



Solano County

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Agenda Submittal

Agenda #:		Status:	Regular Calendar
Type:	Ordinance	Department:	Resource Management
File #:	22-102	Contact:	Allan Calder, 784-6765
Agenda date:		Final Action:	
District:	All		
Attachments:	A - Draft Zoning Code Amendments (Ag and CH), B - Draft Table 28.21A, C - Draft Table 28.23A, D - Draft Table 28.41A, E - Zoning District Revisions, F - AB 365, G - Notice of Public Hearing, H - Farm Bureau Letter		

Date:	Ver.	Action By:	Action:	Result:
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Published Notice Required? Yes No
 Public Hearing Required? Yes No

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Board of Supervisors:

1. Waive reading of the ordinance;
2. Consider Zone Text Amendment No. ZT-21-03; and
3. Adopt the proposed ordinance for Zone Text Amendment No. ZT-21-03 amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update definitions and requirements for certain agricultural and highway commercial uses.

SUMMARY:

The proposed ordinance amends the Solano County Zoning Code by making specific revisions to the definitions, allowable uses, and permitting requirements for the Exclusive Agricultural (A) District, the Suisun Valley Agricultural (A-SV) District, and the Highway Commercial (C-H) District (See Attachments A, B, C, and D). In addition, minor revisions are proposed to some of the development standards pertaining to agricultural and commercial land uses. The amendments in part will provide additional economic development opportunities at key interchanges along the I80 corridor. The amendments proposed will simplify zoning requirements for greenhouses, which will be allowed by right, consistent with AB 365 that states greenhouses shall be treated equivalent to field crops. Research and development will also be allowed in association with such greenhouses. The amendments also propose to revise the definition of agricultural processing facilities in relationship to employee housing, beer production, and processing to be in conformance with State laws; require that special events be non-commercial in nature; and reflect the type of land uses that are typical for highway commercial areas, among other changes. These amendments are further discussed below and detailed in the attachments.

These zoning text amendments were presented to the Board of Supervisors' Land Use and Transportation

Committee on June 22, 2021, and that Committee agreed that the amendments should move forward to the full Board for consideration. The Planning Commission considered the amendments on January 20, 2022 after the Commission continued the item from its December 16, 2021 meeting to allow staff the opportunity to provide further outreach to the farming community regarding the amendments. Staff outreach is discussed in more detail below. On January 20, 2022, the Commission voted unanimously to forward the amendments to the Board for approval.

FINANCIAL IMPACT:

The costs for preparation of the ordinance for the zoning text amendment are included in the Department of Resource Management's FY2021/22 Adopted Budget.

DISCUSSION:

Changes in State law require that the County's Zoning Code be brought into conformance with current requirements. Updating the County's Zoning Code is also necessary to reflect the ever-changing methods of farming and to accommodate the increasing number of agricultural service and support activities inherent in modern farming practices. Projects like Gotham Greens, a 100,000 square foot greenhouse facility near Interstate 80 and Kidwell Road is one such example. Operators of this greenhouse report that they can produce yields substantially above those of open fields while utilizing significantly less water. Additionally, the County's location along Interstate 80 and near UC Davis agricultural research activities make Solano an ideal location for the emerging AgTech industry. Staff is proposing several amendments to the Exclusive Agricultural (A) District and the Agriculture-Suisun Valley (A-SV) Districts to accommodate these trends, expand on our success with agritourism in areas like the Suisun Valley, and in some cases, to come into conformance with State law. In addition, staff is proposing minor changes to the Highway Commercial (C-H) District to reflect land uses which typically locate in that zoning district. Some of the more significant amendments, and the reasons for them, are as follows:

Greenhouses as agricultural accessory structures. In 2005, the Legislature amended the Williamson Act and the Food and Agricultural Code to define "greenhouses" and to explicitly state that greenhouses were an agricultural use. In light of these amendments to state law, the County must allow crop production in greenhouses to the same extent it allows crop production in open fields. The proposed amendments will allow the use of greenhouses by right on agricultural lands, similar to other field crop production activities.

Combining agricultural research and education. Given the County's proximity to UC Davis and recognizing that research and education are often conducted within a single facility, this amendment is intended to simplify the zoning regulations for such facilities by combining two separate land uses, *Agricultural education* and *Agricultural research facility* into one land use category. This will reduce the number of zoning permits, if required based on the size of the facility, by allowing both uses to occur under a single permit.

Revisions to definition of agricultural processing facility. State law requires the County to allow agricultural employee housing in agricultural areas, but both state and federal labor law distinguish between employees engaged primarily in agriculture and those engaged primarily in agricultural processing. The proposed revisions are intended to bring the County's definitions into conformance with state and federal law. In addition, state law provides that the production and bottling of beer and wine are agricultural processing uses. This amendment would clarify the County's zoning to recognize that beer production and bottling is an agricultural processing land use.

Amendment to definition of large agricultural trucking facility. This amendment will clarify that the business operator is not required to live on the business property, but any such business where the operator lives off-site will be regulated as a large agricultural trucking operation regardless of the number of trucks involved.

Amendment to definition of special event facility. The operation of a special event facility is a commercial enterprise. This amendment clarifies that the events conducted at the facility must be non-commercial in nature. For example, weddings and birthday celebrations are acceptable, while seminars on real estate are not. In addition, this amendment clarifies that marketing events conducted by a business on its own premises are not special events but are subject to all requirements applicable to the business, such as parking requirements and maximum allowed occupancy of structures.

The zoning text amendment also replaces definitions for *labor camps* and *labor supply camps* with *labor supply employee housing* to bring the County's regulations for employee housing in line with state labor laws. The complete set of proposed changes to the County Zoning Regulations are contained within Attachments A, B, C and D. Attachment A is the draft ordinance and contains a range of revisions shown in red text. Attachments B, C, and D are Tables of Permitted Uses for each of the three zoning districts and are being modified, with revisions shown in red. The revisions to the three zoning districts are discussed in Attachment E.

Outreach to the Agricultural Community

After the December 16, 2021, Planning Commission meeting, planning staff provided information regarding the proposed zoning text updates to the Solano County Agricultural Commissioner, the Solano County Agricultural Commission, and select farmers who are on the Solano County Farm Bureau and the Suisun Vintners and Growers Association. Specifically, the information provided included an overview of the proposed changes and identified that the intent of the amendments is to bring County zoning code into conformance with state requirements, address uses along highway interchanges, and facilitate agriculture uses. Some farmers remain concerned about the recommendation that greenhouses be allowed by right and have expressed that these facilities should be required to be approved with conditions. Of special concern to the farmers is protection of the Prime Agriculture lands. The Farm Bureau submitted a letter just prior to the January 20, 2022 Planning Commission meeting request additional time to further evaluate the changes being recommended. The Planning Commission decided to move forward and recommend approval of the amendments given the requirements of state law, staff recommends the zoning text amendment be approved to allow greenhouses by right, equivalent to other open field crops.

GENERAL PLAN CONSISTENCY:

The proposed zoning text amendments are consistent with the 2008 Solano County General Plan in that the various land uses authorized by the zoning text amendments are compatible with the objectives, policies, general land uses, and programs specified in the plan.

ENVIRONMENTAL ANALYSIS:

Staff is recommending that the Board find this proposed ordinance revision exempt from the requirements of CEQA under the "general rule" exemption since this ordinance is a set of technical adjustments and corrections which do not alter prior regulations for intensity or location of development or any other physical alterations to the environment.

PUBLIC HEARING NOTICE:

In accordance with Solano County Zoning Regulations, notice of a public hearing (Attachment G) was published at least 15 days before the scheduled hearing in the local newspaper.

OTHER AGENCY INVOLVEMENT:

County Counsel assisted in development of these zoning text amendments.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION