

## EXHIBIT XII

# CONSISTENCY BETWEEN PROVISIONS OF THE SUISUN MARSH PROTECTION ACT AND EXISTING COUNTY POLICY

(Note: New Language is underlined and language to be deleted has ~~strikethrough~~)

## Consistency of Existing Land Use Designations and Zoning Regulations for Certain Land in the Marsh Secondary Management Area of the Suisun Marsh West of Interstate 680 with Provisions of the Suisun Marsh Preservation Act

Sections 29403 and 29405 of the Marsh Act require the County to determine enforceable land use standards which are compatible with long-term preservation of the Marsh and to apply the standards to the secondary management area west of I-680.

In preparing its local component, the County reviewed the general plan land use designations and zoning regulations for the area. The hills above I-680 are designated ~~Extensive~~ Agriculture on the County's General Plan Land Use Diagram with a twenty acre minimum parcel size under General Plan policy. ~~and~~ The entire area is within the Exclusive Agriculture Zoning District with a minimum parcel size of twenty acres. It is County policy to place these land use and zoning designations upon lands ~~which~~ that are intended for long term retention in agriculture. The Land Use designation and minimum parcel size are further governed by the Orderly Growth Initiative. Any change in land use from Agriculture is subject to voter approval under provisions of the Orderly Growth Initiative.

In addition, a portion of this area is governed by the Tri-City and County Cooperative Plan for Agriculture and Open Space Preservation. This plan was adopted by the County and the cities of Vallejo, Benicia, and Fairfield in 1994 as part of each jurisdiction's general plan. The plan is intended to protect land within the Cooperative Planning area in open space and agricultural use.

~~Therefore,~~ The Board of Supervisors has found the existing agricultural policies and regulations to be consistent with the long-term protection of agriculture and with the provisions of the Suisun Marsh Preservation Act and Protection Plan.

## **Areas Adjacent to the Suisun Marsh to be Retained in Uses Compatible with Protection of Long Term Agricultural Use within the Suisun Marsh**

In preparing the local component of the Suisun Marsh Local Protection Program, the County has reviewed its existing general plan designations, general plan policies and zoning regulations in order to designate the area adjacent to the Marsh to be retained in agricultural use or uses compatible with long-term agricultural use so as to ensure long term agricultural use and productivity of agricultural lands within the Suisun Marsh. The County has established a zone 300 feet deep adjacent to the marsh boundary to meet the requirements of Section 29427 (a). A review of policies and regulations has also been conducted to establish compliance with Section 29427(b) which directs the County to establish certain enforceable standards to protect long term agriculture in the designated area adjacent to the Marsh. Documentation of compliance with the above mentioned sections of the Public Resources Code is outlined below.

~~The County, as part of its revision of the Solano County Land Use and Circulation Element adopted in December, 1980, 2008 General Plan update, has carefully studied and evaluated agricultural use and activity in Solano County. The County commissioned concurrent with the General Plan update an Agricultural Futures Study prepared by UC Davis Agricultural Issues Center. In addition, the General Plan Citizens Advisory Committee (CAC) established an Agricultural Subcommittee. Both the UC Davis study and the CAC Agriculture Subcommittee conducted workshops throughout the County to gather information and input from local farmers and landowners. The findings and recommendations from the UC Davis study and the CAC Agricultural Subcommittee have been incorporated into a new Agricultural Chapter within the 2008 General Plan. The Element states that the agricultural lands are either extensive agricultural lands, non-irrigated lands used for grazing and dryland farming, or intensive agricultural lands, lands with highly fertile soil brought into intensive production through irrigation. It has further determined that certain extensive and intensive lands are essential agricultural lands necessary for the maintenance of a healthy agricultural economy. These lands are characterized by good soil capability for agricultural production, actual agricultural productivity, sufficient parcel size for farming and size of the farming area relative to the ability of agricultural activities to support one another and to be a buffer from urban encroachment. Such lands should be protected for long term agricultural uses.~~

~~The County also contains lands designated as non-essential agricultural lands which have also been determined to be important to the agricultural economy and should be retained in agricultural use for the time period of the General Plan. In order to retain essential agricultural lands in production, it is necessary to retain agricultural parcels of sufficient size to maintain them as farmable units under modern agricultural practices. A farmable unit has been defined in the land use element as the parcel size a farmer would consider leasing or purchasing for different agricultural purposes. An extensive agricultural farmable unit is 160 acres, and an intensive agricultural farmable unit is 80 acres, or 40 acres if the parcel is highly productive such as orchard or vineyard lands.~~

Within the Agricultural Land Use designation, the 2008 General Plan identifies ten separate agricultural regions through out the County. Four Agricultural Regions surround the Suisun Marsh: Western Hills, Suisun Valley, Jepson Prairie and Montezuma Hills with minimum lot sizes identified for each region. Based upon the above analysis and findings, the Solano County General Plan Land Use and Circulation Element Map designates for extensive agricultural use the Vallejo-Benicia hills adjacent to the western boundary of the Marsh, the Montezuma Hills adjacent to the eastern boundary of the Marsh, and the Denverton area adjacent to the northeastern boundary of the Marsh. It has designated intensive agriculture for lower Suisun Valley adjacent to the northern boundary, of the Marsh. The Element further defines the Montezuma Hills area as essential extensive agricultural land, the Suisun Valley as essential intensive land and the remainder of the agricultural lands around the Marsh for non-essential extensive agricultural use.

The Solano County Zoning Regulations contain a Exclusive Agricultural Zoning District (A) and the Zoning Regulations state that "the purpose and intent of the A district is to preserve lands best suited for permanent agricultural use from the encroachment of incompatible uses" and that A-20, A-40, A-80 and A-160 areas "shall be used exclusively for agriculture... and there is no reasonable probability of the removal or modification of this zoning restriction within the near future".

Within the Western Hills, the County has with the following agricultural regions established the following minimum parcel sizes and zoning districts: (1) Western Hills agricultural region west of I-680 established a 20-acre minimum lot size and applied the Exclusive Agricultural District with a minimum parcel size of 20 acres; (2) Suisun Valley agriculture region established a 20-acre minimum lot size and applied the Exclusive District with a minimum parcel size of 40 acres; (3) Jepson Prairie agriculture region established a 160 acre minimum lot size and applied the Exclusive Agricultural District with a minimum parcel size of 160 acres; and (4) Montezuma Hills agricultural region established a minimum lot size of 160 acres and applied the Exclusive Agriculture District with a minimum parcel size of 160 acres. The County has applied: (1) the Exclusive Agricultural Zone with a minimum parcel size of 160 acres to all the essential extensive agricultural land designated on the General Plan Map around the Marsh; (2) the Exclusive Agricultural Zone with a minimum parcel size of 40 acres to all the essential intensive agricultural land designated on the General Plan Map around the Marsh; and (3) the Exclusive Agricultural Zone with a minimum parcel size of 20 acres to the non-essential agricultural lands of the Vallejo-Benicia Hills and a minimum parcel size of 160 acres to the non-essential agricultural lands in the Denverton area. It is the County's policy to retain essential agricultural lands in exclusive agricultural use and non-essential agricultural lands in exclusive agricultural use through the time period of the General Plan, each at least at the minimum parcel size currently zoned. The General Plan agricultural land use designations and minimum lot sizes established for each agricultural region are further supported and protected through the Orderly Growth Initiative. Any changes to the agricultural land use designations and/or minimum lot sizes established for each region under the 2008 General Plan are subject to voter approval.

Agriculture is a highly dynamic and rapidly changing industry. The agricultural regions represent a snapshot in time and reflect agricultural conditions present in the county at the time of the General Plan update. The agricultural characteristics that make these areas distinct regions also affect marketing and economic characteristics. For these reasons, the County believes that regions should be treated as units and that strategic plans with specific policies and programs should be developed to address the issues and

needs unique to each region to maintain sustainable agricultural economy in the County.

Because of General Plan policies to protect ~~essential and nonessential~~ agricultural lands in productive agricultural use, agricultural zoning districts which retain agricultural parcels in large farmable units, and the existing large parcel sizes of agricultural uses, the County has determined that an area 300 feet from the edge of the Suisun Marsh as shown on the map entitled "Boundaries of the Suisun Marsh" will be sufficient to protect the long-term agricultural use and productivity of agricultural lands within the Marsh.

Proposition 218, passed by the California Voters in 1996, prevents the County from imposing new assessments except with the approval of the majority of the property owners. In addition, Proposition 218 prevents assessments unless the property on which the assessment is levied receives a special benefit from the proceeds of the assessment. These provisions now incorporated into the California Constitution effectively limit any special assessment against agricultural land for the provision of public services, the demand for which is not generated by agricultural uses on such land.