

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of June 7, 2018

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Board of Supervisors' Chambers (1st floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Rhoads-Poston, Walker, Hollingsworth, Bauer, and Chairperson Cayler

EXCUSED: None

STAFF PRESENT: Bill Emlen, Director; Mike Yankovich, Planning Program Manager; Jim Leland Principal Planner; Jim Laughlin, Deputy County Counsel and Sheila Hearon, Acting Planning Commission Clerk

Chairperson Cayler called the meeting to order at 7:00 p.m. with a salute to the flag. Roll call was taken and a quorum was present.

Approval of the Agenda

The Agenda was approved with no additions or deletions.

Approval of the Minutes

The minutes of the regular meeting of May 17, 2018 were approved as prepared.

Items from the Public

As of 7:00 p.m. there was no one from the public wishing to speak. The opportunity for public comment will also be available at the close of the agenda.

Regular Calendar

Item No. 1

PUBLIC HEARING to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-18-01a, amending Chapter 28 (Zoning Regulations) of the Solano County Code to clarify and restate existing land use regulations for dwellings, agricultural accessory buildings and residential accessory buildings (Project Planner: Jim Leland) **STAFF RECOMMENDATION:** Recommend approval to the Board of Supervisors

Jim Leland provided a brief summary of staff's written report. As a result of recent State legislation, any local ordinance regulating accessory dwelling units (ADU), not in compliance with the new state standards, was invalidated and the state regulations became the default local regulations. The County of Solano has had regulations permitting secondary dwellings for decade. However, the County's regulations were not in full compliance with the new state

requirements and, consequently, beginning on January 1, 2018, the County has operated under the state rules for secondary dwellings.

The primary impact of this change is that the maximum size of secondary dwellings has been capped at 1,200 square feet. Prior to January 1, 2018, the local rules permitted secondary dwellings of up to 1,500 square feet in the Rural Residential (R-R) Districts, and 1,800 square feet in most of the agricultural districts.

Under the State ADU Legislation, the County of Solano is permitted to adopt new local accessory dwelling regulations which modify certain aspects of the default regulations imposed by the State on January 1, 2018, so long as the County's new rules address all of the requirements embodied in the State legislation.

The County has an interest in re-establishing its former maximum square footage standards which existed prior to January 1, 2018. Accordingly, staff has prepared two draft ordinances to accomplish that objective

This first draft ordinance accomplishes some reformatting of Section 28.72, adds or modifies definitions to provide clarity about certain accessory land uses and makes some minor procedural changes to the zoning regulations.

Chairperson Cayler opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

Under discussion, Commissioner Walker asked if the ordinances contained a requirement for owner occupancy of either dwelling. He stated that recent changes in banking regulations meant that lenders cannot underwrite loans with such a provision since it would interfere with the right to foreclose. Mr. Leland stated that there was not an owner occupancy requirement in either ordinance before the Commission.

A motion was made by Commissioner Walker and seconded by Commissioner Bauer to recommend that the Board of Supervisors approve the proposed ordinance as presented in the staff report as Attachment A. The motion passed unanimously. (Resolution No. 4651)

Item No. 2

PUBLIC HEARING to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-18-01b (Accessory Dwelling Unit Ordinance), amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update land use regulations for secondary dwellings in Residential and Agricultural zoning districts. (Project Planner: Jim Leland) **STAFF RECOMMENDATION:** Recommend approval to the Board of Supervisors

Jim Leland provided a brief summary of staff's written report. As a result of the legislation mentioned in the prior item, any local ordinance not in compliance with the new state standards was invalidated and the state regulations became the default local regulations. The County of Solano has had regulations permitting secondary dwellings for decade. However, the County's regulations were not in full compliance with the new state requirements and, consequently,

beginning on January 1, 2018, the County has operated under the state rules for secondary dwellings.

The primary impact of this change is that the maximum size of secondary dwellings has been capped at 1,200 square feet. Prior to January 1, 2018, the local rules permitted secondary dwellings of up to 1,500 square feet in the Rural Residential (R-R) Districts, and 1,800 square feet in most of the agricultural districts.

Under the State Accessory Dwelling Unit Legislation, the County of Solano is permitted to adopt new local accessory dwelling regulations which modify certain aspects of the default regulations imposed by the State on January 1, 2018, so long as the County's new rules address all of the requirements embodied in the State legislation.

The County has an interest in re-establishing its former maximum square footage standards which existed prior to January 1, 2018. Accordingly, staff has prepared draft ordinances to accomplish that objective.

Chairperson Cayler opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Walker and seconded by Commissioner Bauer to recommend that the Board of Supervisors approve the proposed ordinance as presented in the staff report as Attachment A. The motion passed unanimously. (Resolution No. 4652)

Items from the Public

Eleanor MacMakin, Mix Canyon Road, Vacaville, appeared before the commission. She spoke about the need for greater regulation to protect riparian areas within the Watershed Districts. She mentioned a variance granted for a septic facility which placed the facility too close to a creek area upstream of her well and asked staff to look into the matter.

Kevin Browning, Clayton Road, Fairfield spoke before the commission. Mr. Browning discussed the existence of unpermitted dwellings and structures near his residence which were being used for vacation rentals and events as well as unpermitted homes on Blue Ridge Road. He also expressed the view that the minimum tenancy in a dwelling unit should not be set at 30 days and that the County could set it at anywhere from 90 days to one year.

ANNOUNCEMENTS and REPORTS

There were no announcements or reports.

Since there was no further business, the meeting was **adjourned**.