AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE TO CHANGE DEFINITION OF STRUCTURE, ADD AQUACULTURE TO DEFINITIONS AND CONDITIONAL AGRICULTURAL USES, ADD LANGUAGE TO CLARIFY DEFINITION AND PROVISIONS FOR SECONDARY LIVING UNITS, ADD PERMIT REQUIREMENT FOR OIL AND GAS WELLS IN TEMPORARY, GENERAL MANUFACTURING, AND WATER DEPENDENT INDUSTRIAL DISTRICTS, ADD CEMETERY TO CONDITIONAL WATERSHED USES, ADD PROVISIONS TO ALLOW COMMERCIAL COACHES FOR CONSTRUCTION PURPOSES, ADD PERFORMANCE BOND FOR DEFERRED ZONING COMPLIANCE, DELETE COMMERCIAL AS IT APPLIES TO DOG KENNELS, DESIGNATE TYPES OF USE PERMITS TO BE CONSIDERED BY ZONING ADMINISTRATOR, ADD NOTICE REQUIREMENTS FOR ADMINISTRATIVE WAIVERS, CORRECT REFERENCE TO GENERAL PENALTY SECTION AND DEFINE PENALTY REQUIREMENT FOR AFTER-THE-FACT PERMITS.

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

SECTION I. Chapter 28, Section 10 is added to read as follows:

Sec. 28-10. DEFINITIONS

Aquaculture. The propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water, not including aquariums or ponds for pets or landscaping purposes.

Structure. Anything constructed or erected, except fences, the use of which requires location on the ground at least 30 inches in height, or attachment to something having location on the ground at least 30 inches in height, but not including any recreational vehicle or tent.

Secondary living unit. One additional dwelling unit containing not more than eight hundred fifty square feet attached to the principal residence on the same ownership, providing independent living quarters for rent, including sleeping, eating, cooking and sanitation facilities except that attached or detached units are permitted in the R-E and R-S Districts provided they are connected to public sewer. Either the principal residence or secondary living unit shall be owner-occupied.
SECTION II. Chapter 23, Section 14(f) is added to read as follows:

Sec. 28-14. PUBLIC NOTICE: REQUIREMENTS

(f) Notice for Waivers. To grant a waiver of any requirement authorized pursuant to the provisions of this Code, notification of intent to grant a waiver shall be sent to owners, as shown on the latest equalized assessment roll, of real property contiguous to that property for which a request for waiver has been received, 10 days in advance of a decision on said request.

SECTION III. Chapter 28, Section 21(c)(1) is amended as follows:

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

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(1) Animal feed yard and aquaculture.

SECTION IV. Chapter 28, Section 24(b)(5) is amended as follows:

Sec. 28-24. RESIDENTIAL ESTATE (R-E) DISTRICTS

(b) Uses allowed:

(5) Buildings and uses clearly accessory or incidental to any permitted use, including servant's quarters and a guest house or a secondary living unit provided any attached or detached secondary living unit is connected to a public sewer.

SECTION V. Chapter 28, Section 25(b)(4) is amended as follows:

Sec. 28-25. ONE-FAMILY RESIDENCE (R-S) DISTRICTS

(b) Uses allowed:

(5) Buildings and uses clearly accessory or incidental to any permitted use, including, on a minimum building site on seventy-five hundred square feet, guest house or a secondary living unit provided any attached or detached secondary living unit is connected to a public sewer.
SECTION VI. Chapter 28-37, Section 37(c)(4) is amended as follows:

Sec. 28-37. WATERSHED AND CONSERVATION (W) DISTRICTS.

(c) Conditional uses, provided that the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(4) Public service facilities and cemetery.

SECTION VII. Chapter 28, Section 50(a)(12) and (13), Section 50(b)(3)(c), Section 50(b)(5), Section 50(d)(6) and (d)(6)(b) and Section 50(e)(11) are amended as follows:

Sec. 28-50. GENERAL PROVISIONS AND EXCEPTIONS

(a) Use:

(12) Temporary mobilehome sites in any T, A-L, A, MP, R-R, R-E, P and M-G districts may be permitted for a temporary term corresponding to the circumstances of the particular case, and provided a use permit is first secured by the owner of the mobilehome site in each case except that a temporary mobilehome 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 without the granting of a use permit.

(13) A temporary commercial coach site may be permitted in any district for a term corresponding to the circumstances of the particular case, and provided a use permit is first obtained in each case except that 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.

(b) Special regulations.

(3) Regulations for accessory buildings:

    c. The side and rear yard requirements may be waived for an accessory building other than a guest house or 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.
Oil and gas well drilling shall be allowed in T, A, A-L, M-G and I-WD 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.
(d) Building special provisions.

(6) In any district where one-family dwellings are an allowed use, the Zoning Administrator or Planning Commission may authorize an owner to replace an existing dwelling on a developed parcel with a new one-family dwelling and permit occupancy of the existing dwelling for the term of construction of the replacement dwelling or authorize a temporary deferral to complete a zoning requirement to issue a building permit or Certificate of Occupancy; provided that:

a. The replacement dwelling shall comply in all respects with yard, building, location, height and parking space requirements of this Chapter.

b. The owner executes a written agreement with the County guaranteeing the demolition and removal of the existing dwelling or timely completion of a specified zoning requirement. 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 or comply with the zoning requirement 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. 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 or verify compliance with the zoning requirement as stipulated in the agreement.

(e) Yards.

(11) In any district in which a dwelling is allowed, a required yard distance may be waived up to a distance equal to that established in such yard by the foundation of an existing legal non-conforming dwelling, subject to notice as set forth in Section 14(f) of this Chapter.
SECTION VIII. Chapter 28, Section 53(d) and 53(l)(4) are amended as follows:

Sec. 28-53. USE PERMITS

(d) Public hearing. At least one public hearing on any use permit application shall be held by the Zoning Administrator or Planning Commission, who shall maintain a public record of all hearings. Applications considered by the Zoning Administrator, unless authorized by the Director of Environmental Management, Planning Commission or Board of Supervisors, are generally limited to minor noncontroversial projects and accessory or incidental uses such as temporary signs, mobilehomes, commercial coaches, rural resident enterprises, reissuance of expired permits, time extensions to current permits and projects exempt from the Environmental Quality Act (CEQA). The Planning Commission hears all other applications.

(l) Conditions relating to specific uses.

(4) Animal feed yards, fertilizer plants and yards, kennels, catteries, and horse shows shall be located no closer than two hundred feet to any property line; shall provide truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress so designed to avoid traffic hazard and congestion; odor, dust, noise or drainage.

SECTION IX. Chapter 28, Section 58(a)(3) is amended as follows:

Sec. 28-58. ARCHITECTURAL APPROVAL.

(a) Minimum development standards for dwelling units.

(3) Waiver of any of these minimum development standards may be granted if the proposed dwelling is compatible with the surrounding neighborhood in accord with the architectural standards set forth in subsection (c), subject to notice as set forth in Section 14(f) of this Chapter.

SECTION X. Chapter 28, Section 65(d) has been amended and Section 65(e) has been added to read as follows:

Sec. 28-65. ENFORCEMENT OF CHAPTER

(d) Notwithstanding Section 1-17 of this code, any violation of this Chapter shall be an infraction punishable by a fine not exceeding $250.00 for each separate offense; provided, that in any accusatory pleading charging a violation of this Chapter, if the defendant has been once previously convicted of a violation of this Chapter, such previous conviction shall be
charged in the accusatory pleading, and, if such previous conviction is found to be true or is admitted by the defendant, any violation shall be an infraction punishable by a fine not exceeding $500.00 for each separate offense; and provided further, that in any accusatory pleading charging a violation of this Chapter, if the defendant has been previously convicted two or more times of a violation of this Chapter, such previous convictions shall be charged in the accusatory pleading, and, if such previous convictions are found to be true, or are admitted by the defendant, any violation shall be a misdemeanor punishable by imprisonment in the County jail for a term not exceeding six (6) months, or by a fine not exceeding $1,000.00, or by both. Every day any violation of this Chapter shall continue shall constitute a separate offense.

(e) Any person who is using or allowing the use of that person’s property without prior approval of any permit required by this Chapter is subject to a violation fee as may be set by the Board of Supervisors pursuant to Section 11-111 of this Code. Any complete application filed for an after-the-fact permit that is received within 120 days of a correction notice sent by certified mail is exempt from the violation fee requirement.

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

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

Introduced at a regular meeting of the Solano County Board of Supervisors on February 11, 1997 and adopted by the following vote of the Solano County Board of Supervisors on February 25, 1997:

AYES: Supervisors Kondylis, Silva, Thomson, and Chairman Gojkovich

NOS: Supervisors None

ABSTAINED: Supervisors None

ABSENT: Supervisors Carroll

Gordon Gojkovich, Chair
Solano County Board of Supervisors

ATTEST:
Michael Johnson, Clerk
Board of Supervisors

By Maggie Francey, Deputy
Deputy