EXHIBIT IV

CHAPTER 28, SUISUN MARSH AGRICULTURAL DISTRICT

(Note: Red = New Language, Black = Existing language and ~~Strikethrought~~ = language to be deleted)

Sec. 28-22. SUISUN MARSH ~~LIMITED~~ 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 ~~Limited~~ Suisun Marsh Agriculture Districts

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

28.22.11 - Purpose of ~~Limited~~ Suisun Marsh Agriculture Districts

This Section lists the uses of land that may be allowed within the ~~limited~~ 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.

~~The Board of Supervisors finds that~~ ~~a~~ Agriculture is ~~an essential natural resource which is a major contributor to the economic well-being of Solano County~~ 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 ~~In order~~ to prevent further encroachment upon such agricultural lands by incompatible uses of property. ~~and for the general welfare of the County as a whole, there is created a zone classification within which limited agriculture shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith.~~

~~The provisions of this Section shall be strictly interpreted to provide maximum protection to such agricultural areas. It is the intention of this Section to deter developers from considering lands within the A-L zone as a potential urban development property, and it is further understood that there is no reasonable probability of the removal or modification of this zoning restriction within the near future~~

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~~. Types of uses encouraged within A-L districts are extensive agricultural operations consisting primarily of grain and hay crop production, irrigated and non-irrigated pasture, and grazing operations harmonious with adjoining marshes, wetlands, grasslands, or other 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~~. Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, may be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28-52 of this Code.~~

28.22.20 – ~~Limited~~ 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 ~~limited~~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. 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. Land Use Regulations:

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. Non-Conforming Uses.

Within the Suisun Marsh as defined by Section 29101of 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 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 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. Site Development and Other Standards.

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

TABLE 28.22A TABLE OF ALLOWED USES

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

ALLOWED USES* *See Definitions Section 28-10	**Permit Requirements by Zone**	**Land Use Regulations**** **See Section 28-70.10
	AL-80 and AL-160[1]	
28.71 AGRICULTURAL USES		
A. CROP PRODUCTION AND GRAZING		
Agricultural accessory buildings	A	28.71(A) & (B)(1)
~~Crop Production, emphasis on hay production.~~ Cultivated and irrigated farming	A[2]	
~~Pasture and Grazing~~ Non-irrigated and non-cultivated farming, grazing	A[2]	
Pastured Poultry		
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		
~~Processing of products grown on-site.~~	~~A~~	~~28.71.20(A) & (B)(1)~~
None allowed		
C. ANIMAL FACILITIES AND OPERATIONS		
~~Fowl and Poultry Ranch~~		
~~*Small (100 – 1,000 birds)*~~	~~UP~~	~~28.71.30(A) & (B)(2)~~
D. OTHER AGRICULTURAL OPERATIONS		
~~Additional One-Family Homes for persons employed in agriculture~~	~~UP~~	~~28.71.40(A)~~
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		
~~Companion Living Unit~~	~~UP~~	~~28.72.10(A) & (B)(6)~~
Primary Dwelling[3]	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		
~~*None permitted*~~	~~—~~	

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ALLOWED USES* *See Definitions Section 28-10	**Permit Requirements by Zone**	**Land Use Regulations**** **See Section 28-70.10
	AL-80 and AL-160(1)	
28.71 AGRICULTURAL USES		
Temporary single family home	AP	28.72.20(A) & (B)(6)
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE		
~~Kennel and Cattery, Small~~ Small kennels and catteries	~~MUP~~ AP	28.72.30(A) & (B)(3)
D. OTHER RESIDENTIAL USES		
~~Rural Resident Enterprise~~	~~UP~~	~~28.72.40(A) & (B)(3)~~
Home occupation		
Type I	A	28.72.40(A) & (B)(2)

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ALLOWED USES* *See Definitions Section 28-10	**Permitted Uses**	**Land Use Regulations**** **See Section 28-70.10
	AL-80 and AL-160[1]	
28.73 RECRECATION, EDUCATION AND PUBLIC ASSEMBLY USES		
A. RECREATION USES		
~~Lodge, Club, Resort for Swimming, Boating, Fishing, Hunting or Shooting~~	~~UP~~	~~28.73.10(A), (B)(1) & (B)(2)~~
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		
~~None Allowed~~	~~—~~	
Agricultural education		
Minor facility	AP	28.73.20(A) & (B)(1)
Marsh education	UP	28.73.20(A)
C. PUBLIC ASSEMBLY USES		
~~Public Stable with Horse Shows~~	~~UP~~	~~28.73.30(A) & (B)(5)~~
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		
~~None Allowed~~	~~—~~	
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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ALLOWED USES* *See Definitions Section 28-10	**Permitted Uses**	**Land Use Regulations**** **See Section 28-70.10
	AL-80 and AL-160(1)	
28.76 COMMERCIAL SERVICE USES		
A. AGRICULTURAL SERVICES		
None Allowed	- - -	
B. COMMERCIAL SERVICES		
~~Kennel and Cattery, Large~~	~~UP~~	~~28.76.20(A) & (B)(2)~~
None Allowed		
28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES		
A. INDUSTRIAL, MANUFACTURING AND PROCESSING USES		
None Allowed	- - -	
B. WHOLESALE USES		
None Allowed	- - -	

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ALLOWED USES* *See Definitions Section 28-10	**Permitted Uses**	**Land Use Regulations**** **See Section 28-70.10
	AL-80 and AL-160[1]	
28.78 COMMUNICATION, INFRASTRUCTURE 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 of January 1, 1982	UP	28.78.20(A)
Non-commercial wind turbine		
100 feet or less in height	A	28.80
Over 100 feet in height	~~MUP~~ - - -	28.80
Oil or Gas Well[4]	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)
~~Solid Waste Disposal Site~~ Waste disposal, processing and composting	UP[5]	28.78.20(A) & (B)(3)
C. **SERVICE USES**		
Public Service Facility	~~UP~~ - - -	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		
~~None Allowed~~		
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.

2. 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.

3. 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.

5. 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.

28.22.30 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**	
MAIN BUILDING, ACCESSORY STRUCTURES AND USES	
Minimum Lot Area	AL-80 = *80 acres*
	AL-160 = *160 acres*
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* ~~*provided, that additional height may be permitted for non-dwelling structures, including windmills, silos, private water tanks, and provided further, that no such structure shall exceed the heights allowed in Section 28-99, if located in an airport flight obstruction area.*~~
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*