table 28.21A identifies the land uses allowed by right in each agricultural district and the land use permit required to establish each use. In addition to the land use permit required by Table 28.21A, special requirements may apply to certain uses.
- B. Architectural Review.** Architectural Approval may be required for certain uses in compliance with Section 28.102 (Architectural Approval).
- C. Land Use Regulations.** Where the last column in the Table 28.21A (Land Use Regulations) includes a section number, e.g. 28.21.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced chapter of the Solano County Code apply to the use. Provisions in other sections of this chapter or in other chapters of the Solano County Code may also apply.
- D. Site Development and Other Standards.** All uses shall comply with the provisions of Article IV of this chapter, relating to Site Development and Other Standards and beginning with Section 28.90, which includes standards for parking, signs and other project elements.

SECTION IV

Table 28.21B in Section 28.21 of the Solano County Code, relating to development standards for main buildings, primary dwellings, and secondary dwellings in the Exclusive Agricultural (A) zoning districts, is amended as follows:

Development Standards for Main Building, Primary and Secondary Dwelling				
	A-20	A-40	A-80	A-160
MAIN BUILDING OR PRIMARY DWELLING				
Minimum Lot Area	20 acres	40 acres	80 acres	160 acres
Dwelling size	<i>Minimum of 1,000 square feet</i>			
Setbacks ⁽¹⁾				
Front	<i>30 feet, but at least 50 feet from the street centerline and unless otherwise indicated by building lines on the zoning maps</i>			
Sides (each)	<i>20 feet</i>			
Rear	<i>25 feet</i>			
Between Structures	<i>10 feet</i>			
Height limit	<i>35 feet, and as allowed by Section 28.93, special regulations</i>			
Height limit for agricultural processing uses	<i>50 feet, and as allowed by Section 28.93, special regulations</i>			
SECONDARY DWELLING				
Dwelling size	<i>Maximum of 2,400 square feet, see 28.72.10(B)(3)(a)</i>			
Setbacks ⁽²⁾				
Front	<i>30 feet, but at least 50 feet from the street centerline and unless otherwise indicated by building lines on the zoning maps</i>			

Sides (each)	<i>20 feet</i>
Rear	<i>25 feet</i>
Between structures ⁽³⁾	<i>10 feet</i>
Height limit	<i>35 feet, and as allowed by Section 28.93, special regulations</i>

Notes:

- (1) Other setbacks may be required for specific uses listed in Table 28.21A, as provided elsewhere in this chapter.
- (2) Reserved.
- (3) Other separation between structures may be required by County Building Code.

SECTION V

Section 28.22.20 of the Solano County Code, relating to uses and permit requirements for Suisun Marsh Agricultural Districts, is amended without substantive change as follows:

28.22.20 Suisun Marsh Agricultural District Land Uses and Permit Requirements

- A. Allowed Uses and Permit Requirements** Table 28.22A identifies the land uses allowed by right in each Suisun Marsh Agricultural district and the land use permit required to establish each use. In addition to the land use permit required by Table 28.22A, special requirements may apply to certain uses.
- B. Marsh Development Permit Requirements** Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this chapter. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and Secondary Management Area, as defined in the Suisun Marsh Preservation Act of 1977, the land use shall be subject to a use permit covering the whole of the project.
- C. Architectural Review** Architectural Approval may be required for certain uses, in compliance with Section 28.102 (Architectural Approval).
- D. Building Permits** A Building Permit shall be required prior to any construction.
- E. Land Use Regulations** Where the last column in Table 28.22A (Land Use Regulations) includes a section number, e.g. 28.70.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced chapter of the Solano County Code apply to the use. Provisions in other sections of this chapter or in other chapters of the Solano County Code may also apply.
- F. Non-Conforming Uses** Within the Suisun Marsh, as defined by Section 29101 of the Public Resources Code, uses established prior to 1977 that do not conform to the uses set forth in Table 28.22A shall be considered nonconforming uses under Section 28.114, except that non-substantial changes, alterations, and additions to nonconforming uses may be allowed within

the existing established project footprint area subject to a marsh development permit, pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this code. The overall existing development area may not be expanded under these provisions.

Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment, and runoff control plan shall be prepared in accordance with Section 31.26(b) of the Solano County Code regulating Grading, Drainage, Land Leveling and Erosion Control. When the non-conforming use is located in both the Primary and Secondary Management Areas, as defined by the Suisun Marsh Preservation Act of 1977, non-substantial changes, alterations, and additions to the nonconforming use shall be subject to a use permit covering the whole of the project.

- G. Site Development and Other Standards** All uses shall comply with the provisions of Article IV of this chapter, relating to Site Development and Other Standards and beginning with Section 28.90, which includes standards for parking, signs, and other project elements.

SECTION VI

Section 28.23.30 of the Solano County Code, relating to uses and permit requirements for Suisun Valley Agricultural Districts, is amended without substantive change as follows:

28.23.30 Agriculture - Suisun Valley District Uses and Permit Requirements

- A. Allowable uses.** Table 28.23A identifies the land uses allowed by right in the Agriculture - Suisun Valley (A-SV-20) District, the Agriculture Tourist Center (ATC) District and the Agriculture Tourist Center - North Connector (ATC-NC) District, as well as, the land use permit required to establish each use. In addition to the land use permit required by Table 28.23A, special requirements may apply to certain uses (see Section 28.23.50). Where the last column of Table 28.23A (Land Use regulations) includes a section number, e.g. 28.70, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced chapter of the Solano County Code section apply to the use. Provisions in other sections of this chapter or in other chapters of the Solano County Code may also apply.
- B. Building and Other Permits:** A building permit, as required under Chapter 6.3 of the County Code, and any other permits required by the County Code, shall also be required prior to any construction, demolition, or change of occupancy type.
- C. Design Review:** Design review, as described in Sections 28.23.60 and 28.103 of this chapter, shall be required for all new construction requiring a building permit within the Agriculture - Suisun Valley (A-SV-20) District and the Agriculture Tourist Center (ATC and ATC-NC) Districts. In performing design review, the Zoning Administrator or Planning Commission shall consider the Suisun Valley Design Guidelines as a manual for determining Architectural Approval.

SECTION VII

Section 28.23.50.10, subdivisions (A) and (B)(1), of the Solano County Code, relating to permit requirements for agricultural uses and special use regulations for temporary auctions and agricultural equipment sales in the Suisun Valley Agricultural Districts, is amended without substantive change as follows:

28.23.50.10 Agricultural Uses

- A. Permit Required.** Agricultural uses are permitted uses, subject to the permit requirements in Table 28.23A.
- B. Standards.** Agricultural uses must meet the applicable development standards delineated in Tables 28.23B and 28.23C and comply with the following:
1. Temporary Auctions and Agricultural Equipment Sales
 - a. Permit Required. An administrative permit is required for temporary auctions and agricultural equipment sales uses, provided any such use shall meet the standards delineated in Table 28.23B. Administrative permits shall be for a single auction and sales event. If a temporary auction and agricultural equipment sales use cannot meet the standards in paragraph (2), below, then a minor use permit shall be required.
 - b. Standards. Temporary auctions and agricultural equipment sales in the A-SV-20 and ATC districts zoning district shall comply with the following standards:
 1. Duration. Auctions and agricultural equipment sales shall be limited to one event per calendar year, not to exceed seven days per event.
 2. Access. Shall provide ingress and egress designed so as to avoid traffic congestion;
 3. Roads. Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. 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.
 4. Hours of Operation. Shall be limited to 8:00am until 6:00 pm Mondays through Sunday
 5. Prevent Offensive Noise, Dust, Glare, Vibration or Odor. Shall provide adequate controls or measures to prevent noise, dust, glare, vibration or odor.

SECTION VIII

Section 28.23.50.20, subdivision (B)(2)(b)(2), of the Solano County Code, relating to existing secondary dwellings, companion living units, or guest houses in the Suisun Valley Agricultural Districts, is amended without substantive change as follows:

- (2) A guest house legally existing on the lot prior to February 1, 2011, 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”).

SECTION IX

Section 28.23.50.40 of the Solano County Code, relating to retail trade uses in the Suisun Valley Agricultural Districts, is amended without substantive change as follows:

28.23.50.40 Retail Trade Uses

- A. Permit Required.** Retail trade uses are permitted uses, subject to the permit requirements in Table 28.23A.
- B. Standards.** Retail Trade uses must meet the applicable development standards delineated in Tables 28.23B and 28.23C and comply with the following:
- 1. Retail stores and services.**
 - a. Permit Required.** Retail stores and services are permitted uses, subject to the provisions below:
 - (1) A use permit is not required when the building area is 1,500 square feet or less and the use is conducted entirely within the building.
 - (2) A minor use permit is required when the building area exceeds 1,500 square feet or where any outdoor or yard area is utilized for the provisions of goods and services, regardless of the size of the building area.
 - b. Standards.** Retail stores and services, as permitted in Table 28.23A, must meet the applicable development standards delineated in Tables 28.23B and 28.23C and comply with the following:
 - (1) Shall provide adequate utilities, access roads, drainage and other necessary facilities.

c. **Conditional Uses.** Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28.106 are fulfilled:

- (1) A use permit shall not be approved unless the nature of the business is found to be consistent with the intent of the Agricultural Tourist Center (ATC or ATC-NC) zoning district.

2. **Roadside stand.**

a. **Standards.** A roadside stand, as permitted in Table 28.23A, must meet the applicable development standards delineated in Tables 28.23B and 28.23C and comply with the following:

- (1) Shall be operated by the property owner or occupant.
- (2) Size, as regulated in Table 28.23A, shall be determined by measuring the total roof-covered area. Where a roadside stand is operated within a portion of a larger building, the roadside stand shall be functionally separated from the remainder of the building by either temporary or permanent walls and size shall be determined by measuring the gross floor area of the enclosed space plus any outdoor display area.
- (3) At least twenty-five percent (25%) of the crops sold shall be grown on-site or offsite on land owned or leased by the operator within Solano County. The balance of the stand shall be used for the sale and inventory of crops or other agricultural products, including nonagricultural products as regulated by this chapter, grown or produced on-site or off-site.
- (4) An area not exceeding 50 square feet may be used for the sale and inventory of prepackaged food, provided that such food sales and inventory complies with the requirements of the Department of Resource Management, Environmental Health Services Division, and is from an “approved source” and is not a “potentially hazardous food” as defined by the California Health and Safety Code.
- (5) Nonagricultural product sales shall mean the on-site sales of nonagricultural products produced on and off the property, where the total inventory and sales area for such products is limited to a maximum percentage of the size of the stand, as specified in Table 28.23A.
- (6) Minimum setback from an adjacent street shall be the same as required for the main building.
- (7) Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.

- (8) Shall provide adequate controls or measures to prevent dust, odor or light.
- (9) Shall provide off-street parking in accordance with Section 28.94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
- (10) Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.

SECTION X

Section 28.23.50.50, subdivision (B)(7), of the Solano County Code is deleted.

SECTION XI

Section 28.23.50.50, subdivision (C), of the Solano County Code, relating to specific agritourism uses within the Suisun Valley agricultural districts, is amended without substantive change as follows:

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, 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. 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.

7. **Tasting Facilities.** Tasting facilities are allowed by right. Such use must meet the applicable development standards delineated in Tables 28.23B and 28.23C and, when located in the A-SV-20 district, 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:
 - 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.

SECTION XII

Note 1 to Table 28.31A in Section 28.31 of the Solano County Code, relating to residential accessory buildings in the Rural Residential (R-R) districts, is amended as follows:

- (1) Residential accessory building:
 - a) Does not include a guest house.
 - b) May not be established prior to construction or installation of a primary dwelling on the same property.

SECTION XIII

Note 2 to Table 28.31B in Section 28.31 of the Solano County Code, relating to minimum lot area in the Rural Residential (R-R) districts, is amended without substantive change as follows:

- (2) The following may be used to determine acceptable lot area:

- a) The actual number of lots allowed is determined through the applicable subdivision process, based on specific site characteristics and potential environmental impacts, and there is no guarantee that the maximum possible number may be achieved.
- b) The area bounded by the centerline of the right-of-way on which the lot fronts, and the lot sidelines extended to such right-of-way centerline may be included in the computation of the minimum lot area requirement.
- c) Reduced lot area may be allowed for specific uses with a use permit, see subdivision (C)(6) of Section 28.92.

SECTION XIV

Section 28.31.030 of the Solano County Code, relating to general development standards for Rural Residential Districts, is renumbered as Section 28.31.30.

SECTION XV

Section 28.52.20, subdivisions (F) and (G), of the Solano County Code, relating to nonconforming uses and site development standards in the Marsh Preservation (MP) zoning district, are amended without substantive change as follows:

F. Nonconforming Uses

Within the Suisun Marsh, as defined by Section 29101 of the Public Resources Code, uses established prior to 1977 that do not conform to the uses set forth in Table 28.52A shall be considered nonconforming uses under Section 28.114, except that non-substantial changes, alterations, and additions to nonconforming uses may be allowed within the existing established project footprint area subject to a marsh development permit pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this code. The overall existing development area may not be expanded under these provisions. Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment, and runoff control plan shall be prepared in accordance with Section 31.26 in Chapter 31 of the Solano County Code, regulating Grading, Drainage, Land Leveling and Erosion Control. When the non-conforming uses is located in both the Primary Management Area and Secondary Management Area, as defined by the Suisun Marsh Preservation Act of 1977, non-substantial changes, alterations, and additions to the nonconforming use shall be subject to a use permit covering the whole of the project.

G. Site Development and Other Standards

All uses shall comply with the provisions of Article IV of this chapter, relating to Site Development and Other Standards and beginning with Section 28.90, which includes standards for parking, signs, and other project elements.

SECTION XVI

Section 28.71.10, subdivision (B)(1)(c), of the Solano County Code, relating to agricultural accessory buildings, is amended without substantive change as follows:

- c. **Side and Rear Yard Setback Waiver.** The minimum side and rear yard requirements may be waived for an accessory building other than an animal shelter if no objection is received from a neighboring property owner, 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).

SECTION XVII

Section 28.70.10, subdivision (B), of the Solano County Code, relating to performance standards applicable to all uses in all zoning districts, is amended without substantive change as follows:

- B. **Performance Standards.** Except as provided in Chapter 2.2, any use of land or buildings must meet the applicable performance standards listed below:
1. **Prevent Offensive Noise, Dust, Glare, Vibration, or Odor.** All uses of land and structures shall be conducted in a manner, and provide adequate controls and operational management to prevent:
 - a. Dust, offensive odors, or vibrations detectable beyond any property line;
 - b. Noise that exceeds 65dBA at any property line; and
 - c. Glint or glare detectable beyond any property line or by overflying aircraft.
 2. **Prevent Storm Water Pollution.** Any use of land or buildings shall contain measures to manage storm water to prevent any potential contaminants, processing wastes, or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream, or river.
 3. **Parking.** Adequate off-street parking shall be provided pursuant to Section 28.94; parking areas and driveways shall be treated as necessary to control dust and shall provide paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
 4. **Removal of Natural Material.** Removal of natural material 1) shall prevent offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.

- 5. Solid Waste and General Liquid Waste Storage and Disposal.**
- a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
 - b. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
 - c. All burning of waste materials accessory to any use shall comply with the Yolo-Solano Air Quality Management District or the San Francisco Bay Area Air Quality Management district based on geographic location of the activity specific to each air quality management district.
 - d. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.
- 6.** Should the Zoning Administrator determine that a proposed use in any district is likely to violate the performance standards listed above, the Zoning Administrator may impose additional performance standard as described in Section 28.95.

SECTION XVIII

Section 28.71.20, subdivision (B), of the Solano County Code, relating to specific requirements for agricultural processing uses, is amended without substantive change as follows:

B. Specific Requirements

The specific agricultural processing uses listed below shall comply with the following specific standards:

- 1. Agricultural Processing Facility**
 - a. **Small Agricultural Processing Facility.** A small agricultural processing facility, as defined in Section 28.01, is shall comply with the applicable development standards delineated in the zoning district, the general requirements for agricultural processing uses listed in subdivision (A), above, and the following standards:
 - (1)** At least ten percent (10%) of the product used in production, averaged over 5 consecutive years, must be grown on-site or off-site on land owned or leased by the operator within Solano County.
 - (2)** The facility operator shall report at the end of each calendar year to the Department of Resource Management the amount and source of product processed during the calendar year.

- (3) Shall obtain Environmental Health Services Division of the Department of Resource Management, and Fire Department approval, if required, and notify the Sheriff's Office prior to hosting special events.
- (4) A retail sales and tasting facility, ancillary to the processing facility, must be no larger than 1,000 square feet.
- (5) If less than ten percent (10%) of the product used in production, averaged over 5 consecutive years, is grown on-site or off-site on land owned or leased by the operator in Solano County, then the facility shall be subject to the permitting requirements of the zoning district applicable to a Medium Agricultural Processing Facility.

b. Medium Agricultural Processing Facility. A medium agricultural processing facility, as defined in Section 28.01, shall comply with the applicable development standards delineated in the zoning district, the general requirements for agricultural processing uses listed in subdivision (A), above, and the following standards:

- (1) A least ten percent (10%) of the product used in production, averaged over 5 consecutive years, must be grown on-site or off-site on land owned or leased by the operator within Solano County.
- (2) The facility operator shall report at the end of each calendar year to the Department of Resource Management the amount and source of product processed during the calendar year.
- (3) Provided that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance, special events are allowed as permitted under the use permit.
- (4) A retail sales and tasting facility, ancillary to the processing facility, must be no larger than 1,000 square feet.
- (5) Shall show that proposed source of water will not deprive others of normal supply.
- (6) Shall provide loading spaces as required by the Zoning Administrator or Planning Commission;
- (7) If less than ten percent (10%) of the product used in production, averaged over 5 consecutive years, is grown on-site or off-site on land owned or leased by the operator in Solano County, then the facility shall be subject to the permitting requirements of the zoning district applicable to a Large Agricultural Processing Facility.

c. Large Agricultural Processing Facility. A large, as defined in Section 28.01, shall comply with the applicable development standards delineated in the zoning

district, the general requirements for agricultural processing uses listed in subdivision (A), above, and the following standards:

- (1) Provided that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance, special events are allowed as permitted under the use permit.
- (2) A retail sales and tasting facility, ancillary to the processing facility, must be no larger than 2,000 square feet.
- (3) Shall show that proposed source of water will not deprive others of normal supply.
- (4) Shall provide loading spaces as required by the Zoning Administrator or Planning Commission;

2. Nursery with Public Sales

a. **Standards.** Nurseries shall:

- (1) Be limited to 1,500 square feet in total display area, indoors and outdoors, for nonplant products.
- (2) Shall provide at least five on-site parking spaces.
- (3) 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.

3. Wineries

a. **Small winery.** A small winery, as defined in Section 28.01, is allowed by right subject to compliance with the development standards delineated in the zoning district, the general requirements for agricultural processing uses listed in subdivision (A), above, and the standards below:

- (1) At least twenty-five percent (25%) of the grapes or other fruit used in production, averaged over 5 consecutive years, must be grown on-site or off-site on land owned or leased by the operator within Solano County.
- (2) The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.
- (3) A tasting facility is allowed by right, ancillary to the winery, and must be no larger than 1,000 square feet.

- b. Medium winery.** A medium winery, as defined in Section 28.01, is allowed by either an administrative permit or a minor use permit, subject to compliance with the development standards delineated in the applicable zoning district, the general requirements for agricultural processing uses listed in subdivision (A), above, and as follows:
- (1) Shall require a minor use permit if the property does not have direct access from a public road. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road and the road shall comply with county road standards.
 - (2) The winery operator shall report at the end of each calendar year to the department of resource management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.
 - (3) A wine tasting and sales area must be no larger than 2,000 square feet.
- c. Large winery.** A large winery, as defined in Section 28.01, is allowed with a use permit, subject to compliance with the applicable development standards delineated in the applicable zoning district, the general requirements for agricultural processing uses listed in subdivision (A), above, and the standards below:
- (1) A tasting facility is allowed by right, ancillary to the winery, and must be no larger than 2,000 square feet.
 - (2) The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.

SECTION XIX

Section 28.71.30, subdivision (B), of the Solano County Code, relating to specific requirements for animal facilities and operations, is amended without substantive change as follows:

B. Specific Requirements

The animal facilities and operations listed below shall comply with the general requirements for animal facilities and operations listed in subdivision (A), above, and the following specific standards:

1. Confined Animal Facilities

Confined Animal Facilities shall conform to the following standards:

- a. **Small Confined Animal Facilities.** Small Confined Animal Facilities may be permitted, provided the facilities shall not locate any developed portions of the facility, including barns, corrals, feed and manure storage areas, milking parlor, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, closer than 200 feet from any property line. Truck loading areas may occur within the front setback area, provided that they do not encroach into the road right of way.
- b. **Medium Confined Animal Facilities.** Medium Confined Animal Facilities may be permitted upon the issuance of a Use Permit, provided the facilities conform to the following minimum development standards:
 - (1) **Minimum Setbacks.** To minimize potential impacts of odor, dust and noise, the developed portions of the facility, including barns, corrals, feed and manure storage areas, milking parlor, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, shall be located no closer than:
 - i. One (1) mile from any city's sphere of influence line, as established by the Solano Local Agency Formation Commission, or, where no sphere of influence line has been established, from any city limit line. This requirement may be reduced in distance or waived if the area within the sphere of influence line or city limit line is being used, or will be used, for municipal wastewater treatment facilities. This minimum distance may be increased based on site specific factors and potential impacts identified through the environmental review process.
 - ii. This minimum setback requirement from a sphere of influence shall only apply at the time of the facility's initial approval, and a change in the sphere of influence shall not alone render an operating facility non-conforming.
 - iii. Two hundred (200) feet from any property line. Truck loading areas may occur within the front setback area, provided that they do not encroach into the road right of way.
 - iv. Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within these minimum setback areas.
 - (2) **Water Protection.** The following minimum water protection standards are applicable:

- i. **Ground Water Monitoring Standards.** As part of the use permit application materials, the applicant shall submit a proposed ground water monitoring plan. The Division of Environmental Health shall review the proposed plan and recommend appropriate revisions, if any. The plan shall provide for the testing and reporting of ground water quality on the project site both prior to, and at least once every six months during, the operation of the facility. In granting a use permit, the ground water monitoring plan shall be approved as a component of the approved land use operation and the permit shall be conditioned to require that the permittee comply with the provision of the approved plan.
- ii. **Wastewater Pond Design Standards.** All wastewater storage ponds and treatment lagoons shall be designed and constructed to meet the following standards:
 - a) A liner of compacted clay that is a minimum of 1 foot thick, with a maximum permeability of 1×10^{-6} cm/sec.
 - b) Minimum of 5 feet separation between bottom of liner and groundwater.
 - c) Must be designed and operated with a minimum of 2 feet of freeboard and must be capable of accommodating a 100 year precipitation event occurring over a 24 hour period.
 - d) Retention ponds and settling basins shall be designed to minimize odor, to the greatest extent feasible, by using the best available proven technology at the time of application. This includes, but is not limited to, pond covers, methane digesters, aerobic and anaerobic systems or operational or management practices.
 - e) Performance based, engineered alternatives that meet or exceed the above requirements may be considered and approved.

These standards are minimums. Stricter standards may be required if recommended pursuant to environmental review or by other regulatory agencies.

- c. **Large Confined Animal Facilities.** Large Confined Animal Facilities may be permitted provided the facilities conform to the following minimum development standards:

- (1) Minimum Setbacks.** To minimize potential impacts of odor, dust and noise, the developed portions of the facility, including barns, corrals, feed and manure storage areas, milking parlors, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, shall be located no closer than:
- i. Three (3) miles from any city's sphere of influence line, as established by the Solano Local Agency Formation Commission, or, where no sphere of influence line has been established, from any city limit line. This requirement may be reduced in distance or waived if the area within the sphere of influence line or city limit line is being used, or will be used, for municipal wastewater treatment facilities. This minimum distance may be increased based on site specific factors and potential impacts identified through the environmental review process.
 - ii. This minimum setback requirement from a sphere of influence shall only apply at the time of the facility's initial approval, and a change in the sphere of influence shall not alone render an operating facility non-conforming.
 - iii. One (1) mile from the nearest large confined animal facility
 - iv. 2,500 feet from any natural public drinking surface water supply intake and 200 feet from a primary tributary to a domestic surface water supply (measured from any liquid or solid waste storage area or land application area only), including but not limited to the Barker Slough intake.
 - v. One (1) mile from any Residential zoning district, as established in Section 28.13.
 - vi. Two hundred (200) feet from any property line. Truck loading areas may occur within the front setback area, provided that they do not encroach into the road right of way.
 - vii. One quarter (1/4) mile (1,320 feet) downwind and one half (1/2) mile (2,640 feet) upwind of any existing occupied dwelling unit not owned or occupied by the facility's owner or personnel. This requirement may be waived if the owner of the dwelling has provided comment, in writing, that he or she has no objection to the location of developed portions of the facility within such setback area.
 - viii. Two (2) miles from the boundary of the National Veterans Cemetery.

- ix. Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within these minimum setback areas.

(2) Other Standards

- i. All structures shall be constructed with materials suitable to prevent excessive glare so as not to create a nuisance to neighbors or a danger to aircraft.
- ii. All exterior night lighting shall be directional lighting that directs the light downward and inward toward the project site so as not to create a nuisance to neighbors.
- iii. Applications must meet all requirements set forth in Chapter 27 of the Solano County Code regulating Large Confined Animal Facilities.
- iv. Notice of a hearing on a use permit application for a Large Confined Animal Facility, or any revision to such permit, shall be provided to any affected local governmental agencies and to all owners of real property, as shown on the latest equalized assessment roll, within one (1) mile of the property that is the subject of the hearing.

d. Standards for All Confined Animal Facilities

- (1) Manure and Silage Storage. Storage or stockpiling of manure and silage shall occur in a manner which minimizes odor and vector nuisances to the greatest extent practicable, based on current industry practices.
- (2) Loading Areas and Access. Adequate truck loading areas shall be provided within the developed portion of the facility. Ingress and egress shall be designed to avoid creation of traffic hazards and congestion, odor, dust, noise or drainage impacts.
- (3) Grandfathered Non-conforming Uses. Any confined animal facility, including any sales and feed lot, stockyard, or dairy, legally established prior to May 3, 2005, which does not meet the standards set forth above in subdivisions (A) and (B)(1) of this section [excepting the minimum setback standards for medium and large facilities], shall be considered legal nonconforming.
- (4) Expansion of Grandfathered Non-Conforming Uses. A legal nonconforming confined animal facility shall not be allowed to physically expand its use or increase the number of animals allowed unless the standards set forth above in subdivisions (A) and (B)(1) of this section [excepting the minimum setback standards for medium and large facilities] are met.

2. Fowl and Poultry Ranch

“Fowl and Poultry Ranches” are distinguished from “Pastured Poultry” operations in the definitions in Section 28.01.

a. **Standards.** Fowl and poultry ranches shall:

- (1) Employ best practices to ensure that stray birds do not trespass onto adjacent public rights-of-way or private lands.
- (2) Manage supplemental feeds, manure, bedding and nesting materials to lessen any potential adverse impacts that the pastured poultry operation might have on neighbors or the larger community. Fowl and poultry ranch operators are required to submit to the Agricultural Commissioner, on an annual basis, a plan for the management of the operation which will provide policies and procedures for insuring that the pastured poultry operation is not likely to become a nuisance to surrounding property owners or the community and that no health and safety problems will arise due to its operation. The Plan should describe policies and procedures that:
 - i. Regulate, control or prohibit the accumulation of manure.
 - ii. Prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people.
 - iii. Protect pollutants from entering in creeks, streams, drainage ditches or groundwater supplies.

3. Hog Ranch

a. All hog ranches shall regulate, control or prohibit the accumulation of animal matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people.

b. **Standards for Large Hog Ranches.**

- (1) Trucking access shall not interfere with normal traffic.
- (2) 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.
- (3) Shall show that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance or a hazard.
- (4) Shall show that proposed source of water will not deprive others of normal supply.

4. Pastured Poultry

“Pastured Poultry” operations are distinguished from “Fowl and Poultry Ranches” in the definitions in Section 28.01.

- a. **Standards.** Pastured poultry operations shall:
- (1) Manage storm water to prevent feed and manure from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
 - (2) Maintain a setback of 200 feet from any (R) district parcel.
 - (3) Employ best practices to ensure that stray birds do not trespass onto adjacent public rights-of-way or private lands.
 - (4) Be limited to 3,000 birds or less.
 - (5) Manage supplemental feeds, manure, bedding and nesting materials to lessen any potential adverse impacts that the pastured poultry operation might have on neighbors or the larger community. Pastured poultry operators are required to submit to the Agricultural Commissioner, on an annual basis, a plan for the management of the operation which will provide policies and procedures for insuring that the pastured poultry operation is not likely to become a nuisance to surrounding property owners or the community and that no health and safety problems will arise due to its operation. The Plan should describe policies and procedures that:
 - i. Regulate, control or prohibit the accumulation of manure.
 - ii. Prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people.
 - iii. Prohibit any nuisance, offensive matter, foul or noxious odors.
- b. **Special Events Facility.** A special events facility may be operated in conjunction with a pastured poultry operation, as permitted in the applicable zoning district and subject to the provisions of Section 28.73.30.
- c. **Sales.** The sale of live birds or eggs to the public at a pastured poultry operation must meet the applicable development standards delineated in the applicable zoning district, as well as the following specific development standards:
- (1) Shall be operated by the property owner or occupant.
 - (2) Shall not exceed 1,000 square feet. Size shall be determined by measuring the total roof-covered area. Where public sales are operated within a portion of a larger building, the public sales shall be functionally separated from the remainder of the building by permanent walls and

size shall be determined by measuring the gross floor area of the enclosed space plus any outdoor display area.

- (3) Public sales of on-site eggs are permitted. No meat sales are permitted. At least twenty-five percent (25%) of the product sold shall be grown on-site or off-site on land owned or leased by the operator within Solano County. The balance of the stand shall be used for the sale and inventory of crops or other agricultural products, including nonagricultural products as regulated by this chapter, grown or produced on-site or off-site.
 - (4) An area not exceeding 50 square feet may be used for the sale and inventory of prepackaged food, provided that such food sales and inventory complies with the requirements of the Department of Resource Management, Environmental Health Services Division, and is from an “approved source” and is not a “potentially hazardous food” as defined by the California Health and Safety Code.
 - (5) Nonagricultural product sales shall mean the on-site sales of nonagricultural products produced on and off the property, where the total inventory and sales area for such products is limited to an area of 50 square feet, except that sales and inventory of prepackaged food shall be allowed subject to the requirements of paragraph (4) above.
 - (6) Minimum setback from an adjacent street shall be the same as required for the main building.
 - (7) Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
 - (8) Shall provide adequate controls or measures to prevent dust, odor or light.
 - (9) Shall provide off-street parking in accordance with Section 28.94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
 - (10) Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.
- d. **Agricultural Commercial Kitchen.** A commercial kitchen operated in conjunction with a pastured poultry operation, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the applicable zoning district, as well as the specific development standards in Section 28.76.10.

5. Slaughterhouse

a. Standards. Slaughterhouses shall:

- (1)** Regulate, control or prohibit the accumulation of animal matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people.
- (2)** Trucking access shall not interfere with the normal traffic.
- (3)** 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.
- (4)** Shall control odor, dust, noise, and waste disposal.
- (5)** Shall show that proposed source of water will not deprive others of normal supply.

SECTION XX

Section 28.72.10, subdivision (B)(1), of the Solano County Code, relating to specific requirements for primary dwellings, is amended without substantive change as follows:

1. Primary Dwelling

- a. Minimum Dwelling Size.** Except as otherwise provided for in this section, a primary dwelling shall have a minimum gross floor area of 1,000 square feet.
- b. Two-Car Garage Required.** A two-car enclosed garage shall accompany each primary dwelling, the siding and roofing materials of which shall substantially match the dwelling.
- c. Number of Primary Dwellings.** In any district where primary dwellings are allowed, only one primary dwelling is allowed per lot or parcel.

SECTION XXI

Section 28.72.10, subdivision (B)(3)(a), of the Solano County Code, relating to minimum and maximum size limits for secondary dwellings, is amended as follows:

- a. Minimum and Maximum Size.** The gross floor area of a secondary dwelling shall not exceed 2,400 square feet. If the gross floor area of the secondary dwelling is less than 380 square feet, the unit shall be occupied by no more than two people and shall provide all of the following features: (1) a living room of not less than 220 square feet of floor area, (2) a separate closet, (3) a kitchen sink, cooking appliance, and refrigerator, each having a clear working space of at least 30 inches in front, as well as light and ventilation conforming to the California Building Code, and (4) a separate bathroom containing a water closet, lavatory, and bathtub or shower.

Notwithstanding these limits, 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.

SECTION XXII

Section 28.72.30, subdivision (B)(1)(c), of the Solano County Code, relating to residential accessory buildings and uses, is amended without substantive change as follows:

- c. **Side and Rear Setback Waiver.** The minimum side and rear yard requirements may be waived for an accessory building other than an animal shelter if no objection is received from a neighboring property owner, 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).

SECTION XIII

The introductory statement in Section 28.73.10, subdivision (B), of the Solano County Code, relating to specific requirements for recreational uses, is amended without substantive change as follows:

B. Specific Requirements

The specific recreational uses listed below shall comply with the general requirements in subdivision (A) of this section, above, and the following specific standards:

SECTION XXIV

The introductory statement in Section 28.73.20, subdivision (B), of the Solano County Code, relating to specific requirements for education uses, is amended without substantive change as follows:

B. Specific Requirements

The specific educational uses listed below shall comply with the general requirements in subdivision (A) of this section, above, and the following specific standards:

SECTION XXV

Section 28.73.30, subdivision (A)(2), of the Solano County Code, relating to access standards for public assembly uses, is amended as follows:

- 2. Access.** Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Unless required to be on a public road, a public assembly use shall have direct access from either a public or private road that complies with County road standards. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion.

SECTION XXVI

The introductory statement in Section 28.74.10, subdivision (B), of the Solano County Code, relating to specific requirements for retail uses, is amended without substantive change as follows:

B. Specific Requirements

The specific retail uses listed below shall comply with the general requirements in subdivision (A) of this section, above, and the following specific standards:

SECTION XXVII

The introductory statement in Section 28.74.20, subdivision (B), of the Solano County Code, relating to specific requirements for office uses, is amended without substantive change as follows:

B. Specific Requirements

The specific office uses listed below shall comply with the general requirements in subdivision (A) of this section, above, and the following specific standards:

SECTION XXVIII

The introductory statement in Section 28.76.10, subdivision (B), of the Solano County Code, relating to specific requirements for agricultural service uses, is amended without substantive change as follows:

B. Specific Requirements

The specific agricultural service uses listed below shall comply with the general requirements in subdivision (A) of this section, above, and the following specific standards:

SECTION XXIX

Section 28.78.10, subdivision (B)(3), of the Solano County Code, relating to performance standards for parking areas, is amended without substantive change as follows:

Parking. Parking areas and driveways shall be treated as necessary to control dust. All uses shall provide adequate 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.

SECTION XXX

The introductory statement in Section 28.78.20, subdivision (B), of the Solano County Code, relating to specific requirements for infrastructure uses, is amended without substantive change as follows:

B. Specific Requirements

The specific infrastructure uses listed below shall comply with the general requirements in subdivision (A) of this section, above, and the following specific standards:

SECTION XXXI

Section 28.78.20, subdivision (B)(7), of the Solano County Code, relating to specific requirements for oil and gas wells, is amended without substantive change as follows:

Oil and Gas Well

Oil or gas well drilling shall be allowed in A, A-SM, M-G, I-WD and R-R, districts upon issuance of an administrative permit for oil or gas well drilling by the Zoning Administrator; provided, the Zoning Administrator finds the conditions of this Section have or will be met. A permit shall be issued upon submission of an application and payment of such fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this Code. The Zoning Administrator may require the submission of such information as deemed necessary to make this determination, and may require the posting of security satisfactory to the Zoning Administrator to guarantee performance of any conditions.

- a. Security satisfactory to the Director of Resource Management has been or will be posted as security for payment of repairs to County roads and highways damaged by well-drilling activities, including transportation of equipment to and from the site.
- b. Drilling operations will conform to the regulations of the California Division of Oil and Gas designed to prevent damage to natural resources.
- c. The drilling operation will be confined to as small an area as practical and will not cause irreversible damage to unique vegetation or fish and wildlife habitats.
- d. After drilling is complete, all drilling muds, tail wastes, wastewater and other fluids will be removed from the site and disposed of in a manner that does not adversely affect other areas.
- e. Measures will be taken to prevent any significant pollution of ground water, surface water or watercourses.
- f. Derricks will be removed when wells are brought into production.

g. If wells are abandoned, they shall be sealed in accordance with Division of Oil and Gas regulations, and the drilling or production facilities will be removed.

h. Necessary measures will be taken to prevent dust, noise, light, glare, odor, and other objectionable elements from adversely affecting the surrounding area beyond acceptable limits.

SECTION XXXII

Section 28.81, subdivision (C), of the Solano County Code, relating to relating to permit exemptions for wireless communication facilities, is amended without substantive change as follows:

C. Exemptions. The following wireless communication facilities shall be exempt from this section, and shall be permitted without review by the Planning Commission or Zoning Administrator, provided that the specified conditions are met:

1. Receive-only radio and television antenna, including satellite dishes, provided that:
 - a. The antenna must meet all height, setback, lot coverage and other limitations on structures in its zoning district;
 - b. The antenna may not installed between a public street and a structure;
 - c. All required building permits must be obtained;
 - d. If installed in a R-TC zoning district and the antenna is mounted on a tower less than 12 feet high; and
 - e. These requirements do not (1) unreasonably delay or prevent the installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable signal.
2. Temporary wireless communication facilities providing public information coverage of a news event, provided that they are set up for a duration of 72 hours or less.
3. Cell on Wheels (C.O.W.) and Cell on Light Truck (COLT) facilities replacing a damaged facility and/or meeting the public need in the event of a public emergency or disaster declared by the County of other governmental authority.
4. Temporary crank-up towers up to 100 feet erected for a duration of 24 hours or less for the purposes of testing.
5. Amateur radio station facilities, provided that all antennas and supporting structures meet the following requirements:
 - a. Only one amateur radio station facility shall be installed on any single parcel, and all fixed radio equipment, antennas and antenna support structures so installed shall be included as part of that single facility.

- b. All fixed radio equipment, antennas and antenna support structures shall comply with setback, lot coverage and other standards, except height, required in its zoning district.
- c. In a R-TC zoning district, the height of the supporting tower shall not be more than 35 feet above natural grade when the station is not in use, and not more than 75 feet above natural grade when the station is in use.
- d. In non-residential districts and the Rural Residential (R-R) district, the height of the supporting tower shall not be more than 75 feet above natural grade at any time.
- e. Multiple antennas shall be grouped so as not to exceed 16 square feet in area when feasible.
- f. All required building permits shall be obtained.

SECTION XXXIII

Section 28.81, subdivision (E)(1), of the Solano County Code, relating to relating to minor use permits heard by the Zoning Administrator for wireless communication facilities, is amended without substantive change as follows:

1. **Use Permit before the Zoning Administrator.** Certain wireless communication facilities may be conditionally approved by the Zoning Administrator, as described in this subsection.
 - a. **Qualifying Facilities.** The following types of wireless communication facilities qualify for a minor use permit to be heard and decided by the Zoning Administrator:
 - (1) Receive-only radio and television antennas and satellite dishes or antennas that do not qualify for exemption under subdivision (C) of this section, including multiple antennas or dishes on a single parcel.
 - (2) Amateur radio facilities that do not qualify for exemption under subdivision (C) of this section. When required, a minor use permit before the Zoning Administrator shall be granted to amateur radio operators with no fee.
 - (3) Wireless communication facilities installed on publicly-owned property, regardless of zoning district, provided they comply with the general requirements in subdivision (D) of this section and hold an executed license or lease agreement.
 - (4) Co-located wireless communication facilities, regardless of zoning district, provided they comply with the general requirements in subdivision (D) of this section.
 - (5) Wireless communication facilities located on sites that would be considered to be co-located or grouped under this section in a Commercial District (C-H, C-G, C-S, C-O), Industrial Districts (M-L, M-G, I-WD, I-AS) or Agricultural Districts (A,

A-SM, A-SV, ATC) provided they comply with the general requirements in subdivision (D) of this section and are not located within 500 feet of a residential zone (R-R, R-TC).

- b. Required Findings.** In order for the Zoning Administrator to approve a proposed wireless communication facility under a minor use permit, the Zoning Administrator shall make the findings required in Section 28.106 for a Use Permit, as well as the following additional findings:
- (1)** The facility complies with all applicable provisions of this section.
 - (2)** The facility either 1) does not require an RF Environmental Evaluation Report as described in subdivision (H) of this section, or 2) the RF Environmental Evaluation Report for the facility shows that the cumulative radio-frequency energy emitted by the facility and any near-by facilities will be consistent with FCC regulations.
 - (3)** The facility blends in with its existing environment and will not have significant visual impacts.

SECTION XXXIV

Section 28.81, subdivision (J), of the Solano County Code, relating to the life of approval of use permits for wireless communication facilities, is amended as follows:

J. Life of Approval

- 1. General Term.** Use permits for wireless communication facilities issued under these regulations shall generally be valid for ten years and may be renewed administratively, unless otherwise specified in the conditions of the permit as being approved either for a fixed term or subject to periodic renewal on a different schedule.
- 2. Co-located facilities.** Unless otherwise exempt from County use permit requirements by federal law, a permit for a new co-located facility at a facility with an existing permit that has more than five years remaining on it shall have the same term or renewal date as the existing permit. If a permit is issued for a new co-located facility at a facility with an existing permit that has less than five years remaining on it, then the existing permit shall be extended ministerially to the same term or renewal date as the new permit.
- 3. Revocation.** If the conditions of a Use Permit granted under this Section are not complied with, the Use Permit may be revoked pursuant to subdivision (J) of Section 28.106.
- 4. Renewal.** All permits for wireless communication facilities, regardless of the date on which they were originally approved, may be extended administratively by the Zoning Administrator upon verification of the permit-holder's continued compliance with the findings and conditions of approval under which the application was originally approved or may have been modified. However, permits approved for a fixed term based on a

specific finding that the life of the permit approval should be limited due to site-specific circumstances shall not be renewed administratively, but the term of the permit may be modified through a minor revision pursuant to Section 28.106(l).

SECTION XXXV

Section 28.82, subdivision (D), of the Solano County Code, relating to personal cannabis cultivation standards, is amended without substantive change as follows:

D. Personal Cannabis Cultivation Standards

1. Indoor Cannabis Cultivation

- a.** The indoor cultivation of personal use cannabis must occur within either an inhabited residence or in a permanent residential accessory structure on the grounds of an inhabited residence. The residence must be occupied by the person for whom the personal use cannabis grown on that parcel is intended.
- b.** The location of indoor cannabis cultivation, drying, curing, trimming, and other processing activities must be in a secured room not accessible to visitors or underage individuals.
- c.** Gas products (including, but not limited to, CO₂, butane, propane, and natural gas) or ozone generators shall not be used in any cultivation room.
- d.** No open flame or burning of any substance may occur in the cultivation room.
- e.** In the event electric lights are used in a greenhouse to cultivate cannabis, the lights must be either turned off between the hours of 9:00 p.m. and 6:00 a.m. or the greenhouse must be shielded so that any such light is not visible from a contiguous property.

SECTION XXXVI

Section 28.92, subdivision (C)(6), of the Solano County Code, relating to minimum building site requirements for uses subject to use permit, is amended without substantive change as follows:

- 6.** The minimum parcel area requirement of the zoning district wherein certain uses may be permitted, subject to the securing of a use permit in each case, may be reduced, provided such use is determined to be any of the following:
 - a.** Public service facility;
 - b.** Crematory, mausoleum or columbarium;
 - c.** Oil and gas wells;
 - d.** Radio or television transmission facilities;

- e. Airport or heliport;
- f. Any use employing a portion of one or more contiguous lots or parcels, whereby such property is under single or unified control as one ownership, when such ownership meets the minimum area requirement of the district.

SECTION XXXVII

Section 28.95 of the Solano County Code, relating to performance standards, is amended without substantive change as follows:

28.95 Performance Standards

- A. **Applicability.** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness; radioactivity, electrical or other disturbances; glare; liquid or solid refuse or wastes; or other substances, condition or element referred to herein as dangerous or objectionable elements in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises; provided, that any use permitted by this chapter may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements.
- B. **Performance standards procedure.**
 - 1. Performance standards may be imposed on a proposed use otherwise allowed by right within the zoning district if the Zoning Administrator determines that the proposed use is likely to create or emit dangerous or objectionable elements. The Zoning Administrator's determination may be appealed to the Planning Commission.
 - 2. If the Zoning Administrator determines that the proposed use may cause the emission of dangerous or objectionable elements, the Zoning Administrator may refer the applicant to one or more expert consultants qualified to advise as to whether a proposed use would adversely affect surrounding areas or adjoining premises by the creation or emission of dangerous or objectionable elements for investigation and report. Such report shall set forth definite findings as to the actual performance of the proposed use, and in a positive and concise manner, recommend such additional installations or safeguards, or devise such standards to be applied as would obviate the creation or emission of dangerous or objectionable elements. Such consultant or consultants shall address his report to the Zoning Administrator and a copy to the applicant at the same time.
 - 3. Whenever the performance standards procedure has been invoked, the applicant shall submit, in addition to the application for a building permit, a plan in duplicate and supplemental statement of the proposed machinery, processes and products, and specifications or standards for the mechanisms and techniques to be used in obviating the emission of dangerous and objectionable elements as set forth in this section.

Building permits may be issued only as described in the performance standards approved by the Zoning Administrator for the use.

4. Within thirty days after the Zoning Administrator has received the aforesaid application, or the aforesaid report if a report be required, the Zoning Administrator shall decide whether the proposed use will conform to the requirements of this section, and on such basis shall authorize or refuse to authorize issuance of a zoning-building permit or require a modification of the proposed plan of construction or specifications, proposed equipment or operation. Any zoning-building permit so authorized and issued shall be conditioned upon the applicant's completed buildings and installations conforming in operation to the performance standards as stipulated in the zoning-building permit.
- C. **Enforcement.** Whenever the performance standards procedure has been invoked and a conditioned zoning-building permit has been issued, the Zoning Administrator shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall notify the Planning Commission of the occurrence or existence of a probable violation thereof. The Planning Commission shall investigate the alleged violation, and for such investigation may employ qualified experts and hold public hearings. If the Planning Commission finds that a violation has occurred or exists, a copy of such findings shall be forwarded to the Board of Supervisors. The services of any qualified experts employed by the Zoning Administrator or Planning Commission to advise in establishing a violation shall be financed by the violator, if such violation is established; otherwise by the County.
- D. **Appeals.** Appeal from the action of the Zoning Administrator may be made according to the provisions of Section 28.112.

SECTION XXXVIII

Section 28.96.10 of the Solano County Code, relating the purposes of the County's sign regulations, is amended without substantive change as follows:

28.96.10 Purpose of Sign Regulations

The sign regulations established in this chapter are intended to specify standards for the placement, type, size, and number of signs allowed within the unincorporated areas of the County, and to require the proper maintenance of signs. The purposes of these standards and requirements are to:

- A. Avoid traffic safety hazards to motorists and pedestrians caused by visual distractions and obstructions;
- B. Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the County as a place to live, work, and shop;
- C. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached; and
- D. Safeguard and protect the public health, safety, and general welfare.

SECTION XXXIX

Section 28.96.20 of the Solano County Code, relating the to the applicability of the County's sign regulations, is amended without substantive change as follows:

28.96.20 Applicability

- A. **Signs regulated.** The requirements established in Sections 28.96.10 through 28.96.130 shall apply to all signs in all zoning districts.
- B. **Applicability to sign content.** The requirements established in Sections 28.96.10 through 28.96.130 do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or noncommercial.

SECTION XL

Section 28.96.40 of the Solano County Code, relating to prohibited signs, is amended without substantive change as follows:

28.96.40 Prohibited Signs

In order to achieve the purposes described in Section 28.96.10 (Purpose of Sign Regulations), the following types of signs and devices are prohibited:

- A. Abandoned signs;
- B. Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs, except time and temperature displays (which are not considered signs);
- C. Signs attached to balloons and other inflatable devices;
- D. Banners and pennants;
- E. Flags, except as allowed by subdivision (D) of Section 28.96.30;
- F. Moving signs, except barber poles;
- G. Off-premise signs, except as provided in subdivision (F) of Section 28.96.70;
- H. Pole signs and other freestanding signs over six feet in height;
- I. Roof signs;
- J. Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic;
- K. Signs attached to or suspended from a vehicle parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted

directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle; and

- L. Temporary and portable signs, except as allowed by subdivision (D) of Section 28.96.70.

SECTION XLI

The introductory statement in Section 28.96.50, subdivision (E), of the Solano County Code, relating to illumination of signs, is amended without substantive change as follows:

- E. **Illumination of signs.** When allowed by Section 28.96.60 (Zoning District Sign Standards), the artificial illumination of signs, either from an internal or external source, shall be designed to minimize light and glare on surrounding rights-of-way and properties.

SECTION XLII

Section 28.96.60 of the Solano County Code, relating to zoning district sign standards, is amended without substantive change as follows:

28.96.60 Zoning District Sign Standards

All signs shall comply with the following sign standards for the applicable zoning district, except as otherwise provided by Section 28.96.34 (Signs and Sign Changes Allowed without a Sign Permit) or 28.96.70 (Standards for Specific Types of Signs).

Zoning District	Allowed Sign Types (1)	Maximum Number (2)	Maximum Sign Area (3)	Maximum Sign Height	Type of Lighting Allowed
A A-SM A-SV-20	Awning	3	60 sf	N/A	Indirect
	Freestanding			6 ft	
	Projecting			As provided by Section 28.96.70(C)	
	Wall			Eave height	
R-R R-TC	Wall	1	2 sf	Eave height	None
P	Freestanding	3	60 sf	6 ft	Indirect
	Wall			Eave height	
ATC ATC-NC C-H C-N C-R C-S	Awning	3	200 sf	N/A	Indirect
	Freestanding			6 ft	
	Projecting			As provided by Section 28.96.70(C)	
	Wall			Eave height	
	Window			N/A	
C-O	Awning	3	30 sf	N/A	Indirect
	Freestanding			6 ft	
	Projecting			As provided by	

				Section 28.96.70(C)	
	Wall			Eave height	
	Window			N/A	
M-I M-G I-WD I-AS	Wall	2	200 sf	Eave height	Indirect
W MP	Freestanding	1	15 sf	6 ft	Indirect
	Wall			Eave height	

Notes:

- (1) Any of the sign types allowed in the applicable zoning district may be installed; provided, that they do not exceed the maximum number, total combined area, height, or type of lighting allowed.
- (2) The maximum total number of signs that may be installed on the site.
- (3) The maximum total combined area of all signs that may be allowed on the site.

SECTION XLIII

Section 28.96.110 of the Solano County Code, relating to appeals from denials of sign permit applications, is amended without substantive change as follows:

The denial of an application for a Sign Permit, may be appealed in compliance with Section 28.112 (Appeals). The Planning Commission shall act to grant or deny the appeal within 60 days of receipt of the request for review/appeal.

SECTION XLIV

Section 28.97, subdivision (B), of the Solano County Code, relating to building lines and required yards, is amended without substantive change as follows:

- B.** In any case where a building line has been established in accordance with Section 28.92, the required yards on the street shall be not less than the distance from the centerline of the street specified for such building line and in no case shall the provisions of this chapter be construed as permitting any structures to extend beyond such building line.

SECTION XLV

Section 28.106, subdivision (A), of the Solano County Code, relating to applications for use permits, is amended without substantive change as follows:

- A.** **Purpose.** The purpose of the use permit is to provide for public review of certain land uses that may be compatible with other allowed and permitted land uses within a zoning district, but due

to their type or intensity require consideration of location, site design, adjacent land uses, availability of public infrastructure and services, and environmental impacts. A use permit may be approved either for a fixed term or for an indefinite term subject to periodic renewal. Action on a use permit is discretionary.

SECTION XLVI

Section 28.106, subdivision (C), of the Solano County Code, relating to applications for use permits, is amended without substantive change as follows:

- C. Application.** Applications for use permits shall be made in writing on a form prescribed by the Zoning Administrator, and shall be accompanied by floor plans, site plans, operating plans and data necessary to show that requirements set forth in subdivision (H) of this section and in Article III of this chapter are fulfilled. Such application shall not be accepted as complete unless accompanied by a fee or fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this code. No part of such fee shall be refundable.

Once a complete application is submitted, additional information and processing fees may be required in order to conduct environmental review of the proposal.

Either before or after a complete application has been submitted, if additional information or processing fees are required and are requested from the applicant, in writing, but are not provided by the applicant within sixty days of such a request, the Zoning Administrator may determine that the application has been abandoned and shall promptly notify the applicant of such determination.

SECTION XLVII

Section 28.106, subdivision (D), of the Solano County Code, relating to public hearings on use permits, is amended as follows:

- D. Public hearing.** A public hearing on a use permit application shall be held by the Zoning Administrator or Planning Commission, who shall maintain a public record of all hearings. Applications for minor use permits, extensions of time to exercise a previously approved use permits, minor revisions to use permits, and amendments to use permits originally approved by the Zoning Administrator shall be heard by the Zoning Administrator, who may administratively refer any such application to the Planning Commission for hearing. All other applications shall be heard by the Planning Commission. However, a use permit being processed concurrently with an application requiring action by the Board of Supervisors shall be scheduled for public hearing before the Planning Commission for its recommendation and then the Board of Supervisors for final action.

SECTION XLVIII

Section 28.106, subdivision (E), of the Solano County Code, relating to public notice for use permit hearings, is amended without substantive change as follows:

- E. Public notice.** Notice of the hearing shall be given pursuant to Section 28.04.

SECTION XLIX

Section 28.106, subdivision (K), of the Solano County Code, relating to expiration of use permits, is amended without substantive change as follows:

K. Expiration

1. In any case where a use permit has not been exercised within one year after the date of approval thereof, or any other period for exercise as stated in a condition of the permit, the use permit shall expire and thereafter be null and void without further action by the Zoning Administrator or Planning Commission; except that, upon written request by the owner, the Zoning Administrator may authorize an extension of time to exercise the permit, not to exceed one year. Only one such extension may be granted.
2. Once exercised, a use permits approved for a temporary, fixed period of time shall expire on the date specified in the permit and shall thereafter be null and void, but any such permit may be revised pursuant to subdivision 28.106(I)(2) to modify its expiration date if an application to do so is filed at least 30 days prior to the expiration date.
3. A use permits approved for an indefinite period does not expire once exercised, but shall be revoked by the Planning Commission if abandoned or not timely renewed.

SECTION L

Section 28.106, subdivision (M), of the Solano County Code, relating to appeals of use permit decisions, is amended as follows:

- M. Appeal.** Appeal from the action of the Zoning Administrator or Planning Commission may be made according to the provisions of Section 28.112.

SECTION LI

Section 28.106, subdivision (N), of the Solano County Code, relating to the renewal of use permits, is amended as follows:

- N. Renewal.** A use permit approved for an indefinite term shall be subject to periodic renewal every five years or such other period of time established in this chapter or as may be set by the Zoning Administrator or Planning Commission in approving the use permit. The Zoning Administrator shall administratively approve a use permit renewal, without public notice or hearing, if all of the following criteria are met:

1. The owner has requested renewal;
2. The owner has paid a renewal fee as may be set by the Board of Supervisors pursuant to Section 11-111; and
3. The use is being conducted in substantial compliance with all conditions of the use permit.

The Zoning Administrator's determination that all criteria are met and decision to approve renewal of the use permit are non-appealable. If the Zoning Administrator is unable to approve a renewal, the use permit shall be set for revocation.

Every use permit approved prior to October 28, 2010, and still in effect as of that date shall be subject to the renewal period and procedure described in this subsection unless a different renewal period or procedure is specifically described in the conditions of the permit or this chapter.

SECTION LII

Section 28.107, subdivision (E), of the Solano County Code, relating to public notice for variance hearings, is amended without substantive change as follows:

- E. Public notice.** Notice of the hearing shall be given pursuant to Section 28.04.

SECTION LIII

Section 28.107, subdivision (I), of the Solano County Code, relating to appeals of variance decisions, is amended as follows:

- I. Appeal.** Appeal from the action of the Planning Commission may be made according to the provisions of Section 28.112.

SECTION LIV

Section 28.108, subdivision (A), of the Solano County Code, relating to waiver of residential development standards, is amended without substantive change as follows:

- A. Neighborhood Compatibility Waiver.** Waiver of any of the residential minimum development and architectural standards in Sections 28.72.10(A)(2), 28.72.10(B)(1), and 28.72.30(B) may be granted administratively by the Zoning Administrator if the proposed dwelling or residential accessory building is compatible with the surrounding neighborhood in accord with the architectural standards set forth in Section 28.91 and if no objection is received from a neighboring property owner. The waiver request shall be submitted on an application form prepared by the Department of Resource Management and is subject to the noticing requirements as set forth in Section 28.04(F). The Zoning Administrator's decision to approve a

waiver is non-appealable but a decision to deny a waiver may be appealed by the applicant in accordance with Section 28.112.

SECTION LV

Section 28.111, subdivision (B), of the Solano County Code, relating to public hearing on amendments to this Chapter 28, is amended as follows:

B. Public hearings.

1. The Planning Commission shall hold a public hearing on any proposed amendment that changes any property from one zone to another or imposes, modifies, or removes any regulation which affects the permitted uses of real property, including land, buildings, signs and other structures.
2. Notice of the hearing shall be given pursuant to Section 28.04. After conclusion of its hearing, the Planning Commission shall render its decision by recommending approval, approval with modifications, or disapproval of the proposed amendment. The recommendation shall include the reasons for the recommendation, and shall describe the relationship of the proposed amendment to the General Plan and any applicable specific plan. The Planning Commission shall file with the Board of Supervisors an attested copy of a report of its recommendations within ninety days after the conclusion of the public hearings.
3. Upon receipt of such report from the Planning Commission the Board of Supervisors shall set the matter for public hearing and shall give notice thereof pursuant to Section 28.04 and to the same persons and organizations who were given notice of the Planning Commission hearing. After conclusion of its hearing, the Board of Supervisors may enact the proposed amendment or any part thereof in such form as the Board may deem advisable to protect the public health, safety, and general welfare of the County, or it may deny the propose amendment. Prior to enacting any alternative to the proposed amendment that was not previously considered by the Planning Commission during its hearing, the Board shall first refer the alternative to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing or issue a report and recommendation on the alternative. Failure of the Planning Commission to issue a report and recommendation within sixty (60) days after the Board makes its referral shall be deemed to be a positive recommendation on the alternative. However, if the proposal requests only that property be rezoned from one zoning district to another and the Planning Commission has recommended disapproval of the proposal, then the Board of Supervisors is not required to take any further action on the proposal unless an interested person requests a hearing by filing a written request with the Clerk of the Board within ten days after the Planning Commission files its recommendation with the Board. If no request for hearing is timely filed or if the Board does not initiate review as described in subdivision (F) of Section 28.112, then the proposal shall be deemed denied ten days after the Planning Commission files its recommendation with the Board.
4. Upon the consent of the Planning Commission, any petition for an amendment may be withdrawn upon the written request of a majority of all persons who signed the petition. The Board of Supervisors or the Planning Commission, as the case may be, may, by resolution,

abandon any proceedings for an amendment initiated by its own direction; provided, that such abandonment may be made only when such proceedings are before such body for consideration; and provided further, that any hearing of which public notice has been given shall be held.

5. Whenever a petition for an amendment to this chapter has been denied, no new petition for the same amendment shall be accepted by the Department for a period of one year from the effective date of the final denial of the original petition; provided, that upon a showing of a substantial change of circumstances, the Director of Resource Management may permit the filing of such new petition prior to the expiration of such one-year period. Nothing contained herein shall prevent the Board of Supervisor or Planning Commission from at any time initiating any proceedings which either of such bodies may initiate pursuant to this section.

SECTION LVI

Section 28.112 of the Solano County Code, relating to appeals, is amended without substantive change as follows:

- A. The Planning Commission shall have power to hear and decide appeals when it is alleged by the appellant that there is error in any order, requirement, permit, decision or determination made by an administrative official or architectural review committee in the administration or enforcement of this chapter.
- B. Any person, firm, corporation, unincorporated association, public officer, or agency aggrieved or affected by any determination of this chapter may, within ten days, file an appeal in writing with the Planning Commission secretary. In the written appeal, the reasons of the appeal shall be outlined and said appeal shall be accompanied by such fee or fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this Code. No part of said fee or fees shall be refundable, except that the Zoning Administrator may waive the fee for a nonprofit social service organization, including a church. Filing of an appeal shall stay all proceedings until determination of the appeal. Upon receipt of such appeal, the Planning Commission secretary shall set the date for a public hearing, to be held within thirty-five days thereafter. Notice of the hearing shall be given pursuant to Section 28.04.
- C. The Zoning Administrator shall transmit to the commission copies of all papers constituting the record of action appealed, including a written statement setting forth the reason for his decision.
- D. Upon hearing the appeal, the Planning Commission shall find that the decision appealed from shall be affirmed, reversed, or modified. Notice of the Commission's decision shall be mailed forthwith to the original applicant.
- E. Any person, firm, corporation, unincorporated association, public officer or agency aggrieved or affected by any determination of the Planning Commission may, within ten days, file an appeal in writing with the Board of Supervisors. A copy of such appeal shall be submitted by the appellant to the Planning Commission. In the written appeal, the reasons of the appeal shall be

outlined and said appeal shall be accompanied by such fee or fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this Code. No part of said fee or fees shall be refundable, except that the Zoning Administrator may waive the fee of a nonprofit social service organization, including a church. Filing of an appeal shall stay all proceedings until determination of the appeal. Upon receipt of such appeal, the Board of Supervisors shall, within thirty-five days, set the date for a public hearing, to be held within sixty days thereafter unless a longer period is agreed to by the appellant and the applicant. Notice of the hearing shall be given pursuant to Section 28.04.

- F.** Notwithstanding any other provision of this Chapter, the Board of Supervisors, may review any decision, determination, or order of the Zoning Administrator or Planning Commission. A motion for review shall be submitted in writing to the Clerk of the Board within ten days after the Zoning Administrator's or Planning Commission's action. The motion shall identify the specific decision, determination, or order to be reviewed and may state one or more reasons for the motion. Receipt of the motion by the Clerk shall stay the action of the Zoning Administrator or Planning Commission. Notice of receipt of the motion shall be promptly delivered or mailed to the Zoning Administrator or Planning Commission and the original applicant. The Board shall either accept or deny review within thirty-five days from the date of the motion. If the Board accepts review, the Board shall set the matter for review at a hearing to be commenced within sixty days thereafter, unless a longer period is agreed to by the applicant. Notice of the hearing shall be given pursuant to Section 28.04. The review hearing shall be a de novo proceeding and the Board may make any decision, determination, or order within the jurisdiction of the Zoning Administrator or Planning Commission, or it may remand the matter to the Zoning Administrator or Planning Commission with instructions. Any member who makes a motion for review shall not be deemed an aggrieved or affected party due solely to the making of such motion, and that member may fully participate in the decision to accept review and in the review itself unless otherwise disqualified.