



Legislation Text

File #: 20-696, Version: 1

Conduct a noticed/published public hearing to consider a proposed final one year extension of an Interim Urgency Ordinance (Ordinance No. 2019-1806) suspending the approval of administrative permits for certain land uses located on private roads, including special event facilities and vacation house rentals, and instead requiring use permits for these land uses within the unincorporated area of Solano County, adopted as an urgency measure (4/5 vote required)

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:

1. Read the proposed ordinance (Ordinance No. 2019-1806-E2) by title only and waive further reading by majority vote;
2. Conduct a noticed/published public hearing to consider a proposed final one-year extension of an Interim Urgency Ordinance (Ordinance No. 2019-1806) adopted on October 22, 2019, suspending the approval of administrative permits for certain land uses located on private roads, including special event facilities and vacation house rentals, and instead requiring use permits for these land uses within the unincorporated area of Solano County, adopted as an urgency measure; and
3. Adopt Ordinance No. 2019-1806-E2 approving a final one-year extension to the Interim Urgency Ordinance (Ordinance No. 2019-1806-E1) (4/5 vote required).

SUMMARY:

On October 22, 2019, the Board of Supervisors enacted an Interim Ordinance (Ordinance No. 2019-1806) which suspended the approval of administrative permits for certain land uses located on private roads, including special event facilities and vacation house rentals, and instead required use permits for these land uses within the unincorporated area of Solano County. The action was for an initial term of 45 days. On November 19, 2019 and as permissible under state law, the Board adopted an ordinance (Ordinance No. 2019-1806-E1) extending this Interim Ordinance for an additional 10 months and 15 days with the future ability for a final one-year extension. A noticed public hearing was required for the extension. The Interim Ordinance is set to expire on October 21, 2020 unless the Board approves a final one-year extension through October 21, 2021.

The currently proposed urgency ordinance extension contains the same parameters as the original urgency ordinance. This includes provision to ensure that access to businesses, special events facilities and vacation houses meets current County road standards for emergency vehicle access and thus eliminating threats to the public health, safety, and welfare. The urgency ordinance does not prohibit uses. It does modify permitting requirements to allow for public participation and flexibility to add conditions to address unique site issues or neighborhood concerns for the use to occur. Staff is planning to bring a permanent ordinance revision codifying the parameters set forth in the urgency ordinance along with several other code revisions, including updated accessory dwelling unit standards necessary to comply with recent changes to state law, to the Board at a future date. Upon the effective date of those permanent ordinance changes, the urgency ordinance would expire.

FINANCIAL IMPACT:

The costs associated with preparing the agenda item and urgency ordinance are nominal and absorbed by the Department's FY2020/21 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 land uses allowed by right within various zoning districts. This amendment allowed an administrative permit rather than a use permit to be issued for certain specified land uses within a zoning district provided that all applicable standards and requirements related to the use were met prior to commencement of the use. In 2012, the types of uses allowed through an administrative permit rather than a discretionary use permit were expanded and included certain types of event venues. With adoption of the Short-term Vacation Rental Ordinance, Hosted Short-term Vacation 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 administrative permit proposals where a private road is necessary to provide access for the proposed use. In those situations, the impact of certain types of uses such as event centers can cause traffic and related impacts on other neighbors who also share the private road. There are also cases where private roads do not meet County road standards and are not suitable for higher traffic volumes. Requiring a use permit rather than an administrative permit in those situations provides an opportunity for all property owners utilizing the private road to participate in the decision-making process and consideration of conditions prior to approval of the permit.

Requiring a use permit does provide flexibility to address issues that might arise in the review of the application. Under an administrative permit, a proposal must meet all the standards established by ordinance and there is no ability to add conditions of approval. Under a use permit, conditions can be applied which allows flexibility in addressing variables that may apply to a specific site or to address concerns that might arise in evaluating an application. A use permit also includes legal findings that 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.

ALTERNATIVES:

The Board may choose to not approve the urgency ordinance extension for a final one-year term. This is not recommended as there are recent examples where the urgency ordinance has proven effective in addressing uses proposed on private roads.

OTHER AGENCY INVOLVEMENT:

County Counsel assisted in development of the ordinance.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION