



Agenda Submittal

<b>Agenda #:</b>	32	<b>Status:</b>	Regular Calendar
<b>Type:</b>	Ordinance	<b>Department:</b>	Resource Management
<b>File #:</b>	19-820	<b>Contact:</b>	Mike Yankovich, 784-3159
<b>Agenda date:</b>	10/22/2019	<b>Final action:</b>	10/22/2019

**Title:** Conduct a Public Hearing to consider a proposed ordinance for Zone Text Amendment No. ZT 17-03 to amend Chapter 28 of the Solano County Code relating to legal, nonconforming churches within the Suisun Valley Agriculture "A-SV-20" and Agricultural Tourist Center "ATC" zoning districts, allowing for the expansion of such uses subject to discretionary approval via the use permit amendment process, of which approval of this text amendment would allow the Planning Commission's granting of a conditional use permit for the expansion of the Guru Nanak Sikh Temple to become effective; and Consider terminating an easement, granted to the County in 1999 by the Guru Nanak Sikh Temple, concerning property located at 2748 Rockville Road

**Governing body:** Board of Supervisors

**District:**

**Attachments:** 1. A - Ordinance, 2. B - Location Map, 3. C - Easement Deed and Agreement, 4. D - PC Resolution 4669, 5. E - PC Resolution 4677, 6. F - ALUC Resolution No. 18-09, 7. G - Public Notice, 8. Adopted Ordinance, 9. Minute Order

Date	Ver.	Action By	Action	Result
10/22/2019	1	Board of Supervisors		

Published Notice Required? Yes X No \_\_\_  
 Public Hearing Required? Yes X No \_\_

**DEPARTMENTAL RECOMMENDATION:**

The Department of Resource Management recommends that the Board of Supervisors consider the Planning Commission's recommendation to:

1. Waive reading of the ordinance;
2. Conduct a public hearing to consider Zone Text Amendment No. ZT-17-03;
3. Adopt the Ordinance for Zone Text Amendment No. ZT-17-03, amending Chapter 28 of the Solano County Code relating to legal, nonconforming churches within the Suisun Valley Agriculture "A-SV-20" and Agricultural Tourist Center "ATC" zoning districts. Approval would allow for the Planning Commission's granting of a conditional use permit for the expansion of the Guru Nanak Sikh Temple to become effective; and
4. Terminate the Easement Deed and Agreement granted to the County by the Guru Nanak Sikh Temple

**SUMMARY:**

Solano County Zoning Regulations currently prohibit new religious facilities from locating within Agricultural zoning districts. In addition, existing legal nonconforming churches within these districts are limited to the terms and conditions of an approved use permit pursuant to the Nonconforming Uses section of the Zoning Regulations (County Code Section 28.114) and thus cannot expand under the current provision. In general, nonconforming uses of land and buildings are limited to the size, scope, and intensity of that which was

lawfully established and existing prior to the adoption of any provision of the Zoning Regulations that renders such uses nonconforming.

The Guru Nanak Sikh Temple located at 2948 Rockville Road has filed a Zone Text Amendment to amend the Nonconforming Uses section of the County Zoning Regulations to set forth a discretionary permitting process for legal, nonconforming churches within the Suisun Valley Agriculture zoning districts to pursue an expansion or intensification. This text amendment would not apply to other Agricultural zoning districts within the County.

The Planning Commission recommended that the Board adopt the proposed ordinance ZT-17-03 and has also conditionally granted Amendment No. 1 of Use Permit U-97-13 to authorize the construction of a new 15,060 square foot religious temple and associated site improvements at 2948 Rockville Road. The actions taken by the Planning Commission are contingent upon Board approval of Zone Text Amendment No. ZT-17-03. The Planning Commission's resolution and conditions of approval are attached.

### **FINANCIAL IMPACT:**

The costs to prepare the ordinance amendment have been paid to the Department of Resource Management via the Zone Text Amendment application fee.

### **ENVIRONMENTAL ANALYSIS:**

In their recommendation to the Board, the Planning Commission considered that the proposed ordinance amendment is exempt from further environmental review pursuant to the General Rule Exemption under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed ordinance amends the Nonconforming Uses section of the County Zoning Regulations and sets forth a discretionary permitting process should legal, nonconforming churches within the Suisun Valley Agriculture zoning districts pursue an expansion or intensification. Further environmental review would be required on a project specific basis. The proposed ordinance amendment poses no development nor any other physical alterations on the environment. The use permit amendment granted by the Planning Commission, contingent upon approval of the subject zone text amendment for the Guru Nanak Sikh Temple included approval of a Mitigated Negative Declaration.

### **DISCUSSION:**

#### **Background**

The Guru Nanak Sikh Temple has been subject to the terms and conditions of an approved use permit (U-97-13) originally granted February 2, 1999.

In March 2001, through Ordinance No. 1604, the Board of Supervisors amended Chapter 28 of the Solano County Code (Zoning Regulations) to preclude the establishment of new churches in the Exclusive Agricultural zoning districts in order to prevent the conversion of agricultural properties to non-agricultural uses that have the potential to draw large assemblages of people.

Churches lawfully established within Exclusive Agricultural zoning districts prior to the enactment of Ordinance No. 1604 became legal nonconforming land uses, and could continue to operate but could not expand in size or intensity of use.

In February 2011, through Ordinance No. 2011-1717, the Board of Supervisors established new zoning districts and enacted new zoning regulations for the Suisun Valley area. The Guru Nanak Sikh Temple property was rezoned Suisun Valley Agriculture "A-SV-20" at that time; however the church land use remained lawfully established yet nonconforming with respect to current zoning regulations and thus could not expand pursuant to the current nonconforming land use provisions.

On February 21, 2019 the Planning Commission considered Zone Text Amendment No. ZT-17-03 and made a recommendation to the Board of Supervisors to adopt the proposed Ordinance relating to nonconforming churches within the Suisun Valley to set forth provisions to allow expansion of such uses (*D - Planning Commission Resolution No. 4669*).

On August 1, 2019 the Planning Commission granted Amendment No. 1 of Use Permit U-97-13 of the Guru Nanak Sikh Temple to authorize construction of a new 15,060 square foot religious temple and associated expanded facilities to accommodate up to 600 persons per weekly service. The expansion approval is contingent upon Board approval of Zone Text Amendment No. ZT-17-03 (*E - Planning Commission Resolution No. 4677*).

### **General Plan and Zoning Consistency**

The proposed ordinance amendment makes changes to the Nonconforming Uses section of the Zoning Regulations, applicable specifically to the Suisun Valley Agriculture "A-SV-20" and Agricultural Tourist Center "ATC" Zoning Districts. The amendment does not alter the permitted or prohibited land uses within the Suisun Valley Agricultural Zoning Districts. As seen on the General Plan / Zoning Consistency Table (General Plan Table LU-7) the zoning remains consistent with the applicable Agricultural General Plan Designation for the area.

### **Easement Deed and Agreement**

As part of the original use permit approval in 1999, the property owner also entered into an Easement Deed and Agreement with the County of Solano which restricts various aspects of the land uses on-site. The Easement over the property restricts: (1) the total floor area of the religious worship facilities on the property is limited to no more than 6,000 square feet, (2) the total number of persons who may congregate at the religious worship facilities on the property at any one time shall be limited to no more than 200; and (3) 5.16 acres of the property shall be used only for agriculture or open space uses. The proposed temple expansion project exceeds the total floor area, number of persons, and developed footprint limitations (*C - Easement Deed and Agreement*).

The Planning Commission determined that for the Temple to effectively reconfigure the site to meet expansion needs, the subject Easement Deed and Agreement needed to be lifted. They also believed the mixed development character on the south side of Rockville Road on adjacent property on either side of the Temple site, mitigated any concerns with impacts to agriculture in the area.

Staff recommends that the Board terminate the existing Easement Deed and Agreement should the Board desire to allow the Guru Nanak Sikh Temple expansion project including the increased visitor capacity, expanded developed footprint, and the reduction of the agricultural or open space use on the property.

### **Recommendation**

The Department has prepared a draft ordinance that accomplishes the objective of providing a permitting process which allows the Planning Commission to consider use permit amendment applications for the expansion or intensification of existing legal, nonconforming churches within the Suisun Valley provided that such expansion would not adversely impact agricultural operations on nearby properties. The proposed ordinance would be applicable to two additional religious facilities within the Suisun Valley, including Presbytery of the Redwoods located at 4177 Suisun Valley Road (Use Permit U-95-34) and Community of Christ located at 4084 Suisun Valley Road (Use Permit U-77-11) (*B - Location Map*).

The Planning Commission is recommending an ordinance which applies the following development standards to existing legal, nonconforming churches within Suisun Valley seeking expansion or intensification:

- Proposed expansion is consistent with the development standards in section 28.73.30(B)(1),
- Proposed expansion is located entirely within the parcel originally approved for the use.
- Proposed expansion does not adversely impact agricultural operations on nearby properties.
- Proposed expansion is subject to the terms and conditions of an approved amendment to the use permit.

**PUBLIC HEARING NOTICE:**

In accordance with Solano County Zoning Regulations, notice of a public hearing was published at least 15 days before the scheduled hearing in the Fairfield Daily Republic.

**ALTERNATIVES:**

The Board of Supervisors may choose alternative actions, including:

1. Approval of the proposed Zone Text Amendment with modifications; or
2. Continue the item to a later date to acquire additional information; or
3. Disapproval of the proposed Zone Text Amendment

**OTHER AGENCY INVOLVEMENT:**

The Solano County Airport Land Use Commission has found the proposed Zone Text Amendment No. ZT-17-03 consistent with the Travis Air Force Base Land Use Compatibility Plan (*F - ALUC Resolution No. 18-09*).