

Solano County

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



Agenda - Final

Thursday, June 7, 2018

7:00 PM

Board of Supervisors Chambers

Planning Commission

Any person wishing to address any item listed on the Agenda may do so by submitting a Speaker Card to the Clerk before the Commission considers the specific item. Cards are available at the entrance to the meeting chambers. Please limit your comments to five (5) minutes. For items not listed on the Agenda, please see "Items From the Public".

All actions of the Solano County Planning Commission can be appealed to the Board of Supervisors in writing within 10 days of the decision to be appealed. The fee for appeal is \$150.

Any person wishing to review the application(s) and accompanying information may do so at the Solano County Department of Resource Management, Planning Division, 675 Texas Street, Suite 5500, Fairfield, CA. Non-confidential materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours and on our website at www.solanocounty.com under Departments, Resource Management, Boards and Commissions.

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

AGENDA

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF THE MINUTES

PC 18-022 May 17, 2018 Planning Commission Minutes

Attachments: [draft minutes](#)

ITEMS FROM THE PUBLIC:

This is your opportunity to address the Commission on a matter not heard on the Agenda, but it must be within the subject matter jurisdiction of the Commission. Please submit a Speaker Card before the first speaker is called and limit your comments to five minutes. Items from the public will be taken under consideration without discussion by

the Commission and may be referred to staff.

REGULAR CALENDAR

- 1 [PC 18-024](#) Public Hearing to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-18-01a, amending Chapter 28 (Zoning Regulations) of the Solano County Code to clarify and restate existing land use regulations for dwellings, agricultural accessory buildings and residential accessory buildings (Attachment A: Accessory Building Ordinance, Exhibit A: New Section 28.72)
- Attachments:* [A - DRAFT ORDINANCE Accessory Building Ordinance](#)
[B - EXHIBIT A NEW SECTION 28.72](#)
- 2 [PC 18-025](#) Public Hearing to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-18-01b (Accessory Dwelling Unit Ordinance), amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update land use regulations for secondary dwellings in Residential and Agricultural zoning districts. (Attachment A: Secondary Dwelling Unit Ordinance)
- Attachments:* [A - DRAFT ORDINANCE MARKUP Secondary Dwelling Unit Ordinance](#)

ANNOUNCEMENTS AND REPORTS

ADJOURN

*To the Planning Commission meeting of June 21, 2018 at 7:00 P.M., Board Chambers,
675 Texas Street, Fairfield, CA*



Solano County

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Fairfield, California 94533
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Agenda Submittal

Agenda #:		Status:	PC Minutes
Type:	PC-Document	Department:	Planning Commission
File #:	PC 18-022	Contact:	Kristine Sowards, 784-6765
Agenda date:	6/7/2018	Final action:	
Title:	May 17, 2018 Planning Commission Minutes		

Governing body:

District:

Attachments: [draft minutes](#)

Date	Ver.	Action By	Action	Result

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of May 17, 2018

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Board of Supervisors' Chambers (1st floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Walker, Hollingsworth, Bauer, and Chairperson Cayler

EXCUSED: Commissioner Rhoads-Poston

STAFF PRESENT: Bill Emlen, Director; Mike Yankovich, Planning Program Manager; Jim Laughlin, Deputy County Counsel; and Kristine Sowards, Planning Commission Clerk

Chairperson Cayler called the meeting to order at 7:00 p.m. with a salute to the flag. Roll call was taken and a quorum was present.

Approval of the Agenda

The agenda was approved with no additions or deletions.

Approval of the Minutes

The minutes of the regular meeting of April 19, 2018 were approved as prepared.

Items from the Public

There was no one from the public wishing to speak.

Regular Calendar

Item No. 1

PUBLIC HEARING to consider Use Permit Application No. U-17-09 and Marsh Development Permit Application No. MD-17-02 of **Verizon Wireless c/o Complete Wireless Consulting, Inc. (Hwy 680 Cygnus)** to install a 65' monopole with associated ground equipment as part of a wireless telecommunications facility to be located on a 2.8 acre parcel zoned Exclusive Agricultural "A-20" off Marshview and Goodyear Road as they intersect with Interstate 680. The site is approximately 1.5 miles southeast of the City of Fairfield, APN: 0046-110-280. (Project Planner: Karen Avery). **Staff Recommendation:** Continue item to the regular meeting of June 21, 2018.

Michael Yankovich made note that this project was continued from the April 5, 2018 Planning Commission meeting at the request of Verizon Wireless to the meeting of May 17, 2018. As noted in the request for continuance letter, the design of the project was found to have a visual impact on the scenic corridor along I-680. The applicant has since proposed a re-design

of the project. Application materials for this new design were received by the Planning Services division on May 8, 2018.

Mr. Yankovich stated that also since the April 5th hearing date, the applicant and the county have agreed to a tolling agreement which extends the FCC shot clock to July 6, 2018. It is anticipated the project will be returning to the planning commission on June 21, 2018, after the 30-day public review period of the CEQA document is completed.

A motion was made by Commissioner Bauer and seconded by Commissioner Hollingsworth to continue this matter to the meeting of June 21, 2018. The motion passed unanimously.

Item No. 2

STUDY SESSION to consider and obtain public testimony on a Vacation House Rental land use for the unincorporated area of Solano County and direct staff to prepare draft amendments to the County's Zoning Regulations that would either, allow, regulate, or prohibit Vacation House Rentals.

Mike Yankovich gave a brief presentation of staff's written report. The report noted that last year the planning commission held three meetings in which short-term rental of houses and rooms for periods of less than 30 days were discussed. Then, as now, the use of a dwelling unit as a Vacation House Rental (whole house rental) rather than as a residence is a land use that is implicitly not authorized or addressed by Chapter 28 (Zoning Regulations) of the Solano County Code. The discussion included consideration of regulations developed by staff to assure that this use would be compatible with the residential character of the neighborhoods. Public testimony on the proposed regulations was generally negative and ranged from over regulation of a use to proposing regulations for a use that are unnecessary. At the third meeting, the commission decided to end the discussion and staff withdrew the item from further consideration at the time. As a result, vacation house rental remain a land use that is implicitly not authorized by Chapter 28, but is a land use that currently is being conducted on a number of properties in the unincorporated area.

Staff has since conducted additional research addressing the vacation house rental land use and, in consideration of this information, is providing several options for consideration by the commission. Those options were outlined in detail in staff's written report. Mr. Yankovich ended his presentation by making himself available to answer any questions.

Commissioner Walker stated in past study sessions with the Commission there were concerns raised pertaining to parcels under Williamson Act contract. The issues were due to the circumstance that the use would be prohibited. Mr. Walker wanted to know if this was still the case.

Mr. Yankovich noted that since the commission's last study session the county has had communications with the State regarding Williamson Act contracted properties. They indicated they would essentially not like to have any type of commercial use on those lands. Mr. Yankovich said for the most part, most counties are not receiving any type of supplemental funds from the state with regard to contracted properties.

Commissioner Walker spoke with regard to Option 5 which proposes the use be prohibited and said that to insure compliance, it would come at a cost. Mr. Yankovich said the additional

use effort would definitely prove to be a challenge. He noted that currently the county employs one full-time and one half-time code compliance officer which makes it tough to achieve compliance in all areas of the county.

Since there were no further questions of staff, Chairperson Cayler opened the public hearing.

Reta Jones, Suisun Valley Road, Fairfield, longtime resident in the area voiced her concern about this type of activity and the need for strong regulation. She referred to a recent incident where it was discovered that a local vacation rental situated in close proximity of a church where young children frequent was being occupied by a known predator. Ms. Jones stated that these types of rentals need monitoring so as to prevent such an occurrence.

Linda Tenbrink, Gordon Valley Road, Fairfield, long time farmer in the Valley spoke in support of allowing vacation rentals by right. Ms. Tenbrink commented that this activity is already happening in a big way and it would be relatively hard to stop even if there was a desire by the county to do so. She commented that it would be more sensible to look at the benefits that this new industry brings to the county through increased tax revenue and its support of agriculture. Ms. Tenbrink stated that the Transit Occupancy Tax (TOT) that would be generated even on the 5% level would be a greater benefit than the \$19,000 as quoted in the staff report. She stated that beyond the additional revenue, especially in the agricultural district, property owners have already seen prices for their products escalate due to the increased exposure because people are becoming more aware of the Suisun Valley. Ms. Tenbrink said she did not feel that regulation needs to be excessive because she believes the industry is a self-regulating industry; if an operator is not providing a safe and comfortable experience, it does not take long for social media sites such as Yelp to make a negative impact on the business. Ms. Tenbrink stated that she would like to see in the regulations the TOT revenue specifically earmarked for the areas where it is collected, and be put to use in those areas. She said the commission should also consider not making this a blanket ordinance for the entire county, but to choose different levels of application for the different areas due to their uniqueness.

Daniel Schwartz, Blue Road, Vacaville, spoke in favor of the vacation rental. He stated that he and his wife have been supporting agritourism in the county for a number of years. They produce lavender products and also grow wine grapes. From a host experience, as well as a guest of Airbnb, Mr. Schwartz said that it has been an extremely positive experience. He said there is no question that it helps them personally in terms of finance, but the experience goes well beyond just the financial rewards. He stated that on their property they do not allow parties or events, and do not tolerate unplanned activities. Mr. Schwartz commented that very few of their guests had ever heard of Solano County but they were well aware of the Napa area. He said he makes it a point to provide his guests with a list of what to do and where to go in Solano County so that folks can decide to stay local and ultimately contribute to the tax base. Mr. Schwartz noted that Airbnb has a governmental component and he had hoped that the county has reached out to them because they have an extensive tool kit that they have used around the world.

Alexis Koefoed, Pleasants Valley Road, Vacaville, stated that as farmers they are always looking at ways to add value to their farm and to the experience with their customers. She said their Airbnb/VRBO has been a lifeline for those times of the year when crops are not being harvested or when crops fail and there is a need to find other ways to generate revenue. She said it is satisfying to be able to open their farm to the public and to show why farming is so

important and to share the open land and fields of flowers. She said it is a benefit to keeping farming and agricultural land in the county alive, vibrant and successful.

Laura Brasfield, Vezer Family Vineyard, Mankas Corner Road, Fairfield, stated that she operates an Airbnb/VRBO at two separate sites. She said that she does her due diligence on screening customers. She has created a special contract which is an additional step to ensure that guests are following the rules and she enforces noise and hour limitations. She said the occupancy limitation is no more than 10 people, 3 day minimum and 7 day maximum. She stated that she monitors the locations to make sure there are no parties on site. Ms. Brasfield said that she believes some regulation is needed in order to keep in line with what the county may require and she was agreeable to paying the TOT.

Carolyn West, Green Valley Road, Fairfield, stated that they have a vineyard cottage and have rented it out in the past. She commented that it was an extremely joyful experience and it was successful. She said unfortunately the county is limited and does not have a lot of these charming inns, but in developing agritourism in Suisun Valley, Green Valley, and Pleasants Valley the county needs places for these tourists to stay. She hoped that the county does not limit this to just one area or just one type of vacation home. She said it is so important for the young families that live in the estates in Green Valley who have an extra room or a pool house to be able to use that amenity in this way. Ms. West commented that the Green Valley Country Club is losing wedding revenue because there are no local romantic accommodations for the bridal party. Ms. West noted that she is very involved in the community and with maintaining the county's agricultural integrity. She stated that Solano County is known as a drive-by community. She said that the county can capture some of that Napa market and bring it to Solano by offering the kind of lodging that is desired. The county needs to use the land wisely and encourage this activity. Ms. West stated that she favored Option 2 but would also agree to Option 3.

Kevin Browning, Clayton Road, Fairfield, long time resident of Solano County referenced the statement made by staff that there are no facts to show the affect this would have on housing availability. He stated that a typical rural home in these areas would rent anywhere in between \$2,000 to \$3,000 a month which would equate to \$24,000 to \$36,000 a year revenue to the homeowner. When opening this up to anyone being allowed to turn a residential home into an income producing property with unlimited uses, it affects those people who do not have such a business. He questioned where the resident's rights come into play. He said the reason Solano County have these types of businesses is because Napa does not allow it. He noted that the cities of Fairfield and Vacaville just recently banned this activity so now Solano County's rural area is the new dumping ground. Mr. Browning commented regarding the comparison being made to Sonoma County and stated that this is a far reach since Sonoma is more diverse than Solano, and many of their rentals are located along the Pacific Ocean which does not compare to agricultural land. Traffic will be an issue because the county roads are not designed for the increased traffic. Mr. Browning spoke to the nuisance issue. He said they live next door to a vacation rental where inebriated occupants have trespassed onto their property trying to pick fruit from the trees. Mr. Browning stated that he is not in favor of a blanket ordinance and hoped the commission would table this item.

Mary Browning, Clayton Road, Fairfield, noted that this area has 18 hotels and over 800 rooms. She said folks can enjoy the farmland during the day and just as well sleep in an area hotel at night, commenting that these hotels also supply employment to local citizens. The

hotels already have safety regulations in place and are insured for liability. Ms. Browning said she is quite sure these operating vacation rental units do not carry commercial insurance, so if the home were to burn down it would not have adequate coverage. She referenced an incident that took place in Napa where an Airbnb burnt down and the owner has not been able to rebuild because it was not properly insured. She stated that there are no lending criteria for this type of use and it is not recognized by banks or lenders, it is strictly a commercial policy requirement. She noted that the Airbnb Corporation does not cover liability despite their claim that they do. Ms. Browning provided written information to the commission highlighting the trials and tribulations associated with this type of activity as experienced throughout the country. She said this will be an impact to Solano County's lack of affordable housing because it gives the incentive to either rent short term or buy as investment property. Ms. Browning noted that currently Suisun Valley Inn is the only entity who pays TOT. She stated that Sonoma County uses their TOT for compliance and regulation and they have not been able to keep up. Ms. Browning said there is no way for the county to regulate this. She said code compliance in the county does not happen. She said she was the person who started complaining 5 years ago about the Airbnb next door and there was never compliance. She said one letter of violation was sent to the property owner by the county and that letter was totally ignored. Ms. Browning said living next to an Airbnb is annoying and she spoke to the incidents of having guests trespass on their farm and getting close to their animals. She said they fear for their animal's safety and the safety of the trespassers as well. Ms. Browning said she would favor Option 5.

Eleanor MacMakin, Mix Canyon Road, Vacaville, said she has operated an Airbnb/VRBO for 5 years and rents out the entire home. She said if she did not have that option she would not be financially solvent. The pleasure she gains from her guests is enormous. She described her property as being in the riparian sanctuary and therefore it does not impact anyone because there are no adjacent neighbors. Ms. MacMakin said the Airbnb industry is here to stay and so she believed regulating it is a good idea. She was happy that the county is beginning this process and inviting property owners to come and speak. She also noted that besides the short term rental there are also an abundance of campers travelling to the area because people desire the outdoors and the county has a lot of nature to offer. She agreed that this industry is self-regulated. Ms. MacMakin commented that she has set into motion a plan with the Ulatis Conservation District to comply with preserving the land as open space.

Charles Wood, Jefferson Street, Fairfield, stated that his family moved into this area in 1963. He noted that his parents still live in Green Valley. Mr. Wood said he is a real estate attorney representing Vezer Family Vineyards. He also has several other clients who are very much in favor of allowing these short term rentals for tourism purposes. He said there are tremendous benefits to the economy in allowing these short term rentals by letting otherwise idle real properties be used to allow for more income to the area and to the economy. This money stays local. These units have a great potential to generate fees and TOT. Mr. Wood stated that he has spoken with many Airbnb hosts and they do not have any qualms with having to pay a TOT or other reasonable tax. The impacts of a short term rental are very similar to somebody renting or living in a house. These short term rentals will help promote visitors to the area and specifically help satisfy the goals of the Suisun Valley Plan. He noted that he is aware there is some fear of disturbances but there is no evidence to support that. The industry is self-screening. He commented that the host are allowing people into their homes, sleep in their beds and to use their furnishings and so these homeowners have the most incentive to make sure that these are good quality people. Mr. Wood stated again that there is no

evidence to back up claims that these short term rentals result in more drunk people causing problems in orchards or other places. There is no consistent problem that justifies strict regulation and he sees no reason to prohibit these short term rentals. Mr. Wood voted for the option that allows this use with reasonable regulations.

Since there were no further speakers Chairperson Cayler closed the public hearing.

Commissioner Bauer said that she favored Option 4. She brought up the possibility of having the minor use permit allow for some variance; for example the speaker who owns the residence within the riparian sanctuary that has no impact on neighbors. Ms. Bauer spoke to the issue brought up concerning commercial insurance. She said she felt it would be better if the vacation rentals were hosted rather than non-hosted so that the homeowner would be on site to monitor the activities. Ms. Bauer said she understood how important this is to people to be able to stay in their homes by being able to rent out a portion of it. She noted that she conducted a quick online search for an Airbnb in Solano County. She chose the month of November. The result brought up 410 listings. She said the few she tried to figure out their location were identified as within Fairfield.

Commissioner Hollingsworth commented that since this activity is going to take place we should have some rules and regulations in order to monitor the use. He supported both Option Nos. 3 and 4. Commissioner Hollingsworth also suggested staff put together a listing of the vacation rentals within the county in order to know where they are operating.

Commissioner Walker stated that he would not support this activity by right nor would he support direct prohibition. He said he would be more in favor of some variation of Option 4 and to also examine what the impact might be with respect to only allowing hosted rentals, but leaving the option open for the possibility of adding non-hosted rentals at a later date. Commissioner Walker said he is sensitive to the conversation in the staff report by the Tax Collector/Treasurer that this activity would not necessarily work if there was not adequate funding to support the administration of the program, examples being the collection of the TOT and code enforcement. Commissioner Walker said it would be his recommendation to ask staff to look at proposing some regulations keeping in mind the need to generate enough revenue to pay for the additional staff time before opening up Solano County to this type of business.

Chairperson Cayler commented that this use is already taking place and so the county needs to have guidelines to follow for all involved: the county, law enforcement, the hosts and hostesses. Ms. Cayler commented that there are also attractions other than wineries to draw people to Solano County such as the lavender farm and Christmas tree farm in Dixon.

Bill Emlen commented that as staff was preparing this item for study session, they recognized the discussions the commission has had in the past and knew there were going to be some distinct views. What staff is trying to do now is establish a baseline. He said in the future some variations could be made as we learn more about this evolving industry.

Commissioner Walker spoke with regard to the ordinance being brought back before the commission. He said if staff believes a particular zoning district should not be included as part of this ordinance, he asked if staff could include an explanation in the report as to why that

district or districts were chosen. He said it would be helpful in understanding the reasoning and how it would apply to other zoning districts that are not referenced.

It was noted by staff that this item would be brought back before the commission for public hearing on June 21, 2018.

ANNOUNCEMENTS and REPORTS

There were no announcements or reports.

Since there was no further business, the meeting was **adjourned**.

DRAFT



Solano County

675 Texas Street
Fairfield, California 94533
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Agenda Submittal

Agenda #:	1	Status:	PC-Regular
Type:	PC-Document	Department:	Planning Commission
File #:	PC 18-024	Contact:	Jim Leland - 784-6765
Agenda date:	6/7/2018	Final action:	
Title:	Public Hearing to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-18-01a, amending Chapter 28 (Zoning Regulations) of the Solano County Code to clarify and restate existing land use regulations for dwellings, agricultural accessory buildings and residential accessory buildings (Attachment A: Accessory Building Ordinance, Exhibit A: New Section 28.72)		

Governing body:

District:

Attachments: [A - DRAFT ORDINANCE Accessory Building Ordinance](#)
[B - EXHIBIT A NEW SECTION 28.72](#)

Date	Ver.	Action By	Action	Result

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 on a proposed Ordinance, Zoning Text Amendment No. ZT 18-01a, amending Chapter 28 (Zoning Regulations) of the Solano County Code to clarify and restate existing land use regulations for dwellings, agricultural accessory buildings and residential accessory (Attachment A: Accessory Building Ordinance, Exhibit A: New Section 28.72)

SUMMARY:

On January 1, 2017, new state legislation went in to effect mandating certain minimum requirements for any local zoning regulations pertaining to accessory dwelling units. The effect of the legislation was to cap at 1,200 square feet the size of any secondary dwelling permitted by a city or county. The state legislation went into effect January 1, 2018. Prior to this legislation, secondary dwellings could be permitted up to 1,800 square feet in size in certain Solano County zoning districts.

The legislation permits local agencies to adopt secondary dwelling unit regulations with different size limitations providing the local ordinances comply with all of the state's rules. Staff has prepared two ordinances which, together, restore the maximum sizes for secondary dwellings which were in effect prior to January 1, 2018.

Staff has prepared and is recommending adoption of two separate ordinances to address secondary dwelling units. The first ordinance (the subject of this report) reformats Section 28.72 (Dwellings) in order to isolate the secondary dwelling requirements into a single subsection of the County Code. In addition, certain minor revisions to definitions and regulations for accessory buildings are included.

The second ordinance (subject of a subsequent hearing) will address new requirements for secondary

dwellings.

FINANCIAL IMPACT:

The costs for preparation of these ordinance amendments are included in the Department of Resource Management's approved Budget for FY2017/2018.

DISCUSSION:

Background

In September 2016, Governor Brown signed two legislative acts that comprised the new law governing ADUs, AB 2299 and SB 1069, both of which came into effect on January 1, 2017. In October 2017, two additional legislative acts, AB 494 and SB 229, were signed into law and came into effect on January 1, 2018. The new statutes amended various sections of Government Code section 65852.2 which regulates accessory dwelling units.

As a result of the legislation mentioned above, any local ordinance not in compliance with the new state standards was invalidated and the state regulations became the default local regulations. The County of Solano has had regulations permitting secondary dwellings for decades. However, the County's regulations were not in full compliance with the new state requirements and, consequently, beginning on January 1, 2018, the County has operated under the state rules for secondary dwellings.

The primary impact of this change is that the maximum size of secondary dwellings has been capped at 1,200 square feet. Prior to January 1, 2018, the local rules permitted secondary dwellings of up to:

1. 850 square feet in the Residential-Traditional Community (R-TC) Districts,
2. 1,500 square feet in the Rural Residential (R-R) Districts, and
3. 1,800 square feet in most of the agricultural districts.

Under the State ADU Legislation, the County of Solano is permitted to adopt new local accessory dwelling regulations which modify certain aspects of the default regulations imposed by the State on January 1, 2018, so long as the County's new rules address all of the requirements embodied in the State legislation.

County Approach

The County has an interest in re-establishing its former maximum square footage standards which existed prior to January 1, 2018. Accordingly, staff has prepared draft ordinances to accomplish that objective. The zoning regulations contained in Chapter 28 are organized around five major topics, as follows:

1. Article I - Definitions and other general provisions,
2. Article II - Individual zoning districts with tables for allowable uses and development standards,
3. Article III - Specific land use regulations,
4. Article IV - Miscellaneous site development and other standards, and
5. Article V - Permit rules and operations

Staff is recommending a two stage approach to updating the secondary dwelling unit regulations contained within the County Zoning Ordinance which include:

1. Introduction of this Ordinance which accomplishes the following:
 - a. Adds or revises definitions in Article I, and
 - b. Reformats the regulations for all dwellings and their accessory, subordinate and related land uses in Article III

2. Introduction of a subsequent Ordinance which establishes new regulations for secondary dwelling units consistent with current state legislation.

Zone Text Amendments Summary (See Attachments A and B)

The amendments to Chapter 28 fall into four broad categories;

- 1) Revisions and additions to definitions in Article I, Section 28.01
 - 2) Revisions and additions to Permitted Uses Tables in various zoning districts in Article II,
 - 3) Reformatting of Residential Development Standards in Article III, Section 28.72,
 - 4) Revisions and additions to Accessory Building Regulations in Article III, and
- each of these categories is summarized below:

1. Revisions and Additions to Definitions in Article I, Section 28.01

The proposed revisions to definitions contained in Section 28.01 include the following:

- a. Accessory building.
- b. Accessory building, agricultural.
- c. Accessory building, residential.
- d. Accessory building, dwelling space.
- e. Building.
- f. Main Building.

2. Revisions and additions to Permitted Use and Development Standards Tables in various zoning districts in Article II, Various Sections

The proposed revisions to Permitted Use and Development Standards Tables in various zoning districts in Article II, include revisions and deletions of footnotes for each Table, as described below:

- a. Several Tables in Article ii contain the following footnote:

The side or rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building. Waiver of said requirements shall be subject to notice as set forth in Section 04(f) of this Chapter.

The footnote is being deleted and an exception is being added to Article IV - Yards, which permits the sideway setback described in the footnote.

3. Reformatting of Residential Development Standards in Article III, Section 28.72,

The proposed revisions include reformatting of Section 28.72 Residential Uses in Article III of Chapter 28 to organize the regulations to separate into different subsections the rules for dwellings and the rules for accessory buildings, and to make minor revisions to the regulations pertaining to various types of accessory buildings.

4. Revisions and additions to Accessory Building Regulations in the new Article III, Section 28.72.30

The proposed revisions include reformatting of Section 28.72 Residential Uses in Article III of Chapter 28 to organize the regulations to separate into different subsections the rules for dwellings and the rules for

accessory buildings, and to make minor revisions to the regulations pertaining to various types of accessory buildings. (See Attachment B)

5. Revisions to Yard Standards in Article IV, Section 28.97

As discussed in 2. above, an exception is being added to Article IV - Yards, which permits a sideyard setback, as follows:

In any R District, the side or rear yard requirements may be reduced for an accessory building, other than an animal shelter, provided that such building shall not be located closer to any property line than 5 feet, or to the same distance as a permitted primary dwelling on the same parcel, whichever is less.

In addition, provision 28.97(K) is being deleted since it is inconsistent with the newly added provision discussed above, as follows:

In any district in which a dwelling is allowed, a required yard distance may be waived up to a distance equal to that established in such yard by the foundation of an existing legal non-conforming dwelling, subject to notice as set forth in Section 28.04 of this Chapter.

General Plan and Zoning Consistency

The 2008 Solano County General Plan (Plan) designates several areas of the County for various types of agricultural and residential land uses. The Plan further defines which zoning districts are consistent with those land use designations. The zoning districts provide for both primary and secondary dwelling units and contain various development standards for each. This ordinance makes very minor changes to those existing regulations and is considered exempt from CEQA under the "general rule".

Environmental Analysis:

The proposed zoning text amendment ZT-18-01a is exempt from the California Environmental Quality Act in accordance with CEQA Guideline section 15305, minor alterations in land use limitations. The amendment clarifies and restates existing land use regulations for dwellings, agricultural accessory buildings, and residential accessory buildings without making any significant substantive amendments. A Notice of Exemption will be filed upon completion of the public hearing process.

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 Fairfield Daily Republic.

ALTERNATIVES:

The Board could choose any of the following alternative actions:

1. Not to adopt any amendments to Chapter 28 at this time. This alternative is not recommended because the proposed amendments implement state mandated regulations.
2. To consider further or different revisions to what has been prepared as may be directed by the Board.

OTHER AGENCY INVOLVEMENT:

The proposed zoning amendments will also be submitted to the Airport Land Use Commission as required under state law prior to the Board of Supervisors consideration of the ordinance.

Attachments

Attachment A: Draft Ordinance

Attachment B: Exhibit A: New Section 28.72

ORDINANCE NO. 2018 – _____

**AN ORDINANCE TO AMENDING CHAPTER 28 (ZONING REGULATIONS) OF THE
SOLANO COUNTY CODE TO CLARIFY AND RESTATE EXISTING LAND USE
REGULATIONS FOR DWELLINGS AND AGRICULTURAL AND RESIDENTIAL
ACCESSORY BUILDINGS**

Additions and revisions in the tables are shown in a **red typeface** and deletions are shown as a ~~strikeout shaded gray~~.

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

SECTION I

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

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

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

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

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

Building. ~~Includes structure.~~ Any structure used or intended for supporting or sheltering any use or occupancy.

Building, main Main Building. A building in which is conducted the principal use of the building site on which it is situated. In any residential district, the primary dwelling shall be deemed to be a main building on the building site.

SECTION II

The following footnote is deleted from any Table in Chapter 28:

~~The side or rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building. Waiver of said requirements shall be subject to notice as set forth in Section 04(f) of this Chapter.~~

SECTION III

Section 28.71.10(B)(1) is changed as follows:

1. Agricultural Accessory Structures Buildings

New accessory buildings ~~and other structures~~, including alterations to existing accessory buildings ~~and other structures~~, shall be designed, constructed, and/or established in compliance with the development standards in the applicable zoning district and the following standards:

- a. **Attached accessory structure setbacks.** An accessory building attached to the main building shall comply in all respects with the requirements of this Chapter applicable to the main building.
- b. **Detached accessory structure setbacks.** An accessory building detached from the main building shall be located sixty feet from the front property line or on the rear fifty percent of the lot, unless otherwise specified in the applicable zoning district.
- c. **Side and rear yard setback waiver.** The side and rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building, and such buildings, in the aggregate, shall not exceed the maximum site coverage in the rear yard for the main building as may be specified in the applicable zoning district. Waiver of said requirements shall be subject to notice as set forth in Section 14 (f) of this Chapter.
- d. **Setback between buildings.** An accessory building shall not be located closer than ten feet from the main building; except in the W district, the distance shall be thirty feet. Stables shall be located at least twenty feet from the main building.
- e. **Animal shelter setbacks.** An accessory building for the shelter of small animals shall not be placed closer to any side street line than the main building, and in no case shall be placed closer than ten feet from any property line unless greater setbacks are required by the zoning district.

- f. **Not a secondary dwelling.** An accessory building does not include a secondary dwelling as defined in Section 28-10.
- f. **Sequence of construction.** A residential accessory building, including a dwelling space accessory building, ~~Accessory structures~~ shall not be constructed on a lot until construction of the primary dwelling has commenced.~~a principal use has been established on the lot, and an accessory structure shall not be used unless the principal use has been established.~~

SECTION IV

Section 28.72 is repealed in its entirety and replaced with a new Section 28.72 as shown in Exhibit A, attached hereto and incorporated by reference.

SECTION V

Section 28.97(K) is deleted in its entirety and replaced with a new Section 28.97(K) as follows:

- K. In any R District, the side or rear yard requirements may be reduced for an accessory building, other than an animal shelter, provided that such building shall not be located closer to any property line than 5 feet, or to the same distance as a permitted primary dwelling on the same parcel, whichever is less.

SECTION VI

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

SECTION VII

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 VIII

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 on May 12, 2015 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: _____
Jeanette Bellinder, Chief Deputy Clerk

28.72 RESIDENTIAL USES

28.72.10 Dwellings

A. General Requirements

1. Minimum development standards for dwelling units.

- a. All dwellings shall conform to the following minimum development standards:
 - (1) Except as otherwise provided for in this section, each dwelling shall have a minimum gross floor area of one thousand square feet.
 - (2) Exterior siding shall be a material commonly found in conventionally built residential structures. Metal sidings with a shiny or metallic appearance are not allowed. Siding shall extend to the ground or to the solid concrete or masonry perimeter foundation. Foundation or skirting materials simulating brick, concrete block or stone are permitted.
 - (3) Roof eave or gable overhang shall be not less than twelve inches measured horizontally from the vertical side of the dwelling.
 - (4) Roofing material shall be limited to materials commonly found on conventionally built residential structures. Roofing material with a shiny, metallic appearance is not allowed. The minimum pitch of the roof shall be three inches vertical to twelve inches horizontal.
 - (5) The finished first floor of the dwelling shall be a maximum of thirty inches from the exterior finished grade of the lot measured from its highest level where it supports the dwelling.
 - (6) A two-car enclosed garage shall accompany each primary dwelling, and the siding and roofing materials shall match the dwelling.
- b. Should the Zoning Administrator determine that a dwelling unit does not meet these minimum development standards, zoning consistency approval of the building permit shall not be granted.

2. Minimum Architectural Standards *(See Section 28.91)

3. **Exception.** A maximum of one single-family dwelling may be built on a parcel that existed and was designated "Agricultural" by the General Plan as of January 1, 1984, provided that the owner demonstrates compliance with all other applicable County requirements.

B. Specific Requirements

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

1. Primary Dwelling (reserved)

2. Secondary Dwelling

A secondary dwelling, as permitted in the applicable zoning district, must meet the development standards delineated within the applicable zoning district, as well as the following specific development standards:

- a. **Maximum Size.** The maximum size of the secondary dwelling shall not exceed the following maximum sizes:

Maximum Size for a Secondary Dwelling	
(R-TC) Districts	850 Square Feet
(R-R) Districts	1,500 Square Feet
(A)(A-SM)(A-SV) Districts	1,800 Square Feet

- b. **Minimum Lot Size.** The minimum lot size for a secondary dwelling shall be 7,500 square feet.

- c. **Secondary Dwelling and Temporary Dwellings.** Only one secondary dwelling is allowed on a lot, except when any of the following temporary uses may be additionally permitted:

(1) **Temporary Use of a Dwelling during Construction.** Use of an existing dwelling while the replacement dwelling is under construction, in accordance with Section 28-72.20A and B6.

(2) **Temporary Dwelling during Construction.** Use of temporary dwelling while the primary dwelling is under construction, in accordance with Section 28-72.20A and B7.

- d. **Secondary Dwellings and Companion Living Units.** A secondary dwelling shall not be allowed on a lot that has a companion living unit or other similar accessory housing unit.

- e. **Attached / detached secondary lining units.** A secondary dwelling may be a detached structure or may be attached to another building on the same lot. If attached to another building, a separate exterior entrance shall be provided, independent from the entrance for the building to which it is attached.

- f. **Not allowed with companion living unit.** A secondary dwelling shall not be allowed on a parcel that has a companion living unit or other similar accessory housing unit.

3. Duplex or Multi-Family Dwellings (reserved)

4. Dwelling Group

Dwelling groups located on the same parcel in the R-TC-MF district, must meet the applicable development standards delineated in Table 28-26C and the specific building setback and siting requirements as follows:

- a.** Where the front of a building abuts the rear of another building (i.e., a front-to-back series) in a dwelling group on the lot, the minimum building separation shall be 20 feet, and the yard providing access shall be no less than 8 feet.
- b.** Where both the front and rear of a building abut a side yard (i.e. a single row side-to-side series) in a dwelling group on the lot, the side yard providing access shall have a width of not less than 12 feet.
- c.** Where the rear of a building abuts a side yard and the front faces a court (i.e. a double row side-to-side series) in a dwelling group on the lot, the court shall have a width of not less than 20 feet.
- d.** Buildings within a dwelling group on the lot shall be separated by a minimum distance of 10 feet.
- e.** No building in any group shall be located on the lot such that the rear thereof abuts on any street right-of-way.
- f.** Distances required between buildings and as yards and courts for dwelling groups on the lot shall be increased by two feet for each story that the height of any building or dwelling group on the lot exceeds two stories.

5. Floating Home

- a.** Floating homes must be located within and part of a marina and shall contain no more than one dwelling unit. No living or storage space may be located below the water line
- b.** Must be connected to an approved electrical, water and sewage disposal systems.
- c.** The float area shall not exceed a maximum 1,200 sq ft.
- d.** The floatation system shall be designed according to accepted marine engineering principles by a licensed engineer.
- e.** The height of the floating home shall not exceed 21 ft. at highest point measured from water level.
- f.** A 10 ft. minimum distance shall be maintained between floats or walls. A 10 ft. minimum distance shall be maintained between walls of FM home on opposite sides of moorage walkway. A 5 ft. minimum distance shall be maintained between floating home and any lot line.

- g. No part of the floating home may be further extended over water beyond float edge.
- h. A floating home shall abut at least 20 feet wide open navigable water.
- i. Clearance at zero tide (hydrographic datum – the level of lowest normal tides) shall be a minimum 2 foot of water depth beneath the floating home.
- j. No accessory float structures are permitted.
- k. A minimum of two off street parking spaces per floating home.

6. **Existing Nonconforming Dwellings**

- a. **Non-conforming Secondary Dwelling.** A secondary living unit legally existing on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, which does not comply with the size or setback requirements of this Section shall be considered legal non-conforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). Such use may continue, provided that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.
- b. **Non-conforming Guest House.** A guest house legally existing on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, 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”).
- c. **Non-conforming Companion Living Unit.** A companion living unit legally existing on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, pursuant to an approved conditional use permit, may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) the unit is installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the unit does not meet the size or setback requirements of this Section, it shall be considered legal non-conforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). If an existing companion

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

- d. **Secondary Dwelling and Companion Living Unit.** If both a secondary living unit and a companion living unit legally exist on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, the secondary living unit shall be considered the secondary dwelling on the lot and the companion living unit may continue on the lot as a temporary dwelling for the remaining term of the conditional use permit.
- e. **Time Extensions.** A companion living unit legally existing on the lot prior to March 13, 2011, pursuant to an approved conditional use permit which expires, may be extended for a temporary period, not to exceed two years, upon securing a minor use permit, provided:
 - (1) All of the findings made in the original use permit still apply.
 - (2) The property owner and the occupant of the companion living unit have not changed since the original issuance of a use permit. (note: time extension not in RR)

28.72.20 TEMPORARY DWELLINGS

A. General Requirements

This section reserved

B. Specific Requirements

The specific temporary residential uses listed below shall comply with the following specific standards:

1. Security Quarters During Construction

- a. **Standards.** A recreational vehicle, manufactured home or commercial coach may be used, on a temporary basis, to provide security quarters during construction of a permitted use, provided the following standards are met:

- (1) Building permits have been issued for the construction of the structures,
- (2) Only one security coach or vehicle shall be allowed on the site,
- (3) The security coach or vehicle shall be removed upon completion of construction of the structures.
- (4) A recreational vehicle shall be connected to permanent power and utilities provided by the installation of an RV pad. The RV pad shall be removed at the completion of construction of the structures.

2. **Temporary dwellings.** Temporary dwellings may be permitted in any A-L, MP, R-E, P and M-G districts for a temporary, fixed term corresponding to the circumstances of the particular case, and provided a use permit is first secured by the owner of the lot in each case except that a temporary dwelling may be utilized on any such site to provide emergency replacement housing in the event of loss due to fire, flood or other disaster for up to 18 months, with written approval from the Zoning Administrator and without the granting of a use permit.

3. Temporary Emergency Dwelling

Temporary dwelling may be utilized provide emergency replacement housing on any lot where a dwelling is destroyed due to fire, flood or other disaster for a period of up to 18 months.

4. Temporary Manufactured Home Storage

Temporary storage of a manufactured home shall comply with the following conditions and standards:

- a. The number of units stored shall be limited to one (1) per ownership.
- b. The term of a permit shall not exceed one (1) year. In no case shall more than two (2)

six month time extensions be granted or a successive permit is issued.

- c. All utilities must be disconnected and remain disconnected from a stored manufacture home.
- d. All appurtenances shall be removed including skirting, decking, and awnings.
- e. A stored manufactured home shall not be occupied or otherwise utilized.
- f. Posting of security satisfactory to the Zoning Administrator to guarantee performance of any conditions.

5. Temporary Occupancy of Existing Dwelling while Replacement Dwelling is under Construction

- A. In any district where one-family dwellings are an allowed use, an owner may occupy an existing dwelling for the term of construction of the replacement dwelling provided that:
 - (1) **Standards.** The replacement dwelling shall comply in all respects with yard, building, location, height and parking space requirements of this Chapter.
 - (2) **Written Agreement.** The owner executes a written agreement with the County guaranteeing the demolition and removal of the existing dwelling.
 - (3) **Security Deposit.** The owner shall, upon execution of the agreement, deliver to the County a Certificate of Deposit, faithful performance bond with an insurance company authorized to do business in the state, or make a cash deposit with the Treasurer of the County in the amount of money provided for in the agreement. The certificate, bond or cash deposit shall be in such amount as will be sufficient to accomplish such demolition and removal by the owner upon completion of the replacement dwelling or by the County in case the agreement is breached by the owner. The decision of the Zoning Administrator or Planning Commission as to the amount of deposit required shall be final.
 - (4) **Access.** The owner shall, in the agreement, consent to agents and employees of the County entering upon his land and demolishing and removing existing dwelling if owner fails to remove such dwelling as stipulated in the agreement.

6. Temporary Single Family Dwelling

Temporary single family dwelling may be permitted for a temporary, fixed term corresponding to the circumstances of the particular case when the primary dwelling is under construction.

- a. **Development Standards.** Dwelling must be consistent with the development standards of the applicable zoning district.
- b. **Temporary Foundation.** Dwelling must be placed on a temporary foundation.

28.72.30 RESIDENTIAL ACCESSORY USES AND BUILDINGS

A. General Requirements

This section reserved

B. Specific Requirements

1. Accessory Buildings and Uses (Moved from 28.72.10)

Residential accessory buildings and uses, subject to the provisions within the applicable zoning district, shall comply with the following standards:

- a. **Attached Accessory Structure.** An accessory building attached to the main building shall comply in all respects with the requirements of this Chapter applicable to the main building.
- b. **Detached Accessory Structure.** An accessory building detached from the main building shall be located sixty feet from the front property line or on the rear fifty percent of the lot, unless otherwise specified in the applicable zoning district.
- c. **Side and Rear Setback Waiver.** The side and rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building, and such buildings, in the aggregate, shall not exceed the maximum site coverage in the rear yard for the main building as may be specified in the applicable zoning district. Waiver of said requirements shall be subject to notice as set forth in Section 14 (f) of this Chapter.
- d. **Setback from Main Building.** An accessory building shall not be located closer than ten feet from the main building; except in the W district, the distance shall be thirty feet. Stables shall be located at least twenty feet from the main building.
- e. **Animal Shelter Setbacks.** An accessory building for the shelter of small animals shall not be placed closer to any side street line than the main building, and in no case shall be placed closer than ten feet from any property line unless greater setbacks are required by the zoning district.
- f. **Living Spaces Accessory Structures.** In any A or R district, an accessory building that includes an art or music studio, recreation or exercise room, office, or other similar use, including a pool house in any R district, if allowed by the zoning district in which it is located, shall comply with the following standards:
 - (1) **Number of Accessory Structures.** Only one accessory building shall be allowed on a lot.
 - (2) **Living Unit Prohibited.** The building shall not be designed for, or used as, a living or sleeping quarters, or commercial use, unless otherwise allowed by this Chapter.

(3) **Number of Bathrooms.** Shall not contain more than one bathroom.

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

g. **Not A Secondary Dwelling.** An accessory building does not include a secondary dwelling as defined in Section 28-10.

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

2. Second Kitchens

The following regulations shall apply to all second kitchens in dwellings:

- a. A second kitchen may be approved only for a detached, single-family dwelling, and a dwelling shall not have more than one second kitchen.
- b. The second kitchen must be for the use of the family occupying the dwelling unit.
- c. The second kitchen shall not be used for any commercial purposes other than a licensed home occupation.
- d. The second kitchen must be arranged and located to be available for use by, and readily accessible to, all residents of the dwelling. The second kitchen shall not have primary access from a bedroom or other private area of the dwelling, or any similar arrangement that could limit its use to only some of the residents.
- e. The dwelling in which the second kitchen is located must have only one electric service drop and electric meter, one water meter if the dwelling is served by public water, and one assigned address.
- f. The dwelling in which the second kitchen is located may not be represented in any way as having a secondary dwelling or any other quarters that can be rented or otherwise used as a private, separate or independent living area.
- g. An application for a second kitchen shall be approved by the Zoning Administrator, without a public hearing, if the kitchen satisfies the requirements of this subsection and the required application fee has been paid.
- h. Upon approval of a second kitchen, the property owner shall enter into an Agreement for Registration of Second Kitchen with the County, on a form to be provided by the Department of Resource Management, and such Agreement shall be recorded with the County Recorder. The Agreement will remain in effect, and will be binding on all future owners of the property, unless/until the second kitchen is removed from the dwelling in compliance with County Building Codes.

3. Kennels, Catteries, Stables and Other Small Animal Uses

a. Grazing or Keeping of Animals Other Than Hogs

Grazing, or keeping of animals, when permitted in an R district shall comply with the following standards:

- (1) **Minimum Parcel Size.** The parcel size shall be one acre or greater.
- (2) **Maximum Number of Animals.** The number of animal units shall not exceed two animal units per acre of ownership.
- (3) **Limitations on Number of Horses.** The minimum lot area upon which two or fewer horses may be kept is one acre. One additional horse may be kept for each twenty thousand square feet by which the parcel of land exceeds one acre.
- (4) **Keeping of Hogs Prohibited.** Hogs are not permitted.
- (5) **Setbacks.** Private stables shall be located no closer than twenty (20) feet from the side and rear lot lines, and no closer than sixty (60) feet from the front lot line, and no less than twenty (20) feet from any dwelling unit on the property. Corrals shall be located on the rear half of the lot.

b. Hog Raising, Residential

The raising of hogs incidental to a dwelling in any R district, must meet the following specific development standards:

- (1) **Maximum Parcel Area.** The parcel upon which the hogs are kept shall contain a minimum of two net acres.
- (2) **Maximum Number of Animals.** The total number of hogs kept on such parcel shall not exceed three, one of which may be a brood sow.
- (3) **Limitations on Litters.** In the event that the brood sow farrows, the litter resulting there from shall be allowed to remain on the premises until the litter is weaned, but in no event for a period longer than ninety days.
- (4) **Operational Requirements.** The hogs shall be kept in a clean and sanitary manner, free of offensive odors, flies and rodents as shall be determined by the County department of public health.
- (5) **Setbacks.** The hogs shall be kept within a secure enclosure which is located within the rear half of the parcel and maintained at least two hundred (200) feet from all property lines and at least one hundred (100) feet distance from any water well.

c. Kennels and Catteries, Small

Small kennels and catteries shall:

- (1) Manage storm water to prevent feed and manure from entering any natural or constructed storm water facility, canal, creek, lake, pond, stream or river,
- (2) Maintain a setback of 200 feet from any lot for all activities, buildings and uses of the land,
- (3) Employ best practices to ensure that stray dogs or cats do not trespass onto adjacent public rights-of-way or private lands.
- (4) Regulate, control or prohibit the 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

d. Small Animal Husbandry

Small animal husbandry shall meet the following standards::

- (1) **Maximum Number of Animals.** The total number of small animals kept on one parcel shall not exceed twenty (20) per acre.
- (2) **Operational requirements.** Small animals shall be kept in a clean and sanitary manner, free of offensive odors, flies and rodents as shall be determined by the Department of Resource Management.
- (3) **Limitations on Noise.** Small animals that create noise audible on adjacent properties that is deemed by the County to be excessive or not in harmony with the suburban environment shall be confined within enclosures adequate to reduce noise levels such that the noise does not create a public nuisance to surrounding properties.
- (4) **Maximum Number of Roosters.** No more than one (1) rooster per acre may be kept, providing further that no more than 4 roosters may be kept.
- (5) **Setbacks.** Small animals that are confined shall be kept within enclosures located at least sixty (60) feet from the front property line, and at least twenty (20) feet from side and rear property lines.

e. Stable, Private

- (1) **Minimum Lot Area.** The minimum lot area upon which two or fewer horses may be kept is one acre. One additional horse may be kept for each twenty thousand square feet by which the parcel of land exceeds one acre.
- (2) **Setbacks.** Private stables shall be located no closer than twenty feet from the side and rear lot lines, and no closer than sixty feet from the front lot line, and no less than twenty feet from any dwelling unit on the property. Corrals within any TC

Exhibit A: NEW SECTION 28.72

district shall be located on the rear half of the lot. Private stables shall conform to the development standards in Table 28-70A below:

Table 28-70A Development Standards for PRIVATE STABLES

	Minimum Distance from any Dwelling Unit	Minimum Distance from Side and Rear Property Lines*	Minimum Distance from Front Property Lines*
Use			
Pens for no more than one horse; Barns and other similar shelters <u>for nine horses or less</u>	20 feet	20 feet	60 feet
Corrals, paddocks, riding rings and other similar horse arena arenas	20 feet	60 feet	60 feet
<i>* Where the front property line lies within a county road easement, the setback shall be measured from the outer easement line.</i>			

28.72.40 Home Occupations, Cottage Industries and Other Commercial Uses

A. General Requirements

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

1. **Access.** Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion; All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way. and,
1. **Food and Beverage.** Food and/or beverages provided for sale and/or consumption must meet all federal, state and local regulations.
2. **Parking.** Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
3. **Permit Requirements.** Shall obtain all necessary approvals with other County departments and from the applicable fire protection district, if required, prior to operation.
4. **Prevent Storm Water Pollution.** Shall manage storm water to prevent any processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
5. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
6. **Signs.** All signs shall be installed in accordance with the requirements of Section 28.96.

B. Specific Requirements

The specific uses listed below shall comply with the general requirements (A.1-6) above and the following specific standards:

1. Cottage Industries

a. Purpose of Regulations

These Cottage Industry regulations provide for the accessory use of a dwelling or accessory building(s) on the same parcel as the dwelling for gainful employment involving limited amounts of manufacturing or sales of goods or services. The use must be clearly incidental and secondary to the use of the premises for residential purposes and must not change or adversely affect the residential or rural character of the property or its surroundings.

b. Types of Cottage Industries

There are two classes of Cottage Industry:

Cottage Industry – Limited, and

Cottage Industry - General

c. Use Permit Required

Cottage Industries may be permitted in zoning districts as specified in this Chapter, upon issuance of a Use Permit. A business license is first secured pursuant to Chapter 14 of this Code prior to operation of a Cottage Industry.

A Use Permit for a Cottage Industry may be granted for an unlimited period of years, unless the Zoning Administrator or Planning Commission determines that a shorter period is more appropriate to ensure conformance with the intent and standards of this Section or other applicable requirements.

The Zoning Administrator shall be the hearing authority for Cottage Industry-Limited permits and the Planning Commission shall be the hearing authority for Cottage Industry-General Use Permits.

b. General Requirements for all Cottage Industries

- (1)** The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes. Only a resident-occupant of an existing on-site primary residence may operate a cottage industry; a cottage industry cannot exist in the absence of a dwelling unit.
- (2)** Cottage industries shall not produce evidence of their existence in the external appearance of the dwelling, accessory structures or premises, or in the creation of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood.
- (3)** The conduct of cottage industries shall not prevent the use of the required garage or parking spaces for vehicle parking on a daily basis.
- (4)** The site of the cottage industry shall have direct access to a public road or access from an adequate private road. Where access to the site is by private road, the applicant for the cottage industry permit must demonstrate either (1) active financial participation in a road maintenance association, or (2) written consent to use the private road for business purposes from all co-owners of the private road easement.
- (5)** A maximum of one cottage industry per parcel shall be allowed.

- (6)** All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials or products as specifically provided by the use permit, when completely screened from the street and adjoining properties. Any accessory building used for a cottage industry must comply with applicable building codes.
- (7)** No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood. The Zoning Administrator or Planning Commission may impose performance standards to address these requirements. Performance standards may include additional setbacks to property lines, screening, soundproofing, restricted hours of operation, or other measures that mitigate the impacts of the business.
- (8)** No land or building 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.
- (9)** The applicant shall submit plans and a complete statement of any 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.

c. **Specific Standards for Cottage Industries – Limited.**

Cottage Industries—Limited shall conform to the following additional requirements:

- (1)** Not more than two (2) employees may work on the premises in addition to the members of the family residing on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.
- (2)** The total area occupied by the cottage industry, including storage, shall not exceed one thousand five hundred (1,500) square feet.
- (3)** There shall be no change in the outside appearance of the building used for the cottage industry or premises, except one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.
- (4)** A maximum 500 square foot area may be devoted to retail sales. Retail sales are only allowed on site when the merchandise sold was produced by the operator of the cottage industry or is incidental to a service provided by the operator. Businesses that purchase goods wholesale may store those goods on the property, but may not conduct retail sales on the property; such transactions must occur by

telephone, online, and by mail. Not more than three (3) delivery vehicles shall access the premises each day.

- (5) The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle and two personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for any retail area. This parking area does not count toward the 1,500 square foot limitation.
- (6) A maximum of three large vehicles and one trailer per large vehicle may be kept on the property in connection with a cottage industry. Large vehicles are defined as having a gross vehicle weight rating (GVWR) in excess of 14,000 pounds. Such vehicles may only be stored in an enclosed building in connection with a cottage industry. Storage of large vehicles shall be counted as part of the square footage of a cottage industry.
- (7) Customers or clients may come to premises during the hours 8:00 a.m. to 6:00 p.m.

d. **Specific Standards for Cottage Industries—General.**

Cottage Industries—General shall conform to the following requirements:

- (1) Not more than three (3) employees may work on the premises in addition to the members of the family residing on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.
- (2) The total area occupied by the cottage industry, including storage, shall not exceed three thousand (3,000) square feet
- (3) The parcel on which the cottage industry is conducted must be at least four acres in size, excluding roads, canals, or railroad rights of way.
- (4) A maximum 1,000 square foot area may be devoted to retail sales. Retail sales are only allowed on site when the merchandise sold was produced by the operator of the cottage industry or is incidental to a service provided by the operator. Businesses that purchase goods wholesale may store those goods on the property, but may not conduct retail sales on the property; such transactions must occur by telephone, online, and by mail. Not more than three (3) delivery vehicles shall access the premises each day.
- (5) The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle belonging to the operator and three personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for every 500 square feet of retail area. This parking area shall not count toward the 3,000 square foot limitation.

- (6)** A maximum of three large vehicles and one trailer per large vehicle may be kept on the property in connection with a cottage industry. Large vehicles are defined as having a gross vehicle weight rating (GVWR) between 14,001 lbs. and 26,000 lbs. Such vehicles may only be stored in an enclosed building in connection with a cottage industry. Storage of large vehicles shall be counted as part of the square footage of a cottage industry. Vehicles with a GVWR exceeding 26,000 lbs. may not be stored on the property in connection with a cottage industry.
- (7)** No more than one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.
- (8)** Two or more separate businesses, with separate business licenses, may be permitted as a single cottage industry. However, when added together, those businesses cannot exceed the limitations set forth above for a single cottage industry;
- (9)** Customers or clients may come to premises during any the hours 8:00 a.m. to 6:00 p.m.

e. **Prohibited Uses.**

The following uses shall not be permitted as Cottage Industries:

- (1)** Outside storage of materials and equipment other than permitted vehicles
- (2)** Concrete crushing, batching or mixing,
- (3)** Corporation yards,
- (4)** Motor vehicle and other vehicle repair or maintenance conducted outside,
- (5)** Storage of motor vehicles, boats, trailers, mobile or manufactured homes for hire,
- (6)** Welding and machining conducted outside,

Any other use that is not incidental to the residential use of the property or is not compatible with the residential character of the neighborhood.

2. **Home Occupations**

a. **Purpose of Regulations**

These Home Occupation regulations provide for the accessory use of a dwelling or accessory building(s) on the same parcel as the dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services. The use must be clearly incidental and secondary to the use of the premises for residential purposes and must not change or adversely affect the residential or rural character of the property or its surroundings. A use permit is not required to conduct a home occupation; however, such use shall be subject to all conditions of this Chapter generally, such as off-street

parking, and all other permits required under County Code, such as building permits and business licenses.

Home occupations may be allowed in any district allowing a residential dwelling, provided a business license is first secured pursuant to Chapter 14 of this Code. In approving a business license, the Business Licensing Officer must find that the proposed activity will conform to all requirements set forth in this Section. In making this finding, the Business Licensing Officer shall rely on the recommendation provided by the Department of Resource Management.

b. Types of Home Occupations

There are two types of Home Occupations, as follows:

Type I Home Occupation, and

Type II Home Occupation

c. Type I Home Occupations

Type I Home Occupations are service-type businesses which require a home office and may require storage of supplies utilized in the business. A Type I Home Occupation requires a business license prior to commencing operations. Type I Home Occupations must comply with the following standards:

General Standards – Type I Home Occupations

- (1)** The particular uses conducted as a Type I Home Occupation, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
- (2)** The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. All aspects of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises. The square footage allocations are as follows:
 - i.** The total area used for the home occupation, exclusive or incidental storage, shall not exceed four hundred forty (400) square feet of the habitable floor area of the dwelling. The home occupation may be conducted within a detached building otherwise allowed by zoning and in compliance with applicable building codes, as long as its square footage does not exceed 400 square feet.
 - ii.** Incidental storage in an accessory structure not exceeding 120 square feet shall be allowed.
 - iii.** Incidental storage in the required enclosed two-car garage shall be permissible, provided that two cars can still be parked in the garage.

- (3) There shall be no merchandise offered for sale, except that produced on the premises. Internet-based businesses that do not involve the storage of product on site are exempt from this requirement.
- (4) No person other than members of the family residing on the premises shall be engaged in the home occupation.
- (5) No clients or customers shall come onto the property in conjunction with the business.
- (6) The use shall not generate traffic in excess of that normally associated with the residential use. Heavy commercial vehicles shall not be used in the home occupation for delivery of materials to or from the premises.
- (7) No more than one vehicle or truck with a maximum one ton capacity and one trailer shall be permitted on the site in conjunction with any home occupation.
- (8) No mechanical or electrical equipment shall be employed other than machinery or equipment typical of the type or specifications used in a hobby or a vocation customarily conducted within the confines of a dwelling unit.
- (9) The use shall not generate noise, odor, dust, glare, vibration or electrical interference to neighboring properties, or constitute a nuisance, or be detrimental to the health, safety, peace, morals, comfort or general welfare of the public.

d. Type II Home Occupations

Type II Home Occupations may involve retail sales of merchandise and service type businesses which require a home office and may require storage of supplies utilized in the business as well as inventories of merchandise. A Type II Home Occupation requires both a business license and a Home Occupation permit prior to commencing operations. Type II Home Occupations must meet the following standards:

General Standards – Type II Home Occupations

- (1) The particular uses conducted as a Type II Home Occupation, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
- (2) The home occupation shall not result in any change in the outside appearance of the building or premises, or other visible evidence of the conduct of such occupation, other than one (1) non-illuminated sign not exceeding two (2) square feet.
- (3) The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. All aspects of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises. The square footage allocations are as follows:

- i. The total area used for the home occupation, exclusive of incidental storage, shall not exceed six hundred forty (640) square feet of the habitable floor area of the dwelling. The home occupation may be conducted within a detached building otherwise allowed by zoning and in compliance with applicable building codes, as long as its square footage does not exceed 640 square feet.
 - ii. Incidental storage in an accessory structure not exceeding 120 square feet shall be allowed.
 - iii. Incidental storage in the required enclosed two-car garage shall be permissible, provided that two cars can still be parked in the garage.
- (4) The sale of merchandise not produced on the premises (except mail order and Internet-based businesses) shall be incidental and accessory to the merchandise or service produced by the home occupation.
- (5) No person other than members of the family residing on the premises shall be engaged in the home occupation, provided, however, that one (1) employee shall be permitted when the property on which the home occupation is located is a minimum of two net acres in size.
- (6) Not more than ten (10) customers or clients shall come to the premises during any one (1) day, restricted to the hours 8:00 a.m. to 8:00 p.m. Not more than three (3) delivery vehicles shall access the premises each day. Businesses shall operate Mondays through Saturdays. Businesses receiving clients on the property shall provide one additional on-site parking space beyond those required for any dwellings located on the property.
- (7) The use shall not generate traffic in excess of that normally associated with the residential use. Heavy commercial vehicles shall not be used in the home occupation for delivery of materials to or from the premises.
- (8) No more than one vehicle or truck and one trailer per truck with a maximum one ton capacity shall be permitted in conjunction with any home occupation.
- (9) No mechanical or electrical equipment shall be employed other than machinery or equipment typical of the type or specifications used in a hobby or a vocation customarily conducted within the confines of the dwelling unit.
- (10) The use shall not generate noise, odor, dust, glare, vibration or electrical interference to neighboring properties, or constitute a nuisance, or be detrimental to the health, safety, peace, morals, comfort or general welfare of the public.

3. Rural Resident Enterprise

Rural resident enterprises may be allowed in the Suisun Marsh Agricultural (A-SM) districts upon securing a land use permit, provided the conditions of this Section and all other provisions of this Chapter have been or will be met. It is the intent of this Section that such uses be limited to small-scale home business activities which are clearly

secondary to residential use of the property, do not conflict with the rural character of surrounding properties, or create impacts associated with commercial and industrial uses. Rural resident enterprises are uses which clearly do not compete with commercially or industrially zoned properties and are not likely to expand.

- a. Uses shall not exceed a total area of one thousand five hundred square feet of contiguous indoor or outdoor space of which a maximum of five hundred square feet may be devoted to retail sales or services directly involving customers.
- b. Enterprises shall be operated by the resident family only, and there shall not be more than one nonresident employee on site.
- c. Uses shall not be allowed which generate significant amounts of traffic. A permit on a private road which involves an increase in traffic may be approved by the Planning Commission only after evidence is shown that the proposed use will not unduly burden adjacent property owners on the private road.
- d. Uses which generate traffic beyond that normally associated with rural areas or which may have impacts associated with increased lighting or noise shall be limited to daytime hours.
- e. Enterprises shall remain secondary to the residential use of the property and shall be located behind the front building line of the residence, and a minimum of twenty feet from side property lines and twenty-five feet from rear property lines.
- f. When enterprises are to be contained within a building or area exceeding the allowable size limitations, that area to be used for the enterprise shall be physically separated from the remaining area and in no case shall an existing garage be converted to a rural resident enterprise unless additional enclosed parking is provided in conformance with the County's parking standards.
- g. Signs shall be limited to one non-illuminated name plate not to exceed twenty square feet mounted on or directly adjacent to the residence or proposed use. No advertising signs shall be permitted.
- h. Areas dedicated to outside storage or use shall be adequately screened or fenced so as not to have a visual impact on neighboring properties.
- i. Adequate parking shall be provided as determined necessary by the Zoning Administrator or Planning Commission. Access to the enterprise shall be limited to the existing residential driveway.
- j. Industrial uses, including uses involving heavy machinery, trucking and transportation operations, or uses which involve the use, storage or disposal of hazardous materials, chemicals or other objectionable elements, shall not be permitted.

4. Temporary Subdivision Sales Office

- a. **Hours of Operation.** Shall be limited to 9:00am until 6:00 pm Mondays through Sunday.



Solano County

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

Agenda Submittal

Agenda #:	2	Status:	PC-Regular
Type:	PC-Document	Department:	Planning Commission
File #:	PC 18-025	Contact:	Jim Leland - 784-6765
Agenda date:	6/7/2018	Final action:	
Title:	Public Hearing to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-18-01b (Accessory Dwelling Unit Ordinance), amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update land use regulations for secondary dwellings in Residential and Agricultural zoning districts. (Attachment A: Secondary Dwelling Unit Ordinance)		

Governing body:

District:

Attachments: [A - DRAFT ORDINANCE MARKUP Secondary Dwelling Unit Ordinance](#)

Date	Ver.	Action By	Action	Result

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 adopt the proposed Ordinance, Zoning Text Amendment No. ZT-18-01b (Accessory Dwelling Unit Ordinance), amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update land use regulations for secondary dwellings in Residential and Agricultural zoning districts (Attachment A: Secondary Dwelling Unit Ordinance).

SUMMARY:

On January 1, 2017, new state legislation went in to effect mandating certain minimum requirements for any local zoning regulations pertaining to accessory dwelling units. The main effect of the legislation was to cap, at 1,200 square feet, the size of any secondary dwelling permitted by a city or county. This new legislation went into effect January 1, 2018. The legislation also imposed several restrictions and requirements which local government must meet in any local ordinance regulating secondary dwellings. Prior to this legislation, secondary dwellings could be permitted up to 1,800 square feet in certain Solano County zoning districts.

The legislation permits local agencies to adopt secondary dwelling unit regulations with different size limitations providing the local ordinances comply with all of the state's rules. Staff has prepared two ordinances which, together, restore the maximum sizes for secondary dwellings which were in effect prior to January 1, 2018 and add the mandated restrictions and requirements imposed by the State.

Staff has prepared and is recommending adoption of two separate ordinances to address secondary dwelling units.

The first ordinance (previously considered) reformats Section 28.72 (Dwellings) in order to isolate the secondary dwelling requirements into a single subsection of the County Code. In addition, certain minor revisions to definitions and regulations for accessory buildings are included.

The second ordinance (subject of this report) addresses new requirements for secondary dwellings.

FINANCIAL IMPACT:

The costs for preparation of these ordinance amendments are included in the Department of Resource Management's approved Budget for FY2017/2018.

DISCUSSION:

Background

An accessory dwelling unit (ADU) also known as a "granny flat", "in-law unit", or in the case of Solano County, a "secondary dwelling unit", is a permanent second unit with a full kitchen and bathroom on the same lot as the primary dwelling.

In September 2016, Governor Brown signed two legislative acts that comprised the new law governing ADUs, AB 2299 and SB 1069, both of which came into effect on January 1, 2017. In October 2017, two additional legislative acts, AB 494 and SB 229, were signed into law and came into effect on January 1, 2018. The new statutes amended various sections of Government Code section 65852.2 which regulates accessory dwelling units.

As a result of the legislation mentioned above, any local ordinance not in compliance with the new state standards was invalidated and the state regulations became the default local regulations. The County of Solano has had regulations permitting secondary dwellings for decades. However, the County's regulations were not in full compliance with the new state requirements and, consequently, beginning on January 1, 2018, the County has operated under the state rules for secondary dwellings.

The primary impact of this change is that the maximum size of secondary dwellings has been capped at 1,200 square feet. Prior to January 1, 2018, the local rules permitted secondary dwellings of up to:

1. 850 square feet in the R-TC Districts,
2. 1,500 square feet in the R-R Districts, and
3. 1,800 square feet in most of the agricultural districts.

Discussion

Under the State ADU Legislation, the County of Solano is permitted to adopt new local accessory dwelling regulations which modify certain aspects of the default regulations imposed by the State on January 1, 2018, so long as the County's new rules address all of the requirements embodied in the State legislation.

County Approach

The County has an interest in re-establishing its former maximum square footage standards which existed prior to January 1, 2018. Accordingly, staff has prepared draft ordinances to accomplish that objective. The County of Solano zoning regulations contained in Chapter 28 are organized around five major topics, as follows:

1. Article I - Definitions and other general provisions,
2. Article II - Individual zoning districts with tables for allowable uses and development standards,
3. Article III - Specific land use regulations,
4. Article IV - Miscellaneous site development and other standards, and
5. Article V - Permit rules and operations

Staff is recommending a two stage approach to updating the secondary dwelling unit regulations contained

within the County Zoning Ordinance which include:

1. Introduction of an Ordinance which reformats the existing regulations for all dwellings, makes minor adjustments to the regulations pertaining to their accessory, subordinate and related land uses and adds or revises definitions contained within the code. This ordinance was previously considered prior to the subject ordinance being presented with this staff report.
2. Introduction of an Ordinance which establishes new regulations for secondary dwelling units consistent with current state legislation (subject of this staff report). This ordinance, if adopted, will be filed for information purposes with the State as required by state legislation.

Zone Text Amendments Summary (See Attachments A and B)

The amendments to Chapter 28 fall into three broad categories;

- 1) Revisions and additions to definitions in Article I, Section 28.01(Definitions)
- 2) Revisions and additions to the secondary dwelling unit regulations in Article III (Development Standards)

Each of these categories is summarized below:

1. Revisions and Additions to Definitions in Article I, Section 28.01

The proposed revisions to definitions in Section 28.01 include the following:

- a. Duplex.
- b. Dwelling, primary.
- c. Dwelling, secondary

2. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(A)

The proposed revisions include revisions, deletions and additions to each of the following Subsections in Article III, Section 28.72.10 Dwellings:

- a. Deletion and relocation of two development standards from 28.72.10(A)(1) to 28.72.10(B)(2)(b)
- b. Addition of a development standard regarding duplexes and single family dwellings on the same lot
- c. Relocation of an exception to the Secondary Dwelling Subsection, 28.72.10(B)(2)(b)

3. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(B)(1)

The proposed revisions include revisions, deletions and additions to each of the following Subsections in Article III, Section 28.72.10(B)(1):

- a. Addition of two development standards from 28.72.10(A)(1) to 28.72.10(B)(2)(b)
- b. Establish minimum, and maximum sizes for secondary dwellings under 28.72.10(B)(2)(a)

4. Revisions and additions to the secondary dwelling unit regulations in Article III, Section

28.72.10(B)(2)

The proposed revisions include revisions, deletions and additions affecting each of the following topical areas in Section 28.72.10(B)(2):

- a. Minimum and Maximum Sizes,
- b. Minimum Lot Size Required,
- c. Secondary Dwellings and Temporary Dwellings,
- d. Secondary Dwellings and Other Housing Units,
- e. Attached/detached Secondary Units,
- f. Height and Setback Requirements,
- g. Parking,
- h. Landscaping,
- i. Architectural Review,
- j. Historic Resources,
- k. Sale or Rental of a Secondary Dwelling,
- l. Transient Occupancy and other Commercial Activity,
- m. Utilities and Utility Connections, and
- n. Manufactured Home

5. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(B)(6) relating to non-conforming dwellings.

The proposed revisions include revisions, deletions and additions affecting each of the following topical areas pertaining to secondary dwellings.

- a. Non-conforming Secondary Dwelling
- b. Non-conforming Guest House
- c. Non-conforming Companion Living Unit
- d. Secondary Dwelling and Companion Living Unit, and
- e. Time Extensions

General Plan and Zoning Consistency

The 2008 Solano County General Plan (Plan) designates several areas of the County for various types of agricultural and residential land uses. The Plan further defines which zoning districts are consistent with those land use designations. The zoning districts provide for both primary and secondary dwelling units and contain various development standards for each. This ordinance makes very minor changes to those existing regulations and is considered exempt from CEQA under the “general rule”.

Environmental Analysis:

Proposed zoning text amendment ZT-18-01b is exempt from the California Environmental Quality Act in accordance with CEQA Guideline section 15305, minor alterations in land use limitations. The amendment clarifies and restates existing local land use regulations for secondary dwellings, in conformance with new state legislation, without making any significant substantive amendments. A Notice of Exemption will be filed

upon completion of the public hearing process.

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 Fairfield Daily Republic.

ALTERNATIVES:

Alternatives for the:

1. Not to adopt any amendments to Chapter 28 at this time. This alternative is not recommended because the proposed amendments implement state mandated regulations.
2. To consider further or different revisions to what has been prepared as may be directed by the Board.

OTHER AGENCY INVOLVEMENT:

The proposed zoning amendments will also be submitted to the Airport Land Use Commission as required under state law prior to the Board of Supervisors consideration of the ordinance.

Attachments

Attachment A: Draft Ordinance

ORDINANCE NO. 2018 – _____

AN ORDINANCE TO AMENDING CHAPTER 28 (ZONING REGULATIONS) OF THE SOLANO COUNTY CODE TO REVISE AND UPDATE LAND USE REGULATIONS FOR SECONDARY DWELLINGS IN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS

Additions and revisions in the tables are shown in a **red typeface** and deletions are shown as a **strikeout shaded gray**.

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

SECTION I

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

Duplex. A detached building under one roof containing two dwelling units of approximately equal gross floor area designed for, or occupied exclusively by, two families living independently of each other, and separated by a common wall or floor.

Dwelling, primary. If a lot is improved, or proposed to be improved, with two or more detached dwellings, exclusive of employee housing, the first dwelling constructed shall be the primary dwelling unless a later constructed dwelling is larger in gross floor area than an existing dwelling, in which case the larger dwelling shall be the primary dwelling, except in the R-TC-D and R-TC-M districts, where more than one primary dwelling is allowed. Dwelling units within a duplex or multiple-family dwelling structure are not classified as primary or secondary dwellings.

Dwelling, secondary. One additional dwelling unit on the same ownership as the primary dwelling, providing independent living quarters, including sleeping, eating, cooking and sanitation facilities. Either the primary dwelling or the secondary dwelling shall be owner-occupied. If either dwelling is leased, such lease shall not cause the subdivision of the property. A secondary dwelling shall contain no more than eight hundred fifty square feet gross floor area unless otherwise specified by the applicable Zoning District. A secondary dwelling shall not be considered an accessory building or an accessory use, as those terms are defined and used in this Chapter. Includes an accessory dwelling established pursuant to Ordinance No. 1679. An independent dwelling unit that provides complete living facilities for one family and is situated on the same parcel as an existing or proposed primary dwelling. A secondary dwelling may be a detached building, attached to the primary dwelling, or located within the living area of an existing primary dwelling. For purposes of calculating dwelling unit density under zoning or the General Plan, a secondary dwelling shall not be counted as an independent dwelling unit in addition to the primary dwelling. Dwelling units within a duplex or multiple-family dwelling structure are not classified as primary or secondary dwellings.

SECTION II

Section 28.72.10(A) is changed as follows:

28.72.10 Dwellings

A. General Requirements

1. Minimum development standards for dwelling units.

- a. All dwellings shall conform to the following minimum development standards:

(1) Except as otherwise provided for in this section, each dwelling shall have a minimum gross floor area of one thousand square feet.

- (1) Exterior siding shall be a material commonly found in conventionally built residential structures. Metal sidings with a shiny or metallic appearance are not allowed. Siding shall extend to the ground or to the solid concrete or masonry perimeter foundation. Foundation or skirting materials simulating brick, concrete block or stone are permitted.
- (2) Roof eave or gable overhang shall be not less than twelve inches measured horizontally from the vertical side of the dwelling.
- (3) Roofing material shall be limited to materials commonly found on conventionally built residential structures. Roofing material with a shiny, metallic appearance is not allowed. The minimum pitch of the roof shall be three inches vertical to twelve inches horizontal.
- (4) The finished first floor of the dwelling shall be a maximum of thirty inches from the exterior finished grade of the lot measured from its highest level where it supports the dwelling, except for an upstairs unit of a duplex or a secondary dwelling that is located above a primary dwelling or a residential accessory building.
- (6) A two-car enclosed garage shall accompany each primary dwelling, and the siding and roofing materials shall match the dwelling.
- (5) Except in the R-TC-MF district, a duplex and a single-family dwelling may not be located on the same lot.

- b. Should the Zoning Administrator determine that a dwelling unit does not meet these minimum development standards, zoning consistency approval of the building permit shall not be granted.

2. Minimum Architectural Standards *(See Section 28.91)

- 3. **Exception.** A maximum of one single family dwelling may be built on a parcel that existed and was designated "Agricultural" by the General Plan as of January 1, 1984, provided that the owner demonstrates compliance with all other applicable County requirements.

SECTION III

Section 28.72.10(B)(1) is changed as follows:

1. Primary Dwelling

- a. **Minimum Dwelling Size.** Except as otherwise provided for in this section, each dwelling shall have a minimum gross floor area of one thousand square feet.
- b. **Two Car Garage Required.** A two-car enclosed garage shall accompany each primary dwelling, and the siding and roofing materials shall match the dwelling.

SECTION IV

Section 28.72.10(B)(2) is changed as follows:

Secondary Dwelling

A secondary dwelling, as permitted in the applicable zoning district, must meet the development standards **for a dwelling, as** delineated within the applicable zoning district, as well as the following specific development standards:

- a. **Minimum and Maximum Size.** ~~The maximum size of the secondary dwelling shall not exceed the following maximum sizes: Notwithstanding section 28.72.10(A)(1)(a)(1), a secondary dwelling shall comply with the following minimum development standards and maximum gross floor area limits. If the gross floor area of the secondary dwelling is less than 380 square feet, the unit shall be occupied by no more than 2 people and shall provide all of the following features: (i) a living room of not less than 220 square feet of floor area, (ii) a separate closet, (iii) 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 (iv) a separate bathroom containing a water closet, lavatory, and bathtub or shower.~~

Maximum Size Gross Floor Area for a Secondary Dwelling	
(R-TC) Districts	850 Square Feet
(R-R) Districts	1,500 Square Feet
(A)(A-SM)(A-SV) Districts	1,800 Square Feet

Notwithstanding these limits, the gross floor area of an attached secondary dwelling shall not exceed fifty percent (50%) 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 thirty-three percent (33%) of the existing gross floor area of the primary dwelling.

- b. **Minimum Lot Size.** Within any R District, the minimum lot size for a detached secondary dwelling shall be 7,500 square feet. Within any A district, a secondary dwelling shall not be constructed or established on any parcel that is smaller than the minimum parcel size required for the district unless one of the following is applicable: (a) the parcel was created in compliance with law prior to January 1, 1984; (b) the parcel is first merged with contiguous property that is under the same ownership, as of the date of the building permit application, to the maximum extent possible consistent with state law; or (c) the dwelling will replace a properly permitted existing secondary dwelling.
- c. **Secondary Dwelling and Temporary Dwellings.** Only one secondary dwelling is allowed on a lot. A temporary dwelling shall not be located on the same lot as a secondary dwelling except as permitted by sections 28.72.20(B)(2) and (3), except when any of the following temporary uses may be additionally permitted:
 - (1) **Temporary Use of a Dwelling during Construction.** Use of an existing dwelling while the replacement dwelling is under construction, in accordance with Section 28-72.20A and B6.
 - (2) **Temporary Dwelling during Construction.** Use of temporary dwelling while the primary dwelling is under construction, in accordance with Section 28-72.20A and B7.
- d. **Secondary Dwellings and Companion Living Units and Other Housing Units.** A secondary dwelling shall not be allowed on a lot that has a companion living unit, duplex, multiple-family dwelling, rooming or boarding house or other similar accessory housing unit.
- e. **Attached / detached secondary living dwelling units.** A secondary dwelling may be a detached structure or may be attached to the primary dwelling or another building on the same lot or located within the living area of the existing primary dwelling. If attached to another building or within the living area of the existing primary dwelling, a separate exterior entrance shall

be provided, independent from the entrance for the building to which it is attached or within. If attached to another building other than the primary dwelling, such as a garage, the resident of the secondary dwelling shall have exclusive occupancy of the building to which the secondary dwelling is attached..

- f. **Not allowed with companion living unit.** A secondary dwelling shall not be allowed on a parcel that has a companion living unit or other similar accessory housing unit. **Height and setback requirements.** The height and setback requirements for a secondary dwelling are as provided in the development standards table for the applicable zoning district, except that no additional setback shall be required for a lawfully-constructed existing garage that is converted to a secondary dwelling unit or a portion of a secondary dwelling, and a setback of no more than five feet from a side or rear lot line shall be required for a secondary dwelling unit that is constructed above a lawfully-constructed existing garage.
- g. Parking for a secondary dwelling shall comply with Section 28.94 (one offstreet parking space required, either covered or uncovered, or through tandem parking) unless the Director determines that no additional parking is required for the secondary dwelling. In any R-TC district in which a secondary dwelling is allowed, parking within a side setback area is allowed unless the Director makes a determination that parking in such area of the lot is not feasible based upon specific site or regional topographical or fire and life safety conditions. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a secondary dwelling unit, or converted to a secondary dwelling unit, a replacement garage shall be constructed for the primary dwelling concurrent with the construction of the secondary dwelling, and a certificate of occupancy shall not be issued for the secondary dwelling until the replacement garage is completed.
- h. Landscaping adjacent to a secondary dwelling shall be consistent with landscaping for the primary dwelling.
- i. Architectural review of an attached or detached secondary dwelling shall be conducted in accordance with Sections 28.91 and 28.102.
- j. Historic Resources. A secondary dwelling shall not be allowed on a property listed on the California Register of Historic Places unless the Director makes a written determination that the secondary dwelling would not have a significant adverse impact on the historic resource.
- k. Sale or Rental of a Secondary Dwelling. A secondary may not be sold separate from the primary dwelling. A secondary dwelling may be offered for rent and rented only for residential purposes (occupancy longer than 30 days) unless otherwise allowed by this chapter.

- i. Transient Occupancy and other Commercial Activity.** A secondary dwelling may not be offered for rent or rented for transient purposes (occupancy of 30 days or less) unless such use of the dwelling is otherwise allowed by this chapter. A secondary dwelling shall not be used as a place of commercial or business activity, other than a Type I Home Occupation conducted entirely within the dwelling and without any employees other than residents of the dwelling, or a business required to be regulated as a residential use of property pursuant state law.
- m. Utilities and Utility Connections.** As part of an application to construction of a new secondary dwelling or to convert an existing structure to a secondary dwelling, the property owner shall demonstrate that adequate potable water supply and wastewater treatment capacity is available to serve both the primary and secondary dwelling. A secondary dwelling unit shall not be considered a new dwelling for purposes of calculating utility connection fees or capacity charges, including water or sewer service. Nothing in this section shall be interpreted as requiring a property owner to install new or separate utility connections between a secondary dwelling and the utility's service mains or lines, nor shall any provision of this section be interpreted as preventing a utility from requiring or installing new or separate utility connections.
- n. Manufactured home.** A manufactured home, as defined in California Health and Safety Code Section 18007, may be used as a secondary dwelling if it has been installed on a foundation system as a fixture or improvement to the real property and provided that the manufactured home meets all of the regulations of this section 28.72.10(B)(6)(a).

SECTION V

Section 28.72.10(B)(6) is changed as follows:

- 6. Existing Nonconforming Dwellings Nonconforming Secondary Dwelling or Guest House**
 - a. Non-conforming Secondary Dwelling.**
 - (1) A secondary living unit legally existing on the lot prior to October 27, 2006 in ~~the~~ an R-R District, June 13, 2008 in ~~the~~ an A ~~and~~ or R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, ~~and~~ or ATC-NC Districts, which does not comply with the size or setback requirements of this Section shall be considered legal non-conforming and subject to the provisions of Section 28-114 ("Nonconforming Uses"). Such use may continue, provided that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.

- (2) **Exception.** A maximum of one single-family dwelling may be built on a parcel that existed and was designated “Agricultural” by the General Plan as of January 1, 1984, provided that the owner demonstrates compliance with all other applicable County requirements.
- b. **Non-conforming Guest House.** A guest house legally existing on the lot prior to October 27, 2006 in the ~~an~~ R-R District, June 13, 2008 in the ~~an~~ A and or R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and or ATC-NC Districts, shall be considered legal non-conforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). Such a guest house ~~or building~~ 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”).
- c. **Non-conforming Companion Living Unit.** A companion living unit legally existing on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, pursuant to an approved conditional use permit, may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) the unit is installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations; (3) either the primary residence or the secondary dwelling is owner occupied; and (4) if the unit does not meet the size or setback requirements of this Section, it shall be considered legal non-conforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). If an existing companion living unit is converted to a secondary dwelling, the conditions of the use permit shall no longer be applicable. If an existing companion living unit is not converted to a secondary dwelling, it shall remain subject to the conditions of the use permit, and shall be promptly removed from the lot upon expiration or revocation of the permit.
- d. **Secondary Dwelling and Companion Living Unit.** If both a secondary living unit and a companion living unit legally exist on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, the secondary living unit shall be considered the secondary dwelling on the lot and the companion living unit may continue on the lot as a temporary dwelling for the remaining term of the conditional use permit.

e. **Time Extensions.** A companion living unit legally existing on the lot prior to March 13, 2011, pursuant to an approved conditional use permit which expires, may be extended for a temporary period, not to exceed two years, upon securing a minor use permit, provided:

- (1) All of the findings made in the original use permit still apply.
- (2) The property owner and the occupant of the companion living unit have not changed since the original issuance of a use permit. (note: time extension not in RR)

SECTION VI

In any zoning district which permits a secondary dwelling unit, an administrative permit shall be required. Tables 28.21A, 28.22A, 28.23A, 28.31A, 28.32A, and 28.32B shall be updated to reflect the requirement for an administrative permit.

SECTION VII

Section 28.108(A) is changed as follows:

A. **Neighborhood Compatibility Waiver.** Waiver of any of the residential minimum development standards in subsection 28.72.10(A)(1) **and/or the development standards in Section 28.72.10(B)(1)** may be granted by the Director of Resource Management if the proposed dwelling is compatible with the surrounding neighborhood in accord with the architectural standards set forth in Section 28.91. The waiver request shall be submitted on an application form prepared by the Director of Resource Management and is subject to the noticing requirements as set forth in subsection 28.04(F).

SECTION VIII

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

SECTION IX

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 X

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 on May 12, 2015 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: _____
Jeanette Bellinder, Chief Deputy Clerk