

ORDINANCE NO. 2018 - 1797

**AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE,
AMENDING SECTIONS 28.22 AND 28.52, RELATING TO LAND USES IN THE SUISUN MARSH
AGRICULTURAL (A-SM) AND MARSH PRESERVATION (MP) ZONING DISTRICTS**

The Board of Supervisors of the County of Solano ordains as follows:

Section 1.

Table 28.22A and related Notes and Table 28.22B of Section 28.22 (Suisun Marsh Agricultural (A-SM) Districts) of Chapter 28 of the Solano County Code (Zoning Regulations), are amended as shown in Exhibits 1 and 2, attached hereto and incorporated herein by reference.

Section 2.

Subsection 28.52.20(A) of Section 28.52 (Marsh Preservation (MP) District) of Chapter 28 of the Solano County Code, is amended as follows:

Table 28-52A 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 28-52A, special requirements may apply to certain uses.

Section 3.

Table 28.52A and related Notes of Section 28.52 (Marsh Preservation (MP) District) of Chapter 28 of the Solano County Code, is amended as shown in Exhibit 3, attached hereto and incorporated herein by reference.

Section 4.

All ordinance and parts of ordinances in conflict herewith are repealed.

Section 5.

The Board of Supervisors has made the following findings in regard to the zoning amendments:

1. These zoning amendments are in conformity with the Solano County General Plan.
2. The zoning amendment will not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the County or be detrimental to adjacent property or improvements in the neighborhood.
3. A Negative Declaration has been prepared, circulated, and adopted for this project. The Board of Supervisors has considered the Negative Declaration, together with any comments received during the public review process and hearing. The Board of Supervisors finds on the basis of the Negative Declaration and any comments received that there is no substantial evidence that the proposed zoning amendment will have a significant effect on the environment.

Section 6.

This ordinance will be effective thirty (30) days after its adoption.

Section 7.

If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 8.

A summary of this ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its adoption.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on October 2, 2018 by the following vote:

AYES: SUPERVISORS Brown, Sperring, Thomson
and Chair Vasquez

NOES: SUPERVISORS None.

EXCUSED: SUPERVISORS Hannigan

JOHN M. VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: Jeanette Neiger
Jeanette Neiger, Chief Deputy Clerk

Exhibit 1

Table 28.22A TABLE OF ALLOWED USES

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

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	A-SM-80 and A-SM-160⁽¹⁾ Zoning Districts	See Section 28.70.10
28.71 AGRICULTURAL USES		
A. CROP PRODUCTION AND GRAZING		
Agricultural accessory buildings	A	28.71(A) & (B)(1)
Cultivated and irrigated farming	A ⁽²⁾	
Non-irrigated and non-cultivated farming	A ⁽²⁾	
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		
None allowed		
C. ANIMAL FACILITIES AND OPERATIONS		

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ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	A-SM-80 and A-SM-160⁽¹⁾ Zoning Districts	See Section 28.70.10
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 ⁽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		
Temporary single family dwelling	AP	28.72.20(A) & (B)(6)
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE		
Small kennels and catteries	AP	28.72.30(A) & (B)(3)
D. OTHER RESIDENTIAL USES		
Home occupation, Type I	A	28.72.40(A) & (B)(2)

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See Definitions Section 28.10	A-SM-80 and A-SM-160⁽¹⁾ Zoning Districts	See Section 28.70.10
28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY 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)		
<i>6 per year max, and 150 persons or less</i>	AP	28.73.30(A) & (B)(6)
<i>12 per year max, and 150 persons or less</i>	MUP	28.73.30(A) & (B)(6)
<i>More than 12 per year, or more than 150 persons</i>	UP	28.73.30(A) & (B)(6)
28.74 RETAIL AND OFFICE USES		
A. RETAIL USES		

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ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	A-SM-80 and A-SM-160⁽¹⁾ Zoning Districts	See Section 28.70.10
None Allowed		
B. OFFICE USES		
Agricultural research facility, Small	UP	28.74.20(A) & (B)(1)
Marsh research facility	UP	28.74.20(A)
28.75 TOURIST USES		
A. AGRITOURISM		
None Allowed		
B. TEMPORARY AGRITOURISM		
None Allowed		
28.76 COMMERCIAL SERVICE USES		
A. AGRICULTURAL SERVICES		
None Allowed		
B. COMMERCIAL SERVICES		
None Allowed		

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ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	A-SM-80 and A-SM-160⁽¹⁾ Zoning Districts	See Section 28.70.10
28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES		
A. INDUSTRIAL, MANUFACTURING AND PROCESSING USES		
None Allowed		
B. WHOLESALE USES		
None Allowed		
28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES		
A. COMMUNICATION USES		
Wireless communication facility		
<i>Co-location</i>	MUP	28.81
<i>New tower</i>	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		

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ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	A-SM-80 and A-SM-160⁽¹⁾ Zoning Districts	See Section 28.70.10
<i>100 feet or less in height</i>	A	28.80
<i>Over 100 feet in height</i>	- - -	28.80
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)
Waste disposal, processing, and composting	UP ⁽⁵⁾	28.78.20(A) & (B)(3)
C. PUBLIC 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		
Conservation or Mitigation Bank	UP	28.79.10(A)

Notes:

- 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 are 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 use that (i) is compatible with the approved closure and/or post-closure plans for the site, (ii) is compatible with 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.

Exhibit 2

TABLE 28.22B

DEVELOPMENT STANDARDS FOR MAIN BUILDING, ACCESSORY STRUCTURES, AND USES

MAIN BUILDING, ACCESSORY STRUCTURES, AND USES

Minimum Lot Area	A-SM-80 = 80 acres
	A-SM-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
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

Exhibit 3

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See Definitions Section 28.10	MP⁽¹⁾ Zoning District	See Section 28.70.10
28.71 AGRICULTURAL USES		
A. CROP PRODUCTION AND GRAZING		
Non-irrigated and non-cultivated farming	A ⁽²⁾	
Grazing	A ⁽²⁾	
B. AGRICULTURAL PROCESSING USES		
None allowed		
C. ANIMAL FACILITIES AND OPERATIONS		
None allowed		
D. OTHER AGRICULTURAL OPERATIONS		
Agricultural employee housing	UP	28.71.40(A) & (B)(1)
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 INCIDENTAL TO A RESIDENCE		

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ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	MP⁽¹⁾ Zoning District	See Section 28.70.10
None allowed		
D. OTHER RESIDENTIAL USES		
None allowed		
28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES		
A. RECREATION USES		
Complementary Commercial Facility	UP	28.73.10(A)
Marsh oriented recreation	UP	28.73.10(A)
Public open space area	A	28.73.10(A)
B. EDUCATION USES		
Marsh Education	UP	28.73.20(A)
C. PUBLIC ASSEMBLY USES		
None allowed		
28.74 RETAIL AND OFFICE USES		
A. RETAIL USES		
None Allowed		
B. OFFICE USES		
Marsh research facility	UP	28.74.20(A)

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ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	MP⁽¹⁾ Zoning District	See Section 28.70.10
28.75 TOURIST USES		
None Allowed		
28.76 COMMERCIAL SERVICE USES		
None Allowed		
28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES		
None Allowed		
28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES		
A. COMMUNICATION USES		
None Allowed		
B. INFRASTRUCTURE USES		
Commercial wind turbine generator	- - -	
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	- - -	
Gas Well ⁽⁴⁾ , Natural Gas Storage	UP	28.78.20(A) & (B)(7)

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ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	MP⁽¹⁾ Zoning District	See Section 28.70.10
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. PUBLIC SERVICE USES		
Public Service Facility	UP	28.78.30(A) & (B)(4)
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE		
Temporary facility for the transfer of material from shore to barge	UP	28.78.40(A)
28.79 RESOURCE CONSERVATION USES		
Conservation or 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 using dredge sediments	UP	28.79.10(A)

Notes:

- 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 are not permitted in the Suisun Marsh Primary and Secondary Management Areas