#### **EXHIBIT IV**

# CHAPTER 28, SUISUN MARSH AGRICULTURAL DISTRICT

#### Sec. 28-22. SUISUN MARSH AGRICULTURAL DISTRICTS.

#### **Sections:**

- 28.22.10 Suisun Marsh Agriculture Districts
- 28.22.11 Purposes of Suisun Marsh Agricultural Districts
- 28.22.20 Suisun Marsh Agricultural District Land Uses and Permit Requirements
- 28.22.30 Suisun Marsh Agricultural District Development Standards

#### 28-22.10 Suisun Marsh Agriculture Districts

This section includes regulations for the A-SM-80 and A-SM-160 zoning districts.

#### 28.22.11 - Purpose of Suisun Marsh Agriculture Districts

This Section lists the uses of land that may be allowed within the Suisun Marsh agricultural zoning districts established by Section 28.13 (Districts Designated and Established). It also determines the type of land use approval required for each use, and provides general standards for site development.

Agriculture is the major industry in Solano County generating the majority of the tax revenue in the unincorporated county. In addition, certain agricultural lands serve an important function in buffering contiguous environmentally sensitive lands of the Suisun Marsh\_from the effects of urbanization. Therefore, the Board of Supervisors has determined it is in the interest of the County to prevent further encroachment upon such agricultural lands by incompatible uses of property.

The purpose and intent of the A-SM district is to preserve lands best suited for permanent agricultural use while limiting certain intensive agricultural practices which may conflict with adjoining sensitive lands. A primary intent of the A-SM district is to assure the retention of upland and lowland grasslands adjacent to the Suisun Marsh in uses compatible with its protection.

#### 28.22.20 – Suisun Marsh Agricultural District Land Uses and Permit Requirements

#### A. Allowed Uses and Permit Requirements:

Table 28-22A identifies the land uses allowed by this Zoning Ordinance in each Suisun Marsh agricultural district and the land use permit required to establish each use. In

addition to the land use permit required by Table 28-22A, special requirements may apply to certain uses.

#### B. <u>Marsh Development Permit Requirements:</u>

Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this Code. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and Secondary Management area as defined in the Suisun Marsh Preservation Act of 1977, the land use shall be subject to a use permit covering the whole of the project.

#### C. Architectural Review:

Architectural Approval may also be required for certain uses in compliance with Section 28.102 (Architectural Approval).

#### D. **Building Permits:**

A Building Permit shall also be required prior to any construction-

### E. <u>Land Use Regulations:</u>

Where the last column in the Table 28.22A ("Land Use Regulations") includes a section number, e.g. 28.70.10, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

#### F. <u>Non-Conforming Uses.</u>

Within the Suisun Marsh as defined by Section 29101 of the Public Resources Code, uses established prior to 1977 that do not conform to the uses set forth in Table 28-22A shall be considered nonconforming uses under Section 28.114 except that nonsubstantial changes, alterations and additions to nonconforming uses may be allowed within the existing established project footprint area subject to a marsh development permit pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this code. The overall existing development area may not be expanded under these provisions. Development within the existing development area should minimize additional impervious surfaces. An adequate buffer should be established or maintained between the development areas and any water, wetlands, or other Marsh habitat to protect the habitat from adverse environmental impacts. An erosion, sediment and runoff control plan shall be prepared in accordance with Section 31.26(b) of the Solano County Grading, Drainage, Land Leveling and Erosion Control Ordinance. When the non-conforming uses is located in both the primary management

area and secondary management area as defined by the Suisun Marsh Preservation Act of 1977, non-substantial changes, alterations and additions to the nonconforming use shall be subject to a use permit covering the whole of the project.

## G. <u>Site Development and Other Standards.</u>

All uses shall comply with the provisions of Article IV, Section 28-90 Site Development and Other Standards which includes standards for parking, signs and other project elements

A=Allowed by right, AP=Administrative Permit, MUP=Minor Use Permit, UP=Use Permit, E=Exempt, ---= Prohibited

ALLOWED USES*	Permit	Land Use	
*See Definitions Section 28-10	Requirements by Zone	Regulations**	
	Zione	**See Section 28-70.10	
	AL-80 and AL-160 <sup>(1)</sup>		
28.71 AGRICULTURAL USES			
A. CROP PRODUCTION AND GRAZING			
Agricultural accessory buildings	A . (2)	28.71(A) & (B)(1)	
Cultivated and irrigated farming	$A^{(2)}$		
Non-irrigated and non-cultivated farming, grazing Pastured Poultry	A <sup>(2)</sup>		
Not adjacent to a R District	A	28.71.10(A) & (B)(4)	
Adjacent to a R District	MUP	28.71.10(A) & (B)(4)	
With an agricultural commercial kitchen			
With sales			
With Special events			
With more than 4 crowing fowl	UP	28.71.10(A) & (B)(4)	
B. AGRICULTURAL PROCESSING USES			
None allowed			
C. ANIMAL FACILITIES AND OPERATIONS			
None allowed			
D. OTHER AGRICULTURAL OPERATIONS			
Agricultural employee housing	AP	28.71.40(A) & (B)(1)	
HCD Agricultural employee housing	A	28.71.40(A) & (B)(3)	
Temporary commercial coach	AP	28.71.40(A) & (B)(5)	
28.72 RESIDENTIAL USES			
A. DWELLINGS			
Primary Dwelling <sup>(3)</sup>	A	28.72.10(A)	
Secondary Dwelling	A	28.72.10(A) & (B)(6)	
Second Kitchen	AP	28.72.10(A) & (B)(7)	
B. TEMPORARY RESIDENTIAL USES			
Temporary single family home	AP	28.72.20(A) & (B)(6)	
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDE	ENTAL TO A RESIDENCE		
Small kennels and catteries	AP	28.72.30(A) & (B)(3)	
D. OTHER RESIDENTIAL USES			
Home occupation			
		28.72.40(A) & (B)(2)	

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ALLOWED USES*	Permitted Uses	Land Use
*See Definitions Section 28-10		Regulations**
		**See Section 28-70.10
40 F2 DECDE ATVON EDVICATION AND DVID VC AC	AL-80 and AL-160 <sup>(1)</sup>	
28.73 RECREATION, EDUCATION AND PUBLIC AS	SEMBLY USES	
A. RECREATION USES		
Marsh oriented recreation	UP	28.73.10(A) & (B)(1)
Public open space area	A	28.73.10(A)
Stable, public without Horse Shows	UP	28.73.10(A) & (B)(3)
B. EDUCATION USES		
Agricultural education		
Minor facility	AP	28.73.20(A) & (B)(1)
Marsh education	UP	28.73.20(A)
C. PUBLIC ASSEMBLY USES		
Special Events Facility (other than Winery or Agricultural Processing Facility)		
6 per year max, and 150 persons or less	AP	28.73.30(A) & (B)(6)
12 per year max, and 150 persons or less	MUP	28.73.30(A) & (B)(6)
More than 12 per year, or more than 150 persons	UP	28.73.30(A) & (B)(6)
28.74 RETAIL AND OFFICE USES		
A. RETAIL USES		
None Allowed		
B. OFFICE USES		
Agricultural research facilities		
Small (less than 20,000 sq.ft.)	UP	28.74.20(A) & (B)(1)
Marsh research facilities	UP	28.74.20(A)
28.75 TOURIST USES		
A. AGRITOURISM		
None Allowed		
B. TEMPORARY AGRITOURISM		
None Allowed		

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*See Definitions Section 28-10	Permitted Uses	Land Use Regulations**
See Definitions Section 28-10		**See Section 28-70.10
	AL-80 and AL-160 <sup>(1)</sup>	
28.76 COMMERCIAL SERVICE USES		
A. AGRICULTURAL SERVICES		
None Allowed		
B. COMMERCIAL SERVICES		
None Allowed		
28.77 INDUSTRIAL, MANUFACTURING, PROCESSION WHOLESALE USES	NG AND	
A. INDUSTRIAL, MANUFACTURING AND PROCESSING USES		
None Allowed		
B. WHOLESALE USES  None Allowed		
None / mowed		

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited

ALLOWED USES*	Permitted Uses	Land Use Regulations**
	Termitted Oses	Č
*See Definitions Section 28-10		**See Section 28-70.10
	AL-80 and AL-160 <sup>(1)</sup>	
28.78 COMMUNICATION, INFRASTUCTURE AND	SERVICE USES	
A. COMMUNICATION USES		
Wireless communication facility		
Co-location	MUP	28.81
New tower	UP	28.81
B. INFRASTRUCTURE USES		
Commercial wind turbine generator	UP	28.80
Extraction and Removal of Minerals or Natural		
Materials from Quarries and Borrow Areas existing as	UP	28.78.20(A)
of January 1, 1982		
Non-commercial wind turbine		
100 feet or less in height	A	28.80
Over 100 feet in height		28.80
Oil or Gas Well <sup>(4)</sup>	AP	28.78.20(A) & (B)(7)
Pipeline, transmission or distribution line in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
Waste disposal, processing and composting	UP <sup>(5)</sup>	28.78.20(A) & (B)(3)
C. SERVICE USES		
Public Service Facility	<del>UP</del>	28.78.30(A) & (B)(4)
D. TEMPORARY CONSTRUCTION AND		
INFRASTRUCTURE		
Meteorological Tower, 100 feet or less in height	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	28.78.20(A) & (B)(6)
28.79 RESOURCE CONSERVATION USES		
Conservation and mitigation bank	UP	28.79.10(A)

- 1. Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this Code.
- Management of wetlands and agricultural operations, with emphasis on grain and hay crop production, pasture, grazing, and the growing of plants and natural feed important to wildlife habitat.
- Buildings and uses clearly accessory or incidental to any permitted use located on the premises, including a one-family dwelling or a manufactured dwelling, barns, private stables, sheds, and other associated buildings.
- 4. Oil wells not permitted in the Suisun Marsh primary and secondary management areas.
- During or subsequent to final closure of any waste disposal site, the Planning Commission may approve any beneficial reuse of the waste disposal site that (i) is compatible with the approved closure and/or post-closure plans for the site, (ii)

would not be detrimental to existing or anticipated agricultural land uses in the vicinity, and (iii) would not subject occupants of the site, neighbors, or the environment, to risks associated with the wastes which have been disposed of at the site.

## C. Suisun Marsh Agricultural District Development Standards:

Subdivision, new land uses, main buildings including primary and secondary dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table 28-22B.

TABLE 28-22B DEVELOPMENT STANDARDS FOR MAIN BUILDING, ACCESSORY STRUCTURES AND			
USES	in Direction in the control of the c		
MAIN BUILDING, A	CCESSORY STRUCTURES AND USES		
Minimum Lot Area	AL-80 = 80 acres		
	AL-160 = <i>160 acres</i>		
Setbacks			
Front	Thirty feet; except that buildings shall not be less than fifty feet from the centerline of the street, and unless otherwise indicated by building lines on the zoning maps.		
Sides (each)	20 feet		
Rear	25 feet		
Between structures	10 feet		
Height limit	Thirty-five feet; and as allowed by 28-93 Special regulations		
OTHER STANDARDS			
Parking Requirements	Parking shall be provided in conformance with the parking standards in Section 28.94		
Signs	All signs shall comply with the sign requirements in Section 28.96		