

## ORDINANCE NO. 2011 - 1717

### AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE TO REVISE SECTION 28-10, DEFINITIONS, ADD SECTION 28.13 ESTABLISHING THE "A-SV" AGRICULTURAL-SUISUN VALLEY AND "ATC" AGRICULTURAL TOURIST DISTRICTS (ZT-10-03), REVISE SECTION 28-15 AMENDING ZONING MAPS 9S, 10N AND 12N – TO CHANGE ALL "A" DISTRICTS WITHIN SUISUN VALLEY TO "A-SV" DISTRICT AND SELECTED NEIGHBORHOOD AGRICULTURAL TOURIST CENTER SITES TO ATC DISTRICT, TO ADD SECTION 28-41 AGRICULTURE-SUISUN VALLEY (A-SV) DISTRICT AND AGRICULTURAL TOURIST CENTER (ATC, ATC-NC) DISTRICTS (Z-10-01)

The Board of Supervisors of the County of Solano, State of California does hereby ordain as follows:

## ARTICLE I - GENERAL

### SECTION 28-10. DEFINITIONS

**Agricultural processing facility.** A fixed establishment performing any processing or packaging of crops after harvest, whether or not value is added, to prepare them for market on-site or for further processing and packaging elsewhere, including but not limited to: alfalfa and hay cubing; corn shelling; drying of corn, rice, hay, fruits or vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; canning, freezing, or preserving fruits and vegetables; tree nut hulling and shelling; and alcohol fuel production. Includes related accessory uses such as: offices, laboratories, tasting facilities, retail sales of agricultural products produced on the premises or off-site by the operator, retail sales of agriculture-related promotional and/or educational items, and facility tours. Does not include "wineries," which are defined separately. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings are included under "Crop Production."

**Agritourism:** The provision of facilities, amusement activities, commercial services, guides, or instructional content to encourage visitors to any agricultural, horticultural or agribusiness operation, either temporarily or on a permanent basis, for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation other than as a contractor or employee of the operation. Agritourism includes agriculturally related indoor and outdoor amusement and recreation activities such as farm tours, hayrides, sleigh rides, corn mazes, picnic and party facilities and other similar uses as determined by the zoning administrator. Agritourism does not include commercial amusement and entertainment uses, such as dance halls, electronic game arcades, studios,

theatrical productions, musical entertainment, bowling alleys, billiard and pool establishment, commercial sports such as arenas, rings, racetracks, public golf courses, miniature golf course, amusement parks, membership sports and recreation clubs, game parlors, gun clubs, circus and carnival operations, water parks, amusement parks, fairgrounds, expositions, amphitheater or theater entertainment facilities for the performance of concerts or other entertainment events.

**Bed and Breakfasts Inn:** Lodging accommodations which provides overnight transient accommodations and serves food only to its registered guests and that serves only a breakfast or similar early morning meal and no other meals and includes the price of the food in the price of the lodging.

**Crowing Fowl.** Crowing fowl means any male fowl from the order *galli formes*, including: roosters, drakes, turkeys, peacocks or pea fowl.

**Farmer’s Market.** A common facility or area where several farmers or growers gather on a regular, recurring basis to sell a variety of fresh fruits and vegetables and other locally-grown farm agricultural products directly to consumers.

**Fowl and Poultry Ranch:** Any animal livestock operation for fowl or poultry, conducted on contiguous property under common ownership or control, where the animals are corralled, penned, tethered, or otherwise caused to remain in confinement in a restricted area for any purpose, and in which the surface of such restricted area is or will become bare of any feed growth in the normal growing season, and that meets the following thresholds:

Turkeys	50 or more
Chickens, ducks, or fowl of similar size	100 or more
Crowing Fowl	5 or more

Normal grazing activities are excluded from this definition. Supplemental feeding areas, pens, working facilities, and other areas where grazing livestock may be temporarily confined incidental to grazing activities are also excluded.

**Local Products Store:** A store that primarily sells food, beverages, textiles and crafts that are related to agritourism.

**Pastured Livestock:**

Any livestock grazing operation that is not a confined animal facility as defined above, where supplemental feeding areas, pens, working facilities, and other areas where grazing livestock may be temporarily confined incidental to grazing activities.

**Pastured Poultry:**

Poultry operations that are not poultry ranches under the definition above, but include normal grazing activities, supplemental feeding areas, pens, working facilities, and other areas where grazing livestock may be temporarily confined incidental to grazing activities, and meet the following thresholds:

Turkeys	50 or more
Chickens, ducks, or fowl of similar size	100 or more
Crowing Fowl	5 or more

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

**Roadside Stand:** An area of an agricultural property set aside for the sale of processed and unprocessed crops that are grown primarily on the property ("on-site"). Crops that have been grown or produced off the property ("off-site") may only be sold in conjunction with the sale of crops grown on-site or off-site on land owned or leased by the operator within Solano County and in compliance with applicable laws or regulations governing the construction, operation and maintenance of the stand. Nonagricultural products may also be sold, but only in conjunction with the sale of crops, as regulated by the applicable Zoning District. A roadside stand includes pumpkin patches and other similar promotional uses, but shall not include the sale of nursery stock or winery products, or any processing of agricultural products or "food preparation" unless conducted in compliance with the California Health and Safety Code and approved by the Department of Resource Management, Environmental Health Services Division.

**Special events.** Incidental use of a facility, which is otherwise allowed or permitted in the zoning district, as a venue for hire for social gatherings. Special events do not include marketing or promotional events that are part of the normal operation of an agricultural processing facility or winery and directly related to products sourced from that operation.

**Tasting Facility:** A facility in which agricultural products may be tasted and sold, such as gift/retail sales, assembly areas, and meeting rooms, as permitted within the applicable zone district.

**SECTION 28-13. DISTRICTS DESIGNATED AND ESTABLISHED**

(a) The several districts established by this Chapter and into which the County is divided are designated as follows:

- T Districts--TEMPORARILY UNCLASSIFIED DISTRICTS
- A Districts--EXCLUSIVE AGRICULTURAL DISTRICTS
- A-L Districts--LIMITED AGRICULTURAL DISTRICTS
- A-SV District--AGRICULTURE – SUISUN VALLEY DISTRICT*
- ATC Districts--AGRICULTURAL TOURIST CENTER DISTRICTS*
- R-R Districts--RURAL RESIDENTIAL DISTRICTS
- R-E Districts--ESTATE RESIDENTIAL DISTRICTS
- R-D Districts--DUPLEX RESIDENTIAL DISTRICTS
- R-S Districts--ONE-FAMILY RESIDENTIAL DISTRICTS
- R-M Districts--MULTIPLE-FAMILY RESIDENTIAL DISTRICTS
- P Districts--PARK DISTRICTS
- C-H Districts--HIGHWAY COMMERCIAL DISTRICTS
- C-N Districts--NEIGHBORHOOD COMMERCIAL DISTRICTS
- C-G Districts--GENERAL COMMERCIAL DISTRICTS
- C-S Districts--COMMERCIAL SERVICE DISTRICTS
- C-O Districts--BUSINESS AND PROFESSIONAL OFFICE DISTRICTS
- M-L Districts--LIMITED MANUFACTURING DISTRICTS
- M-G Districts--GENERAL MANUFACTURING DISTRICTS
- I-WD Districts--WATER DEPENDENT INDUSTRIAL DISTRICTS
- W Districts--WATERSHED AND CONSERVATION DISTRICTS
- MP Districts--MARSH PRESERVATION DISTRICTS
- PP Districts--POLICY PLAN OVERLAY DISTRICTS

(b) The aforesaid districts are hereby established insofar as the designations, locations, and boundaries thereof are set forth and indicated in this Section and in other Sections of this Chapter, which describe certain of such districts. Section 2815 consists of a series of maps, each entitled "Solano County Zoning Map," identified by a number and a letter. Such maps and all notations,

references, data, and other information shown thereon are hereby adopted and made part of this Chapter.

**SECTION 28-15. ZONING MAP**

Amend the zoning map to change all "A" districts within the Suisun Valley to the new A-SV-20 district.

Amend zoning map to change the selected neighborhood agricultural tourist center sites to ATC zoning districts (ATC, ATC-NC).

## ARTICLE II - DISTRICTS

### SECTION 28-41. AGRICULTURE – SUISUN VALLEY DISTRICTS (A-SV-20, ATC, ATC-NC)

#### 28.41.010 PURPOSE OF SECTION

The purpose of this Section is to preserve and enhance the environment and economy of the Suisun Valley as a rural agricultural community by maintaining the agricultural character, improving agricultural production and income, promoting agricultural products grown in Solano, and providing for agricultural tourist centers.

This Section lists the uses of land allowed within the Agriculture-Suisun Valley and the Agriculture Tourist Center zoning districts (ATC and ATC-NC) zoning districts as established by Section 28.13 (Districts Designated and Established). It also determines the type of land use approval required for each use, and provides general standards for site development.

#### 28.41.011 - PURPOSES OF AGRICULTURE - SUISUN VALLEY DISTRICT

The majority of land within Suisun Valley is in agricultural use, producing grapes for wine, small grains, or other fruit crops. This farmland is essential to the Valley's agricultural economy and quality of life. The standards in this section maximize the viability of the family farm by allowing uses that support agriculture and excluding incompatible uses.

#### 28.41.012 PURPOSES OF AGRICULTURAL TOURIST CENTER DISTRICTS

Development of agricultural tourism is critical to the future viability of agriculture in Solano County. The standards in this section allow a variety of uses that will help foster small tourist-oriented centers within the Valley, help attract tourists, and provide additional opportunities to market local products

#### 28.41.020 DEFINITIONS APPLICABLE ONLY TO THE A-SV-20, ATC AND ATC-NC DISTRICTS

##### Hotel.

Any building, portion of a building, or group of buildings containing six or more guest rooms designed, or intended to be used, let or hired out for transient accommodations. A hotel may include accessory uses, including commercial kitchens and dining facilities open to the public.

##### Retail Stores and Services:

Retail stores and services, businesses and professional offices providing convenience goods and services to serve a residential neighborhood or rural community, conducted entirely within a building or buildings on a single ownership

where such building(s) or uses does not exceed one thousand five hundred square feet of floor area, unless referred to the Planning Commission by the Director of Resource Management for determination of consistency with the intent of the Agricultural Tourist Center (A-T-C and A-T-C-NC) districts.

**Seasonal Sales Lots:**

Seasonal sales lots, including pumpkin patches, Christmas tree lots and other similar sales events, where the sale of agriculturally related products is seasonal and/or tied to an annual holiday event.

**Winery:** An agricultural processing facility used for the commercial purpose of processing grapes, berries, or other fruit products, to produce wine or similar wine products. Processing includes wholesale sales, crushing, fermentation and refermentation, blending, bottling, packaging, storage, aging, handling, shipping, and receiving of such products. Includes related accessory uses such as: office, laboratory, wine tasting facilities, retail sales of wine and other agricultural products produced on the premises or off-site by the winery operator, retail sales of wine and agricultural related promotional and/or educational items, and winery tours.

**Winery-Small:** A winery with annual production less than 20,000 gallons per year, in bulk and bottles combined.

**Winery-Medium:** A winery with annual production between 20,000 and 100,000 gallons per year, in bulk and bottles combined.

**Winery-Large:** A winery with annual production greater than 100,000 gallons per year, in bulk and bottles combined.

**28.41.030 AGRICULTURE - SUISUN VALLEY DISTRICT USES AND PERMIT REQUIREMENTS**

- (a) **Allowable uses:** Table 28-41A identifies the land uses allowed by these Zoning Regulations in the Agriculture – Suisun Valley (A-SV) District, the Agriculture Tourist Center (ATC) District and the Agriculture Tourist Center – North Connector (ATC-NC) District, as well as, the land use permit required to establish each use. In addition to the land use permit required by Table 28-41A, special requirements may apply to certain uses (See Section 28.41.50). Where the last column of Table 28.41A (Specific Use regulations) includes a section number, e.g. 28.50, the zoning regulations referenced apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code section apply to the use. Provisions contained in other sections of the Zoning Regulations may also apply.
- (b) **Building and Other Permits:** A building permit, as required under Chapter 6.3 of the County Code, and any other permits required by the County Code, shall also be required prior to any construction, demolition, or change of occupancy type.
- (c) **Design Review:** Design review, as described in Section 28-41.60 of the Solano County Zoning Regulations, shall be required for all new construction requiring a building permit within the Agriculture – Suisun Valley District and the Agriculture Tourist Center (ATC and ATC-NC) Districts. In carrying out the purposes of this Section, the Zoning Administrator or Planning Commission shall consider the Suisun Valley Design Guidelines as a manual for determining Architectural Approval.

**TABLE 28-41A Table of Allowed Uses and Permit Requirements**

<b>ALLOWED USES</b>	<b>A-SV-20</b>	<b>ATC</b>	<b>ATC-NC</b>	<b>Specific Use Regulations</b>
<b>AGRICULTURAL USES</b>				
Crop production, including orchards and vineyards	A	A	A	
Agricultural accessory structures	A	A	A	
Agricultural processing facility				
On-site products <sup>(1)</sup>	A	A	A	
Off-Site product <sup>(2)</sup>	UP	UP	UP	28.53(i)(1)
With Special Events	UP			
Wineries				
Winery, small	A/UP <sup>3,4</sup>	A	A	28.41.50.10
Winery, medium	A/UP <sup>3,4</sup>	AP	AP	28.41.50.10
Winery, large	UP <sup>5</sup>	UP	UP	28.41.50.10
Animal facilities and operations				
Confined animal facilities, including dairies	---	---	---	
Fowl and Poultry Ranches	---	---	---	
Pastured poultry and livestock	A/MUP	---	---	28.41.50.10
Grazing	A	---	---	
Slaughterhouse	---	---	---	
Aquaculture	UP	---	---	
Auctions, agricultural equipment sales, temporary	AP/MUP	AP/MUP	AP/MUP	28.41.50.10
Conservation Bank	UP	---	---	
Nursery with public sales <sup>(6)</sup>	A	---	---	
Temporary Agricultural office	AP	AP	AP	28.41.50.10
Wind turbines, non-commercial under 100 feet	A	A	A	28.50(b)(4)
Wind turbines, non-commercial over 100 feet	MUP	MUP	MUP	28.50(b)(4)

Notes:

- <sup>1</sup> Products originating on-site or off-site on land owned or leased by the operator within Solano County.
- <sup>2</sup> Products originating on land not owned or leased by the operator within Solano County.
- <sup>3</sup> At least twenty-five percent (25%) of the grapes or other fruit used in production, averaged over 5 consecutive years, must be grown on-site or off-site on land owned or leased by the operator within Solano County. If less than twenty-five percent (25%) of the grapes are sourced in this way, then a conditional use permit is required.
- <sup>4</sup> Six or fewer special events per year are allowed by right, with 150 or fewer guests per event. Otherwise, a Use Permit is required.
- <sup>5</sup> Special events as permitted with a large winery use permit.
- <sup>6</sup> No more than 1,500 square feet of non-plant inventory, indoor and outdoor combined, for display and sales to the general public shall be allowed.

**TABLE 28-41A Table of Allowed Uses and Permit Requirements (continued)**

<b>ALLOWED USES</b>				
	<b>A-SV-20</b>	<b>ATC</b>	<b>ATC-NC</b>	<b>Specific Use Regulations</b>
<b>RESIDENTIAL USES</b>				
Accessory buildings and uses <sup>(7)</sup>	A	A	A	
Agricultural employee housing	AP	---	---	28.41.50.20
HCD Agricultural employee housing	AP	---	---	
Cottage Industries	UP	UP	---	28.50(b)(6.1)
Home occupations	A/AP	A/AP	---	28.50(b)(7)
Primary dwelling	A	AP	AP	
Secondary dwelling	A	---	---	28.41.50.20
Stable, private ( 9 horses or less)	A	A	---	
Storage, manufactured home (one per parcel)	A	A	---	28.41.70.40
Temporary Accommodations				
Security quarters for a business operation (commercial coach, manufactured home or recreational vehicle)	AP	AP	AP	28.41.50.20
Temporary single family home	UP	UP	---	28.41.70.30
Temporary storage of a mobile home	AP	AP	AP	28.41.50.20
<b>RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES</b>				
Agricultural education	A	A	A	
Boating and swimming facilities on existing waterways	---	UP	UP	
Hunting and fishing clubs	---	---	---	
Limited Public Events	UP	UP	UP	28.41.50.30
Special Events	See Specific Use Regulations			28-41.50
Stable, public and horse show	---	---	---	

Notes:

(7) Does not include a guest house.

**TABLE 28-41A Table of Allowed Uses and Permit Requirements (continued)**

<b>ALLOWED USES</b>	<b>A-SV-20</b>	<b>ATC</b>	<b>ATC-NC</b>	<b>Specific Use Regulations</b>
<b>RETAIL TRADE USES</b>				
Farm/Ranch Supply Store	---	A	A	28.41.50.40
Farm supplies and farm equipment sales	---	---	A	28.41.50.40
Retail stores and services				28.41.50.40
1,500 square feet or less	---	A	A	28.41.50.40
Greater than 1,500 square feet	---	MUP	MUP	28.41.50.40
Roadside stand				
1,000 square feet or less in size	A	A	A	28.41.50.40
Between 1,000 and 2,500 square feet	AP	A	A	28.41.50.40
Greater than 2,500 square feet in size	UP	A	A	28.41.50.40
Non-agricultural product sales, less than 10%	A	A	A	28.41.50.40
Non-agricultural product sales, greater than 10%	UP	A	A	28.41.50.40
<b>TOURIST USES</b>				
Agricultural homestay	A	---	---	28.41.50.50
Agricultural homestay with special events	UP	---	---	28.41.50.50
Agritourism	A	A	A	28.41.50.50
Bakery/Cafe/Restaurant				
1,000 square feet or less in size	A	A	A	28.41.50.50
1,001 to 5,000 square feet	AP	A	A	28.41.50.50
5,001 or more square feet in size	UP	MUP	MUP	28.41.50.50
Bed and Breakfast Inn	AP	A	A	28.41.50.50
Gallery	AP	A	A	28.41.50.50
Hotel	---	A	A	28.41.50.50
Local products store	---	A	A	28.41.50.50
Resort Hotel	UP	UP	UP	28.41.50.50
Tasting Facilities	AP	A	A	28.41.50.50
Temporary Agritourism				
Amusement and entertainment uses	AP/MUP	AP/MUP	AP/MUP	28.41.50.50
Farmer's Markets	AP/MUP	AP/MUP	AP/MUP	28.41.50.50
Seasonal sales lots	AP/MUP	AP/MUP	AP/MUP	28.41.50.50

Notes:

TABLE 28-41A Table of Allowed Uses and Permit Requirements (continued)

<b>ALLOWED USES</b>	<b>A-SV-20</b>	<b>ATC</b>	<b>ATC-NC</b>	<b>Specific Use Regulations</b>
<b>COMMERCIAL SERVICE USES</b>				
Airfields and heliports, Agricultural	---	---	---	
Commercial agricultural trucking services and facilities	---	---	UP	
Commercial custom farm services, e.g. hay baling	UP	---	UP	
Commercial farm equipment fabrication and repair	UP	---	A	
Commercial storage and sale of agricultural service products(fertilizer/fuel)	UP	UP	A	
Kennels and Catteries	MUP	---	---	28.53(b)(4)
Veterinary facilities	UP	UP	UP	28.53(b)(5)
<b>COMMUNICATION AND INFRASTRUCTURE USES</b>				
Pipelines, transmission and distribution lines in R.O.W.	A	A	A	
Public service facility	UP	A UP	A UP	28.53(b)(28)
Refuse dumping, disposal, processing, composting <sup>(10)</sup>	UP	---	---	28.53(b)(16)
Surface mining operation	UP	UP	UP	28.53
<b>Temporary Construction and Infrastructure</b>				
Construction office, storage and construction yard	AP	AP	AP	28.41.50.70
Utility facilities or infrastructure, outside of R.O.W.	UP	UP	UP	28.50
Wind turbine generators, commercial	---	---	---	28.50(b)(4)
Wireless communication facilities	UP	UP	UP	28.50.01
<b>OTHER USES</b>				

Notes:

**28.41.040 - GENERAL DEVELOPMENT STANDARDS**

**TABLE 28-41B Table of General Development Standards**

<b>DEVELOPMENT STANDARDS FOR MAIN BUILDING, PRIMARY AND SECONDARY DWELLING</b>			
	<b>A-SV</b>	<b>ATC</b>	<b>ATC-NC</b>
<b>MAIN BUILDING, PRIMARY or SECONDARY DWELLING</b>			
Dwelling Size	Minimum of 1,000 Square Feet		
Minimum Lot Area	Minimum area required for new parcels		
w/ water and sewer	20 acres	2,000 square feet	5,000 square feet
w/ water or sewer	20 acres	2.5 acres	2.5 acres
w/o water or sewer	20 acres	5 acres	5 acres
Floor Area Ratio	Maximum gross floor area for new dwellings		
w/ water and sewer	---	0.5	0.5
w/o water or sewer	---	0.3	0.3
Setbacks	Minimum Setbacks required. See Section 28-50(e) for setback measurement, allowed projections into setback and exceptions to setbacks.		
Front	30 feet, but at least 50 feet from the street centerline and unless otherwise indicated by building lines on the Zoning Maps.	None to 25 feet	10 to 25 feet maximum
Sides (each)	20 feet	None	15 feet on corner lot, none on interior lots
Rear	25 feet	None	15
Between structures	10 feet	None, except per building code	
Height limit	35 feet, and as allowed by 28-50(b) Special regulations and 28-50(c)		
<b>SECONDARY DWELLING</b>			
Dwelling Size	Maximum of 1,800 Square Feet	None	N/A
Setbacks			
Front	30 feet, but at least 50 feet from the street centerline and unless otherwise indicated by building lines on the Zoning Maps	N/A	
Sides (each)	20 feet	N/A	
Rear	25 feet	N/A	
Between structures	10 feet		
Height limit	35 feet, and as allowed by 28-50(b) Special regulations		
Parking	As required by 28-55, Parking Requirements and the Suisun Valley Design Guidelines. Off-street parking requirements may be met through participation in a parking district that apportions off-site parking.		
Signs	See Section 28-66 Signs		

**TABLE 28-41C Table of General Development Standards**

<b>DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS<sup>2</sup></b>			
	<b>A-SV</b>	<b>ATC</b>	<b>ATC-NC</b>
<b>ACCESSORY BUILDINGS</b>			
Minimum Lot Area <sup>1</sup>	Minimum area required for new parcels		
w/ water and sewer	20 acres	2,000 square feet	5,000 square feet
w/ water or sewer	20 acres	2.5 acres	2.5 acres
w/o water or sewer	20 acres	5 acres	5 acres
Floor Area Ratio	Maximum gross floor area for new dwellings		
w/ water and sewer	---	0.5	0.5
w/o water or sewer	---	0.3	0.3
Setbacks <sup>3</sup>	Minimum Setbacks required. See Section 28-50(e) for setback measurement, allowed projections into setback and exceptions to setbacks.		
Attached	An accessory building attached to the main building shall comply with the setback requirements for the main building		
Detached			
Front	60 feet or on the rear 50% of the lot	None to 25 feet	10 to 25 feet
Sides (each) <sup>4</sup>	20 feet	None	15 feet on corner lots, none for interior lots
Rear <sup>4</sup>	20 feet	None	15 feet
Between structures <sup>5</sup>	10 feet from any dwelling or other main building on the same lot Stables: 20 feet from any dwelling or other main building on the same lot		
Height limit	35 feet, and as allowed by 28-50(b) Special regulations		
Parking	As required by 28-55, Parking Requirements		
Signs	See Section 28.66 Signs		

Notes:

- (1) The actual number of parcels allowed is determined through the applicable subdivision process, based on specific site characteristics and potential environmental impacts, and there is no guarantee that the maximum possible number may be achieved.
- (2) Does not include a secondary dwelling as defined in Section 28-10.
- (3) Other setbacks may be required for specific uses listed in Table 28-21A, as referenced.
- (4) 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 14(f) of this Chapter.
- (5) Other separation between structures may be required by County Building Code.

## 28.41.50 SPECIAL USES REGULATIONS:

### 28.41.50.10 AGRICULTURAL USES

- (a) **Permit Required.** Agricultural uses are permitted uses, subject to the permit requirements in 28-41A.
- (b) **Standards** Agricultural uses must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:

#### (1) Auctions, Agricultural Equipment Sales

- a. **Permit Required.** An administrative permit is required for auctions and agricultural equipment sales uses, provided any such use shall meet the standards delineated in Table 28-41B. Permits issued under this shall be for a fixed term not to exceed one year, unless otherwise specified in this section. In the event that an agritourism use cannot meet the standards in this section, then a minor use permit shall be required to alter any of the standards in (2) below.
- b. **Standards.** Auctions and agricultural equipment sales in the A-SV-20 and A-T-C districts zoning district shall comply with the following standards:
  - 1. **Duration.** Auctions and agricultural equipment sales shall be limited to one event, not to exceed seven days per event.
  - 2. **Access.** Shall provide ingress and egress designed so as to avoid traffic congestion;
  - 3. **Roads.** Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
  - 4. **Hours of Operation.** Shall be limited to 8:00am until 6:00 pm Mondays through Sunday
  - 5. **Prevent Offensive Noise, Dust, Glare, Vibration or Odor.** Shall provide adequate controls or measures to prevent noise, dust, glare, vibration or odor.

## (2) PASTURED LIVESTOCK

a. **Permit Required.** Pastured livestock operations are a permitted use, subject to the provisions below:

1. **When a Permit Is Not Required.** A pastured livestock operation is a permitted use when the parcel is located is located more than 1,320 feet from any lot in an (R) District, and meets the standards in (b) below are met.
2. **When a Minor Use Permit Is Required.** A pastured livestock operation is a permitted use upon approval of a minor use permit, if the parcel is located within 1,320 feet on any lot in an (R) District, and/or any of the standards in (b) below cannot be met.

b. **Standards.** Pastured livestock operations shall comply with the following general standards:

1. Manage storm water to prevent feed and manure from entering any natural or constructed storm water facility or creek, stream or river,
2. Maintain a setback of 200 feet from any (R) district parcel,
3. Manage supplemental feeds, manure, bedding and nesting materials to lessen any potential adverse impacts that the pastured livestock operation might have on neighbors or the larger community. Pastured livestock operators are required to submit to the Agricultural Commissioner, on an annual basis, a plan for the management of the operation which will provide policies and procedures for insuring that the pastured livestock operation is not likely to become a nuisance to surrounding property owners or the community and that no health and safety problems will arise due to its operation. The Plan should describe policies and procedures that:
  - i. Regulate, control or prohibit the accumulation of manure.
  - ii. Prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people
  - iii. Protect pollutants from entering in creeks, streams, drainage ditches or groundwater supplies.
  - iv. Prohibit any nuisance, offensive matter, foul or noxious odors.

5v. Provide adequate parking and circulation for the operation.

**(3) PASTURED POULTRY**

a. **Permit Required.** Pastured poultry is a permitted use, subject to the provisions below:

1. **When a Permit Is Not Required.** A pastured poultry operation is a permitted use if the parcel is located more than 1,320 feet from any lot in an (R) District, and meets the standards in (b) below are met.
2. **When a Minor Use Permit Is Required.** A pastured poultry operation is a permitted use upon approval of a minor use permit, if the parcel is located within 1,320 feet on any lot in an (R) District, and/or any of the standards in (b) below cannot be met.
3. **Exemptions.** Any minor raising fowl or a 4H or similar type of agricultural education program is exempt from these requirements.

b. **Standards.** Pastured poultry operations shall comply with the following general standards:

1. Manage storm water to prevent feed and manure from entering any natural or constructed storm water facility or creek, stream or river,
2. Maintain a setback of 200 feet from any (R) district parcel,
3. Employee best practices to ensure that stray birds do not trespass onto adjacent public rights-of-way or private lands.
4. Be limited to 3,000 birds or less,
5. Contain no more than 5 crowing fowl, and
6. Manage supplemental feeds, manure, bedding and nesting materials to lessen any potential adverse impacts that the pastured poultry operation might have on neighbors or the larger community. Pastured poultry operators are required to submit to the Agricultural Commissioner, on an annual basis, a plan for the management of the operation which will provide policies and procedures for insuring that the pastured poultry operation is not likely to become a nuisance to surrounding property owners or the community and that no health and safety

problems will arise due to its operation. The Plan should describe policies and procedures that

- i. Regulate, control or prohibit the accumulation of manure.
- ii. Prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people
- iii. Protect pollutants from entering in creeks, streams, drainage ditches or groundwater supplies.
- iv. Prohibit any nuisance, offensive matter, foul or noxious odors.

#### **(4) TEMPORARY AGRICULTURAL OFFICE**

- a. **Permit Required.** A commercial coach may be used as temporary agricultural offices, incidental to the commercial agricultural operation on the property, as permitted in Table 28-41A, subject to the standards below:
- b. **Standards.**
  1. Building permit required. No commercial coach shall be used as temporary agricultural offices without first securing a building permit from the County of Solano.
  2. Only one commercial coach or vehicle shall be allowed on the site,
  3. The commercial coach shall be either made permanent or removed upon the expiration of 24 months.
  4. The commercial coach may not be used as a residence and shall meet all building setbacks applicable to permanent development on the parcel.

#### **(5) WINERIES**

- a. **Small winery.** A small winery, as defined in Section 28-10, is allowed by right subject to compliance with the applicable development standards delineated in Tables 28-41 B and 28-41 C and as follows:
  1. At least twenty-five percent (25%) of the grapes or other fruit used in production, averaged over 5 consecutive years, must be grown on-site or off-site on land owned or leased by the operator within Solano County.
  2. The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include

proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.

3. A conditional use permit is required for a small winery if less than 25% of the grapes or other fruit used in production are grown on-site or off-site on land owned or leased by the operator within Solano County.
  4. Shall obtain Environmental Health Services Division, Department of Resource Management, and Fire Department approval, if required, prior to hosting special events.
  5. Subject to (4) above, six or fewer special events, with 150 or fewer guests each, are permitted each calendar year at a small winery by right. A conditional use permit is required if more than six special events are offered at the facility in a calendar year or if any single event exceeds 150 guests.
  6. A tasting facility is allowed by right, ancillary to the processing facility, and must be no larger than 1,000 square feet or 30 percent of the size of the processing facility, whichever is greater.
- (b) Medium winery.** A medium winery, as defined in Section 28-10, is allowed by administrative use permit, subject to compliance with the applicable development standards delineated in Tables 28-41 B and 28-41 C and as follows:
1. Shall obtain Environmental Health Services Division, Department of Resource Management, and Fire Department approval, if required, prior to hosting special events.
  2. Subject to (1) above, six or fewer special events, with 150 guests or fewer each, are permitted each calendar year at a medium winery by right. A conditional use permit is required if more than six special events are offered at the facility during a calendar year or if any single event exceeds 150 guests.
  3. The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.
  4. A tasting facility is allowed by right, ancillary to the processing facility, and must be no larger than 2,000 square feet or 30

percent of the size of the processing facility, whichever is greater.

5. At least twenty-five percent (25%) of the grapes or other fruit used in production, averaged over 5 consecutive years, must be grown on-site or off-site on land owned or leased by the operator within Solano County. A conditional use permit is required for a medium winery if less than 25% of the grapes or other fruit used in production are grown on-site or off-site on land owned or leased by the operator within Solano County.
- c. **Large winery.** A large winery, as defined in Section 28-10, is allowed with a conditional use permit, subject to compliance with the applicable development standards delineated in Tables 28-41 B and 28-41 C.
1. A tasting facility is allowed by right, ancillary to the processing facility, and must be no larger than 2,000 square feet or 30 percent of the size of the processing facility, whichever is greater. Size shall be determined by measuring the total roof covered area.
  2. The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.
  3. Shall obtain Environmental Health Services Division, Department of Resource Management, and Fire Department approval, if required, prior to hosting special events.
  4. Subject to (3) above special events at large wineries are subject to the terms of the conditional use permit.

#### **28.41.50.20 RESIDENTIAL USES**

- (a) **Permit Required.** Residential uses are permitted uses, subject to the permit requirements in 28-41A.
- (b) **Standards** Residential uses must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:

**(1) AGRICULTURAL EMPLOYEE HOUSING.**

- a. **Permit Required.** Agricultural employee housing is a permitted use upon approval of an administrative permit, provided it meets the standards in (b) below, otherwise a minor use permit is required.
- b. **Standards.** A temporary manufactured dwelling unit for an employee on parcels of twenty (20) acres or more is permitted for a maximum five (5) year period upon approval of a conditional use permit and subject to the following conditions as well as the applicable development standards delineated in Tables 28-41B and 28-41C.
  - 1. One or more occupants of the dwelling are employed by the owner or the lessee of the parcel;
  - 2. Non-employee occupants of the dwelling are members of the employee's family;
  - 3. The employee occupant(s) of the dwelling has rent deducted from his or her wages; and
  - 4. The employee occupant is required to live in the dwelling as a condition of his or her employment.

**(2) SECONDARY DWELLING**

- a. **Standards.** A secondary dwelling, as permitted in Table 28-41A, must meet the following specific development standards as well as the development standards delineated in Table 28-41B.
  - 1. The maximum size of the secondary dwelling shall not exceed 1,800 square feet of gross floor area.
  - 2. A secondary dwelling may be a detached structure or may be attached to another building on the same lot. If attached to another building, a separate exterior entrance shall be provided, independent from the entrance for the building to which it is attached.
  - 3. A secondary dwelling shall not be allowed on a parcel that has a companion living unit or other similar accessory housing unit. It shall be allowed under the following conditions:
    - i. Use of an existing dwelling while the replacement dwelling is under construction, in accordance with Section 28-50(d)(6);
    - ii. Use of temporary dwelling while the primary dwelling is under construction, with a use permit;

iii. Agricultural employee housing or HCD agricultural employee housing, as permitted in Table 28-21A.

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

1. A secondary living unit legally existing on the lot prior to February 1, 2011, which does not comply with the size or setback requirements of this Section shall be considered legal non-conforming and subject to the provisions of Section 28-60 ("Nonconforming Uses"). Such use may continue, provided that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.
2. A guest house legally existing on the lot prior to February 1, 2011, shall be considered legal non-conforming and subject to the provisions of Section 28-60 ("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 28-60 ("Nonconforming Uses").
3. A companion living unit legally existing on the lot prior to February 1, 2011, pursuant to an approved conditional use permit, may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) the unit is installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the unit does not meet the size or setback requirements of this Section, it shall be considered legal non-conforming and subject to the provisions of Section 28-60 ("Nonconforming Uses"). If an existing companion living unit is converted to a secondary dwelling, the conditions of the use permit shall no longer be applicable. If an existing companion living unit is not converted to a secondary dwelling, it shall remain subject to the conditions of the use permit, and shall be promptly removed from the lot upon expiration or revocation of the permit.

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

### (3) Temporary Dwellings and Accommodations

- a. **General Development Standards.** All temporary accommodations shall comply with the standards in Tables 28.41B and Table 28.41 C, as well as the standards in (b-c) below.
- b. **Security Quarters for a Business Operation**
  1. **Permit Required.** Security quarters for a business operation may be established as permitted in Table 28-41A, subject to the standards below:
  2. **Standards.** Commercial coaches, manufactured homes or recreational vehicles may be maintained on a building site for use as a security guard or watchman's quarters during periods of construction of structures on the site, provided:
    - i. Building permits have been issued for the construction of the structures,
    - ii. Only one security coach or vehicle shall be allowed on the site,
    - iii. The security coach or vehicle shall be removed upon completion of construction of the structures.
    - iv. The manufactured home or recreational vehicle may not be used as a residence and shall meet all building setbacks applicable to permanent development on the parcel.
    - v. 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.

c. **Temporary Dwellings**

1. **Permit Required.** Temporary dwellings may be temporarily allowed during the construction of a permanent dwelling as permitted in Table 28-41A, subject to the standards below:
2. **Standards.** Temporary dwellings may be permitted subject to the standards below:
  - i. Building permits have been issued for the construction of the permanent dwelling,
  - ii. The manufactured home shall meet all building setbacks applicable to permanent development on the parcel.
  - iii. The manufactured home shall be removed 60 days after final inspection of the permanent dwelling

d. **Temporary Mobilehome Storage**

1. **Permit Required.** Storage of mobilehomes shall be allowed in the A-SV-20, A-T-C or A-T-C-NC districts upon issuance of an administrative permit by the Zoning Administrator; provided, the Zoning Administrator finds the conditions of this Section have been or will be met. A permit shall be issued upon submission of an application and payment of such fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this code. The Zoning Administrator may require the submission of such information deemed necessary to make this determination, and may require the posting of security satisfactory to the Zoning Administrator to guarantee performance of any conditions.
2. **Standards.** Storage of mobilehomes shall meet the standards below:
  - i. The number of units stored shall be limited to one (1) per ownership.
  - ii. 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.
  - iii. All utilities must be disconnected and remain disconnected from a stored mobilehome.
  - iv. All appurtenances shall be removed including skirting, decking, and awnings.

- v. A stored mobilehome shall not be occupied or otherwise utilized.

### **28.41.50.30 RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES.**

- (a) **Permit Required.** Recreation, education and public assembly uses are permitted uses, subject to the permit requirements in 28-41A.
- (b) **Standards** Recreation, education and public assembly uses must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:

#### **(1) Limited Public Events**

- a. **Standards.** Limited Public Events in the A-SV-20 and A-T-C districts zoning district shall comply with the following standards:
  - 1. Shall be limited to once per year,
  - 2. Shall not be open to the public for more than 10 weeks,
  - 3. Shall not cause significant adverse impacts to adjacent agricultural operations,
  - 4. Shall not operate on land which has been utilized for crop production within the past five years (operation on grazing land is acceptable), shall be limited to outdoor events (no fully enclosed structures or tents open to the public),
  - 5. Shall not utilize electric sound amplification systems, and shall require only minimal site alterations or permanent physical improvements.
  - 6. Upon termination, expiration, or revocation of the use permit, the site shall be fully restored to its original condition.

### **28.41.50.40 RETAIL TRADE USES**

- (a) **Permit Required.** Retail trade uses are permitted uses, subject to the permit requirements in 28-41A.
- (b) **Standards** Retail Trade uses must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:

#### **(1) Retail stores and services,**

- a. **Permit Required.** Retail stores and services are permitted uses, subject to the provisions below:
  - 1. **When a Permit Is Not Required.** A permit is not required when the building area is 1,500 square feet or less.

2. **When a Minor Use Permit Is Required.** A minor use permit is required when the building area exceeds 1,500 square feet.
- b. **Standards.** Retail stores and services, as permitted in Table 28-41A, must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:
1. Shall be conducted entirely within a building or buildings on a single ownership where such building(s) or uses does not exceed one thousand five hundred square feet of floor area, unless referred to the planning commission by the director of environmental management for determination of consistency with the intent of ATC or ATC-NC districts.
  2. Shall provide adequate utilities, access roads, drainage and other necessary facilities.
- c. Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:
1. Retail stores and services, businesses and professional offices providing convenience goods and services to serve a residential neighborhood or rural community conducted entirely within a building or buildings on a single ownership where such building(s) or use exceeds one thousand five hundred square feet of floor area, or where any yard area is utilized for the provision of goods and services regardless of the size of the building(s).
  2. Automobile service station and repair garage.

**(2) Roadside stand.**

- (a) **Standards.** A roadside stand, as permitted in Table 28-41A, must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:
1. Shall be operated by the property owner or occupant.
  2. Size, as regulated in Table 28-41A, shall be determined by measuring the total roof-covered area. Where a roadside stand is operated within a portion of a larger building, the roadside stand shall be functionally separated from the remainder of the building by either temporary or permanent walls and size shall be determined by measuring the gross floor area of the enclosed space plus any outdoor display area.
  3. At least twenty-five percent (25%) of the crops sold shall be grown on-site or off-site on land owned or leased by the operator within Solano County. The balance of the stand shall

be used for the sale and inventory of crops or other agricultural products, including nonagricultural products as regulated by this Chapter, grown or produced on-site or off-site.

4. An area not exceeding 50 square feet may be used for the sale and inventory of prepackaged food, provided that such food sales and inventory complies with the requirements of the Department of Resource Management, Environmental Health Services Division, and is from an "approved source" and is not a "potentially hazardous food" as defined by the California Health and Safety Code.
5. Nonagricultural product sales shall mean the on-site sales of nonagricultural products produced on and off the property, where the total inventory and sales area for such products is limited to a maximum percentage of the size of the stand, as specified in Table 28-41 A, except that sales and inventory of prepackaged food shall be further subject to the requirements of subsection E.4.
6. Minimum setback from an adjacent street shall be the same as required for the main building.
7. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
8. Shall provide adequate controls or measures to prevent dust, odor or light.
9. Shall provide off-street parking in accordance with Section 28-55 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
10. Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.

#### **28.41.50.50 TOURIST USES**

- (a) **Permit Required.** Tourist uses are permitted uses, subject to the permit requirements in 28-41A.

- (b) **General Standards.** Tourist uses must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:
- (1) Within the A-SV-20 District, tourist uses shall be operated by the property owner or occupant, subject to possession of a valid Solano County business license.
  - (2) Minimum setback from an adjacent street shall be the same as required for the main building.
  - (3) Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
  - (4) Shall provide off-street parking in accordance with Section 28-55 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with the Building Code.
  - (5) Shall obtain necessary approvals for sale of prepared food, including Department of Resource Management (if required) and Environmental Health Services Division approval prior to operation.
  - (6) Shall obtain all necessary approvals with other County departments, if required, prior to operation.
  - (7) Shall provide off-street parking in accordance with Section 28-55 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
  - (8) The specific retail trade and tourists uses listed below may be conducted subject to the specific regulations contained in Table 28.40A, the development standards contained in Tables 28-41 B and 28-41 C, the general requirements of (e) 1 through 7 above, and conditions of Section 28.53(i)(10), and comply with the following general requirements:

(c) **Standards for Specific Agritourism Uses.**

- (1) **Bakeries, Cafés and Restaurants.** A bakery, café, or restaurant as permitted in Table-28-41A. Such uses must meet the applicable development standards contained in Tables 28-41 B and 28-41 C, conditions of Section 28.53(i)(10), and comply with the following specific requirements:
  - a. Shall be incidental to the principal agricultural use on the property in the Agriculture-Suisun Valley (A-SV) District.

- (2) **Galleries.** Such use must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following specific requirements:
  - a. Shall be incidental to the principal agricultural use on the property in the Agriculture-Suisun Valley (A-SV) District.
- (3) **Resort Hotel.** Resort Hotels may be permitted by conditional use permit. Such uses must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and all standards specified in the use permit.
- (4) **Special Events.** Special events may be permitted by conditional use permit, incidental to the principal agricultural use on the property, except as specified for small and medium wineries above. Such use must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:
- (5) **Marketing Events.** Marketing events are allowed by right, incidental to the principal agricultural use on the property. Such use must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:
- (6) **Bed and Breakfast Inn.** Bed and Breakfast Inns are allowed by right, incidental to the principal agricultural use on the property. Such use must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:
  - a. Signage shall be limited to one (1) non-illuminated wall-mounted sign not to exceed four (4) square feet in area.
  - b. Shall have no more than 10 guest rooms.
- (7) **Tasting Facilities.** Tasting facilities are allowed by right, incidental to a principal agricultural processing use or winery on the property. Such use must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:
  - a. Tasting facilities must be no larger than 2,000 square feet or 30 percent of the size of the processing facility, whichever is greater. Size shall be determined by measuring the total roof covered area.
  - b. Products tasted and sold must be produced on-site or off-site on land owned or leased by the operator within Solano County.
- (8) **Local Products Store.** Local Products Stores are provided by right, subject to compliance with the applicable development standards delineated in Table 28-41B.
- (9) **Hotels.** Hotels are permitted by right. Such use must meet the applicable development standards delineated in Table 28-41B and all standards specified in the use permit.

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

**(10) Agricultural homestay.** An agricultural homestay is subject to compliance with the applicable development standards delineated in Table 28-41B and the standards specified in this section (b) above and listed below:

- a. Shall be restricted to one single family dwelling. No accessory structure shall be allowed for use as transient occupancy.
- b. Shall be operated, maintained, and occupied by the property owner.

**(d) Standards for Temporary Agritourism**

**(1) Permit Required.** An administrative permit is required for agritourism uses, provided any such use shall meet the standards delineated in Table 28-41B. Permits issued under this shall be for a fixed term not to exceed one year, unless otherwise specified in this section. In the event that an agritourism use cannot meet the standards in this section, then a minor use permit shall be required to alter any of the standards in (2) below.

**(2) Standards.**

**a Amusement and Entertainment Uses**

- 1. Amusement activities may be conducted as permitted in Table 28-41A, subject to the standards below:
  - i. Shall provide a minimum six foot solid board fence or masonry wall separating parking areas from abutting residential property; and,
  - ii. No amusement event where liquor is served shall be established on a lot closer than two hundred feet to any boundary of any residential district unless a use permit is first secured in each case.

**b. Farmer's Market**

- 1. A Farmer's Market may be conducted as permitted in Table 28-41A, subject to the standards below:
  - i. The Farmers Market shall be operated by the property owner or occupant.
  - ii. Only the producer or the producers' parents, children, grandparents and grandchildren or a relative regularly residing in the producer's household or an employee of the producer may sell the producer's products at the market. An

employee is any person employed by the producer at a regular salary or wage, on either a full or part time basis. It does not include a person who is reselling or for whom show compensation is primarily based on a commission on sales. Proof of status of an employee is an authorized agreement proving that the person selling is an employee of the Qualified Seller. An employee may not sell for more than one Qualified Seller at a time.

- iii. The sale and inventory of prepackaged food, provided that such food sales and inventory complies with the requirements of the Department of Resource Management, Environmental Health Services Division, and is from an "approved source" and is not a "potentially hazardous food" as defined by the California Health and Safety Code is permitted.
- iv. Nonagricultural product sales shall mean the on-site sales of nonagricultural products produced on and off the property, where the total inventory and sales area for such products is limited to 10% of the total sales area.
- v. Minimum setback from an adjacent street shall be the same as required for the main building.
- vi. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- vii. Shall provide adequate controls or measures to prevent dust, odor or light.
- viii. Shall provide off-street parking in accordance with Section 28-55 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
- ix. Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.

**c. Seasonal Sales Lots**

- 1. Seasonal sales events shall be operated such that:
  - i. Adequate measures and controls shall be taken to prevent offensive noise, odors and dust, and,

- ii. Shall have a minimum six-foot high, solid board fence or masonry wall separating the lot from abutting residential uses.
- iii. Seasonal sales events are limited to one 60 day period annually, per seasonal event.

#### **28.41.50.60 COMMERCIAL SERVICE USES**

- (a) **Permit Required.** Commercial service uses are permitted uses, subject to the permit requirements in 28-41A.
- (b) **Standards.** Commercial service uses must meet the applicable development standards delineated in Tables 28-41 B and 28-41 C and comply with the following:
  - (1) **Access.** Commercial service uses shall provide ingress and egress designed so as to avoid traffic congestion;
  - (2) **Roads.** Commercial service uses shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
  - (3) **Prevent Offensive Noise, Dust, Glare, Vibration or Odor.** Commercial service uses shall provide adequate controls or measures to prevent noise, dust, glare, vibration or odor.

#### **28.41.50.70 COMMUNICATION AND INFRASTRUCTURE USES.**

- (a) **Specific Requirements for Temporary Construction and Infrastructure projects**
  - (1) **On-site Construction Office, Storage and Construction Yard**
    - a. **Standards.** On-site construction offices, storage and construction yards while construction is being actively conducted pursuant to a valid building permit shall comply with the standards in Tables 28.41B and Table 28.41 C, as well as the standards below.
      - 1. **No Removal of Agricultural Uses.** Facilities, temporary commercial coaches, construction yards for the storage of materials and/or construction vehicles shall not require the removal of productive agricultural uses of the land.
      - 2. **Time Limits.** On-site construction offices, storage and

- construction yards may be permitted for up to 24 months.
3. **Temporary Commercial Coach.** A temporary commercial coach may be utilized on any construction site as an office. The commercial coach may not be used as a residence and shall meet all building setbacks applicable to permanent development on the parcel.

(2) **Off-Site Construction Office, Storage and Construction Yard**

- c. **Standards.** Off-site construction offices, storage and construction yards shall comply with the standards in Tables 28.41B and Table 28.41 C, as well as the standards below.
  1. **No Removal of Agricultural Uses.** Facilities, temporary commercial coaches, construction yards for the storage of materials and/or construction vehicles shall not require the removal of productive agricultural uses of the land.
  2. **Time Limits.** Temporary construction and public infrastructure uses shall be permitted for up to 24 months, provided a public infrastructure project which is actively under construction in the vicinity.
  3. **Temporary Commercial Coach.** A temporary commercial coach may be utilized on any lot as a construction office for a public infrastructure project.

## 28.41.60 - DESIGN GUIDELINES AND DESIGN REVIEW

- (a) **Purpose.** The purpose of design review is to promote a quality rural character in new development for Suisun Valley and to unify the design and construction of individual neighborhood agricultural tourist centers into the existing agriculturally-focused context.
- (b) **Design Review Process.** Design review is required for any new construction in the A-SV-20, A-T-C and A-T-C-NC Districts and shall follow the process described below:
  - (1) **Preliminary Plan Review.** Applicants should contact the Resource Management Department to schedule a preliminary application meeting to clarify the County approval process for their particular project and discuss the Design Guidelines as adopted by resolution of the Board of Supervisors.
  - (2) **Final Design Review.** Based upon the type of permitting required for the project, design review permits will be issued according the provisions of either 'a.' or 'b.', as described below:
    - a. **Discretionary Permits.** When a project requires a discretionary permit, including any rezoning, use permit, sign permit or variance, Design Review will be approved by the hearing authority as a part of the discretionary permit. The hearing authority shall consider recommendations from staff in its decision. The adopted Design Guidelines and any other established standards shall provide the basis for final approvals.
    - b. **Non-discretionary permits.** When a project requires a non-discretionary permit, such as an administrative permit or building permit, then the Director of Resource Management, or his or her designee, shall take action administratively on the design review within 10 days of filing of the non-discretionary permit. The Director shall consider recommendations from staff along with the adopted Design Guidelines and any other established standards shall provide the basis for final approvals.
- (c) **Design Guidelines.** The Suisun Valley design Guidelines (Chapter 4 of the Suisun Valley Strategic Plan) shall serve as the guidelines for the design review of all new construction in the A-SV-20, A-T-C and A-T-C-NC Districts.
- (d) **Action by the Hearing Authority.** The hearing authority shall take action to approve, conditionally approve or deny the design review within 10 days of the filing of a complete application for design review. If the hearing authority denies a Design Review Permit, then the hearing authority shall provide the applicant with written descriptions of any development proposal design features in a form that constitutes recommended modifications to the project in order to clearly provide the applicant an understanding of the desired changes that would obtain an approval from the hearing authority.

- (e) **Findings.** The hearing authority shall make the following findings prior to taking action to approve, or conditionally approve design review. The hearing authority finds that:
- (1) the project conforms to the Suisun Valley Design Guidelines,
  - (2) the project will maintain and enhance the Valley's agricultural character.
  - (3) the project will maintain, enhance, or restore natural features.
  - (4) the project will preserve the indigenous landscape and rural character.
  - (5) the project will enhance quality of life and economic vitality.
  - (6) the project will enhance the community brand and destination marketing the Valley.
  - (7) the project will ensure the highest quality new construction.
  - (8) the project will minimize site disturbance.
  - (9) the project will preserve views of natural and cultural features.
  - (10) the project will ensure compatibility of new projects with natural and rural landscapes.
- (f) **Approval.** Design Review approval shall remain valid for a period of one year after which the approval shall lapse and become null and void. The issuance of a building permit shall constitute an extension of the Design Review approval which shall remain valid during the time period the building permit is considered active.
- (g) **Occupancy.** No structure which has received Design Review approval shall be occupied or used in any manner or receive a certificate of occupancy until the Resource Management Department has inspected and determined that the structure(s) and site development comply with the Development Review approval.
- (h) **Appeals.** Appeal from any finding or action by the Director of Resource Management or the Planning Commission, unless otherwise provided for in this Division, shall be made pursuant to Section 28-63.
- (i) **Amendments.** Amendments or changes to existing plans: It shall be at the discretion of the Director of Resource Management to make a determination whether the proposed change or amendment constitutes a significant change requiring additional Design Review. In cases where such changes are determined to be minor in nature, the proposed changes shall be subject to

**ARTICLE IV**

Chapter 28, Section 28-15, of the Solano County Code (Zoning Regulations) is amended by amending Zoning Map No. 9S, 12N and 12S as illustrated in Exhibit A, attached to this ordinance.

**ARTICLE V**

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

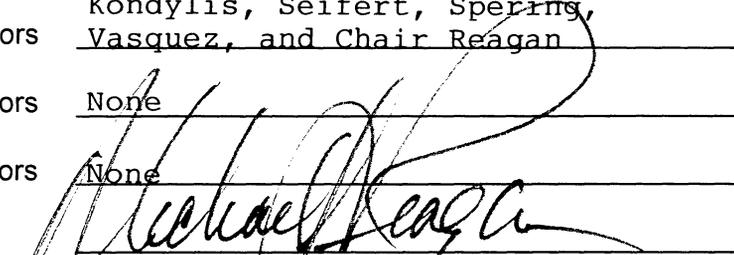
**ARTICLE VI**

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.

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Passed and adopted by the Solano County Board of Supervisors on February 1, 2011, by the following vote:

AYES:	Supervisors	<u>Kondylis, Seifert, Spering, Vasquez, and Chair Reagan</u>
NOES:	Supervisors	<u>None</u>
EXCUSED:	Supervisors	<u>None</u>



Michael J. Reagan, Chair  
Solano County Board of Supervisors

ATTEST:  
Michael D. Johnson, Clerk  
Board of Supervisors

By: Myra Chivula Deputy  
Patricia J. Crittenden, Chief Deputy Clerk

EXHIBIT A : ZONING MAP

