

**ARTICLE III**  
**LAND USE REGULATIONS**

**Subsections:**

<b>28.70</b>	<b>Land Use Regulations .....</b>	<b>III. 2</b>
<b>28.71</b>	<b>Agricultural Uses .....</b>	<b>III. 6</b>
<b>28.72</b>	<b>Residential Uses.....</b>	<b>III. 22</b>
<b>28.73</b>	<b>Recreation, Education, and Public Assembly Uses.....</b>	<b>III. 44</b>
<b>28.74</b>	<b>Retail and Office Uses.....</b>	<b>III. 55</b>
<b>28.75</b>	<b>Tourist Uses .....</b>	<b>III. 61</b>
<b>28.76</b>	<b>Commercial Service Uses .....</b>	<b>III. 70</b>
<b>28.77</b>	<b>Industrial, Manufacturing, Processing and Wholesale Uses .....</b>	<b>III. 74</b>
<b>28.78</b>	<b>Communication and Infrastructure Uses .....</b>	<b>III. 78</b>
<b>28.79</b>	<b>Resource Protection Uses .....</b>	<b>III. 86</b>
<b>28.80</b>	<b>Commercial Wind Energy Facilities .....</b>	<b>III. 87</b>
<b>28.81</b>	<b>Wireless Communications Facilities .....</b>	<b>III. 88</b>
<b>28.82</b>	<b>Personal Cannabis Cultivation and Primary Caregiver Cultivation Uses .....</b>	<b>III.100</b>

## **28.70 Land Use Regulations**

### **28.70.10 General Development Standards Applicable to All Uses in Every Zoning District**

No use of land or buildings shall be conducted except in compliance with these general development standards.

- A. Zoning District Standards.** Any use of land or buildings must meet the general development standards described in this section unless more stringent permitting and development standards are delineated in the applicable zoning district.
- B. Performance Standards.** Except as provided in Chapter 2.2, any use of land or buildings must meet the applicable performance standards listed below:
  - 1. Prevent Offensive Noise, Dust, Glare, Vibration, or Odor.** All uses of land and structures shall be conducted in a manner, and provide adequate controls and operational management, to prevent:
    - a. Dust, offensive odors, or vibrations detectable beyond any property line;
    - b. Noise that exceeds 65dBA LDN at any property line; and
    - c. Glint or glare detectable beyond any property line or by overflying aircraft.
  - 2. Prevent Storm Water Pollution.** Any use of land or buildings shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river
  - 3. Parking.** Adequate off-street parking shall be provided pursuant to Section 28-94; parking areas and driveways shall be treated as necessary to control dust. Parking areas shall not be located any closer than 200 feet to an adjoining property. Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
  - 4. Removal of Natural Material.** Removal of natural material 1) shall prevent offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
  - 5. Solid Waste and General Liquid Waste Storage and Disposal.**
    - a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
    - b. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.

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

Should the Director of Resource Management believe that a proposed use in any district is likely to violate the performance standards in B.1-8 above, the Director may invoke the performance standard procedures contained in Section 28-95.

**C. Fairfield Train Station Specific Plan Area.** Uses established in the Fairfield Train Station Area, designated an Urban Project Area by the Solano County General Plan shall, be consistent with existing development and considered interim uses which terminate upon annexation to the City of Fairfield.

**D. Airport Land Use Compatibility Plans.** Within an airport area of influence or area of concern depicted in an airport land use compatibility plan adopted by the Solano County Airport Land Use Commission, land uses allowed by this Zoning Ordinance shall conform with the applicable compatibility policies and criteria set forth in that airport land use compatibility plan.

**E. Other Permits.** The use of lands and buildings may be subject to additional permits from the County of Solano or other public agencies. Prior to conducting any land use authorized under this Chapter, please check with the following agencies for additional permit requirements:

- 1. **Building and Safety Division.** The Building Services Division may require a building permit and/or occupancy permit prior to conducting any use authorized by this Chapter. A building permit may also be required prior to any change in the occupancy type of a previously permitted building or structure.
- 2. **Environmental Health Services Division.** The Environmental Health Services Division administers a variety of laws and regulations which may require permits prior to conducting specific land uses authorized under this Chapter, including:

**a. Food facility permits.**

- (1) **Sale and Consumption of Food and Beverage.** Any use of land or buildings which provide for the sale and/or consumption of the food or beverage must meet all federal, state and local laws and regulations, including Department of Resource Management Environmental Health Services Division approval (if required) prior to operation.
- (2) **Food Preparation.** Any use of land or buildings which provide for the sale of prepared food, must meet all federal, state and local laws and regulations, including Department of Resource Management Environmental Health Services Division approval (if required) prior to operation.

- b. **Hazardous materials and waste program permits,**
  - c. **Recreational health facility permits,**
  - d. **Liquid and solid waste permits including septic system permits,**
  - e. **State Small water system permits, and**
  - f. **Water well permits.**
3. **Public Works Engineering Division.** The Engineering Services Division administers a variety of regulations which may require permits including encroachment permits and grading and drainage permits.
  4. **Fire Protection District.** Local fire protection districts may regulate certain uses of buildings and land.
  5. **Other Agencies.** Certain land uses are subject to laws and regulations administered by federal, state, regional and local agencies and may require additional licenses or permits, prior to conducting the land use. Prior to conducting any land use authorized under this Chapter, any other licenses or permits required by any other agency must be obtained.

**28.70.20      Prohibited Land Uses**

- A. **Public Nuisance.** Any use of buildings or land not authorized by this Chapter, or which has not been authorized in the manner required by this Chapter, is prohibited and is declared to be a public nuisance.
- B. **Land Uses Prohibited in Some Zoning Districts.** In addition to land uses expressly prohibited in the version of Table A applicable to a zoning district, any use of buildings or land within a zoning district that is not listed in the version of Table A applicable to that zoning district is prohibited.
- C. **Land Uses Prohibited in All Zoning Districts.** The following land uses are prohibited in all zoning districts:
  1. **Medical Marijuana Dispensary**

## 28.71 AGRICULTURAL USES

(This section reserved)

### 28.71.10 Crop Production and Grazing

#### A. General Requirements

-Reserved-

#### B. Specific Requirements

The specific crop production and grazing uses listed below shall comply with the general performance standards (28.70.10A) and the following specific standards:

##### 1. Agricultural Accessory Structures

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.

- g. **Sequence of construction.** Accessory structures shall not be constructed on a lot until a principal use has been established on the lot, and an accessory structure shall not be used unless the principal use has been established.

## **28.71.20 Agricultural Processing Uses**

### **A. General Requirements**

All agricultural processing uses shall comply with the general performance standards (28.70.10) and the following general standards:

1. **Truck Access.** Trucking access with shall not interference with normal traffic;
2. **Roads.** Processing facilities may be located on a private road only if there is a recorded maintenance agreement executed by all lot owners served by the private road.
3. **Storm Water Pollution Prevention.** Storm water shall be managed 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.

### **B. Specific Requirements**

The specific agricultural processing uses listed below shall comply with the general requirements in (A) above and the following specific standards:

#### **1. Agricultural Processing Facility**

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

operator in Solano County, then the facility shall be subject to the permitting requirements of the zoning district applicable to a Medium Agricultural Processing Facility.

**b. Medium Agricultural Processing Facility.** A medium agricultural processing facility, as defined in Section 28-10, shall comply with the applicable development standards delineated in the zoning district, the general requirements for agricultural processing uses (28.71.20A above) and the following standards:

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

**c. Large Agricultural Processing Facility.** A large, as defined in Section 28-10, shall comply with the applicable development standards delineated in the zoning district, the general requirements for agricultural processing uses (28.71.20A above) and the following standards:

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

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

## 2. Nursery with Public Sales

### a. Standards. Nurseries shall:

- (1) Be limited to 1,500 square feet in total display area for non-plant products,
- (2) Shall provide at least 5 on-site parking spaces,

## 3. Wineries

### a. Small winery. A small winery, as defined in Section 28-10, is allowed by right subject to compliance with the development standards delineated in the zoning district, the general requirements for agricultural processing uses (28-70.20B.1(a-i) above) and the standards below:

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

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

- (1) Shall obtain Environmental Health Services Division of the Department of Resource Management, and Fire Department approval, if required, and notify the Sheriff's Office prior to hosting special events.
- (2) The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.
- (3) A tasting facility is allowed by right, ancillary to the winery, and must be no larger than 2,000 square.



- c. **Large winery.** A large winery, as defined in Section 28-10, is allowed with a use permit, subject to compliance with the applicable development standards delineated in the applicable zoning district, the general requirements for agricultural processing uses (28-70.20 B.1. (a-i) above) and the standards below:

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

### 28.71.30 **Animal Facilities and Operations**

#### A. **General Requirements**

Animal facilities and operations shall comply with the following general standards:

1. **Setback.** Shall be located no closer than two hundred (200) feet from any property line;
2. **Private Road Limitation.** Processing facilities may be located on a private road only if there is a recorded maintenance agreement executed by all lot owners served by the private road.
3. **Storm Water Pollution Prevention.** Shall manage storm water to prevent any processing wastes or by-products from discharging into any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.

#### B. **Specific Requirements**

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

##### 1. **Confined Animal Facilities**

Confined Animal Facilities shall conform to the following standards:

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

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

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

- i. One (1) mile from any city's sphere of influence line, as established by the Solano Local Agency Formation Commission, or, where no sphere of influence line has been established, from any city limit line. This requirement may be reduced in distance or waived if the area within the sphere of influence line or city limit line is being used, or will be used, for municipal wastewater treatment facilities. This minimum distance may be increased based on site specific factors and potential impacts identified through the environmental review process.
- ii. This requirement shall only apply at the time of the facility's initial approval, and a change in the sphere of influence shall not alone render an operating facility non-conforming, as described in Subsection 3.5.5.
- iii. Two hundred (200) feet from any property line. Truck loading areas may occur within the front setback area, provided that they do not encroach into the road right of way.
- iv. Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within these minimum setback areas.

(2) **Water Protection.** The following minimum water protection standards are applicable:

- i. **Ground Water Monitoring Standards.** As part of the use permit application materials, the applicant shall submit a proposed ground water monitoring plan. The Division of Environmental Health shall review the proposed plan and recommend appropriate revisions, if any. The plan shall provide for the testing and reporting of ground water quality on the project site both prior to, and at least once every six months during, the operation of the facility. In granting a use permit, the ground water monitoring plan shall be approved as a component of the approved land use operation and the permit shall be conditioned to require that the permittee comply with the provision of the approved plan.
- ii. **Wastewater Pond Design Standards.** All wastewater storage ponds and treatment lagoons shall be designed and constructed to meet the following standards:

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

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

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

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

- i. Three (3) miles from any city's sphere of influence line, as established by the Solano Local Agency Formation Commission, or, where no sphere of influence line has been established, from any city limit line. This requirement may be reduced in distance or waived if the area within the sphere of influence line or city limit line is being used, or will be used, for municipal wastewater treatment facilities. This minimum distance may be increased based on site specific factors and potential impacts identified through the environmental review process.
- ii. This requirement shall only apply at the time of the facility's initial approval, and a change in the sphere of influence shall not alone render an operating facility non-conforming, as described in Subsection 3.5.5.
- iii. One (1) mile from the nearest large confined animal facility
- iv. 2,500 feet from any natural public drinking surface water supply intake and 200 feet from a primary tributary to a domestic surface water supply

(measured from any liquid or solid waste storage area or land application area only), including but not limited to the Barker Slough intake.

- v. One (1) mile from any Residential zoning district, as established in Section 28-15 of this Chapter.
- vi. Two hundred (200) feet from any property line. Truck loading areas may occur within the front setback area, provided that they do not encroach into the road right of way.
- vii. One quarter (¼) mile (1,320 feet) downwind and one half (½) mile (2,640 feet) upwind of any existing occupied dwelling unit not owned or occupied by the facility's owner or personnel. This requirement may be waived if the owner of the dwelling has provided comment, in writing, that he or she has no objection to the location of developed portions of the facility within such setback area.
- viii. Two (2) miles from the boundary of the National Veterans Cemetery.
- ix. Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within these minimum setback areas.

## **(2) Other Standards**

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

## **(3) Standards for All Confined Animal Facilities**

- (a) **Manure and Silage Storage.** Storage or stockpiling of manure and silage shall occur in a manner which minimizes odor and vector nuisances to the greatest extent practicable, based on current industry practices.
- (b) **Loading Areas and Access.** Adequate truck loading areas shall be provided within the developed portion of the facility. Ingress and egress

shall be designed to avoid creation of traffic hazards and congestion, odor, dust, noise or drainage impacts.

(c) **Grandfathered Non-conforming Uses.** Any confined animal facility, including any sales and feed lot, stockyard, or dairy, legally established prior to May 3, 2005, which does not meet the standards set forth above [excepting Subsections 28-71.30.B.1b(1)i and 28-70.20.B.1c(1)i], shall be considered legal non-conforming.

(d) **Expansion of Grandfathered Non-Conforming Uses.** A legal non-conforming confined animal facility shall not be allowed to physically expand its use or increase the number of animals allowed unless the standards set forth in 28-71.30.A and B1 [excepting Subsections 28-71.30.B1b (1) i and 28-71.30.B1c (1) i] are met.

## 2. **Fowl and Poultry Ranch**

“Fowl and Poultry Ranches” are distinguished from “Pastured Poultry” operations in the definitions found in Section 28.10. Regulations for pastured poultry operations may be found in Section 28.71.30.B4.

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

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

### 3. **Hog Ranch**

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

#### a. **Standards for Large Hog Ranches.** Large hog ranches:

- (1) Trucking access shall not interfere with normal traffic;
- (2) Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion; and,
- (3) Shall show that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance or a hazard;
- (4) Shall show that proposed source of water will not deprive others of normal supply.

### 4. **Pastured Poultry**

“Pastured Poultry” operations are distinguished from “Fowl and Poultry Ranches” in the definitions found in Section 28.10. Regulations for fowl and poultry ranches may be found in Section 28.71.30.B2.

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

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

- ii. Prevent any accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people
  - iii. Prohibit any nuisance, offensive matter, foul or noxious odors.
- b. **Special Events Facility.** A special events facility may be operated in conjunction with a pastured poultry operation subject to the provisions of Section 28.73.30.A and B8 of this Chapter.
- c. **Public Sales.** Public sales, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the applicable zoning district, as well as the following specific development standards:
  - (1) Shall be operated by the property owner or occupant.
  - (2) Shall not exceed 1,000 square feet. Size shall be determined by measuring the total roof-covered area. Where public sales are operated within a portion of a larger building, the public sales shall be functionally separated from the remainder of the building by permanent walls and size shall be determined by measuring the gross floor area of the enclosed space plus any outdoor display area.
  - (3) Public sales of on-site eggs are permitted. No meat sales are permitted. At least twenty-five percent (25%) of the product sold shall be grown on-site or off-site on land owned or leased by the operator within Solano County. The balance of the stand shall be used for the sale and inventory of crops or other agricultural products, including nonagricultural products as regulated by this Chapter, grown or produced on-site or off-site.
  - (4) An area not exceeding 50 square feet may be used for the sale and inventory of prepackaged food, provided that such food sales and inventory complies with the requirements of the Department of Resource Management, Environmental Health Services Division, and is from an "approved source" and is not a "potentially hazardous food" as defined by the California Health and Safety Code.
  - (5) Nonagricultural product sales shall mean the on-site sales of nonagricultural products produced on and off the property, where the total inventory and sales area for such products is limited to an area of 50 square feet, except that sales and inventory of prepackaged food shall be allowed subject to the requirements of paragraph (4) above.
  - (6) Minimum setback from an adjacent street shall be the same as required for the main building.
  - (7) Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit

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

- (8) Shall provide adequate controls or measures to prevent dust, odor or light.
- (9) Shall provide off-street parking in accordance with Section 28-55 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.

**d. Agricultural Commercial Kitchen.**

A commercial kitchen, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the applicable zoning district, as well as the specific development standards in Section 28.76.10.A and B1.

**5. Slaughterhouse**

**a. Standards.** Slaughterhouses shall:

- (1) Regulate, control or prohibit the accumulation of animal matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people,
- (2) Trucking access shall not interfere with the normal traffic;
- (3) Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion; and,
- (4) Shall control odor, dust, noise, and waste disposal;
- (5) Shall show that proposed source of water will not deprive others of normal supply.

**28.71.40 Other Agricultural Operations**

**A. General Requirements**

This section reserved

**B. Specific Requirements**

Other agricultural operations listed below shall comply with the general performance standards (28.70.10 above) and the following specific standards:

**1. Agricultural Employee Housing**



- a. **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 subject to the following conditions as well as the applicable development standards as permitted in the applicable zoning district, as well as the following specific development standards:

- (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. **Commercial Auctions and Agricultural Equipment Sales**

- a. **Standards.** Auctions and agricultural equipment sales shall comply with the following standards:

- (1) **Duration.** Auctions and agricultural equipment sales shall be limited to three events per year, not to exceed seven days per event.
- (2) **Access.** Shall provide ingress and egress designed so as to avoid traffic congestion;
- (3) **Roads.** Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- (4) **Hours of Operation.** Shall be limited to 8:00am until 6:00 pm Mondays through Sunday.
- (5) **Prevent Offensive Noise, Dust, Glare, Vibration or Odor.** Shall provide adequate controls or measures to prevent noise, dust, glare, vibration or odor.

## 3. **HCD Agricultural Employee Housing**

Agricultural employee housing as regulated by the State of California is permitted provided all necessary permits have been obtained from the State.

## 4. **Labor Camps**

Labor camps in an A district shall be located on a public road and where sanitary facilities are available.

**5. Temporary Commercial Coach**

- a. No Removal of Agricultural Uses.** Siting of temporary commercial coaches utilized as temporary agricultural offices, shall not result in the removal of productive agricultural uses of the land.
- b. Time Limits.** Temporary commercial coaches utilized as temporary agricultural offices, shall be permitted for up to 24 months, provided a building permit has been issued for the construction of a permanent agricultural office.

**6. Livestock Auction Yard**

- a. Standards.** Livestock auction yards shall comply with the following standards:

- (1) Access.** Shall provide ingress and egress designed so as to avoid traffic congestion;

- (2) Roads.** Livestock auctions yards 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) Hours of Operation.** Shall be limited to 8:00am until 6:00 pm Mondays through Sunday.

- (4) Prevent Offensive Noise, Dust, Glare, Vibration or Odor.** Livestock auctions yards shall provide adequate controls or measures to prevent noise, dust, glare, vibration or odor.

- (5) Setback.** All areas where livestock are kept, housed or confined shall be setback a minimum of 200 feet from any adjoining property line.

## 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 in 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. Accessory Buildings and Uses, Residential**

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. **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.

## 3. **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.

**4. Reserved**

**5. Reserved**

**6. Secondary Dwelling**

- a. **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:

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

<b>Maximum Size for a Secondary Dwelling</b>	
(R-E) Districts	850 Square Feet
(R-R) Districts	1,500 Square Feet
(A)(A-L)(W) Districts	1,800 Square Feet

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

- (3) **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:

- a) **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.
  - b) **Temporary Dwelling during Construction.** Use of temporary dwelling while the primary dwelling is under construction, in accordance with Section 28-72.20A and B7.
- (4) **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.
  - (5) **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.
  - (6) **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.

**b. Secondary dwelling or guest house, existing:**

- (1) **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.
- (2) **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”).
- (3) **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.

**(4) 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.

**c. 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)

## **7. Second Kitchens**

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

(1) A second kitchen may be approved only for a detached, single-family dwelling, and a dwelling shall not have more than one second kitchen.

(2) The second kitchen must be for the use of the family occupying the dwelling unit.

(3) The second kitchen shall not be used for any commercial purposes other than a licensed home occupation.

(4) 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.

- (5)** 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.
- (6)** 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.
- (7)** 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.
- (8)** 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.

## 28.72.20 TEMPORARY RESIDENTIAL USES

### 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 **Animal Facilities and Operations Incidental to a Residential Use**

#### A. **General Requirements**

Animal facilities and operations shall comply with the following general standards:

1. **Zoning District Standards.** Must meet the applicable development standards delineated in the applicable zoning district and the standards of this Section.
2. **Ingress/Egress and Truck Loading.** 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.

#### B. **Specific Requirements**

The specific animal facilities and operations listed below shall comply with the general requirements (A.1-2) above and the following specific standards:

##### 1. **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:

- a. **Minimum Parcel Size.** The parcel size shall be one acre or greater.
- b. **Maximum Number of Animals.** The number of animal units shall not exceed two animal units per acre of ownership.
- c. **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.
- d. **Keeping of Hogs Prohibited.** Hogs are not permitted.
- e. **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.

##### 2. **Hog Raising, Residential**

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

- a. **Maximum Parcel Area.** The parcel upon which the hogs are kept shall contain a minimum of two net acres.

- b. **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.
- c. **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.
- d. **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.
- e. **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.

### 3. **Kennels and Catteries, Small**

- a. **Standards.** 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

### 4. **Small Animal Husbandry**

Small animal husbandry shall meet the following standards::

- a. **Maximum Number of Animals.** The total number of small animals kept on one parcel shall not exceed twenty (20) per acre.
- b. **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.
- c. **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.

- d. **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.
- e. **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.

5. **Stable, Private**

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

<b>Table 28-70A Development Standards for PRIVATE STABLES</b>			
	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
* Where the front property line lies within a county road easement, the setback shall be measured from the outer easement line.			

## 28.72.40 Other Uses Incidental to a Residential Use

### 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.

**28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES**

**28.73.10 Recreational Uses**

**A. General Requirements**

Recreational uses, as permitted in the applicable zoning district, shall meet the following 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;

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

2. **Exterior Lighting.** Lighting capable of providing adequate illumination for security and safety and directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
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. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
5. **Screening of Parking.** Amusement places or places of commercial recreation shall provide ingress and egress designed so as to avoid traffic congestion; shall provide a minimum six foot solid board fence or masonry wall separating parking areas from abutting residential property; and shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.

**B. Specific Requirements**

The specific recreational uses listed below shall comply with the general requirements (28.73.10A1-5) above and the following specific standards:

1. **Hunting and Fishing Clubs.**

Facilities must be connected to an approved sewage disposal system.



**2. Marinas**

- a. Shall provide sufficient and conveniently located restrooms, showers, garbage disposal facilities, parking, and sewage pumpout facilities.
- b. Floating homes and live aboard boats may not exceed 10% of the total authorized boat berths.

**3. Stable, Public without Horse Shows**

- a. **Public stables standards.** Public stables shall meet the following standards:

- (1) All public stables shall provide on-site parking, loading, and vehicular turn-around space, together with ingress and egress so designed to avoid traffic hazards and congestion; shall not constitute a nuisance or hazard to nearby properties due to trespass, odor, dust, noise and drainage. Certain facets of the operation which are determined not to be offensive, such as grazing, storage, etc., may be granted exceptions by the authority acting on the permit application to vary the minimum distance requirements.
- (2) 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.
- (3) Subject to the provisions of the applicable zoning district, public stables shall comply with the standards in Table 28-73A below:

**Table 28-73.A Development Standards for Public Stables without Horse Shows**

	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 for nine horses or less	20 feet	20 feet	60 feet*
Corrals, paddocks, riding rings and other similar horse arenas	20 feet	60 feet	60 feet*
Barns, pens, corrals and other similar shelters for 10 or more horses and accessory buildings and areas.	20 feet	200 feet	200 feet*

\* Where the front property line lies within a county road easement, the setback shall be measured from the outer easement line.

**28.73.20 Education Uses**

**A. General Requirements**

Educational uses, as permitted in the applicable zoning district, shall meet the following 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.

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

2. **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.
3. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
4. **Screening of Parking.** Amusement places or places of commercial recreation shall provide ingress and egress designed so as to avoid traffic congestion; shall provide a minimum six foot solid board fence or masonry wall separating parking areas from abutting residential property; and shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.

**B. Specific Requirements**

The specific educational uses listed below shall comply with the general requirements (28.73.20A.1-4) above and the following specific standards:

**1. Agricultural Education.**

Agricultural education, conducted as an incidental activity to the production and/or processing of crops and other agricultural products, shall be permitted, subject to the permitting requirements and standards below:

**A. Permit requirements.**

- (1) **Minor Facility.** An administrative permit is required for any minor agricultural education facility which meets the requirements in i-iii below:

- i. No new buildings or structures are proposed,
- ii. No building occupancy changes are required
- iii. Not more than 25 people per day are visiting the site

**(2) Major Facility.** A minor use permit is required for any major agricultural education facility.

**B. Standards for All Agricultural Education Facilities.**

**(1) Operator.** Shall be operated by the owner or occupant of the property.

**(2) Public Road Access.** Shall be located on a public road.

**(3) Purpose of Educational Facility.** Shall offer educational services for the purpose of furthering the understanding of agricultural crop or livestock production and processing.

**(4) No Removal of Agriculture.** Shall not require the removal of any crops or grazing plants.

**(5) Hours of Operation.** Shall be limited to 8:00am until 6:00 pm Mondays through Sunday.

**28.73.30 Public Assembly Uses**

**A. General Requirements**

Public assembly uses shall comply with the following general standards:

1. **General Development Standards.** No use of land or buildings shall be conducted except in compliance with the general development standards in Section 28.70.10 and 28.70.20.
2. **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.
3. **Encroachment Permit Required.** All connections to County roads shall meet the encroachment permit requirements of the Public Works – Engineering Division, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
4. **Exterior Lighting.** Public assembly uses shall provide lighting capable of providing adequate illumination for security and safety and directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
5. **Parking - Screening.**
  - a. Parking areas shall be enclosed and screened by a minimum six-foot high, solid board fence or a minimum six-foot high masonry wall which shall separate the parking lot from the adjoining residential uses or any R District; and shall provide traffic surfaces that are maintained in a dust-free manner.
6. **Roads.** Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
7. **Setbacks.** The minimum setback from an adjacent street shall be the same as required for the main building. All public assembly uses where liquor is served shall be located at least 200 feet from any boundary of a residential district, unless a use permit is first secured.
8. **Incidental Retail Uses.** Public assembly uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
9. **Outdoor Storage.** Outdoor storage incidental to the primary use of the parcel for public assembly purposes is permitted, provided the area devoted to outdoor storage is screened from public view.

**B. Specific Requirements**

The specific public assembly uses listed below shall comply with each provision of Section 28.73.30A and the following specific standards:

**1. Churches**

Churches shall meet the following minimum development standards:’

- a. Located on a principal street on a minimum one acre site.
- b. In R Districts, except the R-R District, located on a site at least one-thousand five hundred feet (1,500) from any other site containing a church or museum.
- c. A six foot high decorative masonry wall shall be constructed and maintained on all side and rear property lines abutting R Districts, excepting the Rural Residential (R-R) District. For property lines abutting R-R Districts, a screen consisting of walls, fences, landscaping, berms or any combination to form a six foot high opaque screen shall be provided.
- d. No building shall be located closer than twenty-five feet to any property line constituting the parcel boundary.
- e. The required front yard setback as determined by the zone district shall be landscaped in accordance with a landscape and irrigation plan approved by the Department of Resource Management. At least two twenty-four inch (24”) box street trees are required for each 50 feet of street frontage or fraction thereof.
- f. Landscaping shall be provided equivalent to at least fifteen percent of the total parking area hardscape. The parking area hardscape includes parking stalls, sidewalks, and all driveways outside of the front yard setback. Such landscaping shall be located throughout the parking area and at a minimum shall include one twenty-four inch box tree for every five parking stalls.
- g. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Any illumination shall be directed away from adjacent properties and public rights-of-way.
- h. Parking areas, including driveways and loading areas, used for primary circulation and for frequent idling of vehicle engines shall be designed and located to minimize the impact of noise on adjacent properties.
- i. Churches adjacent to agricultural activities shall provide sufficient buffer so as not to burden or interfere with normal agricultural operations.
- j. The development standards set forth in subdivisions (1) through (9), inclusive, shall not apply to the review and consideration of any conditional use permit application that was filed prior to November 4, 1997. The minimum development standards for such applications are that the use shall be located on a principal street on a minimum one-half acre parcel; and in all districts, shall maintain a minimum ten-foot wide landscape strip on all property lines abutting R districts.

**2. Clubs, Lodges and Fraternal Organizations**

Clubs, lodges, and fraternal organizations shall comply with the following standards:

- a. Maintain a minimum ten-foot landscaped strip on all property lines abutting residential property;

**3. Limited Public Event**

Limited public events, as permitted in the applicable zoning district, shall meet the following standards:

- a. Shall be limited to once per year and shall not be open to the public for more than 10 weeks,
- b. Shall not cause significant adverse impacts to adjacent agricultural operations,
- c. Shall not operate on land which has been utilized for crop production within the past five years (operation on grazing land is acceptable),
- d. Shall be limited to outdoor events (no fully enclosed structures or tents open to the public),
- e. Shall not utilize electric sound amplification systems, and
- f. Shall require only minimal site alterations or permanent physical improvements.

Upon termination, expiration, or revocation of the use permit, the site shall be fully restored to its original condition.

- 4. **Outdoor Theaters.** Outdoor theaters or drive-in theaters shall be located only on a principal street; shall provide ingress and egress so designed as to avoid traffic congestion; shall be located sufficiently distant from any dwelling, barn or stable, and so screened from such buildings that any noise shall not disturb residents or farm animals; and any lighted signs and other lights shall be maintained in such a way as not to disturb neighboring residents or farm animals.

**5. Public Stable with Horse Shows**

- a. **Horse shows standards.** Subject to the provisions of the applicable zoning district, public stables with horse shows shall comply with the standards in Table 28-73.B below:

**b. Other standards.**

Horse shows shall meet the following additional standards:

- (1) 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

<b>Table 28-73B Development Standards for PUBLIC STABLES WITH HORSE SHOWS</b>			
	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 for nine horses or less	20 feet	20 feet	60 feet*
Corrals, paddocks, riding rings and other similar horse arena arenas	20 feet	60 feet	60 feet*
Horse Shows, barns and other similar shelters for 10 or more horses and accessory buildings and areas.	20 feet	200 feet	200 feet*
* Where the front property line lies within a county road easement, the setback shall be measured from the outer easement line.			

X  
ceeds one acre.

- (2) Public stables shall comply with the permitting requirements for the applicable zoning district.
- (3) All horse shows shall provide on-site parking, loading, and vehicular turn-around space, together with ingress and egress so designed to avoid traffic hazards and congestion; shall provide an emergency response plan to address fire protection and prevention and medical and emergency response; shall not constitute a nuisance or hazard to nearby properties due to trespass, odor, dust, noise and drainage. Certain facets of the operation which are determined not to be offensive, such as grazing, storage, etc., may be granted exceptions by the authority acting on the use permit application to vary the minimum distance requirements.
- (4) Horse shows shall be located no closer than two hundred feet from any property line; shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion; and shall show that odor, dust, noise or drainage will not constitute a nuisance or a hazard.

**6. Special Events Facility**

Except as otherwise provided for in this Chapter, a special events facility shall be permitted, incidental to the principal agricultural use of the property for commercial agricultural purposes, provided the facility complies with the standards in (a) below.

**a. Standards**

- (1) **Access.** Each parcel on which a special event is conducted shall provide adequate connections to a public road, or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road.
- (2) **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
- (3) **Kitchen Facilities.** Kitchens used for the preparation, storage, handling, or service of food at temporary events shall be permitted as a food facilities by the Division of Environmental Health.
- (4) **Hours of Operation.** All authorized events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.
- (5) **Operational Controls.**
  - i. **Fugitive Dust.** All special events located on sites with access from unpaved dirt roads and with unpaved on-site access roads and parking areas shall control fugitive dust with water trucks, sprinkler system or other practices acceptable to the applicable Air Quality Management District, in sufficient quantities to prevent airborne dust.
  - ii. **Noise.** Outdoor amplified sound shall not exceed 65dB when measured at the property lines.
  - iii. **Light and Glare.** Any proposed outdoor lighting used during events shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.
  - iv. **Odor.** A special event shall not cause objectionable odors on adjacent properties.
- (6) **Parking.** A special events facility must provide parking either on-site or off-site to accommodate all guests. 28:73 Parking shall be provided as follows: with such
  - i. **On-site parking.** On-site parking shall be located in an open area with a slope of 10 percent or less, at a minimum ratio of 1 space per 2.5 attendees, on a lot free of combustible material.



- ii. **Off-site parking.** If off-site parking is utilized, then off-site parking must be located outside of a road right-of-way and within 1,000 walking feet of the event site or shuttles must be provided. Written consent shall be obtained from the owners of all off-site parking areas. A minimum of one parking attendant shall be present at each lot used for off-site parking to assist in parking vehicles. For each off-site parking lot containing 50 or more vehicles, one parking attendant per each 50 vehicles shall be provided. For temporary parking lots, signs and directional signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event. For events that will require off-site parking, monitors shall be provided to direct traffic at all points of ingress, egress, and forks in private access roads and to turn away vehicles when authorized parking capacity is reached. If off-site parking is proposed, it shall be considered with the review of the land use permit for the event site.
  
- (7) **Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors including restrooms, refuse disposal receptacles, potable water and wastewater facilities.
  
- (8) **Setbacks.** Must be setback 100 feet from any property line and 200 feet from any residence on an adjoining parcel.
  
- (9) **No Removal of Agriculture.** No existing agriculture shall be removed in order to facilitate the conduct of temporary agritourism events.
  
- (10) **Use of Existing Structures.** The use of existing permanent structures temporarily during events are limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with American Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
  
- (11) **Construction of New Structures.** Event activities may only be allowed in new structures where permitted elsewhere in this Chapter. All new structures proposed for events shall not be located on prime agricultural land.
  
- (12) **Other Permits and Licenses.** Must obtain any other required permits from federal, state or local agencies.
  
- (13) **Traffic Control.** For any event of 500 people or greater, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the event. This shall be submitted with the land use permit application for the event site.

**28.74 RETAIL AND OFFICE USES**

**28.74.10 Retail Uses**

**A. General Requirements**

Retail uses 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;

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

2. **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.
3. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.

**B. Specific Requirements**

The specific retail uses listed below shall comply with the general requirements (28.74.10A.1-3) above and the following specific standards:

**1. Automobile, Mobilehome, Recreational Vehicle or Boat Sales Lots.**

- a. Automobile, mobilehome, recreational vehicle or boat sales lots shall show that adequate controls or measures will be taken to prevent offensive light, noise or vibrations.
- b. Automobile parking lots adjacent to a C or M district shall be paved; shall have a minimum six-foot high, solid board fence, or a minimum six-foot high masonry wall separating the parking lot from the abutting residential uses; and shall provide lighting only constructed in such manner so as to in no way disturb the living environment in the abutting residential district.
- c. Automobile, mobilehome, recreational vehicle, or boat storage garages shall provide ingress and egress so designed as to avoid traffic congestion.
- d. Automobile, mobilehome, recreational vehicle or boat storage lots shall provide ingress and egress designed to avoid traffic congestions; shall be enclosed and screened by a solid fence or wall of a minimum height of eight feet or vegetation

except as may be waived by the Zoning Administrator or Planning Commission; and shall provide traffic surfaces that are maintained in a dust-free manner.

**2. Automobile Parking Lots.**

Automobile parking lots in R districts, except RR districts, adjacent to a C, M or R-TC-MU district shall meet the following standards in addition to the standards set forth in Section 28.94:

- a. The parking lot must be appurtenant to a permitted use in the C, M or R-TC-MU District.
- b. The parking area shall be paved.
- c. A minimum six-foot high, solid board fence, or a minimum six-foot high masonry wall shall separate the parking lot from the adjoining residential uses.
- d. Lighting capable of providing adequate illumination for security and safety and directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.

**3. Automobile Repair Garages.** Automobile repair garages shall be entirely enclosed within a building and shall show that adequate controls or measures will be taken to prevent offensive noise and vibrations.

**4. Farm Equipment Sales**

Farm equipment sales stores, incidental to the principal agricultural use on the property, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the applicable zoning district, as well as the following specific development standards:

- a. Shall be operated, maintained, and occupied by the property owner or occupant.

**5. Farm and Ranch Supply Store**

A farm or ranch supply store, incidental to the principal agricultural use on the property, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the applicable zoning district, as well as the following specific development standards:

- a. Shall be operated, maintained, and occupied by the property owner or occupant.

**6. Neighborhood Commercial Uses.**

A commercial center where building(s) or uses do not exceed one thousand five hundred square feet of floor area, unless the Director of Resource Management determines the proposed use is consistent with the intent of the Neighborhood Commercial (C-N) District.

**7. Outdoor Sales and Rental Lots**

Outdoor sales and rental lots shall show that adequate measures and controls shall be taken to prevent offensive noise, odors and dust, and shall have a minimum six-foot high, solid board fence or masonry wall separating the lot from abutting residential uses.

**8. Roadside Stand (A, CR, P and R districts)**

**General.** Roadside stands, food establishments open to the outside air, and retail dairies shall have ingress and egress designed so as to avoid traffic congestion and hazards; shall provide adequate controls or measures to prevent dust, odor or light; shall provide adequate off-street parking; shall obtain Environmental Health Division approval prior to issuance of the use permit, and shall be determined to be in harmony with the committed character of the subject locality.

**a. Roadside Stands within the (R) Districts:**

A roadside stand incidental to a dwelling as permitted in an R district, must meet the following specific development standards:

- (1) **Maximum Size.** Shall not be greater than 500 square feet in size, as determined by measuring the total roof-covered area.
- (2) **Non-agricultural Product Sales.** Sales of non-agricultural products including pre-packaged food shall not be allowed.
- (3) **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
- (4) **Ingress and Egress.** 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 Transportation, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- (5) **Operational Controls.** Shall provide adequate controls or measures to prevent dust, odor or light.
- (6) **Off-Street Parking Requirements.** 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.
- (7) **Environmental Health Approval.** Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.
- (8) **Compatibility with Community.** Shall be determined to be in harmony with the community character of the subject locality.

**b. Roadside Stands within the (A) and (CR) Districts:**

A roadside stand, as permitted in any (A) District, must meet the applicable development standards delineated in the applicable zoning district, as well as the following specific development standards:

- (1) **Determining the Size of a Roadside Stand.** Size, as regulated in the applicable zoning district, shall be determined by measuring the total roof covered area.
- (2) **On-site Growing requirement.** At least fifty percent (50%) 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 non-agricultural products as regulated by this Chapter, grown or produced on-site or off-site.
- (3) **Pre-Packaged Food Sales.** An area not exceeding 50 square feet may be used for the sale and inventory of pre-packaged 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.
- (4) **Non-agricultural Product Sales.** Non-agricultural product sales shall mean the on-site sales of non-agricultural products produced on and off the property, where the total inventory and sales area for such products is limited to fifty (50) square feet, except that sales and inventory of pre-packaged food shall be further subject to the requirements of (4) above.
- (5) **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
- (6) **Ingress and Egress.** 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 Transportation, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- (7) **Operational Controls.** Shall provide adequate controls or measures to prevent dust, odor or artificial light and glare.
- (8) **Off-Street Parking Requirements.** Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
- (10) **Environmental Health Approval.** Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.

(11) **Compatibility with Community.** Shall be determined to be in harmony with the community character of the subject locality.

**28.74.20 Office Uses**

**A. General Requirements**

Office uses 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;

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

2. **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.
3. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.

**B. Specific Requirements**

The specific office uses listed below shall comply with the general requirements (28.74.20.A.1-3) above and the following specific standards:

**1. Agricultural Research Facilities**

Agricultural research facilities, conducted as an incidental activity to the production and/or processing of crops and other agricultural products, shall be permitted, subject to the standards below:

**a. Standards.**

(1) **Public Road Access.** Shall be located on a public road.

**No Removal of Agricultural.** Shall not require the removal of any crops or grazing plants.

**2. Medical and Dental Laboratories**

Medical and dental laboratories shall maintain a minimum ten-foot landscaped strip on all property lines abutting residential property and residential streets.

## 28.75 TOURIST USES

### 28.75.10 Agritourism

- A. **General Requirements.** Agritourism, incidental to the principal agricultural use of the property for commercial agricultural purposes, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district and comply with the following:
1. **General Development Standards.** No use of land or buildings shall be conducted except in compliance with the general development standards in Section 28.70.10 and 28.70.20..
  2. **Access.** Shall have ingress and egress designed so as to avoid traffic congestion and hazards and shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road.
  3. **Truck Loading.** Shall provide an adequate truck loading area together with ingress and egress designed to avoid traffic hazard and congestion.
  4. **Encroachment Permit Required.** All connections to County roads shall meet the encroachment permit requirements of the Public Works – Engineering Division, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
  5. **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
  6. **Parking.** Adequate off-street parking shall be provided; parking areas and driveways shall be treated as necessary to control dust. Parking areas shall not be located any closer than 200 feet to an adjoining property. Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
  7. **Setback.** Minimum setback from an adjacent street shall be the same as required for the main building.
  8. **Kitchen Facilities.** Kitchens used for the preparation, storage, handling, or service of food at temporary events shall be permitted as a food facilities by the Division of Environmental Health.
  9. **Exterior Lighting.** Agritourism uses shall provide lighting capable of providing adequate illumination for security and safety. Lighting shall be downcast and/or directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
  10. **Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors including restrooms, refuse disposal receptacles, potable water and wastewater facilities.

11. **Operational Controls.** Shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.
12. **No Removal of Agriculture.** No existing agriculture shall be removed in order to facilitate the conduct of temporary agritourism events.
13. **Incidental Retail Uses.** Agritourism uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
14. **Outdoor Storage.** Outdoor storage incidental to the primary use of the parcel for agritourism purposes is permitted, provided the area devoted to outdoor storage is screened from public view.

**B. Specific Requirements**

The specific agritourism uses listed below shall comply with each provision of Section 28.75.10A and the following specific standards:

1. **Agricultural Homestay**

An agricultural homestay incidental to the principal agricultural use on the property, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district and comply with the following:

- a. Shall be restricted to one single family dwelling. No accessory structure shall be allowed for use as transient occupancy.
2. **Agritourism Facility.** An agritourism facility shall meet the following requirements:
  - (1) **Ingress/Egress.** Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way. Must have two twenty foot minimum connections to a public road, or a release from the applicable fire protection district.
  - (2) **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
  - (3) **Kitchen Facilities.** Kitchens used for the preparation, storage, handling, or service of food at temporary events shall be permitted as a food facilities by the Division of Environmental Health.
  - (4) **Hours of Operation.** All Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.



- (5) Nuisance.
- i. **Fugitive Dust.** All events located on sites with access from unpaved dirt roads and events which proposed unpaved on- site access roads and parking areas shall require the use of water trucks, sprinkler system or other practices acceptable to the applicable Air Quality Management District, in sufficient quantities to prevent airborne dust.
  - ii. **Noise.** Outdoor amplified sound may only occur on sites which demonstrate through an acoustical analysis that noise generated during proposed events will not exceed 65dB when measured at the property lines.
  - iii. **Light and Glare.** Any proposed outdoor lighting used during events shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.
  - iv. **Odor.** Must take steps to minimize odor on adjacent properties.
- (6) **Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors, including restrooms, refuse disposal receptacles, potable water, and wastewater facilities.
- (7) **Screening of Parking.** Shall provide a minimum six foot solid board fence or masonry wall separating parking areas from abutting R-District parcels.
- (8) **Setbacks.** Must be setback 300 feet from any property line.
- (9) **Use of Existing Structures.** The use of existing permanent structures is limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with American Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
- (10) **Construction of New Structures.** All new structures pr shall be located off prime agricultural land.
- a. **Other Permits and Licenses.** Must obtain any other required permits from federal, state or local agencies.
  - b. **Traffic Control.** For any agritourism facility accommodating 500 people or more, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the event. This shall be submitted with the land use permit application.

**28.75.20 Temporary Agritourism**

**A. General Requirements**

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

1. **General Development Standards.** No use of land or buildings shall be conducted except in compliance with the general development standards in Section 28.70.10.
2. **Access.** Shall provide ingress and egress designed so as to avoid traffic congestion and hazards, and shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road.
3. **Truck Loading.** Shall provide an adequate truck loading area together with ingress and egress designed to avoid traffic hazard and congestion.
4. **Encroachment Permit Required.** All connections to County roads shall meet the encroachment permit requirements of the Public Works – Engineering Division, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
5. **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
6. **Parking.** Adequate off-street parking shall be provided; parking areas and driveways shall be treated as necessary to control dust. Parking areas shall not be located any closer than 200 feet to an adjoining property. Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
7. **Setback.** Minimum setback from an adjacent street shall be the same as required for the main building.
8. **Kitchen Facilities.** Kitchens used for the preparation, storage, handling, or service of food at temporary events shall be permitted as a food facilities by the Division of Environmental Health.
9. **Exterior Lighting.** Agritourism uses shall provide lighting capable of providing adequate illumination for security and safety. . Lighting shall be downcast and/or directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
10. **Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors including restrooms, refuse disposal receptacles, potable water and wastewater facilities.

11. **Operational Controls.** Shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.
12. **No Removal of Agriculture.** No existing agriculture shall be removed in order to facilitate the conduct of temporary agritourism events.
13. **Incidental Retail Uses.** Temporary agritourism uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
14. **Outdoor Storage.** Outdoor storage incidental to the primary use of the parcel for temporary agritourism purposes is permitted, provided the area devoted to outdoor storage is screened from public view.

## **B. Specific Requirements**

The specific temporary agritourism uses listed below shall comply with the general requirements (28.75.20A.1-3) above and the following specific standards:

### **1. Amusement and Entertainment Uses**

Amusement and entertainment uses incidental to the principal agricultural use on the property, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district, comply with the general requirements for agritourism general requirements (28-75.20.A.1-3) above, and comply with the following:

- a. shall show that adequate measures and controls shall be taken to prevent offensive noise, odors and dust, and shall have a minimum six-foot high, solid board fence or masonry wall separating the lot from abutting residential uses.

### **2. Certified Farmer's Market**

A certified farmer's market incidental to the principal agricultural use on the property, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district, comply with the general requirements for agritourism (28-75.20.A.1-3) above, and comply with the following:

- a. The Farmers Market shall be operated, maintained and managed by the property owner or occupant.
- b. 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 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.

- c. 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.
- d. 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.
- e. Minimum setback from an adjacent street shall be the same as required for the main building.
- f. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- g. Shall provide adequate controls or measures to prevent dust, odor or glare.
- h. 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.
- i. Shall obtain Department of Resource Management, Environmental Health Services Division approval, if required, prior to operation.

**3. Seasonal Sales Lots**

Outdoor sales and rental lots shall show that adequate measures and controls shall be taken to prevent offensive noise, glare, odors and dust.

**4. Temporary Agritourism Event.** Temporary agritourism events shall meet the following requirements:

**a. Additional Development Standards**

**(1) Ingress/Egress.** Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Public Works Engineering Division, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.

**(2) Hours of Operation and Duration.** An event shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m. An event shall be conducted for no more than – days.

**(3) Nuisance.**

- i. **Fugitive Dust.** All events located on sites with access from unpaved dirt roads and events which proposed unpaved on-site access roads and parking areas shall require the use of water trucks, sprinkler system or other practices acceptable to the applicable Air Quality Management District, in sufficient quantities to prevent airborne dust.
  - ii. **Noise.** Outdoor amplified sound may only occur on sites which demonstrate through an acoustical analysis that noise generated during proposed events will not exceed 65dB when measured at the property lines.
  - iii. **Light and Glare.** Any proposed outdoor lighting used during events shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.
  - iv. **Odor.** Must take steps to minimize odor on adjacent properties.
- (4) **Parking.** Must provide parking on-site to accommodate all guests. Parking shall be located in an open area with a slope of 10 percent or less, at a minimum ratio of 1 space per 2.5 attendees, on a lot free of combustible material, and on areas of the site that are not Class I soils as defined by the NRCS.
- (5) **Setbacks.** Must be setback 300 feet from any property line.
- (6) **Use of Existing Structures.** The use of existing permanent structures during an event is limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with American Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
- (7) **Construction of New Temporary Structures.** All new structures proposed for events shall be located off prime agricultural land.
- (8) **Lapse of Permit.** A Permit is valid for only one event, and lapses if the event is not conducted on the specified date and time.
- (9) **Notification to Neighbors.** Notification of an event shall be provided by letter to owners of property within 1,000 feet of the exterior boundaries of the proposed site, delivered at least 30 days prior to the event. The following information shall be provided:
- i. A complete listing of all scheduled events including dates, times and anticipated number of attendees.
  - ii. 24-hour contact information for the operator, including e-mail and phone number, to be used to notify the operator of issues with the operation.
  - iii. Contact information for County Code Enforcement to be used if members of

the public have complaints about the operation.

- iv. A copy of the notification shall be provided to the Department of Resource Management, the Sheriff's Department and the Fire District of jurisdiction 30 days prior to the event.
- b. **Other Permits and Licenses.** Must obtain any other required permits from federal, state or local agencies.
- c. **Traffic Control.** For any event anticipated to attended by 500 people or more, the applicant shall prepare a diagram of proposed traffic routing and direction signs, along with an estimate of traffic volume expected for the event. This shall be submitted with the land use permit application for the event.

## 28.76 COMMERCIAL SERVICE USES

### 28.76.10 Agricultural Services

#### A. General Requirements

1. **General Development Standards.** No use of land or buildings shall be conducted except in compliance with the general development standards in Section 28.70.10 and Section 28.70.20.
2. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
3. **Ingress/Egress.** Shall have ingress and egress on a county public road and shall be designed so as to avoid traffic congestion and hazards.
4. **Trucking Access.** Shall be located to provide convenient trucking access with minimum interferences to normal traffic;
5. **Loading Spaces.** Shall provide loading spaces as required by the Zoning Administrator or Planning Commission;
6. **Encroachment Permit Required.** 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.
7. **No Removal of Agriculture.** Shall not require the removal of agricultural crops or grazing areas.
8. **Incidental Retail Uses.** Commercial service uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
9. **Outdoor Storage.** Outdoor storage incidental to the primary use of the parcel for commercial service purposes is permitted, provided the area devoted to outdoor storage is screened from public view.
10. **Adjacent to an R-District.** Shall be adequately screened by landscaping or solid fencing materials.

#### B. Specific Requirements.

The specific agricultural service uses listed below shall comply with the general requirements (A.1-4) above and the following specific standards:

**1. Agricultural Commercial Kitchen**

A commercial kitchen, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the applicable zoning district, as well as the following specific development standards:

- a. Shall not exceed 400 square feet.
- b. At least twenty-five percent (25%) of the product processed within the commercial kitchen, averaged over 5 consecutive years, shall be grown on-site or off-site on land owned or leased by the operator within Solano County. The balance of the commercial kitchen may be used for the processing of crops or other agricultural products, grown or produced on-site or off-site.
- c. 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 the applicable zoning district, except that sales and inventory of prepackaged food shall be further subject to the requirements of subsection (b) above.

**2. Agricultural Trucking Services and Facilities**

**a. Standards.**

- (1) Must meet the applicable development standards delineated in the applicable zoning district.
- (2) Shall be located to provide convenient trucking access with minimum interferences to normal traffic;
- (3) Shall provide loading spaces as required by the Zoning Administrator or Planning Commission;
- (4) Shall show that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance;
- (5) Shall show that proposed source of water will not deprive others of normal supply.

**3. Agricultural Recycling and Composting**

**a. Standards.**

- (1) **Zoning District Compliance.** Must meet the applicable development standards delineated in the applicable zoning district.
- (2) **Trucking Access.** Shall be located to provide convenient trucking access with minimum interferences to normal traffic;
- (3) **Loading Spaces.** Shall provide loading spaces as required by the Zoning



Administrator or Planning Commission;

- (4) **Water Supply.** Shall show that proposed source of water will not deprive others of normal supply.

**28.76.20 Commercial Service Uses**

**A. General Requirements**

1. **General Development Standards.** No use of land or buildings shall be conducted except in compliance with the general development standards in Section 28.70.10 and Section 28.70.20.
2. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
3. **Ingress/Egress.** Shall have ingress and egress on a county public road and shall be designed so as to avoid traffic congestion and hazards.
4. **Trucking Access.** Shall be located to provide convenient trucking access with minimum interferences to normal traffic;
5. **Loading Spaces.** Shall provide loading spaces as required by the Zoning Administrator or Planning Commission;
6. **Encroachment Permit Required.** 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.
7. **No Removal of Agriculture.** Shall not require the removal of agricultural crops or grazing areas.
8. **Incidental Retail Uses.** Commercial service uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
9. **Outdoor Storage.** Outdoor storage incidental to the primary use of the parcel for commercial service purposes is permitted, provided the area devoted to outdoor storage is screened from public view.
10. **Adjacent to an R-District.** Shall be adequately screened by landscaping or solid fencing materials.

**B. Specific Requirements**

The specific commercial service uses listed below shall comply with each provision of Section 28.76.20A above and the following specific standards:

1. **Animal Hospitals and Veterinary Clinics.** Animal hospitals shall be operated by the property owner or occupant and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.
  
2. **Large Kennels and Catteries.**
  - a. **Permit Requirements.** A large kennel or cattery is allowed, subject to the permit requirements in the applicable zoning district, and must meet the standards in (2) below:
  
  - b. **Standards.** Large kennels and catteries shall:
    - (1) Manage storm water to prevent feed and animal waste 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) Utilize 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, and
    - (5) Prohibit any nuisance, offensive matter, foul or noxious odors.
  
3. **Transitional Commercial Uses.** No use of land or buildings shall be conducted except in compliance with the requirements listed below:
  - a. **General Requirements.** Urban commercial uses shall:
    - (1) **Temporary Use.** Urban commercial uses may be permitted for a fixed term not to exceed 10 years.
    - (2) **Temporary Buildings and Structures.** The construction of new buildings and structures shall be temporary in nature so as to be readily removable upon annexation.
    - (3) **City of Vacaville Design Standards.** For parcels pending annexation to the City of Vacaville, buildings, structures and landscaping shall be designed to be compatible with the City of Vacaville’s design requirements.

**28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES**

**28.77.10 Industrial, Manufacturing and Processing Uses**

**A. General Requirements**

Recreation uses shall comply with the following general standards:

1. **General Development Standards.** No use of land or buildings shall be conducted except in compliance with the general development standards in Section 28.70.10.
2. **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.
3. **Encroachment Permit Required.** All connections to County roads shall meet the encroachment permit requirements of the Public Works – Engineering Division, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
4. **Exterior Lighting.** Lighting capable of providing adequate illumination for security and safety and directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
5. **Parking - Screening.** Parking areas shall be enclosed and screened by a solid fence or wall of a minimum height of six feet high or vegetation, except as may be waived by the Zoning Administrator or Planning Commission; and shall provide traffic surfaces that are maintained in a dust-free manner.
6. **Roads.** Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
7. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
8. **Incidental Retail Uses.** Industrial, manufacturing and processing uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
9. **Outdoor Storage.** Outdoor storage incidental to the primary use of the parcel for industrial, manufacturing and processing purposes is permitted, provided the area devoted to outdoor storage is screened from public view.
10. **Operational Controls.** Permitted uses shall not or will not be offensive by reason of the creation or emission of dust, gas, smoke, fumes, or other air pollutants, noise, vibrations, odors, liquid or solid refuse or wastes; radioactivity, glare, fire or explosives.

**B. Specific Requirements**

The specific industrial, manufacturing and processing uses listed below shall comply with the general requirements (28.77.10A.1-5) above and the following specific standards:

1. **General Manufacturing Uses.** Prior to the issuance of a zoning-building permit, the Planning Commission may require evidence that adequate controls, measures or devices will be provided to meet performance standards for this zone, as provided in Section 28-95, all to insure and protect the public interest, health, comfort, convenience, safety and general welfare.
2. **Junk and Wrecking Yards.** Junk or wrecking yards shall be entirely enclosed by a fence of eight feet minimum height, constructed of uniform material, maintained plumb and level in structurally sound condition, which shall adequately screen the enclosed area from view. Hilly areas in which adequate screening cannot be achieved shall be avoided in the selection of sites for junk or wrecking yards.
3. **Newspaper and Commercial Printing Shops.** Newspaper or commercial printing shops and blueprinting shops shall be entirely enclosed within a building; shall provide off-street loading space in proportion to the number of truck loads per day as required by the Zoning Administrator or Planning Commission; and shall show that adequate controls or measures will be taken to prevent offensive noises or vibration.
4. **Transitional Industrial Uses.** No use of land or buildings shall be conducted except in compliance with the requirements listed below:
  - a. **General Requirements.** Urban industrial uses shall:
    1. **Temporary Use.** Urban industrial uses may be permitted for a fixed term not to exceed 10 years.
    2. **Temporary Buildings and Structures.** The construction of new buildings and structures shall be temporary in nature so as to be readily removable upon annexation.
    3. **City of Vacaville Design Standards.** For parcels pending annexation to the City of Vacaville, buildings, structures and landscaping shall be designed to be compatible with the City of Vacaville’s design standards.
5. **Warehouses.** Warehouses shall show that any stored material will not constitute a hazard to surrounding property and shall provide adequate off-street loading and unloading space.

**28.77.20 Wholesale Uses**

**A. General Requirements.**

Wholesale uses shall comply with the following general standards:

1. **Access.** Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion; All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
2. **Exterior Lighting.** Lighting capable of providing adequate illumination for security and safety and directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
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. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.

**B. Specific Requirements**

This section reserved.

## 28.78 COMMUNICATIONS INFRASTRUCTURE AND SERVICE USES

### 28.78.10 Communications Uses

#### A. General Requirements

Communication facilities may be permitted in any district; provided, that the provisions of Section 28-99 shall prevail when such facilities are within airport flight obstruction areas and a use permit is first secured in each case

#### B. Specific Requirements

The specific recreational uses listed below shall comply with the general requirements above and the following specific standards.

##### 1. Wireless Communication Facilities.

See Section 28.81

### 28.78.20 Infrastructure Uses

#### A. General Requirements

Infrastructure uses, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district and comply with the following general requirements:

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.

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

2. **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.
3. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.

#### B. Specific Requirements

The specific infrastructure uses listed below shall comply with the general requirements (28.78.20.A.1-3) above and the following specific standards:

**1. Airports**

Airports and heliports shall provide a distance of at least two hundred feet from each end of each runway; shall be located no closer than one thousand feet from any dwelling, barn, stable; shall be located so that air or surface traffic shall not constitute a nuisance or danger to neighboring farms, and shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations or bright lights.

**2. Commercial Wind-turbine Generators**

See Section 28-80

- 3. Waste Disposal, Processing, or Composting.** Disposal, processing, or composting of waste shall show that adequate controls or measures will be taken to prevent offensive smoke, odors, and fumes; and shall be located so that truck traffic noise and vibration shall not be offensive to neighboring dwellings.

**4. Injection wells**

Injection wells may be allowed in the exclusive agricultural district for a limited period and subject to the permit standards set forth in Chapter 13.6 of this Code, provided a use permit is first secured in such case.

**5. Reserved**

**6. Meteorological Towers**

Meteorological towers may be allowed for a limited period of time. Towers less than 200 feet in height and not subject to review by the FAA, shall be marked and lighted for safety in the same manner as would be required by the FAA.

**7. Oil and Gas Well**

Oil and gas well drilling shall be allowed in A, A-L, M-G, I-WD and R-R, districts upon issuance of an oil and gas well drilling permit by the Zoning Administrator; provided, the Zoning Administrator finds the conditions of this Section have or will be met. A permit shall be issued upon submission of an application and payment of such fees as may be set by the Board of Supervisors pursuant to

Section 11-111 of this Code. The Zoning Administrator may require the submission of such information as deemed necessary to make this determination, and may require the posting of security satisfactory to the Zoning Administrator to guarantee performance of any conditions.

- a.** Security satisfactory to the Director of the Transportation Department has been or will be posted as security for payment of repairs to County roads and highways damaged by well-drilling activities, including transportation of equipment to and from the site.

- b. Drilling operations will conform to the regulations of the California Division of Oil and Gas designed to prevent damage to natural resources.
  - c. The drilling operation will be confined to as small an area as practical and will not cause irreversible damage to unique vegetation or fish and wildlife habitats.
  - d. After drilling is complete, all drilling muds, tail wastes, wastewater and other fluids will be removed from the site and disposed of in a manner that does not adversely affect other areas.
  - e. Measures will be taken to prevent any significant pollution of ground water, surface water or watercourses.
  - f. Derricks will be removed when wells are brought into production.
  - g. If wells are abandoned, they shall be sealed in accordance with Division of Oil and Gas regulations, and the drilling or production facilities will be removed.
  - h. Necessary measures will be taken to prevent dust, noise, light, glare, odor, and other objectionable elements from adversely affecting the surrounding area beyond acceptable limits.
8. **Pipeline, transmission line, or distribution line, inside of R.O.W.** Public utility, electric, gas, water, oil, and telephone transmission and distribution lines shall be permitted in any district without the necessity of first obtaining a use permit; provided, that maps showing proposed routes of such transmission lines, together with a written statement of approximate structure heights and right-of-way widths, shall be submitted to the Planning Commission, and routes mutually acceptable to the Planning Commission and utility agencies concerned shall be determined in writing prior to acquisition of any rights-of-way. Each transmission line route proposal submitted in accordance herewith shall be accompanied by a fee or fees as may be set by the Board of Supervisors by resolution pursuant to Section 11-111 of this Code. No part of such fee shall be refundable.
9. **Utility Facilities or Infrastructure, outside of R.O.W.** All utility accessory uses and structures for transmission or distribution of electricity, gas, water, oil, gasoline, telephone, television or other utility services may be permitted in any district. Utility accessory uses and structures include, but are not limited to, compression, drying, regeneration stations, substations, or pumping stations.
10. **Wind-turbines, non-commercial:** See Section 28.80
11. **Commercial Solar Energy Facility.** A commercial solar energy facility shall provide financial assurance there will be adequate funds available at the time of expiration or revocation of the use permit to remove all facility-related improvements from the site and to restore the site to its preconstruction condition. Such assurance shall be provided prior to issuance of any grading or building permit for the facility, and may be in the form of a bond, letter of credit, or other form acceptable to the Director or specified in the conditions of the use permit.



**28.78.30      Public Service Uses**

**A. General Requirements**

Public service uses, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district and comply with the following general requirements:

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.

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

2. **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.
3. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.

**B. Specific Requirements**

The specific public service uses listed below shall comply with the general requirements (28.78.30.A.1-3) above and the following specific standards:

1. **Cemeteries**

Cemeteries, crematories, mausoleums, columbariums and mortuaries shall provide ingress and egress so designed as to avoid traffic congestion and shall maintain a minimum twenty-foot landscaped strip on all property lines abutting residential property and residential streets.

2. **Community Care facilities**

Community care facilities shall comply with the following standards:

- a. Community care facilities shall not be located on any ownership within four hundred feet of any other ownership containing a community care facility, or for which a use permit for a community care facility has been issued.

- b. The number of persons under care living in such facilities shall not exceed three percent of the total unincorporated population within the census tract where the facility is located.
- c. Shall obtain required state authorization, certification or licensing by the appropriate agency within six months of issuance of a use permit. If not obtained within six months, the use permit becomes null and void.

**3. Hospitals and Sanitariums.**

Hospitals and sanitariums in an A or R-R district shall provide parking as required by the Zoning Administrator or Planning Commission and shall maintain a minimum forty-foot landscaped strip on all property lines abutting residential property.

**4. Public Service Facility**

A public service facility shall comply with the following standards and conditions:

- a. **Landscaping.** Public service facilities shall maintain a minimum ten-foot landscaped strip on all property lines abutting residential property.

**28.78.40 Temporary Public Construction and Infrastructure**

The temporary use of land for on-site( private projects) and off-site (public infrastructure projects) construction offices, storage, stockpiling and construction yards and concrete/asphaltic mixing plants may be permitted while construction is being actively conducted pursuant to a valid building permit shall comply with the standards delineated in the applicable zoning district, as well as the standards below.

**A. General Requirements**

Temporary public construction and infrastructure uses, as permitted in the applicable zoning district, must meet the applicable development standards delineated in the zoning district and comply with the following general requirements:

- 1. **Access.** Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion; All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.
- 2. **No Removal of Agricultural Uses.** Facilities, temporary commercial coaches, construction yards for the storage of materials and/or construction vehicles shall not result in the removal of productive agricultural uses of the land.
- 5. **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.

6. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
7. **Time Limits.** Temporary construction and infrastructure uses may be permitted for up to 24 months.

**B. Specific Requirements**

The specific temporary public construction and infrastructure uses listed below shall comply with the general requirements (28.78.40.A.1-7) above and the following specific standards:

**1. 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. Temporary Concrete/Asphaltic concrete mixing plants and construction storage yards**

Concrete and asphaltic concrete mixing plants and construction storage yards incidental to construction or public works projects may be allowed in any P district for a limited time, provided, a use permit is first secured in each case.

Concrete and asphaltic concrete mixing plants and construction storage yards, incidental to construction or public works projects, shall show that adequate controls or measures will be taken to prevent offensive noise, odor, dust, fumes, smoke or vibration; shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.

**3. Temporary Construction Office, Storage and Construction Yards, Stockpiling of dirt, gravel, asphalt for offsite construction**

A temporary commercial coach may be utilized on any construction site as an office or storage area while construction is being actively conducted pursuant to a valid building permit for up to 18 months without the granting of a use permit. The commercial coach may not be used as a residence and shall meet all building setbacks applicable to permanent development on the parcel.

## 28.79 RESOURCE PROTECTION USES

### A. General Requirements

Resource protection uses, subject to the provisions of the applicable zoning district, shall comply with the following general requirements:

1. **General Plan**. Shall be consistent with the 2008 Solano County General Plan, as may be amended;
2. **Operational Controls**. Shall show that adequate controls or measures will be taken to prevent offensive noise, odor, dust, fumes, smoke or vibration; shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
3. **Invasive Plant Control**. Shall show that adequate controls or measures will be taken to prevent invasive weeds, plants or animals from becoming a nuisance to surrounding properties.

### B. Specific Requirements

This section reserved

## 28.80 COMMERCIAL WIND ENERGY FACILITIES

- A. **Permits Required.** A wind turbine generator shall be permitted as prescribed in Article II by the Land Use Tables located within each zoning district.
- B. **Setbacks.** Wind turbine generators (WTGs) shall be set back a minimum distance of 1.25 times the maximum height reached by any part of the WTG to any property line, and a minimum of ten feet from any other structure on the property. A three hundred-foot setback shall be maintained from any district which does not permit WTGs. Setbacks determined by height may be waived when appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Zoning Administrator or Planning Commission.
- C. **Ground Clearances.** Tower-climbing apparatus and bladetips of the WTG shall be no closer than fifteen feet from ground level unless enclosed by a six-foot high fence. The tower shall be posted at eye level, warning of high voltage.
- D. **Limitations on Electrical Interference.** The WTG shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause interference with radio and/or television broadcasting or reception. Alternate mitigation for such interference may be approved for a commercial WTG.
- E. **Braking and Overspeed Controls.** The applicant shall provide the manufacturer's specifications which certify that the WTG is equipped with a braking system, blade pitch control, and/or other mechanism for rotor control, and shall have both manual and automatic overspeed controls.
- F. **Noise Limitations.** Noise emitted from any WTG shall not exceed fifty dBA CNEL at any property line abutting a residential zone or sixty dBA CNEL at any other property line.
- G. **No Advertising.** Brand names or advertising associated with a WTG installation shall not be visible from any public access.
- H. **Security Agreements.** Liens, surety bonds or other security may be required as part or condition of any use permit to guarantee removal or dismantling of any abandoned WTG.

**28.81 WIRELESS COMMUNICATIONS FACILITIES**

- A. Purpose.** This section is enacted to establish a consistent set of standards regulating the placement and design of wireless communication facilities in unincorporated areas of Solano County. These standards are intended to protect and promote public health, safety, community welfare and the unique visual character of Solano County by encouraging the orderly development of wireless communication infrastructure.
- B. Definitions.** For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this sub-section.

**Amateur Radio (HAM) Operator.** A person holding a written authorization to be the control operator of an Amateur Radio Facility. This authorization shall be in the form of a license or permit issued by the Federal Communications Commission or a foreign national or multinational license or permit recognized by treaty as valid in the United States.

**Amateur Radio (HAM) Service.** The radio communication services, including the amateur-satellite service and the amateur service, which are for the purpose of self-training, intercommunication and technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, Part 97 and regulated thereunder.

**Amateur Radio (HAM) Facility.** A wireless communication facility operated by a Federally-licensed Amateur Radio Operator as part of the Amateur Radio Services.

**Antenna.** Any system of towers, poles, panels, rods, wires, drums, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves. The distinction is made between the support structure and the antenna(s) mounted thereon. See also Satellite Dish or Satellite Antenna.

**Broadcast.** To transmit a signal for direct reception by the general public.

**Broadband.** Pertaining to a transmission system or facility with an information bandwidth capacity greater than a single voice channel (3 kHz).

**Cell.** A geographic area covered by a single cellular, ESMR or PCS transmitter.

**Cellular Network.** A system providing mobile telephone services through all the cells in a coverage area. A coverage area consists of multiple adjacent cells operating on slightly different frequencies. Calls are “handed-off” from one cell to the next as a mobile unit moves from cell to cell. This is the fundamental innovation that has allowed for the development of cellular, ESMR and mobile PCS services.

**Cellular Telephone System.** A mobile radio system that connects subscriber hand held devices to each other through the cellular network and with wireline telephones through the public switched network.

**Co-location.** The installation of wireless communication facilities owned and/or operated by two or more entities on a single structure or tower.

**Commercial Wireless Communication Facility.** A wireless communication facility operated by a for-profit business, and includes Commercial Private Wireless Communication Facilities and Commercial Public Wireless Communication Facilities.

**Commercial Private Wireless Communication Facility.** A wireless communication facility operated by a for-profit business for its own internal purposes and without supplying access to members of the general public. See, by contrast, Non-Commercial Wireless Communication Facility and Commercial Public Wireless Communication Facility.

**Commercial Public Wireless Communication Facility.** A wireless communication facility operated by a for-profit business whose business is provision of wireless communication services to subscribers or the general public. See, by contrast, Non-Commercial Wireless Communication Facility and Commercial Private Wireless Communication Facility.

**Enhanced Specialized Mobile Radio Service (ESMR).** A Specialized Mobile Radio Service (SMR) system (see definition below) which utilizes digital cellular technology to enable wide-area coverage as well as interconnection with other users and the cellular and public switched (landline) telephone networks.

**Federal Communications Commission (FCC).** The Federal regulatory agency established and provided for in Title 47, U.S. Code, and charged with regulation of communication by wire and radio (which includes broadcast and non-broadcast communication of any type).

**Gigahertz (GHz).** A unit of measurement of radio frequency equal to one billion Hertz (cycles per second). One gigahertz is equivalent to 1000 megahertz (MHZ). Microwave frequencies are usually expressed in gigahertz.

**Ground-Mounted Antenna.** An antenna which is attached to a support structure resting on the ground, and has an overall height not greater than fifteen feet above finished grade at the base of the structure. This definition includes antennas which are sometimes referred to as “post mounts” and “ground builds.”

**Grouped Facility.** The installation of several wireless communication facilities owned and/or operated by two or more entities on separate structures or towers within a single parcel and with each facility no more than 100 feet from at least one other facility.

**Kilohertz (kHz).** A unit of measurement of radio frequency equal to one thousand Hertz (cycles per second). One thousand kilohertz is equivalent to one megahertz (MHZ). AM and “shortwave” Broadcast frequencies are usually expressed in kilohertz.

**Megahertz (MHZ).** A unit of measurement of radio frequency equal to one million Hertz (cycles per second). One thousand kilohertz is equivalent to one megahertz, and one thousand megahertz is equivalent to one gigahertz. FM and TV Broadcast frequencies and “VHF” and “UHF” communication frequencies are usually expressed in megahertz.

**Non-Commercial Wireless Communication Facility.** A wireless communication facility operated by a government agency, a non-profit organization, or a private citizen for personal use. It includes all Amateur Radio Facilities. See, by contrast, Commercial Wireless Communication Facility.

**Operator.** Any person or organization that controls the operation and maintenance of a wireless communication facility.

**Paging.** A wireless communication service that communicates a limited message to a subscriber units which are relatively small and can be carried on the subscriber's person. Current paging systems are one-way (subscriber receives the message) but future systems can be two-way in nature. Paging systems are not considered "real time" interactive systems.

**Personal Communications Services (PCS).** Digital wireless services that offer high quality voice and data communication.

**Radio.** A generic term for communication of sound, data, or energy by means of electromagnetic wave propagation. For regulatory purposes "radio" includes the popular terms "television" and "microwave". The term "wireless" is interchangeable with "radio" and is the popular term in several other English-speaking countries and some translations.

**Radio-frequency (RF).** A description pertaining to the electromagnetic spectrum between the audio-frequency portion and the infrared portion.

**Radio-frequency Exposure Professional.** A certified professional electrical engineer, health physicist or other technical expert with an understanding of the effects and measurement of exposure of the human body to radio frequency energy. Such professional must have substantial professional experience performing environmental measurements of radio frequency (RF) exposure and preparing radio frequency exposure evaluation reports for a variety of entities.

**Roof-Mounted.** An antenna that is mounted directly to, or on a support structure mounted to, the roof or otherwise on the top most level or levels of a building exterior.

**Satellite Dish or Satellite Antenna.** An antenna incorporating a reflective surface that is solid, open mesh, or bar configured to form a shallow dish, cone, horn or cornucopia used to transmit and/or receive electromagnetic signals to or from a satellite. This definition includes antennas that are sometimes called "SES," "TVRO," "TVBS," and "DBS" antennas.

**Satellite Transmission.** A communication system involving signals sent to ("uplink") and/or by ("downlink") an orbiting communication relay satellite.

**Site.** A legal parcel accommodating a wireless communication facility.

**Specialized Mobile Radio (SMR).** A radio system in which licensees provide land mobile communication services in the 800 MHZ and 900 MHZ bands on a commercial basis to entities eligible to be licensed in the Private Radio Services (Part 90 of the FCC Rules), federal



government entities and individuals. See also Enhanced Specialized Mobile Radio System (ESMR).

**Stealth Mount.** A way of mounting an antenna that hides the antenna by making it appear to be a part of a structure, tree or other natural object.

**Structure-Mounted.** Any antenna which (1) is not attached to a dedicated support structure resting on the ground and (2) is attached to a building, billboard, tank, sign, utility pole, or other structure. This definition includes antennas sometimes referred to as “facade mounts” and “sign mounts”.

**Tower.** A dedicated support structure resting on the ground or attached to another structure, whose principal use is to support wireless communication equipment.

**Tower-Mounted.** Any antenna which is attached to a tower and has an overall height greater than ten feet above finished grade at the base of the structure. This definition includes antennas that are sometimes referred to as “monopoles”, “lattice towers” and “guyed towers”.

**Wireless Communication.** Electronic communication using radio signals sent between two or more points.

**Wireless Communication Facility.** The equipment and associated unmanned structures needed to transmit and/or receive electromagnetic signals. A wireless communication facility typically includes antennas, supporting structures, enclosures and/or cabinets housing associated equipment, cable, service parking, and access. Receive-only radio and television antennas and satellite dishes or antennas are excluded from this definition.

**Wireline Communication.** Electronic communication using physical connections such as wire cables or fiber optics to transmit signals between two or more points.

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

1. Receive-only radio and television antenna, including satellite dishes, provided that:
  - a. The antenna must meet all height, setback, lot coverage and other limitations on structures in its zoning district;
  - b. The antenna may not be installed between a public street and a structure;
  - c. All required building permits must be obtained;
  - d. If installed in the R-S, R-D, R-M or R-E zoning districts and the antenna is mounted on a tower less than 12 feet high; and
  - e. These requirements do not (1) unreasonably delay or prevent the installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable signal.

2. Temporary wireless communication facilities providing public information coverage of a news event, provided that they are set up for a duration of 72 hours or less.
3. Cell on Wheels (C.O.W.) and Cell on Light Truck (COLT) facilities replacing a damaged facility and/or meeting the public need in the event of a public emergency or disaster declared by the County of other governmental authority.
4. Temporary crank-up towers up to 100 feet erected for a duration of 24 hours or less for the purposes of testing.
5. Amateur radio station facilities, provided that all antennas and supporting structures meet the following requirements:
  - a. Only one amateur radio station facility shall be installed on any single parcel, and all fixed radio equipment, antennas and antenna support structures so installed shall be included as part of that single facility
  - b. All fixed radio equipment, antennas and antenna support structures shall comply with setback, lot coverage and other standards, except height, required in its zoning district.
  - c. In the R-S, R-D, R-M and R-E zoning districts, the height of the supporting tower shall not be more than 35 feet above natural grade when the station is not in use, and not more than 75 feet above natural grade when the station is in use.
  - d. In non-residential districts and the Rural Residential (R-R) district, the height of the supporting tower shall not be more than 75 feet above natural grade at any time.
  - e. Multiple antennas shall be grouped so as not to exceed 16 square feet in area when feasible.
  - f. All required building permits shall be obtained.

**D. General Requirements.** All new, altered and re-permitted wireless communication facilities in unincorporated Solano County, with the exception of those exempted in Sub-Section (c), shall meet the following general requirements, regardless of the zoning district in which they occur:

1. **Zoning Districts.** Wireless communication facilities may be located in all zoning districts, except the Marsh Preservation (MP) District, upon approval of a Use Permit as described below.
2. **Use Permit Required.** All wireless communication facilities, other than those designated as exempt in Sub-Section (C), require a Use Permit. To obtain a use permit, a hearing is required before either the Zoning Administrator or the Planning Commission, as described in Sub-Section (E).
3. **Building Permit Required.** All wireless communication facilities shall require a building permit issued by the County of Solano.

4. **Design Consistency with the Surrounding Environment.** To the maximum extent feasible, all wireless communication facilities shall blend in with the predominant features of the existing natural and/or built environments in which they are located. To this end, co-location, stealth mounts, structure mounts and ground mounts are particularly encouraged.
  
5. **Height.** All wireless communication facilities shall conform to the following height requirements:
  - a. All wireless communication facilities shall be of the minimum functional height, with additional provisions for co-location, as allowed in Sub-Section *c.*, below.
  - b. All wireless communication facilities constructed within 3/4 mile of a designated scenic corridor shall conform with the height limit in the zoning district in which they are located. New facilities that are co-located with an existing facility may exceed their zoning district's height limit, provided that the installation of the new facility does not require a height increase of the existing facility.
  - c. Outside of 3/4 mile of a designated scenic corridor, no wireless communication facility, except an exempt facility, may exceed 65 feet. A bonus of 20 additional feet per facility, up to a maximum height of 105 feet, is permissible for operators co-locating on a single tower.
  - d. No roof-mounted wireless communication facility, except an exempt facility, may be more than 15 feet taller than the roof of the building on which it is mounted.
  - e. If an operator wishes to apply for an exception to these height limitations, then the facility shall be subject to a Use Permit before the Planning Commission, as described in Sub-Section (e) 2, below.
  
6. **Screening.** All wireless communication facilities shall be screened to the maximum extent possible, pursuant to the following requirements.
  - a. Ground- and tower-mounted antennas and all accessory structures shall be located within areas where substantial screening by vegetation, landform and/or buildings can be achieved. Additional vegetation and/or other screening may be required as a condition of approval.
  - b. The projection of structure-mounted antennas from the face of the structure to which they are attached shall be minimized.
  - c. Roof-mounted antennas shall be set back from the edge of the roof a distance greater than or equal to the height of the antenna. For roof-mounted antennas, a screening structure that is architecturally compatible with the building on which it is mounted may also be required as a condition of approval.
  
7. **Radio-frequency exposure.** No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no wireless communication facility or

combination of facilities shall produce at any time power densities that exceed the current FCC adopted standards for human exposure to RF fields. Certification that a facility meets this standard is required as described in Sub-Section (h).

8. **Cabling.** For structure mounted antennas, all visible cabling between equipment and antennas shall be routed within the building wherever feasible. Cabling on the exterior of a building or monopole shall be located within cable trays painted to match. All cabling shall be performed in accordance with the NEC.
  9. **Painting and Lighting.** No wireless communication facility shall be installed at a location where special painting or lighting will be required by FAA regulations unless technical evidence acceptable to the Planning Commission is submitted showing that this is the only technically feasible location for this facility. Facilities shall be generally unlit except when authorized personnel are present at night. All facilities shall be painted or constructed of materials to minimize visual impact.
  10. **Noise.** All wireless communication facilities shall be designed to minimize noise. If a facility is located in or within 100 feet of a residential district, noise attenuation measures shall be included to reduce noise levels to a maximum exterior noise level of 50 L<sub>dn</sub> at the facility site's property lines.
  11. **Accessory Structures.** Enclosures and cabinets housing equipment related to a wireless communication facility shall meet setback and height restrictions for such structures in their zoning districts. Such structures shall appear architecturally compatible with their surroundings and be designed to minimize their visual impact. To meet this requirement, underground vaults may be required.
  12. **Roads and Parking.** Wireless communication facilities shall be served by the minimum roads and parking areas necessary and shall use existing roads and parking areas whenever possible.
  13. **Provisions for Future Co-location.** All commercial wireless communication facilities shall be encouraged to promote future facility and site sharing. Technical evidence will be provided as to the infeasibility of co-location or grouping prior to the issuance of a new use permit for a facility that would not be considered to be co-located or grouped under this ordinance.
  14. **Removal Upon Discontinuation of Use.** All equipment associated with a wireless communication facility shall be removed within 90 days of the discontinuation of the use and the site shall be restored to its original pre-construction condition. The operator's agreeing to such removal and allowing the County access across private property to effect such removal shall be a condition of approval of each permit issued. At its discretion, the County may require a financial guarantee acceptable to the County to ensure removal.
- E. **Permitting Requirements.** All wireless communication facilities not specifically exempted from these regulations are subject to one of the two permit processes described below.

1. **Use Permit before the Zoning Administrator.** Certain wireless communication facilities may be conditionally approved by the Zoning Administrator, as described in this sub-section.
  - a. **Qualifying Facilities.** The following types of wireless communication facilities qualify for a use permit before the Zoning Administrator:
    - (1) Receive-only radio and television antennas and satellite dishes or antennas that do not qualify for exemption under Sub-Section (c), including multiple antennas or dishes on a single parcel.
    - (2) Amateur radio facilities that do not qualify for exemption under Sub-Section (c). When required, a Use Permit before the Zoning Administrator shall be granted to amateur radio operators with no fee.
    - (3) Wireless communication facilities installed on publicly-owned property, regardless of zoning district, provided they comply with the general requirements in Sub-Section (d) and hold an executed license or lease agreement.
    - (4) Co-located wireless communication facilities, regardless of zoning district, provided they comply with the general requirements in Sub-Section (d).
    - (5) Wireless communication facilities located on sites that would be considered to be co-located or grouped under this ordinance in a Commercial District (C-H, C-G, C-S, C-O), Industrial Districts (M-L, M-G, I-WD) or Agricultural Districts (A, A-L) provided they comply with the general requirements in Sub-Section (d) and are not located within 500 feet of a residential zone (R-R, R-E, R-S, R-D, R-M).
  - b. **Required Findings.** In order for the Zoning Administrator to approve a proposed wireless communication facility under a Use Permit, the Zoning Administrator shall make the findings required for a Use Permit, as well as the following additional findings:
    - (1) The facility complies with all applicable sub-sections of this section.
    - (2) The facility either 1) does not require an RF Environmental Evaluation Report as described in Sub-Section (h), or 2) the RF Environmental Evaluation Report for the facility shows that the cumulative radio-frequency energy emitted by the facility and any near-by facilities will be consistent with FCC regulations.
    - (3) The facility blends in with its existing environment and will not have significant visual impacts.
2. **Use Permit before the Planning Commission.** All other wireless communication facilities or any facility requiring an exception to these regulations shall require a Use Permit with a public hearing before the Planning Commission.

- a. **Qualifying Facilities.** A Use Permit is required for any wireless communication facility that is not exempt under these regulations and that does not qualify for a Use Permit before the Zoning Administrator, including all commercial wireless communication facilities proposed on privately-owned property in Watershed and Residential zoning districts or on sites that would not be considered to be co-located or grouped under this ordinance.
  - b. **Required Findings.** In order for the Planning Commission to approve a proposed wireless communication facility under a Use Permit, the Commission shall make the findings required for a Use Permit, as well as the following additional findings:
    - (1) No alternative site or design is available that would allow for issuance of a Use Permit before the Zoning Administrator for the facility. This finding shall be based on the results of an Alternatives Analysis, as described in Sub-Section (f), below.
    - (2) The facility either 1) does not require an RF Environmental Evaluation Report as described in Sub-Section (h), or 2) the RF Environmental Evaluation Report for the facility shows that the cumulative Radio-frequency exposure emitted by the facility and any near-by facilities will be consistent with FCC regulations.
    - (3) The facility blends in with its existing environment and will not have significant visual impacts.
- F. **Alternatives Analysis.** For a facility requiring a Use Permit before the Planning Commission, an Alternatives Analysis shall be prepared by or on behalf of the Operator, as described below.
- 1. **Alternatives to be Considered.** The Alternatives Analysis shall consider alternative locations and designs for the proposed facility, including those which would not require a Use Permit. At a minimum, alternatives included in the analysis shall include 1) co-location at all existing wireless communication facilities whether in the unincorporated County, a city or an adjacent county, 2) lower, more closely spaced wireless communication facilities; and 3) mounting on any existing non-residential structure within 2-mile of the proposed facility in unincorporated Solano County. The alternatives analyzed shall be approved by the Zoning Administrator. For facilities to be located near an incorporated city, the analysis shall also explain why siting within the city is not possible.
  - 2. **Findings.** The Alternatives Analysis shall show whether or not the proposed siting and design would have the least possible environmental and visual effect on the community and whether any alternative site or design is available that would allow for issuance of a Use Permit before the Zoning Administrator for the facility.
  - 3. **Review.** The Zoning Administrator may, at his/her discretion, employ on behalf of the County an independent technical expert to review this Alternatives Analysis. The Operator shall bear the reasonable costs of this review.
- G. **Visual Analysis.** For a facility requiring review before the Planning Commission and located within 3/4 mile of a designated scenic roadway, a visual analysis shall be prepared by or on

behalf of the Operator, as described below. This visual analysis shall demonstrate compliance with provisions of the Scenic Roadway Element of the Solano County General Plan.

1. **Contents.** The visual analysis shall include the following contents.
  - a. A map of the visual units (as defined in the Scenic Roadway Element) from which the proposed facility will be visible.
  - b. A map of foreground and distant view components, as defined by the Scenic Roadways Elements.
  - c. A narrative discussion of the visual impact of the proposed facility based on the items above.
2. **Findings.** The visual assessment shall compare the proposed facility's visual impacts to the criteria contained in the Solano County General Plan Scenic Roadway Element. It shall make conclusions as to whether the facility would comply with the Element and suggest changes to the facility that would make it more compatible with the Element.

**H. Radio-frequency Exposure Review.** An RF Environmental Evaluation Report shall be prepared for any proposed wireless communication facility meeting the specifications below. In order for a proposed facility that requires an RF Environmental Evaluation Report to be approved, the report must demonstrate that RF emissions from the facility in combination with existing RF emissions from nearby facilities will meet the current FCC adopted exposure standard.

1. **Facilities Requiring an RF Environmental Evaluation Report.** Wireless communication facilities meeting any of the following criteria require an RF Environmental Evaluation Report before they may be permitted under these regulations:
  - a. Facilities described in Table 1 Section 1.1307 A Transmitters, Facilities and Operations Subject to Routine Environmental Evaluation of the FCC Rules and Regulations, 47C.F.R. § 1.1307, or any superseding regulation.
  - b. Facilities proposed to be installed within 50 feet of an existing wireless communication facility.
  - c. Facilities with one or more antenna to be installed less than ten feet above any area that is accessible to untrained workers or the public.
2. **Evaluation Report Requirements.** The RF Environmental Evaluation Report shall meet the following requirements:
  - a. The RF Environmental Evaluation Report is subject to approval of the Zoning Administrator
  - b. The RF Environmental Evaluation Report shall be prepared by a Radio-frequency Exposure Professional.

- c. The RF Environmental Evaluation Report shall explicitly state that operation of the proposed facility in addition to other ambient RF emission levels will not exceed current FCC-adopted standards with regard to human exposure in controlled and uncontrolled areas as defined by the FCC.
  - d. Assumptions utilized for the calculations of RF exposure shall be conservative in nature and at a minimum be in accordance with the most recent FCC guidance on assessment of RF exposures.
  - e. The RF Environmental Evaluation Report shall compare RF measurements and/or calculations of RF exposure to the applicable FCC exposure standard. The comparison shall include the power density in micro-watts per square centimeter and as a percentage of the applicable FCC exposure standard.
  - f. RF field measurements of power density of the proposed facility and/or surrounding facilities are required to be included in the RF Environmental Evaluation Report when:
    - 1. Adequate technical information regarding other wireless communication facilities that may substantially contribute to RF exposure at the subject site is unavailable;
    - 2. Calculations of RF exposure indicate the possibility of exposures in excess of the FCC exposure standard; or
    - 3. So directed by the Zoning Administrator because of concerns about the number of near-by facilities.
  - g. All required RF field measurements shall be performed by a Radio-frequency Exposure Professional. Evidence must be submitted showing that the testing instrument(s) used were calibrated within their manufacturer’s suggested periodic calibration interval, and that the calibration is by methods traceable to the National Institute of Standards and Technology. Measurements shall be performed in compliance with FCC guidance regarding the measurement of RF emissions and shall be conducted during normal business hours on a non-holiday week day.
  - h. The Zoning Administrator or his/her designee may monitor the performance of testing required for preparation of the RF Environmental Evaluation Report. The cost of such monitoring shall be borne by the Operator.
  - i. For an amateur radio station facility, self-certification of compliance by the amateur radio station license is acceptable if permitted by FCC regulations and conducted under standards and procedures set forth by the FCC.
3. **Modifications to Facilities.** To the extent necessary to ensure compliance with adopted FCC regulations regarding human exposure to RF emissions, or upon the recommendation of the Zoning Administrator, the operator shall modify the placement of the facilities; install fencing, barriers or other appropriate structures or devices to restrict access to the facilities; install signage, including the radio-frequency hazard warning symbol identified in ANSI C95.2-1982 and multi-lingual warnings if deemed necessary by the Zoning



Administrator to notify persons that the facility could cause exposure to RF emissions; and/or implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.

4. **Changes to FCC Standards.** If the FCC RF emission standards are modified, the operator shall ensure that the facility is reevaluated for compliance with the new standards, and a recertification statement prepared by a Radio-frequency Exposure Professional shall be submitted by the Operator to the Zoning Administrator prior to the effective date of the new FCC RF emission standards. For an amateur radio station facility, self-certification of compliance by the amateur radio station license is acceptable if permitted by FCC regulations and conducted under standards and procedures set forth by the FCC.
- I. **Application:** Applications for use permits shall be made in writing on a form prescribed by the Zoning Administrator, and shall be accompanied by plans and data to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee or fees as may be set by the Board of Supervisors. Not part of such fee shall be refundable.
  - J. **Life of Approval**
    1. **General Term.** Permits for wireless communication facilities issued under these regulations shall generally be valid for a fixed term of ten years. All permits issued prior to January 1, 2012, shall become fixed term permits and shall expire December 31, 2022.
    2. **Co-located facilities.** A permit for a new co-located facility at a facility with an existing permit that has more than five years remaining on it shall have the same term as the existing permit. If a permit is issued for a new co-located facility at a facility with an existing permit that has less than five years remaining on it, than the existing permit shall be extended to the same term as the new permit.
    3. **Revocation.** If the conditions of a Use Permit granted under this Section are not complied with, the Use Permit may be revoked pursuant to Section 28.53 (j) of the Zoning Code.
  - K. **Facilities in Existence Prior to Adoption of these Regulations**
    1. **Facilities Permitted Prior to Adoption of these Regulations.** Wireless communication facilities that obtained valid permits from Solano County and were constructed prior to the enactment of this Ordinance are not subject to these regulations. However, permits that require renewal will be renewed under these regulations, and any facilities operating with existing permits which are proposed for modification must acquire new permits under these regulations.
    2. **Facilities Operating Without Permits but Existing Prior to Adoption of these Regulations.** All non-exempt wireless communication facilities without permits issued by Solano County must acquire them under the provisions of these regulations within 90 days of the adoption of these regulations.

**28.82 PERSONAL CANNABIS CULTIVATION AND PRIMARY CAREGIVER CULTIVATION USES**

A. General Requirements.

1. Personal and primary caregiver cannabis cultivation indoors in a residence or inside a permanent residential accessory structure on the grounds of a residence shall be allowed if it meets the applicable standards in this Chapter and complies with all state and county laws.

B. Definitions

1. Cannabis: all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof, as defined by Section 11018 of the Health and Safety Code as may be amended. Cannabis is classified as an agricultural product separately from other agricultural crops or commodities.
2. Cultivation Room: a fully enclosed and lockable room inside the premises or structure where cannabis is planted, grown, and harvested.
3. Exception for Medicinal Cannabis Outdoor Cultivation: process by which a qualified patient, as defined herein, may request an exception to the general prohibition on outdoor cannabis cultivation to cultivate a limited number of medicinal cannabis plants outdoors.
4. Greenhouse: A structure designed to control the heat and humidity of the growing environment of plants. To be deemed a greenhouse under this section, the structure must be fully enclosed, able to be secured with a lock and have rigid walls and a roof designed to let sunlight through. A greenhouse is subject to all applicable County permitting requirements.
5. Indoor Cannabis Cultivation: cultivation of cannabis using artificial lighting inside a structure that can be secured with a lock and which has a permanent floor, walls, and roof. Cannabis cultivation in a greenhouse that conforms to the requirement of this section shall be deemed indoor cannabis cultivation.
6. Marijuana: see “Cannabis”, above.
7. Outdoor Cannabis Cultivation: cultivation of cannabis occurring exclusively outdoors, using natural light and not within a structure. Cultivation inside a hoop house or similar shall be deemed outdoor cultivation.
8. Personal Cannabis Cultivation or Personal Cannabis: any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis in compliance with state and county law by a) medicinal cannabis patients in accordance with Health and Safety Code section 11362.77(a) and Business and Professions Code section 26033(a), as may be amended, or b) recreational cannabis users in accordance

with Health & Safety Code section 11362.1(a)(3), as may be amended. Such cultivation shall not be considered a commercial activity only as long as it is in compliance with this Article and state law.

9. Primary Caregiver Cultivation or Caregiver Cultivation: any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis by a designated primary caregiver for up to five qualified patients in compliance with county and state laws, including Health and Safety Code section 11362.77(a) and 11362.7(d), as may be amended. Such cultivation shall not be considered a commercial activity only as long as it is in compliance with this Article, as well as Business and Professions Code section 26033(b) and Health and Code section 11362.765(c), as they may be amended.
10. Primary Caregiver Administrative Permit: a permit that must be obtained by a primary caregiver prior to cultivating for qualified patients or holders of Medical Marijuana Identification Cards. This permit shall be issued pursuant to the requirements of section 28.101 (Administrative Permit) and this section.
11. Primary Caregiver or Caregiver: an individual designated by a qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as defined in Health & Safety Code section 11362.7(d), as may be amended.
12. Qualified Patient: a person who is entitled to the protections of Health and Safety Code section 11362.5 and possesses either a Medicinal Cannabis Identification Card or a Medicinal Cannabis Physician’s Recommendation as defined in Health and Safety Code sections 11362.7(c) and (f), as may be amended.

#### C. Personal and Caregiver Cultivation Amounts

The following amounts of personal and caregiver cannabis may be cultivated so long as the cultivation is in compliance with county and state law and regulations and the Cultivation Standards provided herein:

1. Qualified patients may cultivate up to six (6) mature or twelve (12) immature cannabis plants for their own use inside a private residence, or in a permanent residential accessory structure located on the grounds of a private residence in compliance with the Personal Cannabis Cultivation Standards. Up to three (3) mature or immature cannabis plants may be cultivated outdoors upon obtaining an Exception for Medicinal Cannabis Outdoor Cultivation.
2. A primary caregiver of qualified patients may cultivate up to six (6) mature or twelve (12) immature cannabis plants per qualified patient, inside a private residence, or in a permanent residential accessory structure on the grounds of a private residence in compliance with the Caregiver Cultivation Standards and upon obtaining a Primary Caregiver Administrative Permit.

3. Individuals may cultivate up to six (6) cannabis plants for their own use inside a private residence, or in a permanent residential accessory structure located on the grounds of a private residence in compliance with the Personal Cannabis Cultivation Standards.

D. Personal Cannabis Cultivation Standards

1. Indoor Cannabis Cultivation

- a. The indoor cultivation of personal use cannabis must occur within either an inhabited residence or in a permanent residential accessory structure on the grounds of an inhabited residence. The residence must be occupied by the person for whom the personal use cannabis grown on that parcel is intended.
- b. The location of indoor cannabis cultivation, drying, curing, trimming, and other processing activities must be in a secured room not accessible to visitors or underage individuals.
- c. Gas products (including, but not limited to CO<sub>2</sub>, butane, propane, and natural gas) or ozone generators shall not be used in any cultivation room.
- d. No open flame or burning of any substance may occur in the cultivation room.
- e. In the event electric lights are used in a greenhouse to cultivate cannabis, the lights must be either turned off between the hours of 9 p.m. and 6 a.m. or the greenhouse must be shielded so that any such light is not visible from a contiguous property.

E. Primary Caregiver Cultivation

1. Primary Caregiver Administrative Permit

- a. All individuals who intend to cultivate cannabis as a primary caregiver must obtain a yearly administrative permit from the Department of Resource Management in compliance with the requirements of this section and section 28.101. The following shall be provided by an applicant, along with any other information required in section 28.101, in order to process a caregiver cultivation administrative permit:
  - i. Completed Primary Caregiver Administrative Permit application.
  - ii. Proof of legal ownership of the parcel or written documentation from a landlord that the applicant has permission to cultivate cannabis as a caregiver at the subject location.

- iii. Proof of caregiver status and the total number of patients for whom the primary caregiver cultivates cannabis. Information identifying any patient will not be retained and caregiver status shall be verified solely for the purposes of ensuring compliance with and eligibility for a Primary Caregiver Administrative Permit in compliance with Business and Professions Code section 26162(a).
- iv. Plot plan of the parcel where the cultivation will occur, including the location of the cultivation room or greenhouse.
- v. Signed acknowledgement that County personnel will schedule a site visit with the applicant to review compliance with the Primary Caregiver Cultivation Standards, as well as any applicable requirements of the County Code.
- vi. Signed acknowledgement that the primary caregiver operation shall not generate traffic in excess of that normally associated with the residential use of the property and that no patients shall visit the site between the hours of 8 p.m. and 8 a.m.
- vii. Signed acknowledgement that the primary caregiver cannabis cultivation site 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.
- viii. Signed acknowledgement that a Primary Caregiver Administrative Permit automatically expires after one year, at which time a new permit application must be made, and that no caregiver cultivation may occur prior to issuance of a permit or if the permit has expired.
- ix. Signed acknowledgement that a caregiver cultivation administrative permit may be denied or revoked in the event the cultivation does not occur in compliance with the requirements of County code and state law.
- x. Payment of a fee, as established by the Board of Supervisors, to recover the reasonable costs of administering this administrative permit program.

2. Primary Caregiver Cultivation Standards

a. Indoor Caregiver Cultivation

- i. Upon obtaining a yearly Primary Caregiver Administrative Permit, a primary caregiver may cultivate medicinal cannabis in an inhabited residence or in a permanent residential accessory structure or a greenhouse on the grounds of an inhabited residence. The primary caregiver cultivating the medicinal cannabis or at least one patient for whom the medicinal cannabis is intended must inhabit the residence.
- ii. Window coverings must be utilized in the indoor cultivation room to minimize, to the extent possible, light pollution from grow lights. In the event electric lights are used in a greenhouse to cultivate cannabis, the lights must be either turned off between the hours of 9 p.m. and 6 a.m. or the greenhouse must be shielded so that any such light is not visible from a contiguous property.
- iii. Gas products (including, but not limited to CO<sub>2</sub>, butane, propane, and natural gas) or ozone generators shall not be used in any cultivation room.
- iv. No open flame or burning of any substance may occur in the cultivation room.
- v. The use of generators or extension cords to power any cultivation equipment is prohibited, except as an emergency back-up system.
- vi. Cultivation, drying, curing, trimming, and any other cannabis processing activities must be in a secured area not accessible to visitors or underage individuals.

F. Exception for Medicinal Cannabis Outdoor Cultivation

1. A qualified patient, as defined herein, may request an exception to the general prohibition on outdoor cannabis cultivation to cultivate three (3) medicinal cannabis plants outdoors on a yearly basis. In no case will a qualified patient cultivate more than six (6) mature or (12) immature cannabis plants total on a parcel regardless of whether the patient's cannabis cultivation occurs indoors or outdoors.
  - a. To apply for an exception request, the qualified patient must submit the following:
    - i. Completed Exception Request form.

- ii. Proof of legal ownership of the parcel or written documentation from a landlord that the applicant has permission to cultivate medicinal cannabis.
    - iii. Proof of qualified patient status. Information identifying any patient will not be retained and patient status shall be verified solely for the purposes of ensuring compliance with and eligibility for an Exception for Medicinal Outdoor Cultivation in compliance with Business and Professions Code section 26162(a).
    - iv. Plot plan of the parcel where the medicinal outdoor cultivation will occur, indicating that the outdoor cultivation area is at least ten (10) feet from any property line and within 150 feet of a residence on the parcel.
    - v. Payment of a fee, as established by the Board of Supervisors, to recover the reasonable costs of administering this program.
2. Upon receiving all required information and fees, the County shall provide notice of the Exception for Medicinal Cannabis Exception Request to all contiguous neighbors of the parcel for which the exception is requested. This notice shall provide ten (10) business days for a contiguous neighbor to request a hearing on the Exception Request. In the event no timely request for a hearing is made, the Exception shall be granted. An approved Exception shall expire one (1) year after being granted.
3. In the event a hearing is requested by a contiguous neighbor, the zoning administrator shall set the Exception Request for a hearing. Both the contiguous neighbor and the Exception Request applicant may present relevant evidence and testimony at the hearing
  - a. Factors that may be considered by the zoning administrator in granting or denying an Exception Request include, but are not limited to:
    - i. Placement of the outdoor cultivation site in relation to structures on the parcel or on contiguous properties;
    - ii. Physical characteristics of the property proposed for an Exception Request, as well as contiguous properties;
    - iii. The presence of sensitive receptors, such as child care facilities and schools; and
    - iv. History of compliance with County Codes and the existence of any code enforcement cases regarding the property.

- b. In granting an Exception Request, the Zoning Administrator may impose any reasonable conditions upon the outdoor medicinal cannabis cultivation.
- c. Any decision to grant or deny an Exception Request shall be in writing and shall become effective on the date of mailing the decision by U.S. Post.

G. Enforcement

It is hereby declared unlawful and a public nuisance for any person to cultivate cannabis for personal, medicinal, or primary caregiver use except as provided for in this Chapter. The County may elect to pursue any and all available administrative, civil, or criminal remedies to enforce this Section.