



Agenda Submittal

Agenda #: 29 **Status:** Regular Calendar
Type: Ordinance **Department:** Resource Management
File #: 19-821 **Contact:** Bill Emlen, 784-6062
Agenda date: 10/22/2019 **Final action:** 10/22/2019
Title: Consider adopting an urgency ordinance suspending the approval of certain categories of administrative permits such as small event centers and hosted short term vacation rentals proposed on private roads and instead requiring conditional use permits for uses in those categories within the unincorporated territory of the County of Solano (4/5 vote required)
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Ordinance, 2. Adopted Ordinance, 3. Minute Order

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

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Board:

1. Read the proposed ordinance by title only and waive further reading by majority vote; and:
2. Adopt an urgency ordinance suspending the approval of certain categories of administrative permits such as small event centers and hosted short term vacation rentals proposed on private roads and instead requiring conditional use permits for uses in those categories within the unincorporated territory of the County of Solano. (4/5 vote required) Said Ordinance would be in effect for 45 days with possible further extensions up to two years total.

SUMMARY:

Per the existing Zoning Regulations, the approval of certain land uses is handled by the issuance of an administrative permit provided the application is consistent with applicable standards and requirements for that use. This includes uses that might be dependent on use of a private road to provide primary access. Such a proposal may be acceptable if other users of the private road find use of the private road acceptable. Where it becomes problematic are situations where other neighbors also using the private road find a proposed use unacceptable due to impacts the use would have on the road or where maintenance responsibilities are not adequately defined and the proposed use would disproportionately impact all users with shared maintenance responsibilities. In response to these type of situations of which staff has been addressing recently, and the limited flexibility of standards in the Administrative Permit process that effects the County's ability to address private road issues, staff is recommending under the attached urgency ordinance that use proposals currently allowed by Administrative Permits where access is provided by private road be re-classified to Minor Use Permits. Applicants would still be able to file for the covered land uses and staff would process said applications as Minor Use Permits rather than Administrative Permits. No uses are being prohibited under the proposed urgency ordinance. Staff intends to bring forward a permanent ordinance in the very near future.

FINANCIAL IMPACT:

The costs associated with preparing the agenda item and urgency ordinance are nominal and absorbed by the Department's FY2019/20 Adopted Budget.

DISCUSSION:

Chapter 28 of the Solano County Code (Zoning Regulations) was amended in 2010 to allow for the issuance of an administrative permit for certain uses allowed by right within various zoning districts. Provided that all applicable standards and requirements related to that use were met prior to commencement, an applicant need merely apply for an administrative permit as opposed to applying for a conditional use permit. In 2012, the types of uses that require an administrative permit rather than a discretionary conditional permit were expanded. Such uses include certain types of event venues. With adoption of the Short term Vacation Rental Ordinance, Hosted rentals were also included in the Administrative Permit category.

In general the Administrative Permit process has been effective in streamlining the permit process. Under the terms of the proposed urgency ordinance, there is minimal impact on most Administrative Permit categories and uses and such permits will continue to be available to prospective applicants. The exception is those Administrative Permit proposals where a private road is necessary to provide access. In those situations, a Minor Use Permit would be required.

There are advantages to implementing this change on several fronts. Whereas Administrative Permit do not require public noticing, Minor Use Permits do include public noticing to neighbors in the vicinity of an application site. That is important in cases where private roads provide access to a proposed use as it gives the other neighbors who use the private road the opportunity to be aware of and comment on a proposal. There is also some benefit to the applicant. Under Administrative Permits, a proposal must meet all the standards established under the ordinance. There is no ability to add conditions of approval. Under a Minor Use Permit, conditions can be applied which allows flexibility in addressing variable that may apply to a particular site or to address some specific concerns that might arise in the course of evaluating an application. And finally, a Minor Use Permit includes legal findings that would give the County the necessary discretion to not approve an application where there are unresolvable issues such as incompatibility with a neighborhood. This is important in cases where there may be disputes over use of a private road.

The proposed Urgency Ordinance would remain in effect for 45 days unless extended. During the 45 day period, staff will be evaluating options for permanent ordinance revisions to address issues that have arisen relative to private roads and Administrative Permits. Our initial assessment is a permanent ordinance change would be relatively simple and straight forward. If possible, staff will attempt to bring forward a permanent ordinance revision prior to the expiration of the initial 45 day period. If that proves not feasible, an extension of the urgency ordinance would be requested.

ALTERNATIVES:

The Board may choose to not adopt the urgency ordinance. This is not recommended as there are several recent examples of where the current process does not effectively address private road circumstances and precludes effective action relative to both applicants and affected neighbors.

OTHER AGENCY INVOLVEMENT:

County Counsel assisted in development of the ordinance.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION