

..title

Conduct a noticed Public Hearing to consider a permanent ordinance requiring a minor use permit rather than an administrative permit for certain public assembly and tourist land uses, including special event facilities and vacation rental homes, located on properties served by private roads within the unincorporated territory of the County of Solano.

..body

Published Notice Required? Yes X No

Public Hearing Required? Yes X No

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Planning Commission consider and make a recommendation to the Board of Supervisors to adopt a permanent ordinance (Businesses on Private Roads) amending Chapter 28 (Zoning Regulations) of the Solano County Code requiring a minor use permit rather than an administrative permit for certain public assembly and tourist land uses, including special event facilities and vacation rental homes, located on properties served by private roads within the unincorporated territory of the County of Solano.

SUMMARY:

The need for a permanent ordinance arose from the County's receipt of multiple administrative permit applications for business facilities whose sole route of access is via a private road. There is a current and immediate need for the County to implement access requirements on these uses that are more protective of the public health, safety, and welfare than is provided for in the County's existing administrative permit standards. The duration of the period when the interim ordinance was in effect afforded the County time to study the revisions to the administrative permit process, including the types of land uses subject to such a permit and the applicable standards to those land uses. The proposed permanent ordinance (**see Attachment A&B**) is the result of this effort and which is now being presented to the Planning Commission reflects the direction of the Board by requiring the permittee to provide sanitation facilities approved by the Division of Environmental Health of adequate capacity that are accessible to attendees and event staff, including restrooms, refuse disposal receptacles, potable water and wastewater facilities.

The Board of Supervisors was presented with the draft permanent ordinance on January 26, 2021 and suggested several changes, including removal of requirements for permanent restroom facilities to allow flexibility based on the proposal. The Board unanimously voted to refer the matter back to the Planning Commission with a request that the Planning Commission's recommendation on a revised draft ordinance return to the Board in April 2021.

FINANCIAL IMPACT:

Cost to review minor use permits will be paid by the applicants. The costs associated with preparing the agenda item and permanent ordinance are nominal and absorbed by the Department of Resource Management's FY2020/21 Adopted Budget.

DISCUSSION:

Chapter 28 of the Solano County Code (Zoning Regulations) was amended in 2010 to allow for the issuance of an administrative permit for certain land uses allowed by right within various zoning districts. This amendment allowed an administrative permit rather than a use permit to be issued for certain specified land uses within a zoning district provided that all applicable standards and requirements related to the use were met prior to commencement of the use. In 2012, the

types of uses allowed through an administrative permit rather than a discretionary use permit were expanded and included certain types of event venues. With adoption of the Short-term Vacation Rental Ordinance, Hosted Short-term Vacation rentals were also included in the administrative permit category.

In general, the administrative permit process has been effective in streamlining the permit process. Under the terms of the proposed permanent ordinance, there is minimal impact on most administrative permit categories and uses and such permits will continue to be available to prospective applicants. The exception is administrative permit proposals where a private road is necessary to provide access for the proposed use. In those situations, the impact of certain types of uses such as event centers can cause traffic and related impacts on other neighbors who also share the private road. There are also cases where private roads do not meet County road standards and are not suitable for higher traffic volumes. Requiring a use permit rather than an administrative permit in those situations provides an opportunity for all property owners utilizing the private road to participate in the decision-making process and consideration of conditions prior to approval of the permit.

Requiring a use permit also provides flexibility to address issues that might arise in the review of the application. Under an administrative permit, a proposal must meet all the standards established by ordinance and there is no ability to add conditions of approval. Under a use permit, conditions can be applied which allows flexibility in addressing variables that may apply to a specific site or to address concerns that might arise in evaluating an application. A use permit also includes legal findings that give the County the necessary discretion to not approve an application where there are unresolvable issues such as incompatibility with a neighborhood. This is important in cases where there may be disputes over the use of a private road.

On October 22, 2019, the Board of Supervisors enacted an urgency Interim Ordinance (Ordinance No. 2019-1806) which suspended the approval of administrative permits for certain land uses located on private roads, including special event facilities and short-term vacation rentals, and instead required use permits for these land uses within the unincorporated area of Solano County. The action was for an initial term of 45 days. The purpose of this urgency interim ordinance was to give the Department of Resource Management time to study possible revisions to the County's administrative permit process, including the types of land uses subject to such permits and the standards applicable to those land uses. On November 19, 2019, as permissible under state law, the Board adopted Ordinance No. 2019-1806-E1 to extend the term of the Interim Ordinance for an additional 10 months and 15 days with the future ability for a final one-year extension. Ordinance No. 2019-1806-E2, adopted by the Board on October 6, 2020, extended the Interim Ordinance for a final one-year term through October 21, 2021. All Board meetings regarding the initial Interim Ordinance and its extensions were publicly noticed.

On November 19, 2020, staff presented a proposed ordinance to the Planning Commission. After discussion, the Planning Commission voted to recommend that the Board of Supervisors adopt the ordinance permanently with amended special events language, which included a requirement for permanent restroom facilities at all special event facilities. The Board of Supervisors was presented with the draft permanent ordinance on January 26, 2021 and suggested several changes to the proposal that had not previously be considered by the Planning Commission. Specifically, the Board determined that special events facilities should not be required to have permanent restroom facilities as required in the PC approved version, but should still be allowed to potentially have portable restroom facilities adequate for the size and type of special event. The Board unanimously voted to refer the matter back to the Planning Commission with a request that the Planning Commission's recommendation on a revised draft ordinance return to the Board in April 2021.

The proposed permanent ordinance (**see Attachment A&B**) now being presented to the Planning Commission reflects the direction of the Board by requiring the permittee to provide sanitation facilities approved by the Division of Environmental Health of adequate capacity that are accessible to attendees and event staff, including restrooms, refuse disposal receptacles, potable water and wastewater facilities. This provides flexibility to require restroom facilities suitable for the project. Similar to the Interim Ordinance, the proposed permanent ordinance continues to require a discretionary minor use permit rather than a ministerial administrative permit for the following types of commercial land uses when located on a private road: nursery with public sales, medium winery, small special event facility, hosted vacation house rental, and small farmers market to allow for public participation and flexibility to add conditions to address unique site issues or neighborhood concerns for the use to occur. Unlike the interim ordinance, the permanent ordinance continues to allow a ministerial administrative permit for larger Type-II home occupation businesses (*home-based business of 3,000 sf or less with three employees max. with limited manufacturing or sales of good/services*) as well as various types of agritourism businesses (*facilities, amusement activities, commercial services, guides or educational program to encourage visitors to agricultural or agribusiness operations*) in the Suisun Valley in order to be consistent with the Suisun Valley Strategic Plan. In addition, the permanent ordinance makes several non-substantive amendments and corrections to improve zoning code administration. Upon the effective date of the permanent ordinance, if adopted by the Board, the interim ordinance would be superseded.

GENERAL PLAN CONSISTENCY:

The proposed ordinance is consistent with the 2008 Solano County General Plan in that the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.

ENVIRONMENTAL ANALYSIS:

Staff is recommending that the Planning Commission consider and recommend that this proposed ordinance is exempt from the requirements of CEQA under the “general rule” exemption since this ordinance is a set of technical adjustments and corrections which do not alter prior regulations for intensity or location of development or any other physical alterations to the environment.

PUBLIC HEARING NOTICE:

In accordance with Solano County Zoning Regulations, notice of a public hearing was published at least 15 days before the scheduled hearing in the local newspapers.

OTHER AGENCY INVOLVEMENT:

County Counsel assisted in development of the ordinance.

The Board of Supervisors were presented with this draft permanent ordinance on January 26, 2021. The Board unanimously voted to move the matter back to the Planning Commission with a request that the ordinance return to the Board in April 2021.

Attachment A: Draft Ordinance (redline)

Attachment B: Draft Ordinance (clean)

ORDINANCE NO. 2021 – _____

AN ORDINANCE AMENDING CHAPTER 28 (ZONING REGULATIONS) OF THE SOLANO COUNTY CODE TO REVISE AND UPDATE LAND USE PERMIT REQUIREMENTS FOR CERTAIN PUBLIC ASSEMBLY AND TOURIST LAND USES, INCLUDING SPECIAL EVENT FACILITIES AND VACATION RENTAL HOMES, LOCATED ON PROPERTIES SERVED BY PRIVATE ROADS

The Board of Supervisors of the County of Solano ordains as follows:

SECTION I

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

Special events ~~or special events~~ facility. A facility offered for use by third parties for hire for the conduct of social gatherings or similar types of non-commercial events. A special events facility may include food preparation facilities and limited overnight lodging facilities for event attendees. A special events facility may be either a single-purpose facility or a secondary use of another type of facility that does not typically include an assembly group occupancy, such as an agricultural processing facility or a winery. When a special events facility is a secondary use, events conducted by the facility operator as part of the primary use of the facility and that are directly related to products sourced from that operation, such as marketing or promotional events, are not special events being conducted as a secondary use of the facility.

Special events facility, small. A special events facility at which events are conducted not more than six times per calendar year and with not more than 150 people at any event, including hosts, guests, and supporting staff.

Special events facility, medium. A special events facility at which events are conducted more than six but not more than twelve times per calendar year and with not more than 150 people at any event, including hosts, guests, and supporting staff.

Special events facility, large. A special events facility at which events are conducted more than twelve times per calendar year or with more than 150 people at any event.

SECTION II

Table 28.21A, relating to land use permit requirements for land uses allowed in the Exclusive Agricultural (A) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

	Allowed uses	Permit Requirements				Land Use Regulations
		A-40	A-80	A-20	A-160	
	Agricultural Uses					
	A. Crop Production and Grazing					
	Pastured Poultry					
Delete this row →	With special events	MUP	MUP	MUP	MUP	28.71.30(A) & (B)(4); 28.73.30(A) 7 (B)(4)
	B. Agricultural Processing Uses					
	Agricultural processing facility					
Delete these four rows →	With special events (existing facility)					28.71.20(A) & (B)(1); 28.73.30(A) & (B)(6)
→	6 per year max, and 150 persons or less	A	A	A	A	
→	12 per year max, and 150 persons or less	AP	AP	AP	AP	
→	More than 12 per year or more than 150 persons	MUP	MUP	MUP	MUP	
Replace this row →	Nursery with public sales (6)	A	A	A	A	28.71.20(A) & (B)(2)
With this row →	Nursery with public sales	A/ MUP	A/ MUP	A/ MUP	A/ MUP	28.71.20(A) & (B)(2)
	Winery – 25% or greater on-site grapes					
Replace these three rows →	Winery, small	A	A	A	A	28.71.20(A) & (B)(3)
→	Winery, medium	AP	AP	AP	AP	
→	Winery, large	UP	UP	UP	UP	
With these three rows →	Small	A	A	A	A	28.71.20(A) & (B)(3)
→	Medium	AP/ MUP	AP/ MUP	AP/ MUP	AP/ MUP	
→	Large	UP	UP	UP	UP	
Delete these four rows →	Winery with special events					
→	6 per year max, and 150 persons or less	A	A	A	A	28.71.20(A) & (B)(3); 28.73.30(A) & (B)(6)

	→	12 per year max, and 150 persons or less	AP	AP	AP	AP	
	→	More than 12 per year or more than 150 persons	MUP	MUP	MUP	MUP	
		Recreation, Education and Public Assembly Uses					
		C. Public Assembly Uses					
Delete this row →		Limited special event	---	---	UP	---	28.73.30(A) & (B)(3)
Replace these five rows →		Special events facility (other than winery or agricultural processing facility)					
	→	6 per year max, and 150 persons or less	AP	AP	AP	AP	28.71.20(A) & (B)(3); 28.73.30(A) & (B)(6)
	→	12 per year max, and 150 persons or less	MUP	MUP	MUP	MUP	
	→	More than 12 per year or more than 150 persons	UP	UP	UP	UP	
	→	With off-site parking	MUP	MUP	MUP	MUP	
With these four rows →		Special events facility					
	→	Small	AP/ MUP	AP/ MUP	AP/ MUP	AP/ MUP	28.73.30(A) & (B)(6)
	→	Medium	MUP	MUP	MUP	MUP	
	→	Large	UP	UP	UP	UP	
		Retail and Office Uses					
		A. Retail Uses					
		Roadside stand					
Delete these four rows →		Any of the above with a certified farmers market					
	→	Small certified farmers market	AP	AP	AP	AP	28.74.10(A) & (B)(8); 28.75.20(A) & (B)(2)
	→	Medium certified farmers market	MUP	MUP	MUP	MUP	
	→	Large certified farmers market	---	---	---	---	
		Tourist Uses					
		A. Agritourism					
Replace this row →		Vacation house rental, hosted	---	---	AP	---	28.75.30(B)(1)

With this row →	Vacation house rental, hosted	---	---	AP/MUP	---	28.75.30(A) & (B)(1)
	B. Temporary Agritourism					
	Certified farmers market					
Replace these three rows →	Small certified farmers market	AP	AP	AP	AP	28.74.10(A) & (B)(8); 28.75.20(A) & (B)(2)
→	Medium certified farmers market	MUP	MUP	MUP	MUP	
→	Large certified farmers market	---	---	---	---	
With these three rows →	Small	AP/MUP	AP/MUP	AP/MUP	AP/MUP	28.75.20(A) & (B)(2)
→	Medium	MUP	MUP	MUP	MUP	
→	Large	---	---	---	---	

SECTION III

Table 28.22A, relating to land use permit requirements for land uses allowed in the Suisun Marsh Agricultural (A-SM) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

Allowed uses	Permit Requirements	Land Use Regulations
	A-SM-80 and A-SM-160	
Replace these four rows →	Special events facility (other than winery or agricultural processing facility)	
→	6 per year max, and 150 persons or less	AP 28.73.30(A) & (B)(6)
→	12 per year max, and 150 persons or less	MUP 28.73.30(A) & (B)(6)
→	More than 12 per year or more than 150 persons	UP 28.73.30(A) & (B)(6)
With these four rows →	Special events facility	
→	Small	MUP
→	Medium	MUP
→	Large	UP 28.73.30(A) & (B)(6)

SECTION IV

Table 28-23A, relating to land use permit requirements for land uses allowed in the Suisun Valley Agricultural (A-SV) districts, is amended by deleting, adding, or revising certain rows of the table and deleting notes 4 and 6, as follows:

	Allowed uses	Permit Requirements			Land Use Regulations
		A-SV-20	ATC	ATC-NC	
	Agricultural Uses				
	Wineries				
Replace these three rows →	Winery, small	A/UP ^{3,4}	A	A	28.23.50.10
→	Winery, medium	A/UP ^{3,4}	AP	AP	28.23.50.10
→	Winery, large	UP ⁵	UP	UP	28.23.50.10
Replace these three rows →	Winery, small	A/UP ³	A	A	28.23.50.10(B)(5)
→	Winery, medium	A/UP ³	AP	AP	28.23.50.10(B)(5)
→	Winery, large	UP ⁵	UP	UP	28.23.50.10(B)(5)
Replace this row →	Nursery with public sales ⁽⁶⁾	A	---	---	28.71.20(B)(3)
With this row →	Nursery with public sales	AP	---	---	28.71.20(A) & (B)(2)
	Recreation, Education and Public Assembly Uses				
Delete this row →	Limited Public Events	UP	UP	UP	28.23.50.30
Replace this row →	Special Events	See Specific Use Regulations			28-23.50(A)(B)(C4)
With these four rows →	Special Events Facility				
→	Small	MUP	MUP	MUP	28.23.50.30(B); 28.23.50.50(B) & (C)(4); 28.73.30(A) & (B)(6)
→	Medium	MUP	MUP	MUP	
→	Large	UP	UP	UP	
	Tourist Uses				
Replace this row →	Vacation house rental, hosted	AP	AP	---	28.75.30(B)(1)
With this row →	Vacation house rental, hosted	AP/MUP	AP/MUP	---	28.75.30(A) & (B)(1)

Notes:

~~4) Six or fewer special events per year are allowed by right, with 150 or fewer guests per event. Otherwise, a Use Permit is required.~~

~~6) No more than 1,500 square feet of non-plant inventory, indoor and outdoor combined, for display and sales to the general public shall be allowed.~~

SECTION V

Table 28.31A, relating to land use permit requirements for land uses allowed in the Rural Residential (RR) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

	Allowed uses	Permit Requirements			Land Use Regulations
		RR-2.5	RR-5	RR-10	
	28.75 Tourist Uses				
	A. Agritourism				
Replace this row →	Vacation house rental, hosted	AP	AP	AP	28.75.30(B)(1)
With this row →	Vacation house rental, hosted	AP/MUP	AP/MUP	AP/MUP	28.75.30(A) & (B)(1)

SECTION VI

Subdivision (B)(5) of section 28.23.50.10, relating to standards for wineries in the Agricultural-Suisun Valley zoning districts, is amended as follows:

5. WINERIES

a. Small winery. A small winery, as defined in Section ~~28-1028.01~~, is allowed by right subject to compliance with the applicable development standards delineated in Tables 28-23B and 28-23C and as follows:

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 conditional use permit is required for a small winery if less than 25% of the grapes or other fruit used in production are grown on-site or off-site on land owned or leased by the operator within Solano County.

~~**4.** Shall obtain Environmental Health Services Division, Department of Resource Management, and Fire Department approval, if required, prior to hosting special events.~~

~~**5.** Subject to (4) above, six or fewer special events, with 150 or fewer guests each, are permitted each calendar year at a small winery by right. A conditional use permit is~~

~~required if more than six special events are offered at the facility in a calendar year or if any single event exceeds 150 guests.~~

~~64. A tasting facility is allowed by right, ancillary to the processing facility, and wine tasting and sales area must be no larger than 1,000 square feet or 30 percent of the size of the processing facility, whichever is greater.~~

~~5. A small or medium special events facility may be operated in conjunction with a small winery, provided an administrative permit or minor use permit is first secured.~~

b. Medium winery. A medium winery, as defined in Section ~~28-1028.01~~, is allowed by administrative use permit, subject to compliance with the applicable development standards delineated in Tables 28-23B and 28-23C and as follows:

~~1. Shall obtain Environmental Health Services Division, Department of Resource Management, and Fire Department approval, if required, prior to hosting special events.~~

~~2. Subject to (1) above, six or fewer special events, with 150 guests or fewer each, are permitted each calendar year at a medium winery by right. A conditional use permit is required if more than six special events are offered at the facility during a calendar year or if any single event exceeds 150 guests.~~

31. 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.

~~42. A tasting facility is allowed by right, ancillary to the processing facility, and wine tasting and sales area must be no larger than 2,000 square feet or 30 percent of the size of the processing facility, whichever is greater.~~

53. 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.

4. A conditional use permit is required for a medium winery if less than 25% of the grapes or other fruit used in production are grown on-site or off-site on land owned or leased by the operator within Solano County.

5. A small or medium special events facility may be operated in conjunction with a medium winery, provided an administrative permit or minor use permit is first secured.

c. Large winery. A large winery, as defined in Section 28-1028.01, is allowed with conditional use permit, subject to compliance with the applicable development standards delineated in Tables 28-23B and 28-23C. ~~large winery, as defined in Section 28-10, is allowed with~~

1. ~~A tasting facility is allowed by right, ancillary to the processing facility, and wine tasting and sales area~~ 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.

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. Shall obtain Environmental Health Services Division, Department of Resource Management, and Fire Department approval, if required, prior to ~~hosting operating~~ a special events facility in conjunction with the winery.

4. Subject to (3) above, special events at large wineries are subject to the terms of the conditional use permit.

SECTION VII

Subdivision (B)(1) of section 28.23.50.30, relating to specific standards for limited public events in the Agricultural-Suisun Valley zoning districts, is deleted.

28.23.50.30 Recreation, Education and Public Assembly Uses

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

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

1. Limited Public Events

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

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

SECTION VIII

Subdivision (B)(3) of section 28.23.50.50, relating to general standards for tourist uses in the Agricultural-Suisun Valley zoning districts, is amended as follows:

- 3. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road and the road shall comply with County road standards in effect at the time the use is initiated. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall

not be limited to, paving of the connection within the County road right-of-way.

SECTION IX

Subdivision (B)(2) of section 28.71.20, relating to specific requirements for nurseries with public sales, is amended as follows:

2. Nursery with Public Sales

a. Standards. Nurseries shall:

(1) Be limited to 1,500 square feet in total display area, indoors and outdoors, for non-plant products.

(2) Shall provide at least 5 on-site parking spaces.

(3) 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 in effect at the time the use is initiated.

SECTION X

Subdivision (B)(3)(b) of section 28.71.20, relating to specific requirements for medium wineries, is amended as follows:

b. Medium winery. A medium winery, as defined in Section ~~28-10~~28.01, is allowed by either an administrative permit or a minor use permit, subject to compliance with the development standards delineated in the applicable zoning district, the general requirements for agricultural processing uses (~~28-70.20B.1(a-i)~~28.71.20(A), above) and as follows:

~~(1) Shall obtain Environmental Health Services Division of the Department of Resource Management, and Fire Department approval, if required, and notify the Sheriff's Office prior to hosting special events. Shall require a minor use permit if the property does not have direct access from a public road. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road and the road shall comply with County road standards in effect at the time the use is initiated.~~

(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 wine tasting and sales area~~ must be no larger than 2,000 square feet.

SECTION XI

Subdivisions (A)(5) and (6) of section 28.73.30, relating to general requirements for public assembly uses, are amended as follows:

A. General Requirements. Public assembly uses shall comply with the following general standards:

1. General Development Standards. No use of land or buildings shall be conducted except in compliance with the general development standards in Sections 28.70.10 and 28.70.20.

2. Access. ~~Shall have ingress and egress designed so as to avoid traffic congestion and hazards. 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 in effect at the time the use is approved. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.~~ 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. Encroachment Permit Required. All connections to County roads shall meet the encroachment permit requirements of the Public Works – Engineering Division, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.

4. Exterior Lighting. Public assembly uses shall provide lighting capable of providing adequate illumination for security and safety and directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.

5. Parking – Screening.

~~a. Parking areas~~ When located in or adjacent to any R district, parking areas for a public assembly use shall be enclosed and screened by a

minimum six-foot-high, solid board fence or a minimum six-foot-high masonry wall ~~which shall separate the parking lot from the adjoining residential uses or any R district;~~ and shall provide traffic surfaces that are maintained in a dust-free manner.

~~6. **Roads.** Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. 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. **Notice.** For a public assembly use located on a private road, notice of the public hearing to consider the use permit application or any revision or amendment of the permit shall be provided to all properties abutting that private road in addition to the notice otherwise required in section 28.04.~~

SECTION XII

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

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

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

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

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

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

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

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

SECTION XIII

Subdivision (B)(6) of section 28.73.30, relating to specific requirements for special event facilities, is amended as follows:

6. Special Events Facility. Except as otherwise provided for in this chapter, a special events facility ~~shall~~ may be permitted, ~~incidental to the principal agricultural use of the property for commercial agricultural purposes,~~ provided the facility complies with the following standards: ~~in subdivision (B)(6)(a) of this section.~~

a. Standards.

(1a) Access. ~~Each parcel on which a special event facility is operated shall provide adequate connections to a public road, or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road.~~ A small or medium special event facility may be located on a private road in compliance with the general requirements for public assembly uses. A large special event facility must be located on a public road.

(2b) Food Vendors. Permittee is responsible for ensuring the event organizer and food vendors utilized by the organizer secure food permits with the Division of Environmental Health.

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

(d) Overnight Lodging. A special event facility may include up to five guestrooms, providing overnight lodging for up to ten event attendees, if approved by the Zoning Administrator or Planning Commission.

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

(5f) Operational Controls.

i.(1) Fugitive Dust. A special events facility located on a site with access from unpaved dirt roads and with unpaved on-site access roads and parking areas shall control fugitive dust with water trucks, sprinkler system or other practices acceptable to the applicable air quality management district, in sufficient quantities to prevent airborne dust.

ii.(2) Noise. Outdoor amplified sound shall not exceed 65 dB when measured at the property lines.

iii.(3) Light and Glare. Any proposed outdoor lighting used during events shall be downcast and shielded so that neither the

lamp nor the reflector interior surface is visible from any off-site location. **iv. Odor.** A special event shall not cause objectionable odors on adjacent properties.

(6g) Parking. A special events facility must provide parking either on site or off site to accommodate all guests. No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The ~~applicant-permittee~~ shall place signs along the interior access ways and at 300-foot intervals on the applicant's property along the road right-of-way indicating this parking restriction. These signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event. Parking shall be provided as follows:

~~i.~~(1) On-Site Parking. On-site parking shall be located in an open area with a slope of 10 percent or less, at a minimum ratio of one space per 2.5 attendees, on a lot free of combustible material.

~~ii.~~(2) Off-Site Parking. If off-site parking is utilized, then off-site parking must be located outside of a road right-of-way and within 1,000 walking feet of the event site or shuttles must be provided. Written consent shall be obtained from the owners of all off-site parking areas. A minimum of one parking attendant shall be present at each lot used for off-site parking to assist in parking vehicles. For each off-site parking lot containing 50 or more vehicles, one parking attendant per each 50 vehicles shall be provided. For temporary parking lots, signs and directional signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event. For events that will require off-site parking, monitors shall be provided to direct traffic at all points of ingress, egress, and forks in private access roads and to turn away vehicles when authorized parking capacity is reached. If offsite parking is proposed, it shall be considered with the review of the land use permit for the event site.

(7h) Sanitation. Permittee must provide ~~approved~~ sanitation facilities approved by the Division of Environmental Health of adequate capacity that are accessible to attendees and event staff, including restrooms, refuse disposal receptacles, potable water and wastewater facilities.

(8i) Setbacks. A special events facility must be set back 100 feet from any property line and 200 feet from any residence on an adjoining parcel.

(9j) ~~No Removal of Impacts to Agriculture.~~ ~~No existing agriculture shall be removed in order to accommodate a special events facility. Prior to approving an application for a special events facility, the Zoning~~

Administrator or Planning Commission shall consider potential impacts to commercial agricultural operations on adjacent properties.

(10k) Use of Existing Structures. ~~The use of existing permanent~~ Existing structures ~~temporarily during events~~ used as part of a special events facility ~~is limited to existing structures that are~~ must comply and be permitted for commercial and public assembly occupancy and ~~are~~ be in compliance with Americans with Disabilities Act (ADA), where applicable. ~~Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.~~

(11) Construction of New Structures. ~~Event activities may be allowed in new structures only where permitted elsewhere in this chapter.~~ Any new structure proposed for a special events facility shall not be located on ~~prime agricultural land~~ that has been used for agricultural production within the previous three years.

(12m) Other Permits and Licenses. Must obtain any other required permits from federal, state or local agencies. Shall obtain approvals from the Division of Environmental Health and the Fire Protection District prior to operation.

(13n) Traffic Control. For any special event facility that will accommodate 500 people or more, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the facility. This shall be submitted with the land use permit application for the facility.

(o) Notice of Events. A special event facility located on a private road shall provide notice of each event, at least 30 days in advance of the event, to all residents abutting the private road and to the Sheriff and the Fire Protection District. This requirement may be waived by the Zoning Administrator or Planning Commission based on input from the residents abutting the road and the affected agencies.

(p) Insurance. The operator of a special event facility shall have commercial property insurance for the use.

SECTION XIV

Subdivision (A)(2) of section 28.75.20, relating to general access requirements for temporary agritourism uses, is amended as follows:

~~2. Access. Shall provide ingress and egress designed so as to avoid traffic congestion and hazards, and shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.~~

SECTION XV

Subdivision (B)(2)(f) of section 28.75.20, relating to specific access requirements for certified farmers markets, is amended as follows:

~~f. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.~~

SECTION XVI

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

12. Access. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.

SECTION XVII

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

SECTION XVIII

If any provision of this ordinance or the application of it to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the interim ordinance are declared to be severable.

SECTION XIX

A summary of this ordinance will be published once within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on _____ by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

JOHN VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Board of Supervisors

By: _____
Alicia Draves, Chief Deputy Clerk

ORDINANCE NO. 2021 – _____

AN ORDINANCE AMENDING CHAPTER 28 (ZONING REGULATIONS) OF THE SOLANO COUNTY CODE TO REVISE AND UPDATE LAND USE PERMIT REQUIREMENTS FOR CERTAIN PUBLIC ASSEMBLY AND TOURIST LAND USES, INCLUDING SPECIAL EVENT FACILITIES AND VACATION RENTAL HOMES, LOCATED ON PROPERTIES SERVED BY PRIVATE ROADS

The Board of Supervisors of the County of Solano ordains as follows:

SECTION I

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

Special events facility. A facility offered for use by third parties for hire for the conduct of social gatherings or similar types of non-commercial events. A special events facility may include food preparation facilities and limited overnight lodging facilities for event attendees. A special events facility may be either a single-purpose facility or a secondary use of another type of facility that does not typically include an assembly group occupancy, such as an agricultural processing facility or a winery. When a special events facility is a secondary use, events conducted by the facility operator as part of the primary use of the facility and that are directly related to products sourced from that operation, such as marketing or promotional events, are not special events being conducted as a secondary use of the facility.

Special events facility, small. A special events facility at which events are conducted not more than six times per calendar year and with not more than 150 people at any event, including hosts, guests, and supporting staff.

Special events facility, medium. A special events facility at which events are conducted more than six but not more than twelve times per calendar year and with not more than 150 people at any event, including hosts, guests, and supporting staff.

Special events facility, large. A special events facility at which events are conducted more than twelve times per calendar year or with more than 150 people at any event.

SECTION II

Table 28.21A, relating to land use permit requirements for land uses allowed in the Exclusive Agricultural (A) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

	Allowed uses	Permit Requirements				Land Use Regulations
		A-40	A-80	A-20	A-160	
	Agricultural Uses					
	A. Crop Production and Grazing					
	Pastured Poultry					
Delete this row →	With special events	MUP	MUP	MUP	MUP	28.71.30(A) & (B)(4); 28.73.30(A) 7 (B)(4)
	B. Agricultural Processing Uses					
	Agricultural processing facility					
Delete these four rows →	With special events (existing facility)					28.71.20(A) & (B)(1); 28.73.30(A) & (B)(6)
→	6 per year max, and 150 persons or less	A	A	A	A	
→	12 per year max, and 150 persons or less	AP	AP	AP	AP	
→	More than 12 per year or more than 150 persons	MUP	MUP	MUP	MUP	
Replace this row →	Nursery with public sales (6)	A	A	A	A	28.71.20(A) & (B)(2)
With this row →	Nursery with public sales	A/ MUP	A/ MUP	A/ MUP	A/ MUP	28.71.20(A) & (B)(2)
	Winery – 25% or greater on-site grapes					
Replace these three rows →	<i>Winery, small</i>	A	A	A	A	28.71.20(A) & (B)(3)
→	<i>Winery, medium</i>	AP	AP	AP	AP	
→	<i>Winery, large</i>	UP	UP	UP	UP	
With these three rows →	Small	A	A	A	A	28.71.20(A) & (B)(3)
→	Medium	AP/ MUP	AP/ MUP	AP/ MUP	AP/ MUP	
→	Large	UP	UP	UP	UP	
Delete these four rows →	Winery with special events					
→	6 per year max, and 150 persons or less	A	A	A	A	28.71.20(A) & (B)(3); 28.73.30(A) & (B)(6)

	→	12 per year max, and 150 persons or less	AP	AP	AP	AP	
	→	More than 12 per year or more than 150 persons	MUP	MUP	MUP	MUP	
Recreation, Education and Public Assembly Uses							
C. Public Assembly Uses							
Delete this row →		Limited special event	---	---	UP	---	28.73.30(A) & (B)(3)
Replace these five rows →		Special events facility (other than winery or agricultural processing facility)					
	→	6 per year max, and 150 persons or less	AP	AP	AP	AP	28.71.20(A) & (B)(3); 28.73.30(A) & (B)(6)
	→	12 per year max, and 150 persons or less	MUP	MUP	MUP	MUP	
	→	More than 12 per year or more than 150 persons	UP	UP	UP	UP	
	→	With off-site parking	MUP	MUP	MUP	MUP	
With these four rows →		Special events facility					
	→	Small	AP/MUP	AP/MUP	AP/MUP	AP/MUP	28.73.30(A) & (B)(6)
	→	Medium	MUP	MUP	MUP	MUP	
	→	Large	UP	UP	UP	UP	
Retail and Office Uses							
A. Retail Uses							
		Roadside stand					
Delete these four rows →		Any of the above with a certified farmers market					
	→	Small certified farmers market	AP	AP	AP	AP	28.74.10(A) & (B)(8); 28.75.20(A) & (B)(2)
	→	Medium certified farmers market	MUP	MUP	MUP	MUP	
	→	Large certified farmers market	---	---	---	---	
Tourist Uses							
A. Agritourism							
Replace this row →		Vacation house rental, hosted	---	---	AP	---	28.75.30(B)(1)

With this row →	Vacation house rental, hosted	---	---	AP/MUP	---	28.75.30(A) & (B)(1)
	B. Temporary Agritourism					
	Certified farmers market					
Replace these three rows →	Small certified farmers market	AP	AP	AP	AP	28.74.10(A) & (B)(8); 28.75.20(A) & (B)(2)
→	Medium certified farmers market	MUP	MUP	MUP	MUP	
→	Large certified farmers market	---	---	---	---	
With these three rows →	Small	AP/MUP	AP/MUP	AP/MUP	AP/MUP	28.75.20(A) & (B)(2)
→	Medium	MUP	MUP	MUP	MUP	
→	Large	---	---	---	---	

SECTION III

Table 28.22A, relating to land use permit requirements for land uses allowed in the Suisun Marsh Agricultural (A-SM) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

Allowed uses	Permit Requirements	Land Use Regulations
	A-SM-80 and A-SM-160	
Replace these four rows →	Special events facility (other than winery or agricultural processing facility)	
→	6 per year max, and 150 persons or less	AP 28.73.30(A) & (B)(6)
→	12 per year max, and 150 persons or less	MUP 28.73.30(A) & (B)(6)
→	More than 12 per year or more than 150 persons	UP 28.73.30(A) & (B)(6)
With these four rows →	Special events facility	
→	Small	MUP
→	Medium	MUP
→	Large	UP 28.73.30(A) & (B)(6)

SECTION IV

Table 28-23A, relating to land use permit requirements for land uses allowed in the Suisun Valley Agricultural (A-SV) districts, is amended by deleting, adding, or revising certain rows of the table and deleting notes 4 and 6, as follows:

	Allowed uses	Permit Requirements			Land Use Regulations
		A-SV-20	ATC	ATC-NC	
Agricultural Uses					
Wineries					
Replace these three rows →	Winery, small	A/UP ^{3,4}	A	A	28.23.50.10
→	Winery, medium	A/UP ^{3,4}	AP	AP	28.23.50.10
→	Winery, large	UP ⁵	UP	UP	28.23.50.10
Replace these three rows →	Winery, small	A/UP ³	A	A	28.23.50.10(B)(5)
→	Winery, medium	A/UP ³	AP	AP	28.23.50.10(B)(5)
→	Winery, large	UP ⁵	UP	UP	28.23.50.10(B)(5)
Replace this row →	Nursery with public sales ⁽⁶⁾	A	---	---	28.71.20(B)(3)
With this row →	Nursery with public sales	AP	---	---	28.71.20(A) & (B)(2)
Recreation, Education and Public Assembly Uses					
Delete this row →	Limited Public Events	UP	UP	UP	28.23.50.30
Replace this row →	Special Events	See Specific Use Regulations			28-23.50(A)(B)(C4)
With these four rows →	Special Events Facility				
→	Small	MUP	MUP	MUP	28.23.50.30(B);
→	Medium	MUP	MUP	MUP	28.23.50.50(B) & (C)(4);
→	Large	UP	UP	UP	28.73.30(A) & (B)(6)
Tourist Uses					
Replace this row →	Vacation house rental, hosted	AP	AP	---	28.75.30(B)(1)
With this row →	Vacation house rental, hosted	AP/MUP	AP/MUP	---	28.75.30(A) & (B)(1)

Notes:

4. [deleted]

6. [deleted]

SECTION V

Table 28.31A, relating to land use permit requirements for land uses allowed in the Rural Residential (RR) districts, is amended by deleting, adding, or revising certain rows of the table, as follows:

	Allowed uses	Permit Requirements			Land Use Regulations
		RR-2.5	RR-5	RR-10	
	28.75 Tourist Uses				
	A. Agritourism				
Replace this row →	Vacation house rental, hosted	AP	AP	AP	28.75.30(B)(1)
With this row →	Vacation house rental, hosted	AP/MUP	AP/MUP	AP/MUP	28.75.30(A) & (B)(1)

SECTION VI

Subdivision (B)(5) of section 28.23.50.10, relating to standards for wineries in the Agricultural-Suisun Valley zoning districts, is amended as follows:

5. WINERIES

a. Small winery. A small winery, as defined in Section 28.01, is allowed by right subject to compliance with the applicable development standards delineated in Tables 28-23B and 28-23C and as follows:

- 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 conditional use permit is required for a small winery if less than 25% of the grapes or other fruit used in production are grown on-site or off-site on land owned or leased by the operator within Solano County.
- 4.** A wine tasting and sales area must be no larger than 1,000 square feet or 30 percent of the size of the processing facility, whichever is greater.

5. A small or medium special events facility may be operated in conjunction with a small winery, provided an administrative permit or minor use permit is first secured.

b. Medium winery. A medium winery, as defined in Section 28.01, is allowed by administrative use permit, subject to compliance with the applicable development standards delineated in Tables 28-23B and 28-23C and as follows:

1. 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.

2. A wine tasting and sales area must be no larger than 2,000 square feet or 30 percent of the size of the processing facility, whichever is greater.

3. 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.

4. A conditional use permit is required for a medium winery if less than 25% of the grapes or other fruit used in production are grown on-site or off-site on land owned or leased by the operator within Solano County.

5. A small or medium special events facility may be operated in conjunction with a medium winery, provided an administrative permit or minor use permit is first secured.

c. Large winery. A large winery, as defined in Section 28.01, is allowed with conditional use permit, subject to compliance with the applicable development standards delineated in Tables 28-23B and 28-23C.

1. A wine tasting and sales area 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.

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. Shall obtain Environmental Health Services Division, Department of Resource Management, and Fire Department approval, if required, prior to operating a special events facility in conjunction with the winery.

4. Subject to (3) above, special events at large wineries are subject to the terms of the conditional use permit.

SECTION VII

Subdivision (B)(1) of section 28.23.50.30, relating to specific standards for limited public events in the Agricultural-Suisun Valley zoning districts, is deleted.

SECTION VIII

Subdivision (B)(3) of section 28.23.50.50, relating to general standards for tourist uses in the Agricultural-Suisun Valley zoning districts, is amended as follows:

- 3.** Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road and the road shall comply with County road standards in effect at the time the use is initiated. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.

SECTION IX

Subdivision (B)(2) of section 28.71.20, relating to specific requirements for nurseries with public sales, is amended as follows:

2. Nursery with Public Sales

a. Standards. Nurseries shall:

- (1) Be limited to 1,500 square feet in total display area, indoors and outdoors, for non-plant products.
- (2) Shall provide at least 5 on-site parking spaces.
- (3) 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 in effect at the time the use is initiated.

SECTION X

Subdivision (B)(3)(b) of section 28.71.20, relating to specific requirements for medium wineries, is amended as follows:

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 (28.71.20(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 in effect at the time the use is initiated.
- (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.

SECTION XI

Subdivisions (A)(5) and (6) of section 28.73.30, relating to general requirements for public assembly uses, are amended as follows:

5. Parking – Screening. When located in or adjacent to any R district, parking areas for a public assembly use shall be enclosed and screened by a minimum six-foot-high, solid board fence or a minimum six-foot-high masonry wall and shall provide traffic surfaces that are maintained in a dust-free manner.

6. Notice. For a public assembly use located on a private road, notice of the public hearing to consider the use permit application or any revision or amendment of the permit shall be provided to all properties abutting that private road in addition to the notice otherwise required in section 28.04.

SECTION XII

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

SECTION XIII

Subdivision (B)(6) of section 28.73.30, relating to specific requirements for special event facilities, is amended as follows:

6. Special Events Facility. Except as otherwise provided for in this chapter, a special events facility may be permitted provided the facility complies with the following standards:

(a) **Access.** A small or medium special event facility may be located on a private road in compliance with the general requirements for public assembly uses. A large special event facility must be located on a public road.

(b) **Food Vendors.** Permittee is responsible for ensuring the event organizer and food vendors utilized by the organizer secure food permits with the Division of Environmental Health.

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

(d) **Overnight Lodging.** A special event facility may include up to five guestrooms, providing overnight lodging for up to ten event attendees, if approved by the Zoning Administrator or Planning Commission.

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

(f) Operational Controls.

(1) Fugitive Dust. A special events facility located on a site with access from unpaved dirt roads and with unpaved on-site access roads and parking areas shall control fugitive dust with water trucks, sprinkler system or other practices acceptable to the applicable air quality management district, in sufficient quantities to prevent airborne dust.

(2) Noise. Outdoor amplified sound shall not exceed 65 dB when measured at the property lines.

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

iv. Odor. A special event shall not cause objectionable odors on adjacent properties.

(g) Parking. A special events facility must provide parking either on site or off site to accommodate all guests. No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The permittee shall place signs along the interior access ways and at 300-foot intervals on the applicant's property along the road right-of-way indicating this parking restriction. These signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event. Parking shall be provided as follows:

(1) On-Site Parking. On-site parking shall be located in an open area with a slope of 10 percent or less, at a minimum ratio of one space per 2.5 attendees, on a lot free of combustible material.

(2) Off-Site Parking. If off-site parking is utilized, then off-site parking must be located outside of a road right-of-way and within 1,000 walking feet of the event site or shuttles must be provided. Written consent shall be obtained from the owners of all off-site parking areas. A minimum of one parking attendant shall be present at each lot used for off-site parking to assist in parking vehicles. For each off-site parking lot containing 50 or more vehicles, one parking attendant per each 50 vehicles shall be

provided. For temporary parking lots, signs and directional signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event. For events that will require off-site parking, monitors shall be provided to direct traffic at all points of ingress, egress, and forks in private access roads and to turn away vehicles when authorized parking capacity is reached. If offsite parking is proposed, it shall be considered with the review of the land use permit for the event site.

(h) Sanitation. Permittee must provide sanitation facilities approved by the Division of Environmental Health of adequate capacity that are accessible to attendees and event staff, including restrooms, refuse disposal receptacles, potable water and wastewater facilities.

(i) Setbacks. A special events facility must be set back 100 feet from any property line and 200 feet from any residence on an adjoining parcel.

(j) Impacts to Agriculture. Prior to approving an application for a special events facility, the Zoning Administrator or Planning Commission shall consider potential impacts to commercial agricultural operations on adjacent properties.

(k) Use of Existing Structures. Existing structures used as part of a special events facility must comply and be permitted for commercial and public assembly occupancy and be in compliance with Americans with Disabilities Act (ADA), where applicable.

(l) Construction of New Structures. Any new structure proposed for a special events facility shall not be located on land that has been used for agricultural production within the previous three years.

(m) Other Permits and Licenses. Must obtain any other required permits from federal, state or local agencies. Shall obtain approvals from the Division of Environmental Health and the Fire Protection District prior to operation.

(n) Traffic Control. For any special event facility that will accommodate 500 people or more, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the facility. This shall be submitted with the land use permit application for the facility.

(o) Notice of Events. A special event facility located on a private road shall provide notice of each event, at least 30 days in advance of the event, to all residents abutting the private road and to the Sheriff and the Fire Protection District. This requirement may be waived by the Zoning

Administrator or Planning Commission based on input from the residents abutting the road and the affected agencies.

(p) Insurance. The operator of a special event facility shall have commercial property insurance for the use.

SECTION XIV

Subdivision (A)(2) of section 28.75.20, relating to general access requirements for temporary agritourism uses, is amended as follows:

2. Access. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.

SECTION XV

Subdivision (B)(2)(f) of section 28.75.20, relating to specific access requirements for certified farmers markets, is amended as follows:

f. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.

SECTION XVI

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

12. Access. Shall have direct access from a public or private road that complies with County road standards in effect at the time the use is approved. If access is from a private road, there shall be a recorded road maintenance agreement in effect for all properties served by the private road. All connections to County roads shall

meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.

SECTION XVII

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

SECTION XVIII

If any provision of this ordinance or the application of it to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the interim ordinance are declared to be severable.

SECTION XIX

A summary of this ordinance will be published once within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on _____ by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

JOHN VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Board of Supervisors

By: _____
Alicia Draves, Chief Deputy Clerk