ORDINANCE NO. 1574
AN INTERIM ORDINANCE PROHIBITING SPECIFIC NON-AGRICULTURAL USES IN THE EXCLUSIVE AGRICULTURAL (A) DISTRICT, ADOPTED AS AN URGENCY MEASURE

WHEREAS, pursuant to California Government Code section 65850, subdivision (a), the Board of Supervisors adopted ordinances regulating the use of land zoned exclusive agriculture in the unincorporated areas of Solano County; and

WHEREAS, Chapter 28 of the Solano County Code (Zoning Regulations) contains various provisions relating to both allowed and conditional agricultural and non-agricultural uses; and

WHEREAS, on February 2, 1999, and pursuant to a Settlement and Consent Decree in Guru Nanak Sikh Temple v. County of Solano, Solano County Superior Court No. L 9769, the Board of Supervisors held a public hearing on the Sikh Temple's Use Permit and Architectural Review Applications Nos. U-97-13 and AR 97-04 and granted the use permit that allows a religious use of land in the Exclusive Agricultural (A) district; and

WHEREAS, recent litigation, including the Sikh Temple matter, and threats of litigation, have raised serious concerns regarding the adequacy and constitutionality of the County of Solano's existing regulations applicable to the Exclusive Agricultural (A) district and the conditional use permit ordinances; and

WHEREAS, without appropriate standards in place, non-agricultural uses could be unconditionally permitted anywhere in the county, including the Exclusive Agricultural (A) district, which poses a formidable threat to the county's ability to preserve and protect our invaluable agricultural industry and lands; and
WHEREAS, without appropriate zoning standards in place, non-agricultural uses could intrude into and diminish the productive agricultural activities on the county’s finite agricultural lands; and

WHEREAS, without appropriate zoning standards in place, non-agricultural uses, such as churches, are unlawfully precluded from every county zoning district, which exposes the county to further expensive and unnecessary litigation; and

WHEREAS, the County of Solano needs time to review its General Plan, including the Land Use and Circulation Element and the Scenic Highways Element, and its Zoning Regulations to determine which policy and regulatory documents warrant revision; and

WHEREAS, adopting a moratorium suspending processing of all new permit applications for specific non-agricultural uses, pending this policy and regulatory review is necessary; and

WHEREAS, due to the very small number of completed non-agricultural permit applications now pending, exempting certain applications from this interim ordinance is appropriate; and

WHEREAS, pursuant California Government Code section 65858, the enactment of this interim ordinance as an urgency measure is necessary for the immediate protection of the public safety, health and welfare.

THEREFORE, the Board of Supervisors of the County of Solano ordains as follows:
Section 1.

To protect the public safety, health and welfare:

1. During all times that this interim ordinance is in effect, the following non-agricultural uses shall not be constructed, altered or enlarged in the Exclusive Agricultural (A) district of Solano County:

   (a) Dumping, disposal, incineration or reduction of refuse (Section 28-21(c)(3));

   (b) Cemetery, crematory, mausoleum and columbarium (Section 28-21(c)(6));

   (c) Airport and heliport except as agricultural service related uses under Section 28-21(c)(13) (Section 28-21(c)(7));

   (d) Public service facility, nursery school and church except fire suppression facilities as agricultural service related uses under Section 28-21(c)(13) (Section 28-21(c)(9));

   (e) Circuses, carnivals, fairs, revivals or similar temporary establishments involving assemblages of people and automobiles (Section 28-50(a)(2));

   (f) Concrete and asphaltic concrete mixing plants and construction storage yards incidental to construction or public works projects (Section 28-50(a)(3));

   (g) One directional sign (Section 28-50(a)(8));

   (h) Temporary mobilehomes except those used for farm labor or caretaker purposes or to provide emergency housing in the event of loss due to fire, flood or other disaster for up to 24 months (Section 28-50(a)(11));

   (i) Temporary commercial coaches except those used 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 24 months (Section 28-50(a)(12)); and

   (j) Wind turbine generators that require a use permit (Section 28-50(b)(4)).
2. During all times that this interim ordinance is in effect, the Solano County Planning Commission, the Zoning Administrator, the Building Official, and the Department of Environmental Management shall not take action on any permit for the non-agricultural uses listed in subdivision (1) in the Exclusive Agricultural (A) district, and shall not accept nor process any application for such a permit.

Section 2.

This interim ordinance shall not apply to permit applications for the non-agricultural uses listed in Section 1, subdivision (1) filed before March 23, 1999. Such applications shall be processed and acted upon according to existing provisions of the Solano County Code. If any such pending application is approved, the authorized non-agricultural use shall be governed according to existing provisions of the Solano County Code and without regard to the provisions of this interim ordinance.

Section 3.

This interim ordinance shall not apply to any request to extend the time for the non-agricultural uses listed in Section 1, subdivision (1).

Section 4.

This interim ordinance shall apply to any request for a minor amendment or revision to a permit for the non-agricultural uses listed in Section 1, subdivision (1).
Section 5.

The Department of Environmental Management shall review the Solano County General Plan, including the Land Use and Circulation Element and the Scenic Highways Element, and the Solano County Zoning Regulations, and shall propose any revisions necessary to address the location and construction of allowed and conditionally permitted non-agricultural uses in the unincorporated areas of Solano County.

This Section shall function as a "Resolution of Intention" for purposes of commencing public hearings on any such general plan and/or zoning amendments by the Solano County Planning Commission.

Section 6.

This interim ordinance expires on March 22, 2001.

Section 7.

This interim ordinance is an urgency measure and takes effect immediately. Before the expiration of fifteen (15) days, a summary of this ordinance shall be published once with the recorded vote of the Supervisors in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.
ORDINANCE NO. 1574
Passed and adopted as an interim ordinance by the Solano County Board of Supervisors at its regular meeting on May 4, 1999, by the following vote:

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

NOES: Supervisors None

ABSENT: Supervisors Carroll

John F. Silva, Chairman
Solano County Board of Supervisors

ATTEST:
Michael D. Johnson, Clerk
Board of Supervisors

By: Deputy
Deputy