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# PROPOSED AMENDMENTS

## EXHIBIT B3

### Sec. 28-21. EXCLUSIVE AGRICULTURAL (A) DISTRICTS.

#### Subsections:

28.21.010 - Purpose of Section

28.21.020 - Purposes of Agricultural Districts

28.21.030 - Agricultural District Land Uses and Permit Requirements

28.21.040 - Agricultural District General Development Standards

#### **28.21.010 - Purpose of Section**

This Section lists the uses of land that may be allowed within the agricultural zoning districts established by Section 28.13 (Districts Designated and Established). It also determines the type of land use approval required for each use, and provides general standards for site development.

#### **28.21.020 - Purpose of Agricultural Districts**

Agriculture is the major industry in the County generating the majority of the tax revenue in the unincorporated county. Also, agriculture is the largest single zone district classification on the County zoning map. Therefore, the Board of Supervisors has determined that the promotion and preservation of agriculture is of vital interest to the county. The standards stated in this section preserve agriculture a number of ways, including allowing agricultural-related support uses, excluding incompatible uses, and protecting the viability of the family farm. These regulations support the family farm by allowing an ~~accessory~~ **secondary** dwelling for family members that acts as a form of affordable housing and, for farms with larger acreage, permits a reasonable number of farm labor housing on or near the farming activity.

The purposes of the individual agricultural zoning districts and the manner in which they are applied are as follows.

A. Agricultural (A) district. Agricultural property has been categorized into two basic types: intensive and extensive. Intensive agriculture designates property with high quality soils that is brought into intensive production through irrigation. These properties are generally retained in parcel sizes of 40 to 80 acres and are identified as prime farmland by the State Department of Land Conservation based on soil type. Extensive agriculture designates property with lower quality soils used for dry land farming and range land. These properties are generally retained in parcel sizes of 20 and 160 acres.

The General Plan further identifies agricultural property as essential and non-essential. Essential agricultural areas are intended by the General Plan to be

protected and maintained in long-term commercial agricultural use, with the only allowable non-agricultural uses being essential to, and supportive of the primary agricultural uses. These properties generally include the intensive (40 to 80 acres) category and larger parcels (160+ acres) in the extensive category. Non-essential agricultural areas are those identified for future urban expansion and rural use, as areas for unique industries in the unincorporated area, and as productive open space lands. Typically, these properties comprise 20 or less acres and are located adjacent to urban land uses.

B. The designation of areas in the A zoning district will include establishing separate A districts with specific minimum lot area requirements. These requirements shall be indicated on the Zoning Map by a suffix to the A Zoning Map symbol that denotes the minimum lot area for new parcels.

### **28.21.030 - Agricultural District Land Uses and Permit Requirements**

Permanent uses. Table 28-21A identifies the land uses allowed by this Zoning Ordinance in each agricultural district and the land use permit required to establish each use. In addition to the land use permit required by Table 28-21A, special requirements may apply to certain uses. Architectural Approval may also be required for certain uses in compliance with Section 28.58 (Architectural Approval). A Building Permit shall also be required prior to any construction.

**Note:** Where the last column in the table (“Specific Use Regulations”) includes a section number, e.g. 28.53, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

#### **Special uses. Conditions relating to specific uses allowed when incidental to the principal use on the same parcel:**

A. ~~Accessory~~ **Secondary** dwelling unit. A ~~secondary~~ dwelling that is ~~accessory to the principal agricultural single family dwelling, as permitted in Table 28-21A, is permitted if constructed to~~ **must meet** the following specific development standards as well as the development standards delineated in Table 28-21B.

1. The ~~accessory~~ **maximum size of the secondary** dwelling unit may be ~~attached to or detached from the principal dwelling,.~~ In the case of an ~~attached unit, it shall not exceed 1,000~~ **1,800** square feet **of gross floor area**.

~~2. For detached units on parcels of less than 20 acres, the maximum size shall not exceed 1,000 square feet.~~

~~3. For detached units on parcels of 20 acres or more, the maximum size shall not exceed 1,800 square feet.~~

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

**3. A secondary dwelling shall not be allowed on a parcel that has a companion living unit or other similar accessory housing unit. It shall be allowed under the following conditions:**

**a. Use of an existing dwelling while the replacement dwelling is under construction, in accordance with Section 28-50(d)(6);**

**b. Use of temporary dwelling while the primary dwelling is under construction, with a use permit;**

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

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

**a. A secondary living unit legally existing on the lot prior to \_\_\_\_\_, 2008, which does not comply with the size or setback requirements of this Section shall be considered legal non-conforming and subject to the provisions of Section 28-60 (“Nonconforming Uses”). Such use may continue, provided that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.**

**b. A guest house legally existing on the lot prior to \_\_\_\_\_, 2008, shall be considered legal non-conforming and subject to the provisions of Section 28-60 (“Nonconforming Uses”). Such a guest house may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) all facilities necessary to convert the structure to a dwelling, including cooking, sanitation, and parking facilities shall be installed in compliance with County building and zoning standards as applicable; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the structure does not meet the size or setback requirements of this Section for a secondary dwelling, it shall be considered legal non-conforming**

and subject to the provisions of Section 28-60 (“Nonconforming Uses”).

c. A companion living unit legally existing on the lot prior to \_\_\_\_\_, 2008, pursuant to an approved conditional use permit, may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) the unit is installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the unit does not meet the size or setback requirements of this Section, it shall be considered legal non-conforming and subject to the provisions of Section 28-60 (“Nonconforming Uses”). If an existing companion living unit is converted to a secondary dwelling, the conditions of the use permit shall no longer be applicable. If an existing companion living unit is not converted to a secondary dwelling, it shall remain subject to the conditions of the use permit, and shall be promptly removed from the lot upon expiration or revocation of the permit.

d. If both a secondary living unit and a companion living unit legally exist on the lot prior to \_\_\_\_\_, 2008, the secondary living unit shall be considered the secondary dwelling on the lot and the companion living unit may continue on the lot as a temporary dwelling for the remaining term of the conditional use permit.

B. Agricultural employee housing. A temporary manufactured dwelling unit for an employee on parcels of twenty (20) acres or more is permitted for a maximum five (5) year period upon approval of a conditional use permit and subject to the following conditions as well as the applicable development standards delineated in Tables 28-21B and 28-21C.

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.<sup>n</sup>

**C. Small winery.** A small winery, as defined in Section 28-10, is allowed by right, subject to compliance with the applicable development standards delineated in Tables 28-21B and 28-21C and as follows:

- 1. Winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.**
- 2. At least 25% of the grapes used in production must be grown on-site.**
- 3. Shall be subject to the conditions in Section 28.53(i)(1).**
- 4. Does not include an agricultural processing facility with special events, as defined in Section 28-10, which is not allowed without a use permit.**

**D. Agricultural homestay.** An agricultural homestay incidental to the principal agricultural use on the property, as permitted in Table 28-21A, must meet the applicable development standards delineated in Tables 28-21B and 28-21C and comply with the following:

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

**E. Roadside stand.** A roadside stand incidental to the principal agricultural use on the property, as permitted in Table 28-21A, must meet the applicable development standards delineated in Tables 28-21B and 28-21C and comply with the following:

- 1. Shall be operated by the property owner or occupant.**
- 2. Size, as regulated in Table 28-21A, shall be determined by measuring the total roof covered area.**
- 3. At least twenty-five percent (25%) of the crops sold shall be grown on-site or off-site on land owned or leased by the operator within Solano County. The balance of the stand shall be used for the sale and inventory of crops or other agricultural products, including non-agricultural 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 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.
5. 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 a maximum percentage of the size of the stand, as specified in Table 28-21A, except that sales and inventory of pre-packaged food shall be further subject to the requirements of subsection E.4.
6. Minimum setback from an adjacent street shall be the same as required for the main building.
7. Shall have ingress and egress designed so as to avoid traffic congestion and hazards. All connections to County roads shall meet the encroachment permit requirements of the Director of Transportation, 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.
11. Shall be determined to be in harmony with the community character of the subject locality.

#### **~~28.21.040 – Agricultural Districts General Development Standards~~**

~~A. General site and building standards. Subdivision, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 28-21B, in addition to the applicable development standards (e.g., parking, etc.) in Section 28-55 (“Parking Requirements”).~~

B. Minimum site area and density for residential use. Within the A zoning districts, the construction of single-family dwellings is allowed only on parcels that comply with the following requirements.

1. A maximum of one single-family dwelling is allowed per 80 acres; except that the Board of Supervisors may allow one dwelling unit per 40 acres where it determines that the parcel is capable of highly productive agricultural use such as orchards and vineyards.
2. 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.

## Agricultural Districts 28.21

TABLE 28-21A Allowed Uses and Use Permit Requirements for Agricultural Districts		A Allowed Use <sup>(2)</sup> UP Use Permit required <sup>(3)</sup> --- Use not allowed			
LAND USE <sup>(1)</sup>	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations <sup>(4)</sup>
	A-20	A-40	A-80	A-160	

### AGRICULTURAL LAND USES

<b>Crop production, including orchards and vineyards</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
Agricultural accessory structures	A	A	A	A	28.50(b)(3)
<b>Agricultural processing facility</b>					
On-site products <sup>(5)</sup>	A	A	A	A	
Off-site products <sup>(6)</sup>	UP	UP	UP	---	28.53(i)(1)
<b>Winery, small</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>28.21.030.C</b> <b>28.53(i)(1)</b>
<b>Winery, large</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>---</b>	<b>28.53(i)(1)</b>
<b>W</b> with special events	UP	UP	UP	UP	<del>28.10</del> <b>28.53(i)(1)</b>
Animal facilities and operations					
<del>Veterinary facilities (relocated)</del>	<del>UP</del>	<del>UP</del>	<del>UP</del>	<del>UP</del>	<del>28.53(i)(5)</del>
Kennels	UP	UP	UP	UP	28.53(i)(4)
Fowl and poultry ranches	UP	UP	UP	UP	
Grazing	A	A	A	A	
Hog ranches	UP	UP	UP	UP	
Confined animal facilities, including dairies	UP	UP	UP	UP	28-53(i)(3.5)
<b>Slaughterhouse</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>28.53(i)(1)</b>
Aquaculture	UP	UP	UP	UP	
<del>Crop production, including orchards and vineyards</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	
<b>Nursery with public sales <sup>(6)</sup></b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>28.21.030.F</b>
<del>Stable, private (relocated)</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	
Wind turbine generators, non-commercial (over 100 ft.)	UP	UP	UP	UP	28.50(b)(4)
<b>Conservation bank</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	

## Agricultural Districts 28.21

TABLE 28-21A - Continued		A Allowed Use <sup>(2)</sup> UP Use Permit required <sup>(3)</sup> --- Use not allowed				
Allowed Uses and Use Permit Requirements for Agricultural Districts		PERMIT REQUIRED BY DISTRICT				Specific Use Regulations <sup>(4)</sup>
LAND USE <sup>(1)</sup>	A-20	A-40	A-80	A-160		

### RESIDENTIAL USES

Single family dwelling	A	A	A	A	28.58
<del>Accessory-Secondary dwelling unit</del>	A	A	A	A	28.21.030A
Accessory buildings and uses <sup>(57)</sup>	A	A	A	A	<b>28.50(b)(3)</b>
Agricultural employee housing	UP	UP	UP	UP	28.21.030B
HCD Agricultural employee housing	A	A	A	A	<del>28.10</del>
<b>Agricultural homestay</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>28.21.030.D,</b>
<b>Agricultural homestay with special events</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>28.58</b>
Home occupations	A	A	A	A	28.50(b)(7)
Rural resident enterprise	UP	UP	UP	UP	28.50(b)(6)
Storage, manufactured home	A	A	A	A	28.50(b)(8)
Temporary single family dwelling	UP <sup>(68)</sup>	UP <sup>(68)</sup>	UP <sup>(68)</sup>	UP <sup>(68)</sup>	
Guest house	---	---	---	---	
<b>Stable, private</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>28.50(b)(1)</b>

### RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Boating and swimming facilities on existing waterways	UP	UP	UP	UP	
Stable, public and horse show	UP	UP	UP	UP	28.50(b)(1)
Hunting and fishing clubs	UP	UP	UP	UP	
Agricultural education	UP	UP	UP	UP	<del>28.10</del>
Limited public events	UP	---	---	---	28.53(i)(17)
<b>Public open space area</b>	<b>A</b>	<b>---</b>	<b>---</b>	<b>A</b>	<b>28.53(i)(30)</b>

### RETAIL TRADE USES

Farm supplies and farm equipment sales	UP	UP	UP	UP	
<del>Roadside stands, 80 feet or more from street centerline</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>28.53(i)(37)</del>
<del>Roadside stands, less than 80 feet from street centerline</del>	<del>UP</del>	<del>UP</del>	<del>UP</del>	<del>UP</del>	<del>28.53(i)(37)</del>
<b>1,000 square feet or less in size</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
<b>Greater than 1,000 square feet in size</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>28.21.030.E</b>
<b>Non-agricultural product sales, 10% or less</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>28.53(i)(36)</b>
<b>Non-agricultural product sales, greater than 10%</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	

### SERVICE USES

Agricultural trucking services and facilities	UP	UP	UP	UP	
Airfields and heliports, Agricultural	UP	UP	UP	UP	28.53(i)(2)
Custom farm services, e.g. hay baling	UP	UP	UP	UP	
Farm equipment fabrication and repair	UP	UP	UP	UP	
<b>Veterinary facilities</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>UP</b>	<b>28.53(i)(5)</b>

**COMMUNICATIONS AND INFRASTRUCTURE USES**

Injection wells	UP	UP	UP	UP	Chapter 13.6
Oil and gas wells	(79)	(79)	(79)	(79)	28.50(b)(5)
Pipelines, transmission and distribution lines in R.O.W.	A	A	A	A	28.50(a)(6)
Public service facility	UP	UP	UP	UP	<b>28-53(i)(12)</b> <b>28.53(i)(28)</b>
Refuse dumping, disposal, processing, composting (810)	UP	UP	UP	UP	28.53(i)(16)
Surface mining operation	UP	UP	UP	UP	Chapter 29
Utility facilities or infrastructure, outside of R.O.W.	UP	UP	UP	UP	28.50(a)(7)
Wind turbine generators, commercial	UP	UP	UP	UP	28.50(b)(4)
Wireless communication facilities	(911)	(911)	(911)	(911)	28.50.01

**Notes:**

- (1) See Section 28.10 for land use definitions.
- (2) See Building site special provisions; Section 28.50(d). Architectural Review may also be required; see 28.58.
- (3) See Section 28.53 for Use Permit processing requirements.
- (4) Section refers to the section of Chapter 28, Zoning Ordinance. Chapter refers to the referenced chapter of the Solano County Code.
- (5) Excludes winery.**
- (6) No more than 1,500 square feet of non-plant inventory, indoor and outdoor combined, for display and sales to the general public shall be allowed.**
- (57) Does not include a guest house.
- (68) Allowed only when the **main primary** dwelling is under construction.
- (79) Allowed subject to the issuance of an Oil and Gas Well Drilling permit (Section 28.50(b)(5)).
- (810)** During or subsequent to final closure of any waste disposal site, the Planning Commission may approve any beneficial reuse of the waste disposal site that (i) is compatible with the approved closure and/or post-closure plans for the site, (ii) would not be detrimental to existing or anticipated agricultural land uses in the vicinity, and (iii) would not subject occupants of the site, neighbors, or the environment, to risks associated with the wastes which have been disposed of at the site.
- (911)** Permit requirement determined by Section 28.50.01 (Wireless Communication Facilities).

**28.21.040 - Agricultural Districts General Development Standards**

A. General site and building standards. Subdivision, new land uses, and **main buildings including primary and secondary dwellings**, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table 28-21B.

B. Minimum site area and density for residential use. Within the A zoning districts, the construction of single-family dwellings is allowed only on parcels that comply with the following requirements.

- 1. A maximum of one single-family dwelling is allowed per 80 acres; except that the Board of Supervisors may allow one dwelling unit per

40 acres where it determines that the parcel is capable of highly productive agricultural use such as orchards and vineyards.

2. 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.

## Agricultural Districts 28.21

TABLE 28-21B				
Development Standards for Main Building, Primary and Secondary Dwelling				
Development Feature	Requirement by Zoning District			
	A-20	A-40	A-80	A-160
Minimum lot area	<i>Minimum area required for new parcels <sup>(1)</sup></i>			
	20 acres	40 acres	80 acres	160 acres
Maximum density <sup>(2)</sup>	See Subsection 28.21.040.B.			
Dwelling Size	<b>Minimum or maximum gross floor area for new dwellings</b>			
Primary dwelling	<b>1,000 square feet minimum</b>			
Secondary dwelling	<b>See Subsection 28.21.030.A</b>			
Setbacks	<i>Minimum setbacks required. See Section 28-50(e) for setback measurement, allowed projections into setbacks, and exceptions to setbacks.</i>			
Front	30 ft <b>feet</b> , but at least 50 ft <b>feet</b> from the street centerline and unless otherwise indicated by building lines on the Zoning Maps, <del>60 ft from property lines for accessory structures.</del>			
Sides (each)	20 ft. <b>feet</b>			
Rear	25 ft. <b>feet</b> , 20 ft. for <del>accessory structures</del>			
Between structures	<del>Accessory structures shall be located at least 10 ft. <b>feet</b> from any dwelling.</del>			
Height limit	<i>Maximum allowed height of structures. See also Section 28-50(c) for exceptions.</i>			
	35 ft. <b>feet</b> , and as allowed by 28-50(b) Special regulations			
Parking	As required by 28-55, Parking Requirements			
Signs	See Section 28.66 Signs			

**Notes:**

- (1) The actual number of parcels allowed is determined through the applicable subdivision process, based on specific site characteristics and potential environmental impacts, and there is no guarantee that the maximum possible number may be achieved.
- (2) Maximum number of dwelling units allowed per parcel.

**C. Accessory buildings and 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 applicable development standards in Table 28-21C.

**Agricultural Districts 28.21**

<b>TABLE 28-21C</b>				
<b>Development Standards for Accessory Buildings <sup>(1)</sup></b>				
<b>Development Feature</b>	<b>Requirement by Zoning District</b>			
	<b>A-20</b>	<b>A-40</b>	<b>A-80</b>	<b>A-160</b>
<b>Setbacks <sup>(2)</sup></b>	<i>Minimum setbacks required. See Section 28-50(e) for setback measurement, allowed projections into setbacks, and exceptions to setbacks. See also: Section 28-50(b)(3) (Regulations for accessory buildings)</i>			
<b>Attached</b>	An accessory building attached to the main building shall comply with the setback requirements for the main building			
<b>Detached Front</b>	60 feet or on the rear 50% of the lot			
<b>Sides (each) <sup>(3)</sup></b>	20 feet			
<b>Rear <sup>(3)</sup></b>	20 feet			
<b>Between structures <sup>(4)</sup></b>	10 feet from any dwelling or other main building on the same lot Stables: 20 feet from any dwelling or other main building on the same lot			
<b>Height limit</b>	<i>Maximum allowed height of structures. See also Section 28-50(c) for exceptions, and Section 28-59 (Airport Flight Obstruction Areas)</i>			
	35 feet, and as allowed by 28-50(b) Special regulations			
<b>Parking</b>	Same as Table 28-21B			
<b>Signs</b>	Same as Table 28-21B			

**Notes:**

(1) Does not include a secondary dwelling as defined in Section 28-10.

- (2) Other setbacks may be required for specific uses listed in Table 28-21A, as referenced.
- (3) The side or rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building. Waiver of said requirements shall be subject to notice as set forth in Section 14(f) of this Chapter.
- (4) Other separation between structures may be required by County Building Code.