EXHIBIT VIII

CHAPTER 28, MARSH PRESERVATION DISTRICT

Sec. 28.38 MARSH PRESERVATION (MP) DISTRICT.

Sections:

- 28.38.10 Marsh Preservation District
- 28.38.11 Purposes of Marsh Preservation District
- 28.38.20 Marsh Preservation District Land Uses and Permit Requirements
- 28.38.30 Marsh Preservation District Development Standards

28.38.10 – Marsh Preservation Districts

This Section includes regulations for MP-250 zoning district:

28.38.11 - Purpose of Marsh Preservation District

This Section lists the uses of land that may be allowed within the marsh preservation zoning district 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.

Marshes, wetlands, and certain adjacent grasslands within the County represent an area of significant aquatic and wildlife habitat and are an irreplaceable and unique resource to the people of the County, State, and the Nation. Therefore, the Board of Supervisors has determined it is in the interest of the County to preserve and enhance the quality and diversity of marsh habitats within which marsh-oriented uses shall be encouraged to the exclusion of such other uses of land as may be in conflict with the long-term preservation and protection of marsh areas. The provisions of this Section shall be strictly interpreted to provide maximum protection to marsh areas.

28.38.20 – Marsh Preservation District Land Uses and Permit Requirements

A. Allowed Uses and Permit Requirements:

Table 28-38A identifies the land uses allowed by this Zoning Ordinance in the marsh preservation district and the land use permit required to establish each use. In addition to the land use permit required by Table 28-38A, special requirements may apply to certain uses.

B Marsh Development Permit Requirements:

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 ("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. Non-Conforming Uses.

Within the Suisun Marsh as defined by Section 29114 of the Public Resources Code, uses established prior to August 4, 1981 that do not conform to the uses set forth in Table 28-38A shall be considered nonconforming uses under Section 28.114 and subject to Section 28.18 except that non-substantial 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 nonconforming 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*	Permitted Uses	Land Use
*See Definitions Section 28-10		Regulations**
		**See Section 28-70.10
	$\mathbf{MP}^{(1)}$	
28.71 AGRICULTURAL USES		
A. CROP PRODUCTION AND GRAZING		
Non-irrigated and non-cultivated farming	$A^{(2)}$	28.70.10
Grazing	$A^{(2)}$	28.70.10
B. AGRICULTURAL PROCESSING USES		
None Allowed		
C. ANIMAL FACILITIES AND OPERATIONS		
None Allowed		
D. OTHER AGRICULTURAL OPERATIONS		
Additional One-Family Homes for persons employed on property	UP	28.71.40(A)
28.72 RESIDENTIAL USES		
A. DWELLINGS		
Primary dwelling ⁽³⁾	A	28.72.10(A)
B. TEMPORARY RESIDENTIAL USES		
None Allowed		
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENT	AL TO A RESIDENCE	
None Allowed		
D. OTHER RESIDENTIAL USES		
None Allowed		

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

	LOWED USES* e Definitions Section 28-10	Permitted Uses	Land Use Regulations**
			**See Section 28-70.10
		MP ⁽¹⁾	
28.	73 RECREATION, EDUCATION AND PUBLIC ASS	SEMBLY USES	
A.	RECREATION USES		
	Complementary commercial facilities	UP	28.73.10(A)
	Marsh oriented recreation	UP	28.73.10(A)
	Public open space area		28.73.10(A)
В.	EDUCATION USES		
	Marsh education	UP	28.73.10(A)
C.	PUBLIC ASSEMBLY USES		
	None Allowed		
28.	74 RETAIL AND OFFICE USES		
A.	RETAIL USES		
	None Allowed		
В.	OFFICE USES		
	Scientific Research and Education Facility related to the Marsh	UP	28.74.20(A)
28.	75 TOURIST USES		
A.	AGRITOURISM		
	None Allowed		
В.	TEMPORARY AGRITOURISM		
	None Allowed		

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ALLOWED USES*	Permitted Uses	Land Use
*See Definitions Section 28-10		Regulations**
		**See Section 28-70.10
	MP ⁽¹⁾	
28.76 COMMERCIAL SERVICE USES		
A. AGRICULTURAL SERVICES		
None Allowed		
B. GOLGLED CLAY GEDYNGEG		
B. COMMERCIAL SERVICES		
None Allowed		
28.77 INDUSTRIAL, MANUFACTURING, PROCESSI WHOLESALE USES	ING AND	
A. INDUSTRIAL, MANUFACTURING AND PROCESSING USES		
None Allowed		
B. WHOLESALE USES		
None Allowed		

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

*See Definitions Section 28-10	Permitted Uses	Land Use Regulations** **See Section 28-70.10
	$\mathbf{MP^{(1)}}$	
28.78 COMMUNICATION, INFRASTRUCTURE	AND SERVICE USES	
A. COMMUNICATION USES		
None Allowed		
B. INFRASTRUCTURE USES		
Commercial wind turbine generator		28.80
Dredging of minerals and natural resources	UP	28.78.20(A)
Non-commercial wind turbine		
100 feet or less in height	A	28.80
Over 100 feet in height		28.80
Oil or Gas Well, Natural Gas Storage ⁽⁴⁾	UP	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)
C. SERVICE USES		
Public Service Facility		28.78.30(A) & (B)(4)
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE		
Temporary facilities for the transfer of materials from shore to barge	n UP	28.78.40(A)
28.79 RESOURCE CONSERVATION USES		
Conservation and mitigation bank	UP	28.79.10(A)
Growing of plants and natural feed important to wildlife habitat	A	28.79.10(A)
Restoration of tidal, managed and seasonal wetlands	UP	28.79.10A)

Notes:

- 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.

28.38.30 Marsh Preservation 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 28-52B.

ΓABLE 28-52B							
Development Standards	Development Standards for Main Building, ACCESSORY STRUCTURES and USES						
	MP District						
PRIMARY BUILDING	G.						
Minimum Lot Area	250 acres						
Setbacks							
Front							
Sides (each)	Ten feet; unless otherwise indicated by building lines on the zoning maps.						
Rear							
Between structures	10 feet						
Height limit	Thirty-five feet; provided, that additional height may be permitted for non-dwelling structures, including windmills, silos, and private water tanks; and provided further, that no such structure shall exclude the heights allowed in Section 28-59 of this code, if located in an airport flight obstruction area.						
Accessory Structures	Accessory buildings shall not be less than sixty feet from the front property line nor less than twenty feet from any side or rear property line, nor less than thirty feet from any dwelling unit on the property.						
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						
Architectural Approval	Architectural approval may be required for any use in MP districts, as provided in Section28-58 of this code.						