

SOLANO COUNTY COMPONENT OF THE SUISUN MARSH LOCAL PROTECTION PROGRAM

Amended October 2, 2018

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Summary of the Solano County Component

Introduction

The Suisun Marsh represents an area of significant aquatic and wildlife habitat and is an irreplaceable and unique resource to the residents of Solano County, the State, and Nation. The Suisun Marsh consists of approximately 85,000 acres of tidal marsh, managed wetlands, and waterways, as well as adjacent lowland and upland grassland areas, in southern Solano County. It is the largest remaining wetland around San Francisco Bay and comprises about ten percent of California's remaining wetland area. The Marsh is also a wildlife habitat of nationwide importance in that it provides wintering habitat for waterfowl of the Pacific Flyway. Because of its size and estuarine location, it supports a diversity of plant communities that provide habitats for a variety of fish and wildlife, including several rare and endangered species.

Pursuant to the Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974, the San Francisco Bay Conservation and Development Commission (BCDC) prepared the Suisun Marsh Protection Plan for the orderly and long-range conservation, use, and management of the natural, scenic, recreational, and man-made resources of the Marsh. The Suisun Marsh Protection Plan contained a series of recommendations that required implementation by the Legislature. In brief, the Plan proposed (1) a primary management area encompassing tidal marshes, managed wetlands, adjacent lowland grasslands, and waterways, and (2) a secondary management area of significant buffer lands. The Plan defined the "Suisun Marsh" as including both of these management areas, as shown on the Suisun Marsh Protection Plan Map. Under specific guidelines for each management area, the County would be responsible for preparing and administering a local protection program. BCDC would represent the state's interests, serving as the land use permitting agency for major projects in the primary management area, and as an appellate body with limited functions in the secondary management area. The Plan defined the "watershed" as the area immediately upland from the secondary management area of the Marsh, including those streams and adjacent riparian areas that are tributary to, or flow into, the Marsh. The Plan sought to ensure that further development outside the Marsh but within the watershed would not adversely affect water quality within the Marsh due to sedimentation and increased urban runoff.

Suisun Marsh Preservation Act Requirements

In 1977, the California State Legislature enacted the Suisun Marsh Preservation Act (Marsh Act; Public Resources Code, § 29000 et seq.), which implements most of the recommendations contained in the Suisun Marsh Protection Plan. The Marsh Act defines the boundaries of the Suisun Marsh and establishes primary and secondary management areas within the Marsh.

The majority of the Suisun Marsh lies under the jurisdiction of Solano County. Other local governmental agencies having jurisdiction within the Marsh include the cities of Benicia, Fairfield, and Suisun City, the Solano County Local Agency Formation Commission, the Solano County Mosquito Abatement District, and the Suisun Resource Conservation District. Under the provisions of the Marsh Act, Solano County and each of these other agencies is required to bring its general and specific plans, ordinances and zoning maps, land use regulations, and other related standards and controls into conformity with the provisions of the Marsh Act and the Suisun Marsh Protection Plan. The combination of all such land use and development policies, standards, and controls adopted by all of these agencies constitutes the Local Protection

Program (LPP), while the controls adopted by an individual agency constitutes that agency's component of the LPP.

As described in the Suisun Marsh Protection Plan, the LPP is to include development controls designed to meet the following objectives:

- (a) Protection of tidal and seasonal marshes, managed wetlands, sloughs, bays, and waterways within or tributary to the Suisun Marsh;
- (b) Protection of those agricultural lands both within and adjacent to the Suisun Marsh necessary to ensure that current agricultural uses within the Marsh remain economically feasible for as long as possible;
- (c) Erosion, sediment, and run-off controls in the secondary management area of the Suisun Marsh and the watershed;
- (d) Controls on creek side developments that would protect riparian habitat and the Suisun Marsh from increased siltation and water run-off caused by waterway modification along and immediately adjacent to waterways flowing into the Marsh;
- (e) Assurance of the maximum beneficial use of deep water industrial and port areas near Collinsville; and
- (f) Procedures and standards to review the design and location of any new development or structures in and adjacent to the Suisun Marsh to protect the visual characteristics of the Marsh and, where possible, enhance views of the Marsh.

The Marsh Act required each agency other than the Suisun Resource Conservation District (SRCD) to prepare and submit its proposed component of the LPP to the County. If the County determined that an agency's proposed component did not conform to the Marsh Act and the Suisun Marsh Protection Plan, the County was to advise the agency of changes necessary to bring the proposed component into conformity. The County was then to compile all agency components, other than SRCD's component, into a single LPP that it would then submit to BCDC for certification. SRCD was to submit its component directly to BCDC for certification. Alternatively, if an agency was late in preparing its proposed component, the County was to submit a partial LPP to BCDC for certification.

Original Solano County Component

Not all agencies completed preparation of their components at the same time. In April 1980, the County submitted to BCDC for certification the components prepared by the Local Agency Formation Commission, the Mosquito Abatement District, and the City of Fairfield. These three components were collectively referred to as Part 1 of the Suisun Marsh LPP.

In May 1980, Solano County submitted its component to BCDC as Part 2 the Suisun Marsh LPP. On September 18, 1980, BCDC approved the County component subject to a number of conditions. The County prepared amendments to meet BCDC conditions of approval and these

were submitted on August 31, 1982. BCDC certified the County's component on November 4, 1982. In 1999, Solano County amended its component of the LPP to incorporate provisions addressing wetland restoration in the Collinsville area. These amendments were certified by BCDC on June 17, 1999.

2010 Amendment to the Solano County Component

On August 24, 2010, the Solano County Board of Supervisors approved the 2010 Amendment to its component of the Suisun Marsh Local Protection Program (LPP) to incorporate Solano County Code provisions relating to sewage standards (Chapter 6.4) and grading, drainage, land leveling, and erosion control (Chapter 31), which have been amended since the County last updated its component of the LPP. The County recognized at that time that additional portions of its component of the LPP needed to be updated due to the County's adoption of a new General Plan in 2008 as well as the adoption of other regulatory amendments. The County stated that it proposed to further amend its component of the LPP upon approval by BCDC of the proposed San Francisco Bay Plan and Suisun Marsh Protection Plan amendments to reflect these additional changes. Because further amendments of the County's component were anticipated, the County did not submit the 2010 Amendment for certification at BCDC's request.

San Francisco Bay Plan and Suisun Marsh Protection Plan Amendments

On August 24, 2010, the Board of Supervisors authorized the submittal of an application to amend the San Francisco Bay Plan (Bay Plan), the Suisun Marsh Protection Plan (Marsh Plan), and Resolution 16 to modify the boundaries of the water-related industrial priority use designation at Collinsville to reconcile inconsistencies between the Commission's Bay Plan and Marsh Plan and the County's 2008 General Plan. On July 7, 2011, the Commission approved the proposed amendments.

2012 and 2018 Amendments to the Solano County Component

On August 28, 2012, the Solano County Board of Supervisors approved the 2012 Amendment to the Solano County component of the Suisun Marsh Local Protection Program. The 2010 Amendment was modified and incorporated fully into the 2012 Amendment. The 2012 Amendment was submitted to BCDC for certification but was subsequently withdrawn by the County to consider further revisions in response to issues raised by the public during the Commission's certification process. On January 15, 2013, the Board of Supervisors directed County staff to investigate whether further amendments to the County's component should be considered.

County staff recommended several further amendments, and revisions to the 2012 Amendment were considered by the Solano County Planning Commission in public hearing on September 20, 2018, which recommended approval of the revised amendment. On October 2, 2018, the Board of Supervisors approved the 2018 Amendment to the Solano County component of the Suisun Marsh Local Protection Program and directed that the amended component be submitted to BCDC for certification.

Solano County Component of the LPP, as Amended October 2, 2018.

1. Solano County General Plan
 - a. Chapter 2, Land Use [excerpt]
 - b. Chapter 4, Resources [excerpt]
 - c. Chapter 8, Public Facilities and Services [excerpt]
 - d. Chapter 12, Suisun Marsh Local Protection Program Policies, Including Policies Regulating Sewage Disposal Systems [full chapter]
2. Solano County Code
 - a. Chapter 28, Zoning [excerpts]
 - i. Section 28.01, Definitions [excerpt]
 - ii. Section 28.22, Suisun Marsh Agricultural (A-SM) Districts [full section]
 - iii. Section 28.32, Residential-Traditional Community Districts [portion of section applicable to R-TC-4 District]
 - iv. Section 28.41, Commercial Districts [portion of section applicable to Commercial Recreation – Limited (C-R-L) District]
 - v. Section 28.42, Manufacturing Districts [portion of section applicable to Water Dependent Industrial (I-WD) District]
 - vi. Section 28.52, Marsh Preservation (MP) District [full section]
 - vii. Section 28.78, Land Use Regulations for Communication and Infrastructure Uses [excerpts]
 - viii. Section 28.104, Marsh Development Permit [full section]
 - b. Chapter 31, Grading, Drainage, Land Leveling, and Erosion Control [excerpt]
3. Figures
 - a. Figure RS-3, Delta and Marsh Protection Areas [General Plan, Chapter 4]
 - b. Figure SM-1, Current View Suisun Marsh [General Plan, Chapter 12]
 - c. Figure SM-2, Suisun Marsh Management Areas [General Plan, Chapter 12]
 - d. Figure SM-3, General Plan Land Uses Suisun Marsh [General Plan, Chapter 12]
 - e. Existing Zoning Districts, Suisun Marsh [compiled from Code, Chapter 28]
 - f. Adopted Protected Channels of the Suisun Marsh Watershed [Code, Chapter 31]

Revision to Solano County General Plan Policies (Part I)

The Suisun Marsh Preservation Act of 1977 requires the County to include, as part of its component of the LPP:

“Any amendments to general or specific plans applicable to any area within the marsh necessary to bring such plans into conformity with this division and the policies of the protection plan.” (Section 29401(a))

In 1980, the County adopted amendments to the Land Use and Circulation Element, Resource Conservation and Open Space Elements, Collinsville Montezuma Hills Area Plan and Program,

Scenic Roadways Element and Health and Safety Element to bring its general plan and area plan policies into conformity with Suisun Marsh Protection Plan's policies for biologic resources wildlife habitat management and preservation; agriculture; water quality; natural gas; utilities, facilities and transportation; and recreation and marsh access.

As part of the 2018 Amendment, the General Plan provisions in the Solano County component of the LPP have been updated to incorporate provisions from the General Plan adopted in 2008 as well as a new Chapter 12, Suisun Marsh Local Protection Program Policies, added to the General Plan in 2012 and revised in 2018. The 2008 revision of the Solano County General Plan updated County policies and programs and consolidated individual general plan elements into a single integrated document. Changes affecting the County's component of the LPP included (1) updates to the County policies previously incorporated in the LPP component and (2) changes to the land use designations in the Collinsville area.

The General Plan provisions for the Solano County component of the LPP are shown in Part I. The following summarizes the changes:

Chapter 2 – Land Use (Part I-A)

The Land Use chapter contains new land use descriptions for water bodies and courses, park and recreation, marsh, agriculture, public/quasi-public, traditional community - residential, commercial recreation and water dependent industrial land use designations which have been applied to the Suisun Marsh Management Area. The chapter incorporates provisions of the Orderly Growth Initiative which limits redesignation under the General Plan of agricultural and marsh land use designations to other land uses.

A special study was conducted in the Collinsville area as part of the General Plan update through a community based planning program. The recommendations of the special study have been incorporated in Chapter 2. They provide a policy framework for the land use changes in the Collinsville area, including the Water Related Industry Reserve Area under the Suisun Marsh Protection Plan, and for updating the Collinsville-Montezuma Hills Area Plan and Program.

Chapter 4 – Resources (Part I-B)

This chapter describes the Suisun Marsh and summarizes the County's component of the LPP. Figure RS-3 Delta and Marsh Protection Areas reflects the BCDC Suisun Marsh Protection Plan and San Francisco Bay Plan map amendments to the Water Related Industrial Reserve area.

Chapter 8 – Public Facilities and Services (Part I-C)

This chapter includes a new policy addressing the Public/ Quasi-public land use designation applied to the Potrero Hills Landfill within the secondary management area of the Suisun Marsh.

Chapter 12 – Suisun Marsh Local Protection Program Policies (Part I-D)

This Chapter consolidates all of the General Plan policies addressing the Suisun Marsh into one chapter of the General Plan. LPP General Plan policies were previously located in several elements of the General Plan including Land Use and Circulation Elements, Resource Conservation and Open Space Elements, Collinsville Montezuma Hills Area Plan and program, Scenic Roadway Element, and Health and Safety Element. General Plan policies governing the

Suisun Marsh which were previously incorporated into the Solano County component of the LLP and certified by BCDC have been incorporated into Chapter 12. They include policies addressing biologic resources; wildlife habitat management and preservation; agriculture; water quality; natural gas; utilities, facilities and transportation; and recreation and marsh access. Minor revisions have been made to some policies for clarification and consolidation. The Collinsville-Montezuma Hills Area Plan and Program is no longer part of the General Plan and these water dependent industrial policies have been deleted and replaced with water related industrial policies from the Suisun Marsh Protection Plan.

Policies governing sewage disposal systems have been updated and incorporated into Chapter 12 to reflect sewage disposal requirements adopted by the County under County Code Section 6.4, Sewage Disposal Standards, in 2001 and amended in 2004.

Portions of the Marsh Act and Suisun Marsh Protection Plan are directed toward maintenance of water quality through controls on individual sewage disposal systems, currently a responsibility of the Solano County Department of Resource Management, Environmental Health Services Division. The Marsh Act provides that with the Marsh, the LPP shall include enforceable standards of the operation of septic tanks and wastewater discharges. The basis for this requirement is Policy No. 5 of the Utilities, Facilities and Transportation Section of the Suisun Marsh Protection Plan, which states;

5. Because septic tanks do not function properly in the wetland area, the Solano County Department of Public Health should institute a program to close out existing tanks in the wetlands and require new systems that would properly dispose of wastes as required by the Solano County Health Department and the Regional Water Quality Control Board.

In 1975, Solano County enacted Ordinance No. 888 to regulate individual sewage disposal systems. This ordinance, which was approved by the San Francisco Regional Water Quality Control Board, controlled the installation and operation of septic tank/leachfield systems within the Suisun Marsh. Ordinance No. 888 required the Solano County Department of Public Health to inspect waste disposal systems in the County every five years, or more frequently in areas determined to be susceptible to septic tank failure. Where a system was found to be malfunctioning, a program and timetable were established to correct the malfunction.

Due to staff shortages during the time when the County originally adopted its component of the LPP, the Health Department was not then able to pursue its inspection program as vigorously as it would have liked. Instead, the Health Department responded to specific requests of owners of property in the Marsh to improve systems and worked with these people to alleviate problems. As a result, the Board of Supervisors adopted Resolution No. 80-26 in April 1980, which established a set of policies for inspection of septic systems, and replacement or abatement of nuisance systems, in the Marsh.

In July of 2001, revisions to Solano County Code were approved as Chapter 6.4, Sewage Disposal Standards. These standards were amended again in December of 2004 and are applicable within the Suisun Marsh.

Under Chapter 6.4, a permit from the Health Services Division is required to repair, modify or construct waste disposal systems. Minimum criteria for the siting and construction of a septic tank/leachfield system includes soil typing and identification, percolation rate, soil depth, depth and separation to ground water, ground slope, and adherence to setbacks, including setbacks

to surface water. The use of vaults or holding tanks is allowed for specific circumstances such as for duck clubs in the primary area of the Suisun Marsh. Additional changes in the ordinance which help to improve environmental conditions include requirements for site evaluations by professional consultants to identify and mitigate separation to groundwater and the requirement for alternative type septic systems. Alternative systems provide improved effluent distribution throughout the disposal field, have high-level alarms in the dosing tank, require evidence of a maintenance contract with a service provider and ongoing monitoring, and may require pre-treatment devices that produce a higher quality effluent than effluent from conventional septic systems.

As indicated in the Marsh Plan, septic tank/leachfield systems do not operate at optimum efficiency in wetland areas and in general, site conditions for the primary marsh will not meet minimum requirements for the construction of a new standard type on-site sewage disposal system. Under Chapter 6.4, once an improper sewage disposal system is identified, it must be replaced with an on-site sewage disposal system that meets the requirements of Solano County Code. Sites which cannot accommodate a conventional in-ground leaching system due to site conditions may be replaced with alternative type sewage disposal systems if conditions allow or, as a last resort, replaced with holding tanks.

The policies regulating sewage disposal in the Suisun Marsh have been updated to reflect the new standards and requirements contained in Chapter 6.4 and have been added to the new Chapter 12 of the General Plan.

Revision to Chapter 28, Zoning (Part II-A through II-H)

The Suisun Marsh Preservation Act of 1977 requires the County to included, as part of its LPP:

“Zoning ordinances or zoning district maps, or both, designating principal permitted uses on lands within the marsh, which ordinances or maps shall designate the existing agricultural and wildlife habitat uses of such lands a principal permitted uses of such lands.” (Section 29401 (e))

The County's component of the LPP, as certified in 1982, contained four zoning districts from the Solano County Code Chapter 28, Zoning: two Limited Agricultural (A-L) Districts, the Water Dependent Industrial (IWD) District, and the Marsh Preservation (MP) District.

The two A-L Districts were created to address land uses within the Secondary Management Area consistent with the following Suisun Marsh Protection Plan policy.

Environmental Policies

3. Existing uses should continue in the upland grasslands and cultivated areas surrounding the critical habitats of the Suisun Marsh in order to protect the Marsh and reserve valuable marsh-related wildlife habitats. Where feasible, the value of the upland grasslands and cultivated lands as habitat for marsh-related wildlife should be enhanced

The MP District was created to address land uses within the Primary Management Area consistent with the following Suisun Marsh Protection Plan Policy.

Environmental Policies

2, The Marsh waterways, managed wetlands, tidal marshes, seasonal marshes, and low-land grasslands are critical habitats for marsh-related wildlife and are essential to the integrity of the Suisun Marsh, Therefore, these habitats deserve special protection.

The I-WD district addressed land uses within the Water Related Industrial Reserve area within the Secondary Management Area at Collinsville consistent with the following Suisun Marsh Protection Plan.

Water-Related Industry

Policies 1 through 8 address water –related industries in the Collinsville area. the I-WD zoning district is consistent with these policies and the Suisun marsh Protection Plan Amendment 10-1 including:

1. The upland portion of the Collinsville site, above the 10 foot contour line, presents no significant physical constraints for development and should be reserved for water-related industry use.
2. The low-lying portion of the Collinsville site, below the 10 foot contour line, does present physical constraints for development and consists of critical Marsh-originated wildlife habitats. Never the less, the portion of this area that fronts on deep water should be reserved for water-related industry uses.

The County's component of the LPP also contain zoning code provisions for the issuance of Marsh Development Permits.

The 2018 Amendment contains the following revisions to Chapter 28, Zoning:

Definitions (Part II-A)

Definitions for Complementary Commercial Facilities, Hunting and Fishing Club, and Marsh Oriented Recreation have been added to the zoning code. These are shown in Part II-A.

Suisun Marsh Agricultural District (A-SM) District (Part II-B)

The title of the Limited Agriculture (AL) District has been changed to Suisun Marsh Agricultural (A-SM) District. The zoning regulations applicable to the revised district are shown in Part II-B. Changes to the District text include reformatting of the chapter consistent with the new zoning code and providing clearer definitions and standards addressing agriculture, marsh oriented recreation, and non-conforming uses within the Suisun Marsh. Agricultural Processing has been deleted from the district. Agricultural and marsh education and research facilities, and conservation and mitigation banks, have been added to the District. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act.

Residential - Traditional Community (R-TC-4) District (Part II-C)

The County has adopted a new zoning district, Residential-Traditional Community (R-TC), to replace the Suburban Residential and Urban Residential zoning districts. A new R-TC-4 classification has been added to the LPP as shown in Part II-C and applied to the existing residential area of the Collinsville Township. The Collinsville Township was previously zoned A-20, Exclusive Agriculture. The establishment and application of this new zoning district is consistent with the new Traditional Community-Residential designation under the General Plan and reflects

the residential character of the area. R-TC-4 establishes new setback standards and a 4,000 square foot parcel size which is more consistent with the existing parcel sizes in Collinsville than the standards provided under the prior A-20 district. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act.

Commercial Recreation - Limited (C-R-L) District (Part II-D)

A new Commercial Recreation - Limited (CR-L) zoning district has been established as shown in Part II-D. This classification has been applied to the Commercial Recreation area in the Collinsville area within the Suisun Marsh. The C-R-L district includes provisions for outdoor recreation, marinas, interpretive centers, stables, boating and fishing clubs and ecological and agricultural education uses. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act and the following Suisun Marsh Protection Plan policies:

Recreation and Access

3. Land should also be purchased for public recreation and access to the Marsh for such uses as fishing boat launching and nature study. These areas should be located on the outer portions of the Marsh near the population centers and easily accessible from existing roads. Improvements for public use should be consistent with protection of wildlife resources.
4. Public agencies acquiring land in the Marsh for public access and recreational use should provide for a balance of recreational needs by expanding and diversifying opportunities for activities such as bird watching, picnicking, hiking and nature study.

Water Dependent Industrial (I-WD) District (Part II-E)

As part of the County's zoning code update, the I-WD district has been reformatted as shown in Part II-E. No changes to the allowed and permitted uses are proposed for the I-WD District. This district will be reviewed and updated at a later date as part of a new specific plan or policy plan for the Collinsville area as required under the General Plan. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act.

Marsh Preservation (MP) District (Part II-F)

Changes to the MP District as shown in Part II-F include reformatting the chapter and providing clearer definitions and standards addressing crop production, marsh oriented recreation, complementary commercial facilities, and non-conforming uses within the Suisun Marsh. Non-conforming Use provisions have been added consistent with the Suisun Marsh Preservation Act.

Land Use Regulations (Part II-G)

As part of County's zoning code update, a new article, Land Use Regulations has been adopted which consolidates in one place the regulations and standards contained in the General Provisions and Exceptions, and Use Permit sections, of the previous Zoning Code. Land Use Regulations for applicable land uses in the Suisun Marsh have been incorporated into the LPP. The utility provisions have been clarified.

Marsh Development Permit (Part II-H)

The amendments update the Department name and clarify the County's process for approving marsh development permits. Information required as part of a Marsh Development application has also been clarified, along with revisions to bring consistency between Marsh Development Permit and Use Permit provisions of the zoning code.

Revision to Chapter 31, Grading, Drainage, Land Leveling, and Erosion Control (Part II-I)

Chapter 9, Drainage and Land Leveling (previously titled Drainage and Flood Control), and Chapter 31, Grading and Erosion Control, of the Solano County Code were updated and consolidated into a single revised Chapter 31 of the Solano County Code in 2007. Minor clarifying amendments were adopted in 2012 and 2018. Portions of the new Chapter 31, Grading, Drainage, Land Leveling and Erosion Control, are included as Part II-I of this Amendment.

The primary reason for modifying the County's grading and drainage ordinances was to bring those ordinances into conformance with the County's NPDES (National Pollution Discharge Elimination System) permit requirements. This permit, regulated by the Regional Water Quality Control Boards, is part of the national effort to improve water quality under the Federal Clean Water Act, and requires the County to prepare a Storm Water Management Plan. The technical changes accomplished by the ordinance amendment allowed the County's Storm Water Management Plan to be more effective, allowing for better compliance with the NPDES permit. In addition, there were a number of technical changes to make the County's grading regulations consistent with the California Building Code and with grading ordinances from other public agencies.

The Marsh Act requires that the LPP include enforceable standards for development designed (1) to minimize soil erosion, especially during construction in areas of soil instability, (2) to require special provisions for surface and subsurface drainage, (3) to ensure that grading restores, rather than disrupts, natural patterns and volumes of surface runoff, and (4) to limit construction of impermeable surfaces over naturally permeable soils and geologic areas, all to control erosion, sedimentation, and runoff within the Marsh. In addition, the LPP must include enforceable standards for development adjacent to creeks and watercourses to protect riparian habitat and to prevent waterway modification or vegetation removal that increases sedimentation or runoff in or into the Marsh, to an extent that a significant, adverse environmental impact will occur in the Marsh. These enforceable standards are to be applicable both within the Marsh and within the watershed. For that portion of the Secondary Management Area west of State Highway Route 680 and outside the city limits of the City of Fairfield, the LPP may include only County ordinances that control grading, erosion, sediment, runoff, and creek side development.

The Suisun Marsh Protection Plan found that the fresh water habitats in streams tributary to the Marsh are important to the continued high quality of water in the Marsh sloughs. Tributary streams such as American Canyon and Jameson Canyon Creeks support important riparian vegetation along their banks. This vegetation helps to retain proper water temperatures in the stream channels and filter sediments that would be carried into the Marsh sloughs. It also provides an important habitat for Marsh wildlife, particularly birds, as well as insects and algae

that are food for larger aquatic life. Tributary streams such as Suisun, Green Valley, and McCoy Creeks are also important for migratory fish that spawn upstream from the Marsh.

The Suisun Marsh is located where the salt water of the Pacific Ocean and the fresh water of the Sacramento and San Joaquin River Delta meet and mix. Because of its location, it provides a transition between salt and fresh water habitats that creates the unique diversity of fish and wildlife habitats characteristic of a brackish marsh. Changes in land use in the watershed outside the Suisun Marsh could adversely affect water quality in the Marsh through changes in turbidity, temperature, or pollution levels.

The watershed of the Suisun Marsh is also directly related to the protection of the aquatic and wildlife resources of the Marsh. In particular, land uses in the watershed can affect water quality and supply. Activities such as improper grading during development, over-grazing, and construction on steep slopes or highly erodible soils can lead to the transfer of soil materials to fresh water streams and ultimately to the Marsh. Moreover, riparian vegetation along tributary streams is important habitat to many species of Marsh wildlife and helps to maintain water quality in streams and sloughs. To adequately protect the Marsh, control over runoff, erosion, and sediment transfer are necessary in the immediate Marsh watershed. In addition, controls limiting disruption of riparian vegetation and habitat are necessary.

The Water Supply and Quality section of the Suisun Marsh Protection Plan made the following findings regarding the need to regulate grading and development practices within the Watershed in order to protect water quality within the Marsh:

12. The Fairfield-Suisun groundwater basin drains into the Marsh by subsurface flow and provides fresh water mixing and flushing action. It is recharged with fresh water runoff from the watershed by percolation on the Suisun Valley floor and along the stream channels. Any disruption or impedance of runoff and streamflow such as might occur from stream channelization or further upstream diversions within the watershed may adversely affect the function of the groundwater basins and their relationship with the Marsh. Additionally, any substantial removal of groundwater by pumping or subsurface drainage could interrupt natural subsurface discharges into the fresh water aquifers.

13. Waste water flowing into the Suisun Marsh area that can affect water quality comes from four principal sources: municipal sewage treatment plants, industrial discharges, agricultural return, and stormwater runoff from the watershed. The present level of wastewater discharge to the Suisun Marsh does not appear to have seriously affected the ability of the Marsh to support desired fish and wildlife species.

14. The existing level of turbidity in the Marsh sloughs and bays is an important element of water quality in the Marsh. Changes in the amount of sediments in the water could have adverse effects on fish and wildlife populations. Increased sedimentation caused by soil erosion into tributary streams in the watershed would increase turbidity and reduce light penetration into the water. This could be detrimental to phytoplankton populations which form the basis of the aquatic food chain.

Based on these findings regarding how grading and development practices outside the Marsh but within the watershed could impact water quality within the Marsh, the Water Supply and Quality section of the Suisun Marsh Protection Plan established the following policy:

7. Disruption or impediments to runoff and stream flow in the Suisun Marsh watershed should not be permitted if it would result in adverse effects on the quality of water entering the Marsh. Riparian vegetation in the immediate Suisun Marsh watershed should be preserved, and stream modification permitted only if it is necessary to ensure the protection of life and existing structures from floods. Only the minimum amount of modification necessary should be allowed in such cases. Local runoff, erosion and sediment control ordinances should be established to protect the Marsh from potential adverse impacts.

In addition, the Land Use and Marsh Management section of the Plan established the following policies:

15. Any development in the Suisun Marsh watershed or secondary management area proposed for areas that have poor soil conditions for construction or that are seismically active, should be controlled to prevent or minimize earth disturbance, erosion, water pollution, and hazards to public safety. Local runoff, erosion, and sediment control ordinances should be established in the immediate Suisun Marsh watershed to protect the Marsh from these potential adverse effects.

16. Riparian vegetation in the immediate Suisun Marsh watershed should be preserved due to its importance in the maintenance of water quality and its value as Marsh-related wildlife habitat. Stream modification should only be permitted if it is proved necessary to ensure the protection of life and existing structures from floods and only the minimum amount of modification necessary should be allowed.

These three policies established in the Suisun Marsh Protection Plan have previously been adopted as general plan policies relating to water quality and are part of the County's component of the LPP. General Plan Water Quality Policies SM.P-13, SM.P-15, and SM.P-18, which are part of the County's component of the LPP, are implemented through the County's ordinances controlling grading, drainage, land leveling, and erosion.

Water Quality Policy SM.P-13 requires controls preventing disruption or impediments to runoff and stream flow that could adversely affect the quality of waters in or entering the Marsh, while Water Quality Policy SM.P-15 requires controls preserving riparian vegetation along tributary streams in the watershed and streams within the Marsh. These types of controls were previously in Chapter 9 at section 9-3(g) of the Solano County Code but have now been moved to Chapter 31 at section 31-20(c)(2). The streams within the watershed for which modifications may be permitted only if necessary to ensure protection of life and existing structures from floods are specifically identified and delineated on the figure entitled "Protected Channels of the Suisun Marsh Watershed," included as part of the County's component of the LPP in 1982. Because this figure is referenced in the updated version of Chapter 31 but not reproduced within that ordinance, it is attached to this 2018 Amendment of the County's LPP.

Within the Marsh, the County may require a Marsh Development permit in addition to a grading permit. Chapter 28 of the Solano County Code regulates the issuance of a Marsh Development permit within the Secondary Management Area of the Marsh. The Marsh Development permit process ensures that grading activities within the Marsh will not adversely impact water quality.

In combination, Chapters 28 and 31 of the Solano County Code implement the water quality policies of the County's component of the LPP both within the watershed and within the Suisun Marsh.

Consistency Between Provisions of the Suisun Marsh Protection Act and Existing County Policy

Section 29427 of the Marsh Act required the County to designate an area within the Watershed that should be retained in agricultural use, or in uses compatible with agricultural use, in order to ensure the long term agricultural use and productivity of agricultural lands within the Marsh. Within this designated area, the County was to do the following:

- (1) Determine the minimum size parcels necessary for long-term agricultural use and productivity,
- (2) Establish enforceable standards limiting or prohibiting land divisions or other types of development that are inconsistent with protection of the marsh and continued agricultural use,
- (3) Establish enforceable standards precluding agricultural uses by type and intensity that are inconsistent with the long-term preservation of the marsh, and
- (4) Limit special assessments against agricultural lands for the provision of public services, the demand for which is not generated by agricultural uses on such lands.

These requirements were not part of the County's component of the LPP but were instead to be completed prior to BCD's original certification of the County's component. The County fulfilled these requirements through the Board's adoption of Resolution No. 82-115 in June 1982. The Board designated an area 300 feet from the edge of the Suisun Marsh to be retained in agricultural use and determined that retention of this designated area in agricultural use, or uses compatible with agricultural use, would be sufficient to protect the long term agricultural use and productivity of lands within the Marsh.

Any change to the designation, standards, or limitation established pursuant to section 29427 does not become effective unless the County makes specific findings that the change will not adversely affect, directly or indirectly, the long term agricultural use and productivity of agricultural lands within the Marsh. Further, no such change becomes effective until the County has notified BCD. In order to make the specific findings required by section 29427 and to notify BCD of various changes, the County has updated the determinations made as part of Board Resolution No. 82-115.

Consistency of Existing Land Use Designations and Zoning Regulations for Certain Land in the 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 Agriculture on the County's General Plan Land Use Diagram with a twenty-acre minimum parcel size under General Plan policy. 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 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.

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 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.

Within the Agricultural Land Use designation, the 2008 General Plan identifies ten separate agricultural regions throughout 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.

The Solano County Zoning Regulations contain an 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”.

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 Suisun Valley Agricultural District with a minimum parcel size of 20 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 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 change to the agricultural land use designations and/or minimum lot sizes established for each region under the 2008 General Plan is 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 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.

THE SOLANO COUNTY COMPONENT

PART I-A – SOLANO COUNTY GENERAL PLAN

Chapter 2 – Land Use

Land Use Designations

Table LU-5 provides a description of each General Plan land use designation and the range of density or intensity of development permitted within each category. The maximum allowable development on individual parcels is governed by these measures. General Plan land use designations are grouped into eight general categories: natural resource, agricultural, residential, commercial, industrial, public use, special purpose areas, and overlays. The following are excerpts from Table LU-5 describing the land use designations within the Suisun Marsh.

Table LU-5
General Plan Land Use Designations

1. Designation and Density or Intensity	2. Description
Natural Resources Designations	
WB Water Bodies and Courses	Applies to major waterways and lakes located within the county.
PR Park and Recreation	Provides for public park and recreation areas throughout the county.
M Marsh <i>1 du/250 ac</i>	Provides for protection of marsh and wetland areas. Permits aquatic and wildlife habitat, marsh-oriented recreational uses, agricultural activities compatible with the marsh environment and marsh habitat, educational and scientific research, educational facilities supportive of and compatible with marsh functions, and restoration of historic tidal wetlands.
Agricultural Designations	
AG Agriculture <i>Minimum lot sizes determined by agricultural region in Table AG-3 and Figure AG-4 in the Agriculture chapter</i>	Provides areas for the practice of agriculture as the primary use, including areas that contribute significantly to the local agricultural economy, and allows for secondary uses that support the economic viability of agriculture. Agricultural land use designations protect these areas from intrusion by nonagricultural uses and other uses that do not directly support the economic viability of agriculture. Agricultural areas within Solano County are identified within one of 10 geographic regions. Within these regions, uses include both irrigated and dryland farming and

**Table LU-5
General Plan Land Use Designations**

1. Designation and Density or Intensity	2. Description
	grazing activities. Agriculture-related housing is also permitted within areas designated for agriculture to provide farm residences and necessary residences for farm labor housing.

Public Use Designation

PQP Public/ Quasi-Public	Provides for airports, schools, solid waste facilities, hazardous waste facilities, and other public and quasi-public facilities.
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Residential Designations

TC-R Vallejo Unincorporated & Collinsville Areas 1-10 du/ac	<p>Recognizes current residential and mixed-use communities located outside agricultural and municipal service areas where previous development has occurred at higher densities or intensities than currently allowed under County policy. The Traditional Community designation is intended to preserve and enhance the character and quality of these communities but is not to be applied to areas where the area of the residential community is anticipated to expand. Within Traditional Community residential areas, future infill residential and mixed-use development may occur.</p> <p>Two categories of Traditional Community are established: (1) TC-R, exclusively residential (e.g., Green Valley, Rockville, Willotta Oaks, Collinsville, Snug Harbor and unincorporated areas within Vallejo and Fairfield); and (2) TC-M, mixed-use residential and commercial communities (e.g., Old Town Cordelia, Elmira, Birds Landing and unincorporated areas within Vallejo). Within the Vallejo Unincorporated and Collinsville areas, a higher density range has been applied to reflect existing density range within these communities.</p>
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Commercial Designations

CR Commercial Recreation 0–0.3 FAR	Provides for privately owned recreational facilities, including campgrounds, special occupancy vehicle parks, floating home communities, golf courses, and recreational boat marinas. Complementary commercial facilities are also allowed with the primary use including restaurants, commercial lodging, retail shops, boat sales, boat launching ramps, and facilities for boat construction and repair.
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**Table LU-5
General Plan Land Use Designations**

1. Designation and Density or Intensity	2. Description
Industrial Designations	
WDI Water Dependent Industrial 0–0.3 FAR	<p>This designation is specifically designed to accommodate water dependent industrial development along the Sacramento River. These are defined as:</p> <ul style="list-style-type: none"> a) Waterfront storage facilities – Ship cargo storage handling facilities immediately contiguous and with a functional relationship to a berthing facility; b) Waterfront manufacturing or processing facilities – Manufacturing or processing operations which require frontage on navigable waters to receive raw materials and/or to distribute processed materials by ship; c) Water-using facilities – Power plants and desalinization plants requiring large quantities of water for intake and waste assimilation; d) Support facilities – Uses in addition to those described above which are required to support the operation of a permitted waterfront use; and e) Associated manufacturing or processing uses – Those uses which must be in proximity to a demonstrated water-dependent manufacturing or processing use. <p>Industrial development shall be located and developed in a manner that protects significant marshland and wetland habitats and the water quality of the area. Wetland resources may be enhanced or restored, provided that the viability of the site for industrial development is preserved.</p>
Overlays	
RCO Resource Conservation Overlay	<p>Identifies and protects areas of the county with special resource management needs. This designation recognizes the presence of certain important natural resources in the county while maintaining the validity of underlying land use designations. The overlay protects resources by (1) requiring study of potential effects if development is proposed in these locations, and (2) providing mitigation to support urban development in cities.</p> <p>Resources to be protected through this overlay are those identified through technical studies as the highest priority areas within the habitat conservation planning process. Conservation measures used to achieve the County's resource goals vary based on the targeted resource.</p>

Table LU-5
General Plan Land Use Designations

1. Designation and Density or Intensity	2. Description
	Removal of a Resource Conservation Overlay from a subject property may be possible through a General Plan amendment.
Notes: du/ac = dwelling units per acre; FAR = floor-area ratio	

Special Study Areas

As part of the General Plan update process, special community participation programs were conducted in four special study areas. These four areas (Middle Green Valley, Suisun Valley, Old Town Cordelia, and Collinsville) face unique planning issues. The process of planning for special study areas focused attention on each area's particular issues and concerns. Goals and policies were established for each area based on the input from the community.

Collinsville

The Collinsville Special Study Area includes about 8,500 acres located in the extreme southeastern portion of Solano County. Located south of SR 12 approximately 10 miles southwest of Rio Vista and 15 miles southeast of Travis AFB and Fairfield, Collinsville is bordered on the south and southwest by the Sacramento River and on the west by Montezuma Slough and Suisun Marsh.

Current land uses in Collinsville include natural resources land, utility operations, publicly owned open land, residences, wind farms, and agricultural lands. Dry farming, which rotates between grain and grazing sheep, is the major agricultural practice in this area. Much of the land used for dry farming is also used for production of wind energy.

Pacific Gas and Electric Company and the Sacramento Municipal Utility District both own large tracts of land in the Collinsville area. A cluster of fewer than 20 homes is located in the southern portion of the area along Collinsville Road. Another cluster of homes and businesses serving the local area is located in Birds Landing, at the northern edge of the area, where Collinsville and Birds Landing Roads intersect.

Community Involvement Process

Five public workshops were held to shape the land use plan, including policies and implementation programs for Collinsville. These items were subsequently reviewed with the Citizens' Advisory Committee, Planning Commission and the Board of Supervisors. The issues summarized below were recurring points of discussion that resonated throughout each of the workshops.

Maintain Residential Character of Collinsville and Birds Landing

Starting at the first workshop, many residents expressed a desire to keep Collinsville, and to a lesser extent Birds Landing, as they are right now. There was less discussion of Birds Landing due to more limited attendance from residents of that portion of the study area. Discussion of residential uses and designations often became confusing due to the fact that the current General Plan and Zoning designations for the Collinsville town site are inconsistent with the land

uses actually found there. Most of the resident participants who reiterated that they wanted to 'keep it the way it is' were referring to the existing land uses, but a smaller number of residents were actually referring to either the General Plan designation (Commercial Recreation in Collinsville) or the Zoning designation (Extensive Agricultural in Collinsville).

Industrial Uses

There was extensive discussion of industrial development in the Collinsville area. This was initially focused on a single proposal for industrial development on land that was formerly owned by Dow Chemical and is currently owned by the Sacramento Municipal Utility District (SMUD). As the workshops continued, representatives of the Pacific Gas and Electric Company and SMUD attended workshops, and comments in writing were submitted by landowners, which expanded the conversation to industrial uses in general and the types of industrial uses that should be permitted.

Marsh and Other Natural Resources

The condition of the Suisun Marsh and other natural resource areas within the study area was discussed frequently. Many residents commented that they liked living in an area with so many natural resources and would like to see them restored and preserved, rather than developed.

Infrastructure/Roadways

There was discussion of two infrastructure issues. The first was provision of septic for the existing homes in Collinsville. The second was traffic impacts that could result from industrial development.

Collinsville Land Use Plan

Based on the community input from the public workshops, the land use plan for Collinsville is intended to maintain the residential character of Collinsville and Birds Landing, retain the possibility for future industrial development outside of the existing community, and protect the condition of Suisun Marsh and other natural resource areas.

Extensive changes were made to the land use designations found in the 1979 *Collinsville–Montezuma Hills Area Plan and Program*; however, the focus will remain on providing land for industrial uses that rely on the Collinsville area's unique access to the Sacramento River and wind resources, with a focus on production of renewable energy. Expanded focus is given to maintaining and enhancing the current traditional communities of Collinsville and Birds Landing and ensuring that uses in other parts of the study area are compatible with those communities. The land use diagram for Collinsville is presented in Figure SS-5.

Goal and Policies

The following goal and policies were developed based on community input and along with the land use diagram will be used to review and update the Collinsville-Montezuma Hills Area Plan.

Goal

- SS.G-3: Protect and maintain the historic communities of Birds Landing and Collinsville while continuing to provide opportunities for industrial development that are compatible with the Collinsville area.

Policies

- SS.P-20: Explore historic preservation for historic buildings located within the study area.
- SS.P-21: Preserve the residential character of the Collinsville town site; ensure that any future nonresidential uses are compatible with the residential character and that an adequate buffer is established between residential and nonresidential uses.
- SS.P-23: Focus on renewable energy in the development of Water Dependent Industrial uses.
- SS.P-24: Provide adequate circulation for new industrial development in the Water Dependent Industrial land use designation, and protect circulation for adjacent, nonindustrial land uses, including agricultural and other local traffic.
- SS.P-25: Support the development of Commercial Recreation uses in designated portions of the Collinsville town site.
- SS.P-26: Maintain and support the expansion of neighborhood commercial uses appropriate for the traditional community in Birds Landing.
- SS.P-27: Protect existing historic communities from floodwaters by supporting the ongoing maintenance of levees and other flood control mechanism

PART I-B – SOLANO COUNTY GENERAL PLAN

Chapter 4 – Resources

Suisun Marsh

The Marsh designation has been applied to the Suisun Marsh on the Land Use Diagram. This designation is designed to preserve and enhance the quality and diversity of marsh habitats. Uses in marsh designated areas should be restricted to aquatic and wildlife habitat; marsh-oriented recreational uses; agricultural activities compatible with the marsh environment and which protect the habitat value of marsh areas; and educational and scientific research opportunities and resources; and restoration of historic tidal wetlands by such actions as raising site elevations through placement of approved dredged sediments, breaching levees, and reintroduction of tidal action.

The Primary Management Area as established in the Suisun Preservation Act of 1977 is shown in Figure RS-3. This area consists of tidal marshes, seasonal marshes, managed wetlands, and lowland grasslands. It is the intent for this area to remain in its existing marsh and related uses as provided for in the Suisun Marsh Local Protection Program. Within the Primary Management Area lands are generally to be retained in minimum parcel sizes of 250 acres.

The Secondary Management Area established in the 1977 Act and shown in Figure RS-3 is designated for agricultural use. This area includes portions of four agricultural regions as shown in Figure AG-4. They include the Western Hills region, Suisun Valley region, the Jepson Prairie region, and the Montezuma Hills region. These areas within the Secondary Management Area consist of upland grasslands and agricultural lands and serve as buffers to the wetland areas. The Secondary Management Area is designed to assure retention of upland areas adjacent to the Marsh in uses compatible with its protection as provided for in the Suisun Marsh Preservation Act. Within the Secondary Management Area, lands within the Western Hills west of I-680 are generally to be retained in minimum parcel sizes of 20 acres and east of I-680 in minimum parcel sizes of 160 acres. In the Suisun Valley region of the Secondary Management Area, lands are generally to be retained in minimum parcel sizes of 80 acres and lands in the Jepson Prairie and Montezuma Hills regions of the Secondary Management Area are generally to be retained in minimum parcel sizes 160 acres. The County has applied Marsh Preservation (MP) and Suisun Marsh Agricultural (A-SM) zoning districts to the Primary and Secondary Management Areas, consistent with the General Plan.

The Marsh designation in the Water Related Industry Reserve area, a part of the Secondary Management Area and shown in Figure RS-3, will be managed in the same fashion as if it were a part of the Primary Management Area.

Under the Suisun Marsh Preservation Act, all public and private development activities within the Primary and Secondary Management Areas of the Suisun Marsh shall be consistent with the policies and provisions of the certified Suisun Marsh Local Protection Program. Development within the portion of the Secondary Management Area west of I-680 and outside the boundaries of the City of Fairfield must be consistent only with the watercourse protection and erosion and sediment control provisions of the certified Local Protection Program.

In addition to the Suisun Marsh, a number of important habitat areas also exist along the County's significant water courses in the Suisun Marsh watershed. The water quality and riparian habitat of these watercourses will be preserved through the control of erosion, sedimentation, and runoff resulting from adjacent use and development.

Policies

General Plan policies governing the Suisun Marsh are contained in Chapter 12, Suisun Marsh Local Protection Program.

Figure RS-3

Figure RS-3, Delta and Marsh Protection Areas, reflects the BCDC Suisun Marsh Protection Plan map as amended by BCDC to show the Water Related Industrial Reserve area consistent with 2008 General Plan Land Use Diagram for the Water Dependent Industrial designation in the Collinsville area.

PART I-C – SOLANO COUNTY GENERAL PLAN

Chapter 8 – Public Facilities and Services

Solid Waste

Planning Context

The San Francisco Bay Conservation and Development Commission prepared the Suisun Marsh Preservation Plan for the orderly and long-range conservation, use, and management of the natural, scenic, recreational, and manmade resources of the Marsh. The Legislature implemented the recommendations of the Plan in the manner provided in the Suisun Marsh Protection Act of 1976. Among the land uses expressly provided for under the Act is the Potrero Hills Landfill facility, which is located in the Secondary Management Area of the Suisun Marsh. Section 29409 of the Suisun Marsh Preservation Act provides:

“the local protection program may not preclude future development of a new solid waste disposal site in the Potrero Hills if it can be demonstrated that construction and operation of solid waste facilities at that site would not have significant, adverse ecological or aesthetic impacts on the marsh”.

In recognition of this provision of the Act, the Public/Quasi-public land use designation applied to the Potrero Hills Landfill shall be temporary and limited to only a solid waste facility established consistent with Policy SM.P-28 of Chapter 12. Expansion of the landfill facility within the area designated for Public/Quasi-public land use may be approved if such expansion would not have a significant adverse ecological or aesthetic impact on the Marsh. No other Public/Quasi-public facilities and uses shall be permitted at this site. When the Potrero Hills Landfill is closed, the land use designation for this area shall revert to Agriculture, which shall allow for maintenance of the site in accordance with an approved postclosure maintenance plan.

Policy

PF.P-31: The Public/Quasi-public land use designation applied to the Potrero Hills Landfill is a temporary designation and shall be limited to only a solid waste facility that is established consistent with Solano County *Suisun Marsh Local Protection Program*. The temporary designation is for the life of a facility, as permitted. Once the facility is closed, the agricultural land use designation will be restored and in effect.

PART I-D – SOLANO COUNTY GENERAL PLAN

Chapter 12 – Suisun Marsh Local Protection Program Policies

INTRODUCTION

The Suisun Marsh is shown in Figures SM-1 and SM-2. The County is required to prepare and adopt a component of the Local Protection Program to implement the Suisun Marsh Preservation Act of 1977 (Marsh Act) and the Suisun Marsh Protection Plan within the Suisun Marsh Primary and Secondary Management Areas (See Chapter 4, Suisun Marsh). The County Component of the Local Protection Program is comprised of policies contained in the County General Plan and County Code provisions, including the Zoning Ordinance (Chapter 28) and Grading, Drainage, Land Leveling and Erosion Control Ordinance (Chapter 31).

RELATIONSHIP TO OTHER GENERAL PLAN CHAPTERS

The County Component of the Suisun Marsh Local Protection Program includes this Chapter 12 and the following General Plan provisions:

Chapter 2, Land Use

Table LU-5

WB Water Bodies and Courses

PR Park and Recreation

M Marsh

A Agriculture

PQP Public/ Quasi-Public

TC-R Traditional Community Residential

CR Commercial Recreation

WDI Water Dependent Industrial

Special Study Area – Collinsville subsection; Goal SS.G-3 ; Policies SS.P-20, SS.P-21, SS.P-23, SS.P-24, SS.P-25, and SS.P-27; Figure SS-5

Chapter 4, Resource

Marsh and Delta Areas – Suisun Marsh subsection; Figure RS-3

Chapter 8, Public Facilities and Services

Potrero Hills Landfill discussion in Solid Waste section; Policy PF.P-31

LAND USE DIAGRAM

Within the Suisun Marsh Management area, the following land use designations apply:

Water Bodies and Courses

Park and Recreation

Agriculture

Public/Quasi-Public
Traditional Community – Residential
Commercial Recreation
Water Dependent Industrial

These land use designations are described in Chapter 2, Land Use, and are shown on the Suisun Marsh Land Use Diagram in Figure SM-3.

SUISUN MARSH POLICIES

BIOLOGIC RESOURCES

The Suisun Marsh represents an area of significant aquatic and wildlife habitat and is an irreplaceable and unique resource to the residents of Solano County, the state and nation. The Marsh comprises approximately 85,000 acres of tidal marsh, managed wetlands, and waterways. It is the largest remaining wetland around San Francisco Bay and includes more than ten percent of California's remaining wetland area. The Marsh is also a wildlife habitat of nationwide importance in that it provides wintering habitat for waterfowl of the Pacific fly-way. Because of its size and estuarine location, it supports a diversity of plant communities which provide habitats for a variety of fish and wildlife, including several rare and endangered species.

The Suisun Marsh Preservation Act delineates two management areas within the Marsh. The Primary Management Area consists of tidal marshes, seasonal marshes, managed wetlands, and lowland grasslands within the Marsh. The Secondary Management Area is comprised of upland grasslands and cultivated lands, which serve as significant buffers to the Marsh.

The tidal marshes, managed wetlands, seasonal marshes, and the lowland grasslands of the Primary Management Area represent a vital resource for many forms of marsh wildlife. Most of the wetlands in the Marsh are managed wetlands that are artificially flooded and cultivated to enhance the production of preferred waterfowl food plants. The tidal marshes, which occur on the edges of the bays and sloughs, are exposed to the natural daily tidal rhythm. Seasonal marshes are found adjacent to the managed wetlands in several areas. They are low-lying lands that are flooded annually by winter and spring rains, and dry out with the approach of summer. Between the wetlands and the upland grasslands lies a "transition zone" of lowland grasslands, which supports a mixture of plants common to both the wetlands and the upland grasslands. Because of their critical importance to Marsh wildlife, these areas should be managed so as to preserve and enhance marsh habitat while limiting agricultural use to practices consistent with wildlife use.

The upland grasslands and cultivated lands of the Secondary Management Area provide habitat for marsh-related wildlife, but more importantly, by their location and existing uses, they buffer the wetlands and lowland grasslands from the adverse impacts of both urban development and other upland land uses and practices incompatible with preservation of the Marsh. Within this upland area, existing grazing and agricultural uses should continue, and agricultural practices favoring wildlife use and habitat enhancement should be encouraged.

Wildlife Habitat Management and Preservation

Wildlife habitat within both the Primary and Secondary Management Areas of the Suisun Marsh shall be managed and preserved through the following policies:

- SM.P-1: The diversity of habitats in the Suisun Marsh shall be preserved and enhanced wherever possible to maintain the unique wildlife resource.
- SM.P-2: The Marsh waterways, managed wetlands, tidal marshes, seasonal marshes, and lowland grasslands, which are critical habitats for marsh-related wildlife and are essential to the integrity of the Suisun Marsh, shall be protected from degradation. Habitat areas that have become degraded or are of marginal value should be restored or enhanced, where feasible, if other values of the Marsh would not be adversely impacted.
- SM.P-3: The eucalyptus groves in the Marsh, particularly those on Joyce and Grizzly Islands, should not be disturbed.
- SM.P-4: Burning in the Primary Management Area is a valuable management tool. However, it should be kept to a minimum to prevent uncontrolled fires, which may destroy beneficial plant species and damage peat levees, and to minimize air pollution.
- SM.P-5: Where feasible, historic marshes should be returned to wetland status, either as tidal marshes or managed wetlands. If some of the managed wetlands are no longer needed for waterfowl hunting, they should also be restored as tidal marshes.
- SM.P-6: The County's zoning and subdivision ordinances shall limit or prohibit land divisions or other types of development that are inconsistent with protection of the Marsh.

Agriculture

The following policies apply to agricultural uses within the Suisun Marsh:

- SM.P-7: Agriculture within the Primary Management Area of the Suisun Marsh should be limited to activities compatible with, or intended for, the maintenance or improvement of wildlife habitat. These include agricultural uses such as grain production and grazing. Agricultural activities involving removal or persistent plowing of natural vegetation should not be permitted. Grain production should be confined to the Grizzly Island Wildlife Area and relatively small, well-suited areas of some of the large duck clubs. Grazing should be used to control vegetation on duck clubs where plant cover is sub-optimum for waterfowl use and should be discouraged on those clubs where there is already a good mixture of preferred waterfowl food plants. Grazing pressures should not exceed sound range management practices.
- SM.P-8: Agricultural uses consistent with protection of the Marsh, such as grazing and grain production, should be maintained in the Secondary Management Area. In the event such uses become infeasible, other uses compatible with protection of the Marsh should be permitted. The value of the upland grassland and cultivated lands as habitats for marsh-related

wildlife should be maintained and enhanced where possible by planting or encouraging valuable wildlife food or cover plant species.

SM.P-9: Existing non-agricultural uses on sites within the Secondary Management Area, such as Potrero Hills Landfill (former Solano Garbage Company), Universal Propulsion Co. Inc. (former Goodrich and Explosive Technology Corporation), FP Smith Parts and Equipment, Flatiron Construction, and others, should be allowed to continue if they are conducted so that they will not cause adverse impacts upon the Marsh. Any change in uses of these sites should be compatible with the preservation of the ecological and aesthetic resources of the Marsh.

SM.P-10: Within the Marsh, the County shall limit special assessments against agricultural lands for the provision of public services, where the demand for such services is not generated by agricultural use on the land.

WATER QUALITY AND FLOOD CONTROL

The Suisun Marsh is located where the salt water of the Pacific Ocean and fresh water of the Sacramento and San Joaquin River Delta meet and mix. Because of its location, it provides a transition between salt and fresh water habitats, which creates the unique diversity of fish and wildlife habitats characteristic of a brackish marsh. Water quality in the Marsh today is generally adequate, in terms of salinity, turbidity, temperature, and pollution levels. The salinity level, however, is almost totally dependent upon the amount of fresh water flowing in from the Delta, since it is this inflow that limits the intrusion of saline ocean waters. Numerous upstream storage facilities, together with diversions of water from the Delta and the tributary streams of the Delta, have substantially reduced the amount of fresh water flowing into the Delta, with a resultant increase in salinity intrusion into the Marsh and Delta.

Other sources of fresh water to the Marsh are groundwater, wastewater discharge, and surface runoff from the Marsh watershed. The Fairfield-Suisun groundwater basin drains into the Marsh by subsurface flow and provides fresh water mixing and flushing action. It is recharged with fresh water runoff from the watershed by percolation on the Suisun Valley floor and along the stream channels. Any disruption or impedance of runoff and streamflow such as might occur from stream channelization or further upstream diversions within the watershed may adversely affect the function of the groundwater basins and their relationship with the Marsh. Additionally, any substantial removal of groundwater by pumping or subsurface drainage could interrupt natural subsurface discharges into the fresh water aquifers. Waste water flows into the Suisun Marsh area that can affect water quality come from four principal sources: municipal sewage treatment plants, industrial discharges, agricultural return, and stormwater runoff from the watershed.

Future changes in land uses in the Suisun Marsh and its watershed could affect water quality through changes in turbidity, temperature, or pollution levels. The riparian habitats in streams tributary to the Marsh are important to the continued high quality of water in the Marsh sloughs. This vegetation helps to retain proper water temperatures in the stream channels and filters sediments that would be carried into the Marsh sloughs. Increased sedimentation caused by soil erosion into tributary streams in the watershed would increase turbidity in the Marsh.

The following policies are intended to preserve water quality and reduce flood hazards in the Suisun Marsh:

- SM.P-11: Projects designed to import or redistribute the fresh water in the Marsh for salinity control should be planned carefully so that the expected benefits are realized. Furthermore, any proposed import project should be studied to determine if the project would adversely affect the Marsh by encouraging urban and industrial growth in the Marsh area. No import project should be constructed if the adverse environmental impacts of growth on the Marsh would outweigh the possible beneficial impacts of salinity control.
- SM.P-12: To prevent crop damage in some areas, the withdrawal of groundwater from the underground aquifers surrounding the Marsh may be desirable. Withdrawal should not be so extensive as to allow the salt water of the Marsh to intrude into fresh water aquifers, or to disrupt the natural subsurface flow of groundwater into the Marsh.
- SM.P-13: The County's Grading, Drainage, Land Leveling, and Erosion Control Ordinance should be administered in a manner that protects the Marsh from potential significant adverse water quality impacts. Disruption or impediments to natural patterns and volumes of surface runoff and stream flow in the Suisun Marsh and its watershed should not be permitted if it would result in significant adverse effects on the quality of water in or entering the Marsh. Any development in the Suisun Marsh or its watershed proposed for areas that have poor soil conditions for construction, or that are seismically active, should be controlled to prevent or minimize earth disturbance, erosion, water pollution, and hazards to public safety.
- SM.P-14: Any development of industrial facilities in the Suisun Marsh or its watershed should be designed and conditioned to eliminate significant adverse environmental impacts on the water quality of the Suisun Marsh. Activities that could significantly alter the temperature, salinity, or turbidity of the water should be prohibited. Industrial facilities that will increase the potential for spills of toxic and hazardous materials should not be permitted unless it is established that spills of such materials will not represent a significant threat to the Marsh.
- SM.P-15: Riparian vegetation in the Marsh and the immediate Suisun Marsh watershed should be preserved due to its importance in the maintenance of water quality and its value as marsh-related wildlife habitat. Removal of riparian vegetation adjacent to watercourses in the Marsh or in the immediate Suisun Marsh watershed that would increase sedimentation or runoff in or into the Marsh should not be permitted if it would cause a significant adverse environmental impact on the Marsh. Any stream modification in the immediate Suisun Marsh watershed that would involve removal of significant existing riparian vegetation should be permitted only where necessary to ensure the protection of life or existing structures from floods, and in such cases, only the minimum amount of modification necessary should be allowed.

- SM.P-16: Within the Suisun Marsh and its watershed, sound agricultural practices which conserve water quality and riparian vegetation shall be encouraged.
- SM.P-17: Public roadway construction and improvement activities should be subject to restrictions permitting the natural water movement necessary to sustain the marsh environment.
- SM.P-18: Upstream land use practices that contribute to increased rates of surface water runoff should be prohibited or regulated to prevent significant adverse impacts to water quality in the Marsh.

NATURAL GAS

Several thousand feet below the tidal marshes, managed wetlands, sloughs, and bays of the Suisun Marsh are geologic formations that contain trapped accumulations of natural gas. These formations and the accumulated gas constitute the Suisun Marsh gas fields. Gas has been extracted from the Suisun fields since their discovery in 1938. However, due to high demands for natural gas as a fuel and the limited nature of the resource, the fields are expected to be completely depleted in the future. After the depletion of the fields, the remaining geologic formations may be suitable for the underground storage of natural gas extracted from other fields and transported to the Bay Area by pipeline or tanker.

Provisions for natural gas exploration, operation, and storage shall be controlled through the following policies:

- SM.P-19: Transportation of natural gas by underground pipeline is the most economical and safe method of gas transportation in the Suisun Marsh area. Future gas pipelines should be permitted if they are consistent with the Suisun Marsh Protection Plan and if the design and construction meet the following standards:
- a. Existing pipeline systems are utilized to the maximum extent feasible.
 - b. The pipeline design meets all applicable safety standards of the Office of Pipeline Safety Operations and other regulatory agencies.
 - c. The pipeline route avoids tidal marshes and managed wetlands wherever possible and, if that is not possible, the route crosses as little marsh or managed wetland as possible.
 - d. Wide track or amphibious construction equipment is used in tidal marsh or managed wetland areas. Pads or mats are used as needed to prevent any construction equipment from sinking into the soft marsh muds and damaging the marsh plants.
 - e. The "trench and push" construction method is used in all tidal marsh and managed wetland areas where feasible, so that the construction zone is kept as small as possible and the minimum

amount of heavy equipment passes through the marsh or wetland area.

- f. Prior to any pipeline construction or related activities in the Marsh, the contractors should consult with the Department of Fish and Wildlife to determine at what time such construction or related activities should be conducted so as to create the least possible adverse impact on breeding, migration, or other fish and wildlife activities.
- g. Prior to any underground pipeline construction in the Marsh, the contractors should consult with the Solano County Mosquito Abatement District to ensure existing recirculation water ditches are not blocked and levees are adequately repaired after pipeline construction, or that effective mosquito control measures are maintained.
- h. At slough, mudflat, and bay crossings of gas pipelines, the trench is dredged in a manner that minimizes turbidity and prevents interference of the dredging operation with fish or wildlife.
- i. A regular surface and aerial inspection of the pipeline route is carried out as required by the Office of Pipeline Safety Operations.

SM.P-20: If additional gas wells or ancillary facilities are required for gas exploration, production, or injection, the drilling should be accomplished with the following safeguards:

- a. Drilling operations should conform to the regulations of the California Division of Oil and Gas designed to prevent damage to natural resources.
- b. The drilling operation is confined to as small an area as possible and does not irreversibly damage unique vegetation or fish and wildlife habitats.
- c. After drilling is complete, all drilling muds, water waste, and any other fluids are removed entirely from the site and disposed of in a manner that does not adversely affect the Marsh.
- d. All buildings, tanks, "Christmas trees" or other facilities related to the production or storage of natural gas do not result in the permanent loss of water surface in the Marsh.

SM.P-21: Construction and drilling in tidal marsh and managed wetland areas should occur only during the dry months of the years (generally April 15 through October 15) when these activities would not disturb wintering waterfowl.

SM.P-22: If gas wells are abandoned, they should be sealed in accordance with Division of Oil and Gas regulations; the drilling or production facilities

should be removed; and the surface area should be revegetated with native vegetation within one growing season after abandonment.

SM.P-23: Storage of natural gas in depleted gas reservoirs is a reasonable use of the resource and should be permitted. Storage facilities should meet all safety standards of the Division of Oil and Gas.

SM.P-24: Because the Suisun Marsh offers both natural gas and depleted gas fields suitable for gas storage, and because it is close to the urban Bay Area and the proposed waterfront industrial area on the Sacramento River, gas will probably continue to be transported out of, into, and around the Marsh. All gas transportation into and out of the Marsh is now by underground pipeline systems. If other types of systems for the transport or storage of liquefied natural gas (LNG) are proposed for the Suisun Marsh area, a detailed investigation of the hazards and impacts of LNG facilities should be carried out before approval of the facilities.

UTILITIES, FACILITIES, AND TRANSPORTATION

Construction of utilities, other public or quasi-public facilities, and transportation systems in the Suisun Marsh can: (1) disrupt the Marsh ecosystem at the time of construction; (2) have lasting effects on wildlife by forming barriers and obstacles to their movement and flight patterns; and (3) stimulate urban development by providing services that are a prerequisite for such development.

The following policies are intended to protect the Marsh from such facilities:

SM.P-25: In the Suisun Marsh, improvements to public utility and transportation facilities should follow these planning guidelines:

- a. New electric power transmission utility corridors should be located at least one-half mile from the edge of the Marsh. New transmission lines, whether adjacent to the Marsh or within existing utility corridors, should be constructed so that all wires are at least six feet apart.
- b. Urban utilities and public services (e.g., natural gas lines, electric lines for local power distribution, domestic water mains, and sewers) should be allowed to extend into the Suisun Marsh and the adjacent upland area necessary to protect the Marsh only to serve existing uses and other uses consistent with protection of the Marsh, such as agriculture. However, utilities in the Secondary Management Area necessary for the operation of water-related industry within the area designated for such use in the Suisun Marsh Protection Plan at Collinsville would be permissible.
- c. Within the Marsh, new electric lines for local distribution should be installed underground unless undergrounding would have a greater adverse environmental effect on the Marsh than above-ground construction, or the cost of underground installation would be so expensive as to preclude service. Any distribution line

necessary to be constructed above ground should have all wires at least six feet apart.

- d. New telephone lines installed in the Marsh and within one-half mile of the Marsh should be buried underground whenever possible. All new telephone cables routed through the Suisun Marsh area should be buried, and the alignment should avoid wetland areas whenever possible.
- e. New roadways (highways, primary and secondary roads) and rail lines that form barriers to movement of terrestrial wildlife should not be constructed in the Suisun Marsh or in adjacent uplands that are necessary to protect the Marsh, except where such roadways and rail lines are necessary in the Secondary Management Area for the operation of water-related industry and port uses within the area designated by the Protection Plan as a water-related industry reserve area at Collinsville. Rail access to serve the water-related industrial reserve area may be permitted within the existing Sacramento Northern Railroad right-of-way or along the east side of the Marsh, whichever route would result in the least disturbance to wetlands and wildlife. Wherever possible, rail access to the Sacramento River and through the area designated as a water-related industrial reserve area should be located above the 10 foot contour in order to avoid adverse impacts to wetlands. Whenever the reconstructed line would pass through wetland areas, it should be constructed on trestles or in a manner which allows for the natural movement of water and wildlife beneath the alignment.
- f. The Solano County General Plan acknowledges the need for the possible expansion of Highway 12. When traffic loads warrant the widening of Highway 12, such expansion must be designed so as to minimize adverse environmental impacts on the Marsh.

SM.P-26: Underground pipelines, wires, and cables should be permitted in the Suisun Marsh if no alternative route is feasible and they are designed and constructed to meet the following standards;

- a. Installation of pipelines, wires, and cables (particularly local service utilities) are located within existing road rights-of-way whenever possible.
- b. All pipelines passing through the Suisun Marsh meet Pipeline Safety Regulations of the U.S. Department of Transportation regarding pipe thickness, pressure limiting devices, emergency shut-down valves and other safety design criteria.
- c. Whenever construction occurs within the wetlands, it is confined to the dry months (generally April 15 through October 15) to minimize disturbance of wetland vegetation, wintering migratory waterfowl, other water-associated birds, and nesting resident birds.

- d. In wetland areas, wide-track or amphibious construction equipment is used to reduce the bearing weight of the equipment unless pads are laid to support the heavy machinery and to prevent it from sinking into the soft marsh soil. Equipment movement to the construction site within the Suisun Marsh is limited to roads in the immediate vicinity of the pipeline, wire, or cable being installed to minimize disruption of Marsh wildlife habitat. The construction site is well defined and clearly marked so that workers do not disturb adjacent Marsh areas.
- e. When a trench is cut to install a pipe, wire, or cable, excavation is only slightly wider than the utility line to be buried to minimize wetland disturbance.
- f. When pipelines are being installed across wetlands, the "trench and push" method of construction is employed. This construction method, the least damaging to the wetlands because it avoids the need for heavy equipment alongside the trench to install the pipe, involves filling the excavated trench with water and pushing or pulling the assembled pipe through the Marsh trench.
- g. Tidal marsh and managed wetlands disturbed during pipeline, wire, or cable construction will generally revegetate naturally within one growing season if the top layer of soil and vegetation is stockpiled when the trench is first dug and replaced on top of the backfilled trench to facilitate revegetation. If a completed trench is not revegetated within one growing season in a managed wetland, the disturbed area must be reseeded with appropriate native plant seed.
- h. In water areas (bays and sloughs), dredging and pipe and cable installation is scheduled so as to avoid major fish migrations.

SM.P-27: To protect the Suisun Marsh from potential accidental drainage of toxic materials, any use of the former Pacific Reclamation and Disposal, Inc. site should meet all requirements of the Regional Water Quality Control Board, and any future dam construction to contain waste material should meet all requirements of appropriate regulatory agencies, such as the Division of Dam Safety. Any future expansion, construction, or operation of the former Pacific Reclamation facility should be away from the steep slopes of the hills that front directly on the Marsh.

SM.P-28: The Potrero Hills Landfill should be permitted to continue its County-approved operation until it reaches final capacity and is closed. Expansion of this facility could impact upland grassland areas, which provide valuable habitat for marsh-related wildlife. However, pursuant to section 29409 of the Suisun Marsh Preservation Act, expansion of the Potrero Hills Landfill should be permitted if it can be shown that the construction and operation of such facilities will not have significant adverse ecological or aesthetic impacts on the Suisun Marsh.

- SM.P-29: Material Disposal Company's debris disposal facility, which is currently not in operation, should not be permitted to resume functioning because its operation would involve fill in tidal marsh and is not compatible with preservation of the Suisun Marsh.
- SM.P-30: Extraction and removal of minerals or natural materials from existing quarries and borrow areas within the Secondary Management Area of the Suisun Marsh should be allowed to continue where not in conflict with protection of the Marsh and in conformance with County Codes. Sites governed by the above provisions include: Two on the Tule Vista Livestock Company properties, of which one is located east of Scally Road and the other located northeast of Beldon's Landing, one on the Guy Stewart property 1,500 feet west of Shiloh Road, two on the Barnes property 8,000 feet west of Shiloh Road in the Kirby Hills, and two on the Wagent property 3,000 feet west of Shiloh Road. These are in addition to existing sites under County land use permit.
- SM.P-31: In order to improve marsh management, it is important to improve and maintain exterior and interior levee systems, as well as other water control facilities on public and privately-owned managed wetlands. Hauling excessive amounts of earth material on public roads for levee maintenance use can have a detrimental effect on the roads. In order to minimize impacts on existing public roads on the Marsh, earth levee maintenance materials may be transferred from a shore site to barges for transporting the material to a repair site on a temporary basis under the following conditions: (1) there is a proven need for the levee maintenance material at a specific repair site, (2) the transfer site is not a wetland tidal marsh or seasonal marsh; (3) the transfer operation is limited to the minimum time necessary to provide material for the levee repair; (4) any equipment, machinery, or similar facilities needed to transfer materials shall be temporary and removed from the transfer site when not in use and (5) no permanent improvements are developed at a transfer site. At such time as is determined to be appropriate by the Board of Supervisors, a study may be undertaken to determine whether, when deliveries of marsh maintenance materials are made within the Marsh, the operation of a transfer site could encompass transfer of natural materials reclaimed from within the Suisun Marsh from barges to the shore site. Such study, if undertaken, would address the issues of conformance of such an operation with the policies and purposes of the Suisun Marsh Protection Act, and what limitations, conditions, and standards would be necessary to insure protection of the Marsh from adverse environmental impact from such activity.
- SM.P-32: The proliferation of sites for the disposal of special wastes could have significant adverse impacts upon preservation of marsh upland areas. The animal burial ground on Scally Road under County Use Permit should be allowed to operate as conditioned. The creation of additional disposal sites of a special nature shall be prohibited.
- SM.P-33: The following policies toward diking, filling, and dredging of sloughs, managed wetlands, and marshes should be implemented:

- a. No dredging, filling, or diking activity shall be conducted within the Primary Management Area of the Suisun Marsh, except with the permission of the appropriate permitting authorities.
- b. In order to minimize adverse effects on desirable plant and wildlife communities and to minimize the potential for erosion and sedimentation, all diking, dredging, and filling activities shall be carried out in conformity with the following general principles and standards:
 - i. Stripping or burning of vegetation, or other soil disturbance, should be done in a manner which will minimize adverse impacts on desirable plant and wildlife communities and control erosion and sedimentation.
 - ii. Existing native vegetation shall be retained, protected, and supplemented wherever practical. Development shall be accomplished so that existing trees will be preserved whenever practicable.
 - iii. Exposure of soil to erosion by removal of vegetation shall be limited to the smallest area practicable and for the shortest time practicable. Soil exposure should not exceed an area in which work can be completed during a single construction season to insure that soil stability is established well in advance of the rainy season. In general, soil disturbance shall be limited to the period between April 15 and October 15.
 - iv. Permanent control structures should be installed and final vegetation established as soon as practicable.
 - v. Facilities shall be constructed in a manner which will minimize erosion and sediment deposition in adjacent waterways and wetlands.
 - vi. Slopes, both cut and fill, shall not be steeper than 2:1 unless a thorough geological and engineering analysis indicates that steeper slopes are safe and appropriate erosion control measures are specified.
 - vii. Cuts and fills shall not encroach upon existing watercourses or constructed channels in a manner that adversely affects adjacent properties or the carrying capability of the watercourse.
 - viii. Disposal of cleared vegetation and excavated materials shall be done in a manner which reduces the risk of erosion and sedimentation and shall conform to the provisions of these standards.

- ix. Diking, filling, and dredging activities shall be conducted so as to minimize interference with critical wildlife activities such as nesting and breeding.
- c. To prevent sedimentation resulting from dredging projects and to restore and enhance wetlands, dredged sediments should be disposed of in one of the following ways: (a) placement on dry land; (b) placement as fill in approved fills or levee projects; (c) barging or piping to suitable disposal sites in the ocean, or dumping in areas of the bay designated for such purposes by the appropriate governmental agency; or (d) used to restore or enhance tidal, managed, or seasonal wetlands.
- d. All proposed channels should be designed not to undermine the stability of any adjacent dikes and fills.
- e. Any proposed fills, dikes, or piers should be thoroughly evaluated to determine their effects on sloughs, managed wetlands, and marshes, and proposals should be modified as necessary to minimize any harmful effects.

SM.P-34

Wind energy is an important renewable, natural resource which is limited in its statewide distribution. Areas which are endowed with the resource should be considered for prudent development of wind energy. Certain areas within the Suisun Marsh have been identified as having significant potential for wind energy resource development. Specifically identified are areas west of I-680 and in the Potrero Hills; however, numerous other areas may have potential for development of private or commercial wind energy machines. Installation of wind turbines in the Suisun Marsh could have a significant impact upon maintenance of the area in its present natural state, on Marsh wildlife, and on the visual characteristics of the Marsh. Therefore, careful consideration will need to be given projects on a case by case basis to ensure that significant adverse ecological or aesthetic impacts on the Marsh will be avoided. The County's objective is to balance the prudent use of wind resources of the Marsh with the need to protect and maintain its essential environmental qualities. The following should be followed in siting wind energy projects: (1) Commercial wind turbine generators should be permitted in the Secondary Management Area only. (2) Projects should not be allowed to proliferate in the Marsh, but should be allowed only where monitoring has shown productivity to be feasible. (3) The location and density of machines should not substantially alter the principal (agricultural or wetland) allowed uses in the Marsh. (4) Roads and utility transmission lines to serve machines and transmit power from machines must be installed in conformance with provisions of the Suisun Marsh Preservation Act. (5) In order to protect the biological resources of the Marsh, the design, density, height, noise level, illumination, and location of wind turbine generators and ancillary facilities should minimize or avoid the following adverse effects: collision hazards for birds, interference with migratory flight patterns, or disturbance of wildlife habitat. Design considerations of importance should include non-synchronous machines, low-noise design, subdued security lighting, and

minimal tower lighting. (6) All construction must be carried out so as to minimize erosion and prevent sedimentation in the Marsh. (7) The installation and operation of wind turbine facilities must protect the visual characteristics of the Marsh. In order to minimize the impact upon the aesthetics of the Marsh as a natural open space area, wind turbine generators and ancillary facilities should be designed and sited to complement the natural landscape whenever feasible, consistent with the following guidelines: colors should blend with the landscape; lighting should be subdued and be provided for safety and security reasons only; and facilities should be located off the ridgeline unless to do so would result in higher tower height, significant grading, or cut and fill.

RECREATION AND MARSH ACCESS

The Suisun Marsh is an 85,000-acre natural recreational area of statewide significance. The area provides for a variety of recreational opportunities on both private and public lands. Duck hunting is the major recreational activity in the Marsh occurring from late October until January. Fishing accounts for nearly as much recreational use in the Marsh as duck hunting. In addition, several other forms of recreation such as water sports, upland game hunting, and wildlife observation are popular in the Marsh.

The importance of the Suisun Marsh as a recreational area can be seen in the amount of land which is given over to duck hunting. The General Plan's land use diagram identifies two recreational sites in the Marsh. A Wildlife Interpretive Center is planned to be developed near the intersection of Hill Slough and Grizzly Island Road. Beldon's Landing is developed with fishing and boat launch facilities.

Rush Ranch is a 2,070-acre ranch located on Grizzly Island Road, approximately two miles south of Highway 12. The ranch is owned and operated by the Solano Land Trust. The site includes historic buildings, self-guided hiking tours, educational facilities, and a nature center which showcases many of the historic and natural features of the property.

In addition to the above mentioned recreational sites, a number of more passive recreational areas exist in the Marsh. Passive recreational opportunities will be provided at the following areas:

- The 1,112-acre Hill Slough Wildlife area extends along Grizzly Island Road from Hill Slough to State Route 12. Levee construction will return some lands to wetland status and provide public hiking trails.
- The Peytonia Slough Ecological Reserve is a 206-acre area directly south of the City of Suisun City open for public hiking, fishing, and wildlife observation.

A number of recreational oriented commercial uses exist in the Marsh. These uses, which include Little Honker Bay Resort, Pierce Harbor, Suisun Pacific Marina, Port of Suisun Marina, and City of Benicia Marina, are located on the edge of the Marsh and are accessible to the general public. As the demand for recreation increases, there may be a need for more such facilities or expansion of existing facilities.

The vast open expanse of the Suisun Marsh is the location of many recreational activities. The Marsh is well known for waterfowl hunting. In addition, several other forms of recreation,

including fishing, upland game hunting, and water sports, are also popular. Nevertheless, there are opportunities for a greater diversity and amount of public recreation in the Marsh.

The recreation values of the Marsh, particularly for duck hunting, have been a significant factor in its preservation. Private duck clubs and public agencies, such as the Department of Fish and Game, have made considerable contributions to the improvement of the Marsh habitats for waterfowl as well as other wildlife.

Recreational uses in the Suisun Marsh should be guided through the following policies:

- SM.P-35: Within the Suisun Marsh, provision should be made for public and private recreational development to allow for public recreation and access to the Marsh for such uses as fishing, hunting, boating, picnicking, hiking, and nature study.
- SM.P-36: Recreational uses in the Marsh should be located on the outer portions near population centers and easily accessible from existing roads.
- SM.P-37: Recreational activities that could result in adverse impacts on the environment for the Suisun Marsh should not be permitted.
- SM.P-38: Public access at appropriate locations shall be provided and protected along the County's significant waterways within the Suisun Marsh to the maximum extent feasible.
- SM.P-39: Additional land should be acquired within the Suisun Marsh to provide for increased public duck hunting recreational use and additional refuge areas for waterfowl during the hunting season. Acquisition priority should be given to those lands not now operated as managed wetlands.
- SM.P-40: Land should also be purchased for public recreation and access to the Marsh for such uses as fishing, boat launching, nature study, and for scientific and educational uses. These areas should be located on the outer portions of the Marsh near the population centers and easily accessible from existing roads. Improvements for public use should be consistent with protection of wildlife resources.
- SM.P-41: Public agencies acquiring land in the Marsh for public access and recreational use should provide for a balance of recreational needs by expanding and diversifying opportunities for activities such as bird watching, picnicking, hiking, and nature study.
- SM.P-42: Agencies administering land acquired for public access and recreational use should be responsible for maintaining the areas and controlling their use. Signing on roads leading into the Marsh and maintained litter receptacles at major public use areas should be provided by the appropriate local or state agency to prevent littering and vandalism to public and private property.
- SM.P-43: Recreational activities that could result in adverse impacts on the environmental or aesthetic qualities of the Suisun Marsh should not be permitted. Levels of use should also be monitored to ensure that their

intensity is compatible with other recreation activities and with protection of the Marsh environment. For example, boat speeds and excessive noise should be controlled and activities such as water skiing should be kept at an acceptable level.

SCENIC RESOURCES

The policies set forth below provide a series of guidelines to be used by the County in its land development guidance procedures within the Suisun Marsh. It is the intent that these provisions be employed as criteria to be adhered to by all future land development which falls within the visual components of any of the designated scenic roadways. Intensive development cannot be visually absorbed into a Marsh landscape without seriously disrupting the delicate foreground and unprotected background view components. Intensive development here can also result in disruption of the local ecosystem which supports the Marsh and its unique and delicate visual character.

The following policies apply to view components of all designated scenic roadways adjacent to and within the Suisun Marsh:

- SM.P-44: The number of man-made interruptions or incidents along a scenic roadway (housing, commercial uses, signs, driveways, etc.) should be limited to maintain the current visual values as the prevalent feature of the route.
- SM.P-45: Placement of off-site advertising along a designated scenic roadway should be prohibited, except where provisions are made, as part of a standardized, public, on-road sign program, for providing signing within the roadway right-of-way for roadway related services. Such a program could provide a series of signs of similar design, identifying food, lodging, and other road-related services by type and by the symbol or logotype of the proprietor.
- SM.P-46: Dryland and upland within the Suisun Marsh should remain in open space use (grazing, cropland, or other extensive uses) to protect the unique visual character of the landscape.
- SM.P-47: Existing habitats should be protected from encroachment due to their own visual value and their role in maintaining the Marsh ecosystem and its overall scenic value.
- SM.P-48: Since such a flat and expansive natural environment tends to exaggerate vertical elements, undergrounding of utility lines is highly recommended.
- SM.P-49: Maintenance and protection of existing windbreaks should be encouraged to provide a contrasting visual element on flatland landscapes and to call attention to distant farm development or to places where major changes occur in the alignment of a scenic roadway.

WATER DEPENDENT INDUSTRIAL USES

The following Water Dependent Industrial policies shall be applicable to the Water Dependent

Industrial land use designation, shown on Figure LU-1, within the Suisun Marsh:

- SM.P-50: The upland portion of the Collinsville site, above the 10-foot contour line, presents no significant physical constraints for development and should be reserved for water-related industry use.
- SM.P-51: The low-lying-portion of the Collinsville site, below the 10-foot contour line, does present physical constraints for development and consists of critical marsh-related wildlife habitats. Nevertheless, the portion of this area that fronts on deep water should be reserved for water-related industry use.
- SM.P-52: Reservation of the Collinsville site for water-related industry use notwithstanding, wetland restoration or enhancement of the area below the 10-foot contour line may occur, provided that the restoration or enhancement program is carried out in a manner that will not preclude use of the deep water shoreline and area above the 10-foot contour line for water-related industry use. Specifically, any wetland restoration or enhancement project should be designed not to restrict possible future development and operation of marine terminals and marine terminal berths on the deep water shoreline and the movement of waterborne cargo, materials, and products from the shoreline terminal to the upland portions of the site.
- SM.P-53: A program to prevent accidental spills of toxic and hazardous materials entering Montezuma Slough should be developed by industries constructing marine terminal facilities at Collinsville. Prior to the use of such facilities, equipment required to carry out the prevention program should be installed at the appropriate location at or adjacent to the mouth of Montezuma Slough.
- SM.P-54: The remaining areas of lowland grassland and seasonal marsh in the Collinsville site should be preserved and, whenever possible, enhanced or restored for their intrinsic value as marsh-related wildlife habitat and to act as a buffer between the Suisun Marsh and industrial and port activities. There are several land uses that could occur in this area. The existing agricultural use – cattle grazing – could be continued. Portions of the area should also be restored to wetland status, either as tidal marsh or managed wetlands. Dredged materials may be used in any wetland enhancement or restoration program when such activity will be conducted without adverse environmental impacts on the Marsh.
- SM.P-55: All future industrial development adjacent to the Suisun Marsh and within areas reserved for water-related industry should conform to the following planning guidelines:
- a. Industrial activities should not have the potential to cause significant adverse impacts on the Suisun Marsh. In particular, water quality should be maintained by ensuring that no hazardous or toxic materials could be introduced into the Marsh sloughs and by prohibiting activities that could alter the temperature salinity or turbidity of the water. Construction of necessary access routes

across wetlands should result in the minimum possible disturbance to the ecosystems and wildlife. Pipelines should be installed using the procedures described in the Utilities, Facilities, and Transportation section of this Chapter. Conveyor belts and railroads should be constructed on trestles, except in situations such as along the western boundary of the Collinsville water-related industry area, where a railroad may be constructed on fill in order to provide a dike separating industrial facilities from wetlands.

- b. The construction and development of any industrial facilities adjacent to and upstream from the Suisun Marsh should comply with the policies of the Water Supply and Quality section of this Chapter and all applicable State and Federal water and air quality standards.
- c. Industrial facilities should not be located directly adjacent to the Suisun Marsh. A buffer area should be provided to reduce adverse environmental impacts on the Marsh.
- d. Development of industrial sites should not result in the construction of physical barriers, such as freeways, fences, or exposed pipelines, that impede the movement of wildlife. In addition, construction of very tall structures with which wildlife is prone to collide, especially during migrations and in bad weather, should be avoided. Industrial facilities adjacent to wildlife areas that deter the landing of wildlife should also be avoided. However, the type, size, and location of structures that would be hazardous to wildlife are difficult to generalize. Therefore, decisions should be made on a case by case basis to ensure that structures in the vicinity of the Marsh are located and constructed to avoid, to the maximum extent feasible, interference with the flight or migration patterns of wildlife.
- e. Industry sites should be developed to allow the most efficient use of the shoreline. For example, in the Collinsville site, wharves constructed along the shoreline in the area reserved for water-related industry, in addition to any petroleum dock which may be needed, should be shared to the maximum extent feasible by industries locating in the water-related industry area.
- f. Storage of raw materials, fuel, or products should not be permitted at the shoreline on a permanent or long-term basis. The waterfront is too scarce and valuable a resource to accommodate uses, such as storage, that could be located farther inland.
- g. Industrial facilities should be located and designed to avoid visual intrusion on the Suisun Marsh. Where sloping land is to be used for industrial development, it should be terraced rather than leveled, and soil erosion and storm water runoff should be controlled. Buildings should have a low profile and not be highly visible against

the skyline, should be well-designed and unobtrusive in appearance, and should use colors and materials compatible with the surrounding landscapes. Appropriate landscaping should be used to reduce the impact of industrial structures on views from the Suisun Marsh.

- h. Because the industrial waterfront is attractive and interesting to many people, public access to the shoreline should be provided wherever feasible, unless it will result in interference with industrial activities or hazards to the public. Public access to exceptional natural features within industrial areas should also be provided wherever feasible.

POLICIES REGULATING SEWAGE DISPOSAL SYSTEMS WITHIN THE SUISUN MARSH

Portions of the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan are directed toward maintenance of water quality through controls on individual sewage disposal systems, a responsibility of the Solano County Department of Resource Management, Environmental Health Services Division.

The specific requirement directed to the Solano County Department of Resource Management, Environmental Health Services Division, is found in Section 29401(c) of the Suisun Marsh Preservation Act: "Within the marsh, the Local Protection Program shall include but not be limited to ... [e]nforceable standards for the operation of septic tanks and wastewater discharges."

The rationale for this requirement and additional details are in Policy No. 5 of the Utilities, Facilities and Transportation Section of the Suisun Marsh Protection Plan [May 2012 reprint edition], which states;

5. Because septic tanks do not function properly in the wetland area, the Solano County Department of Resource Management should continue to work with landowners to phase out existing septic systems in the wetlands and require new systems that would properly dispose of wastes as required by the Solano County Department of Resource Management and the Regional Water Quality Control Board.

The Department of Resource Management, Environmental Health Services Division, has responsibilities in the Marsh to control wastewater discharges from septic systems through enforcement of Solano County Code Chapter 6.4, which establishes a comprehensive, uniform set of sewage disposal standards for Solano County.

In 1975, Solano County enacted an ordinance (No. 888) to regulate individual sewage disposal systems. In July of 2001 revisions to Solano County Code were approved as Chapter 6.4, Sewage Disposal Standards. These standards were amended again in December of 2004 and are

applicable within the Suisun Marsh. Under Chapter 6.4, a permit from the Health Services Division is required to repair, modify, or construct waste disposal systems. Minimum criteria for the siting and construction of a septic tank/leachfield system include soil typing and identification, percolation rate, soil depth, depth and separation to ground water, ground slope, and adherence to setbacks, including setbacks to surface water. The use of vaults or holding tanks is allowed for specific circumstances such as for duck clubs in the Primary Management Area of the Suisun Marsh. Additional changes in the ordinance which help to improve environmental conditions include requirements for site evaluations by professional consultants to identify and mitigate separation to groundwater and the requirement for alternative type septic systems. Alternative systems provide improved effluent distribution throughout the disposal field, have high-level alarms in the dosing tank, require evidence of a maintenance contract with a service provider and ongoing monitoring, and may require pre-treatment devices that produce a higher quality effluent than effluent from conventional septic systems.

As indicated in the Marsh Plan, septic tank/leachfield systems do not operate at optimum efficiency in wetland areas and, in general, site conditions for the Primary Management Area of the Marsh will not meet minimum requirements for the construction of a new standard-type on-site sewage disposal system. An improper sewage disposal system, once identified, shall be replaced with an on-site sewage disposal system which meets the requirements of the Solano County Code. Sites which cannot accommodate a conventional in-ground leaching system due to site conditions may be replaced with alternative type sewage disposal systems if conditions allow, or, as a last resort, may be replaced with holding tanks. The Department of Resource Management, Environmental Health Services Division, is responsible for enforcement of Solano County Code, Chapter 6.4 Sewage Disposal Standards. These standards, which implement the following sewage disposal policies, are applicable to individual sewage disposal systems in the Suisun Marsh.

- SM.P-56: Property owners within wetland areas are urged to seek Departmental assistance to alleviate potential water quality problems resulting from malfunctioning individual sewage systems.
- SM.P-57: Where it is determined that an individual sewage system does not function properly, the nuisance shall be abated and, if appropriate, the on-site sewage disposal system shall be repaired or replaced in accordance with Solano County Code, Chapter 6.4, Sewage Disposal Standards.

Part II-A – Solano County Code

Chapter 28, Section 28.01

Definitions [Excerpts]

Complementary Commercial Facility. A small commercial facility which complements and supports marsh oriented recreational uses, such as a bait shop, a small boat rental, or a refreshment stand.

Hunting and Fishing Club. A facility, place or building licensed as a commercial hunting club under State Fish and Game Code 3240.5 or licensed as a game bird club under State Fish and Game Code 3270, including approved incidental uses to the licensed facilities. Facilities may include cooking facilities and sleeping quarters or bunkhouses for limited stays of not more than six months. Facilities must be connected to an approved sewage disposal system.

Marsh Oriented Recreation. Marsh-oriented recreational uses and use incidental to recreation, including park, interpretive center, day-use facility, lodge, club or resort for swimming, boating, sailing, fishing, hunting or shooting, and raising of game, fishing pier and boat ramp, small craft docking and storage incidental to a small craft docking facility; commercial recreation uses, including bait shop and refreshment stand, and similar types of uses as may be determined by the Planning Commission.

Part II-B – Solano County Code

Chapter 28, Section 28.22

Suisun Marsh Agricultural (A-SM) Districts [Full Section]

Section 28.22 – SUISUN MARSH AGRICULTURAL (A-SM) DISTRICTS

Subsections:

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 type of 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 that 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 districts 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 districts 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. 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 be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

D. Building Permits

A Building Permit shall be required prior to any construction.

E. Land Use Regulations

Where the last column in 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 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 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 use is located in both the Primary and Secondary Management Areas, 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, - - - = 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		
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)

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
28.73 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)		
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 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		
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		
Co-location	MUP	28.81
New tower	UP	28.81

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
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		
<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	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.
- 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.
- 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 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.

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	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

Part II-C – Solano County Code

Chapter 28, Section 28.32

Residential-Traditional Community (R-TC) Districts

[Portions of section applicable to R-TC-4 District]

Section 28.32 – RESIDENTIAL TRADITIONAL COMMUNITY (R-TC) DISTRICTS

Subsections:

28.32.10 - Purpose of Section

28.32.11 - Purposes of Traditional Community Residential Districts

28.32.20 - Residential - Traditional Community District Land Uses and Permit Requirements

28.32.30 - Residential - Traditional Community District Development Standards

28.32.10 – Residential – Traditional Community Districts

This section includes regulations for the following zoning districts:

- A. Residential – Traditional Community (R-TC) Districts
- B. Residential – Traditional Community Mixed Use (R-TC-MU) Districts

28.32.11 – Purpose of Residential – Traditional Community Districts

This Section lists the uses of land that may be allowed within the traditional community residential areas of the County represented by the Residential – Traditional Community (R-TC) zoning districts. It also determines the type of land use approval required for each use within each district, and provides general standards for site development.

Residential – Traditional Community districts recognize current residential and mixed-use communities located outside agricultural or municipal service areas where previous development has occurred at higher densities or intensities than currently allowed under County policy. It is the intent to preserve and enhance the character and quality of these communities and promote future infill residential and mixed use development but not to expand the area of these communities.

The R-TC Districts replace the following previous districts:

R-TC-1AC	replaces	RE-1;
R-TC-20	replaces	RE-1/2
R-TC-15	replaces	RE-1/3
R-TC-10	replaces	RE-1/4
R-TC-6	replaces	R-S-6
R-TC-5	replaces	R-S-5
R-TC-D-4	replaces	R-D (Starr Subdivision)
R-TC-D-6	replaces	R-D (Homeacres)
R-TC-MF	replaces	R-M

The purpose of the different residential – traditional community zoning districts and the manner in which they are applied are as follows:

A. Residential – Traditional Community (R-TC) Districts

The R-TC zoning districts are intended for areas that have previously been subdivided for single family residential development and provide the community services appurtenant thereto. The regulations for these districts are designed to stabilize and protect the residential characteristics of the districts, to promote and encourage a suitable environment for family life. Nine R-TC zoning districts are denoted with a suffix to indicate the minimum parcel size (e.g. R-TC-4 requires a minimum parcel size of 4,000 square feet), minimum building setbacks, and other requirements. The R-TC zoning districts are consistent with and implement the Traditional Community - Residential land use designation of the General Plan as follows:

Birds Landing	R-TC-1AC
Collinsville Township	R-TC-4
Cordelia area	R-TC-15
Elmira area	R-TC-1AC and R-TC-20
Fairfield Unincorporated area	R-TC-1AC, R-TC-20, R-TC-10 and R-TC-D
Green Valley area	R-TC-1AC, R-TC-20, and R-TC-15
Rockville Corners	R-TC-1AC
Snug Harbor area	R-TC-10
Vallejo Unincorporated area	R-TC-20, R-TC-10, R-TC-6, R-TC-5, R-TC-D & R-TC-MF
Willotta Oaks area	R-TC-15, R-TC-10

B. Residential-Traditional Community Mixed Use (R-TC-MU) Districts

The Residential -Traditional Community Mixed Use (R-TC-MU) zoning district is intended for certain medium-density residential and retail commercial and business areas that are appropriate for residential and commercial uses, and that can be served by community services. The regulations for this district are designed to stabilize and protect the essential residential characteristics of the district, to promote and encourage a suitable environment for family life and to provide for the integration of retail shops and businesses into the neighborhood. The R-TC-MU zoning district is consistent with and implements the Traditional Community-Mixed Use land use designation of the General Plan as follows:

Vallejo Unincorporated Area	R-TC-MU
Birds Landing Area	R-TC-MU
Cordelia area	R-TC-MU
Elmira area	R-TC-MU

28.32.20 – Residential - Traditional Community District Land Uses and Permit Requirements

A. Allowed Uses and Permit Requirements

Tables 28.32A and 28.32B identify the land uses allowed by this Zoning Ordinance in each residential-traditional community district and the land use permit required to establish each use. In addition to the land use permit required by Tables 28.32A and 28.32B, 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 be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

D. Building Permits

A Building Permit shall be required prior to any construction.

E. Land Use Regulations

Where the last column in Table 28.32A or 28.32B ("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 29101 of the Public Resources Code, uses established prior to 1977 that do not conform to the uses set forth in Table 28-32B 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 28.32B 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	R-TC-4 District⁽¹⁾	See Section 28.70.10
28.71 AGRICULTURAL USES		
None allowed		
28.72 RESIDENTIAL USES		
A. DWELLINGS		
Accessory buildings and uses ⁽²⁾		
Accessory building greater than 2,500 square feet in size ⁽³⁾	A	28.72.10 (A) & (B)(1)
Accessory buildings, aggregate: 1) greater than 2,500 square feet in size combined on a lot 4 acres or less; or, 2) greater than 5,000 square feet in size combined on a lot greater than 4 acres ⁽³⁾	MUP	28.72.10 (A) & (B)(1)
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 emergency dwelling	AP	28.72.20(A) & (B)(3)
Temporary manufactured home storage	AP	28.72.20(A) & (B)(4)
Temporary occupancy of existing dwelling while replacement dwelling is under construction	AP	28.72.20(A) & (B)(5)
Temporary single family dwelling ⁽⁴⁾	AP	28.72.20(A) & (B)(6)
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE		
None allowed		
D. OTHER RESIDENTIAL USES		
Home occupation		

Table 28.32B 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	R-TC-4 District⁽¹⁾	See Section 28.70.10
<i>Type I</i>	A	28.72.40(A) & (B)(2)
<i>Type II</i>	AP	28.72.40(A) & (B)(2)
Temporary subdivision sales office	MUP	28.72.40(A) & (B)(3)
28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES		
None allowed		
28.74 RETAIL AND OFFICE USES		
None allowed		
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		
Wireless communication facility		
<i>Co-location</i>	MUP	28.81
<i>New tower</i>	UP	28.81
B. INFRASTRUCTURE USES		
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		
None allowed		
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE		
None allowed		
28.79 RESOURCE CONSERVATION USES		
None allowed		

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.
- Accessory building: (a) Does not include a guest house, and (b) may be established prior to construction or installation of a dwelling on the same property.
- Use permit approval is required by the Zoning Administrator only, unless otherwise referred to the Planning Commission by the Zoning Administrator. Aggregate square footage shall include all accessory buildings, except as follows: (a) Any

structure used for the keeping of animals, such as a stable or corral, or for crop storage, which is unenclosed with an open side and no flooring, shall not required a use permit and shall not be counted as part of the aggregate total for accessory buildings; and (b) Any structure 120 square fee in size or less and exempt from the permit requirements of County Building Code shall not be counted as part of the aggregate total for accessory buildings.

4. Allowed only when the primary dwelling is under construction, and the temporary dwelling is installed on a temporary foundation.

28.32.30 – Residential – Traditional Community District Development Standards

A. General Site and Building Standards

Subdivision, new land uses, main buildings inclusive of primary dwellings, 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 Tables 28-32C.

TABLE 28.32C	
DEVELOPMENT STANDARDS FOR MAIN BUILDING⁽¹⁾ AND SECONDARY DWELLING	
Development Feature	Requirement for R-TC-4 Zoning District
Minimum Lot Area⁽²⁾	4,000 s.f. ⁽³⁾
Dwelling Size	Minimum or maximum floor area for new dwelling
Primary Dwelling	1,000 square foot minimum
Secondary Dwelling	N/A
Setbacks⁽⁴⁾	See Section 28.97 for setback measurement.
Front	20 feet ⁽⁶⁾
Sides (each)	5 feet
Sides (combined)	10 feet
Rear	20% of lot depth, not exceeding 25 feet, and no less than 15 feet
Between structures ⁽⁷⁾	10 feet between single family dwelling on the same lot when placed side-by-side and 20 feet between such buildings placed in any other manner.
Height limit	35 feet or as allowed by Section 28-93
Parking	As required by Section 28.94 (Parking Requirements) and Section 28.102 (Architectural Approval)

Notes:

1. In any R district, the primary dwelling shall be deemed the main building on the building site on which the same is situated.

2. The following may be used to determine acceptable lot area: (a) The actual number of lots allowed is determined through the applicable subdivision process, based on specific site characteristics and potential environmental impacts, and there is no guarantee that the maximum possible number may be achieved; and (b) Reduced lot area may be allowed with a use permit for specific uses permitted by zoning district, see Section 28-97.
4. Other setbacks may be required for specific uses listed in Table 28-32A and 28-32B, as referenced.
6. Exception: unless otherwise indicated by building lines shown on the zoning maps.
7. Other separation between structures may be required by County Building Code.

B. Accessory Buildings and Structures Development Standards

New accessory buildings and other structures including alternations to existing accessory buildings and other structures, shall be designed, constructed, and/or established in compliance with the applicable development standards in Tables 28-32D.

TABLE 28.32D	
DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS AND STRUCTURES ⁽¹⁾	
Development Feature	Requirement for R-TC-4 Zoning District
Setbacks⁽²⁾	Minimum setbacks required. See Section 28.90 for setback measurement, allowed projections into setbacks, and exceptions. See also: Section 28.72.10 A.1. & B.1. (Accessory buildings and uses, residential)
Attached building	An accessory building attached to the main building shall comply with the setback requirements for the main building.
Detached building	
Front	60 feet or on the rear 50% of the lot
Sides (each)	5 feet
Sides (combined)	10 feet
Rear ⁽³⁾	10 feet
Between structures ⁽⁴⁾	10 feet from any dwelling or other main building on the same lot
Site Coverage (maximum)	In a required rear setback for the main building: the aggregate total of all accessory buildings shall not occupy more than 30% of the required rear setback area for the main building.
Height Limit	15 feet or as allowed by Section 28.93
Parking	As required by Section 28.94 (Parking Requirements)
Signs	See Section 28.96 (Signs)

Notes:

1. Does not include a secondary dwelling as defined in Section 28.01.
2. Other setbacks may be required for specific uses listed in Table 28-32A and 28-32B, as referenced.
3. The side or rear yard requirements may be waived for an accessory building other than an animal shelter, except that: a) such building shall not be located closer to any side street line than the main building; and, b) such buildings in the aggregate shall not exceed the maximum site coverage in the rear yard for the main building. Waiver of said requirements shall be subject to provisions set forth in Section 28.108 and notice as set forth in Section 28.04(F) of this Chapter.
4. Other separation between structures may be required by County Building Code.

Part II-D – Solano County Code

Chapter 28, Section 28.41

Commercial (C) Districts

[Portions of section applicable to Commercial Recreation – Limited (C-R-L) District]

Section 28.41 – COMMERCIAL (C) DISTRICTS

Subsections:

28.32.10 - Purpose of Section

28.32.11 – Purpose of Commercial Districts

28.32.20 – Commercial Districts Land Uses and Permit requirements

28.32.30 – Commercial District Development Standards

28.41.10 – Commercial Districts

This section includes regulations for the following zoning districts:

Highway Commercial (C-H) District

Neighborhood Commercial (C-N) District

Commercial Recreation (C-R) District

Commercial Recreation – Limited (C-R-L)

Commercial-Service (C-S) District

Commercial-Office (C-O) District

28.41.11 – Purpose of Commercial Districts

This Section lists the uses of land that may be allowed within the areas of the County designated for commercial land uses. It also determines the type of land use approval required for each use within each district, and provides general standards for site development.

The purposes of the different commercial zoning districts are as follows:

D. Commercial Recreation- Limited (C-R-L) District

The C-R-L zoning district is intended to provide for limited commercial recreational uses adjacent to the Suisun Marsh compatible with its protection. The C-R-L zoning district is consistent with the Commercial Recreation land use designation of the General Plan within the Secondary Management Area of the Suisun Marsh.

28.41.20 – Commercial District Land Uses and Permit Requirements

A. Allowed Uses and Permit Requirements

Table 28.41A identifies the land uses allowed by this Zoning Ordinance in each commercial zoning district and the land use permit required to establish each use. In addition to the land use permit required by Table 28.41A, 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 be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

D. Building Permits

A Building Permit shall be required prior to any construction.

E. Land Use Regulations

Where the last column in Table 28-41A (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 28-41A 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 Section 28-90, Site Development and Other Standards, which includes standards for parking, signs, and other project elements.

Table 28.41A 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	C-R-L⁽⁴⁾ Zoning District	See Section 28.70.10
28.71 AGRICULTURAL USES		
A. CROP PRODUCTION AND GRAZING		
Agricultural accessory buildings	A	28.71 (A) & (B) (1)
Non-irrigated and non-cultivated farming	A	
Grazing	A	
B. AGRICULTURAL PROCESSING USES		
None allowed		
C. ANIMAL FACILITIES AND OPERATIONS		
None allowed		
D. OTHER AGRICULTURAL OPERATIONS		
None allowed		
28.72 RESIDENTIAL USES		
A. DWELLINGS		
Primary Dwelling	A	28.72.10(A)
B. TEMPORARY RESIDENTIAL USES		
None allowed		
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE		
None allowed		
D. OTHER RESIDENTIAL USES		
None allowed		

Table 28.41A 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	C-R-L⁽⁶⁾ Zoning District	See Section 28.70.10
28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES		
A. RECREATION USES		
Commercial Outdoor Recreation		28.73.10(A)
Not including enclosed structures	A	
Including enclosed structures	UP	
Complementary Commercial Facility	UP	
Marina		
Boat launching facility	UP	
Boat and boat trailer storage	UP	
Boat construction, service, sales and repair	UP	
Marsh oriented recreation	UP	28.73.10(A) & (B)(1)
B. EDUCATION USES		
Ecological and Agricultural Education	UP	
C. PUBLIC ASSEMBLY USES		
None allowed		
28.74 RETAIL AND OFFICE USES		
None Allowed		
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	- - -	
Non-commercial wind turbine		
100 feet or less in height	A	28.80
Over 100 feet in height	- - -	
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		
None allowed		
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		

Notes:

6. 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.

28.41.40 – Commercial 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 28-41B.

Table 28.41B	
DEVELOPMENT STANDARDS FOR MAIN BUILDING, ACCESSORY STRUCTURES, AND USES	
C-R-L Zoning District	
PRIMARY BUILDING	
Minimum Lot Area	None
Setbacks	
Front	Twenty 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)	None
Rear	None
Between structures	10 feet
Height limit	Thirty-five feet; provided that additional height may be permitted if a use permit is first secured, but in no case more than 50 feet
ACCESSORY STRUCTURES AND USES	
Setbacks	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	
Loading Requirements	Adequate, private, off-street space for the loading and unloading of all materials.
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

Part II-E – Solano County Code

Chapter 28, Section 28.42

Manufacturing Districts

[Portions of section applicable to Industrial – Water Dependent (I-WD) District]

Section 28.42 – MANUFACTURING AND INDUSTRIAL DISTRICTS

Subsections:

28.42.10 – Manufacturing and Industrial District(s)

28.42.11 – Purpose of Manufacturing and Industrial Districts

28.42.20 – Manufacturing and Industrial Districts Land Uses and Permit requirements

28.42.30 – Manufacturing and Industrial District Development Standards

28.42.10 – Manufacturing and Industrial Districts

This Section includes regulations for the following zoning districts:

Manufacturing - Limited (M-L) District

Manufacturing - General (M-G-1/2) District

Manufacturing - General (M-G-3) District

Industrial – Water Dependent (I-WD) District

28.42.11 – Purpose of Manufacturing and Industrial District(s)

This Section lists the uses of land that may be allowed within the areas of the County designated for industrial and manufacturing land uses. It also determines the type of land use approval required for each use within each district, and provides general standards for site development.

The purpose of the different industrial and manufacturing zoning districts and the manner in which they are applied are as follows:

C. Industrial – Water Dependent (I-WD) District

Certain waterfront lands within Solano County are of statewide and regional significance because they are among the few remaining deep-water sites suitable for water-dependent industries. Furthermore, significant agricultural and marsh lands are nearby resources which the County is committed to preserve. For this reason, the I-WD district is established to reserve waterfront lands for large-scale, water-dependent industries to assure the efficient use of waterfront industrial sites, and to ensure that impact upon nearby environmentally sensitive lands are minimized.

The provisions of this Section shall be strictly interpreted to assure that only those industries which depend on a waterfront site are to locate within this district. It is expressly understood that prior to consideration of any industrial proposal within the district, the Planning Commission shall determine the industry's need for a waterfront site and assure its conformance with the provisions of the Solano County General Plan, this Chapter, and where applicable, the Suisun Marsh Preservation Act of 1977. Industries seeking to locate in the area designated Water Related Industrial Reserve on the Suisun Marsh Protection Plan Map are to be governed by the definition of water-related industry contained in the San Francisco Bay Plan. Those industries which are not considered to be water dependent may continue to locate within other industrial districts.

Some of the land in this district is lowland grassland or seasonal marsh which has existing value as wetland habitat or is suitable for restoration to wetland habitat. These areas have subsided and may be filled, using approved dredged sediments, and restored to tidal, managed, or seasonal wetlands, for the purpose of increasing their natural resource value and restoring some of the formerly natural tidal wetland area. Restored wetlands shall remain as wetlands and not be developed for industrial uses.

28.42.20 Manufacturing and Industrial Land Uses and Permit Requirements

A. Allowed Uses and Permit Requirements

Table 28.42A identifies the land uses allowed by this Zoning Ordinance in each manufacturing and industrial district and the land use permit required to establish each use. In addition to the land use permit required by Table 28-42A, 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 be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

D. Building Permits

A Building Permit shall be required prior to any construction. Prior to the issuance of a building permit, the Zoning Administrator or Planning Commission may require evidence that adequate controls, measures or devices will be provided to meet performance standards for this zone, as provided in Section 28.95, all to insure and protect the public interest, health, comfort, convenience, safety, and general welfare.

E. Land Use Regulations

Where the last column in Table 28.42A (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 28.42A 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 28.42A 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	I-WD Zoning District ⁽⁸⁾	See Section 28.70.10
28.71 AGRICULTURAL USES		
A. CROP PRODUCTION AND GRAZING		
Non-irrigated and non-cultivated farming	A ⁽⁵⁾	
Grazing	A ⁽⁵⁾	
B. AGRICULTURAL PROCESSING USES		
None allowed		
C. ANIMAL FACILITIES AND OPERATIONS		
Confined Animal Facility	UP ⁽⁵⁾	28.73.30(A) & (B)(1)
Fowl and Poultry Ranch	UP ⁽⁵⁾	28.73.30(A) & (B)(2)
D. OTHER AGRICULTURAL OPERATIONS		
None allowed		
28.72 RESIDENTIAL USES		
None allowed		
28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES		
None allowed		
28.74 RETAIL AND OFFICE USES		
None Allowed		
28.75 TOURIST USES		
A. AGRITOURISM		
None Allowed		
B. TEMPORARY AGRITOURISM		
None Allowed		
28.76 COMMERCIAL SERVICE USES		
None Allowed		
28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES		
A. INDUSTRIAL, MANUFACTURING AND PROCESSING USES		
Waterfront Facilities		
Waterfront Storage Facility	UP ⁽⁷⁾	
Waterfront Manufacturing or Processing Facility	UP ⁽⁷⁾	
Water-Using Facility	UP ⁽⁷⁾	
Associated Manufacturing or Processing Uses	UP ⁽⁷⁾	
Berthing Facility	UP ⁽⁷⁾	
Support Facilities	UP ⁽⁷⁾	
Accessory Structures and Uses	UP ⁽⁷⁾	
B. WHOLESALE USES		
None Allowed		

Table 28.42A 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	I-WD Zoning District ⁽⁸⁾	See Section 28.70.10
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
Dredge Disposal Site	UP	28.78.20(A)
Non-commercial wind turbine		
<i>100 feet or less in height</i>	A	28.80
<i>Over 100 feet in height</i>	- - -	28.80
Oil or Gas Well ⁽⁹⁾	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)
C. PUBLIC SERVICE USES		
None allowed		
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		
Rehandling of dredged materials for on-site and off-site use.	UP ⁽⁶⁾	28.79.10(A)
Restoration of Tidal, Managed and Seasonal Wetlands using dredge sediments	UP	28.79.10(A)

Notes:

5. As an interim use.
6. Where a use is granted pursuant to an approved and certified Specific Plan or Policy Plan the further requirement of a Use Permit may be waived
7. Water Front facilities are subject to adoption of a Specific Plan or Policy Plan by the Board of Supervisors and certification of the plan by the Bay Conservation and Development Commission prior to development.
8. 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.

9. Oil wells not permitted in the Suisun Marsh primary and secondary management areas.

28.42.30 – Manufacturing and Industrial 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 28-42B.

Table 28.42B	
DEVELOPMENT STANDARDS FOR MAIN BUILDING, ACCESSORY STRUCTURES AND USES	
I-WD Zoning District	
PRIMARY BUILDING	
Minimum Lot Area	Determined by the conditions of the approved and certified specific plan or policy plan. Parcels less than two hundred acres in area are permitted only if they accommodate uses which are directly auxiliary to approved industrial uses on larger sites.
Setbacks	
Front	Where parcel abuts an agricultural district, the minimum building setback shall be five hundred feet except where otherwise provided by specific guidelines set forth in a specific plan or policy plan for the Collinsville area. Other setbacks shall be established by the Planning Commission or Zoning Administrator in conformance with the specific setback requirements set forth in a specific plan or policy plan for the Collinsville area.
Sides (each)	Where parcel abuts an agricultural district, the minimum building setback shall be five hundred feet except where otherwise provided by specific guidelines set forth in a specific plan or policy plan for the Collinsville area. Other setbacks shall be established by the Planning Commission or Zoning Administrator in conformance with the specific setback requirements set forth in a specific plan or policy plan for the Collinsville area.
Rear	Twenty feet; except that forty feet shall be required for any building over one story or twenty-five feet in height when adjacent to any R district.
Between structures	10 feet
Height limit	Height limits as established in a specific plan or policy plan for the Collinsville area; provided, that no structure shall exceed the height limitations of Section 28-99 if located in an airport flight obstruction area.
ACCESSORY STRUCTURES	
Setbacks	<i>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.</i>

OTHER STANDARDS	
Loading Requirements	Loading and unloading spaces shall be provided as required by the Zoning Administrator and Planning Commission. Loading space shall not be located in the required front yard.
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
Other Requirements	<p>In the I-WD District, application for policy plan shall be prepared in accordance with the provisions of Section 28.68, and shall follow the seven-step development review process for siting waterfront industries as set forth within the General Plan and the following criteria:</p> <ol style="list-style-type: none"> 1. Adequate provision is made, through the dedication of property or by other means, to provide for the protection of adjacent agricultural uses, easements for connections to berth facilities, and where feasible, open space, public access, and wetlands preservation. 2. Adequate safeguards are provided for the safe transport, transfer, storage, and emission of substances potentially hazardous to health, life or property.

Part II-F – Solano County Code

Chapter 28, Section 28.52

Marsh Preservation (MP) District [Full Section]

Section 28.52 – MARSH PRESERVATION (MP) DISTRICT

Subsections:

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

28.52.10 – Marsh Preservation District

This Section includes regulations for MP zoning district.

28.52.11 – Purpose of Marsh Preservation District

This Section lists the uses of land that may be allowed within the Marsh Preservation (MP) zoning district, established by Section 28.13 (Districts Designated and Established). It also determines the type of land use approval required for each type of 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.

28.52.20 – Marsh Preservation District Land Uses and Permit Requirements

A. Allowed Uses and Permit Requirements

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.

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

D. Building Permits

A Building Permit shall be required prior to any construction.

E. Land Use Regulations

Where the last column in Table 28.52A (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 29101 of the Public Resources Code, uses established prior to 1977 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 non-conforming use 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 28.52A 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	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		
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)

Table 28.52A 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	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		
<i>100 feet or less in height</i>	A	28.80
<i>Over 100 feet in height</i>	- - -	
Gas Well ⁽⁴⁾ , Natural Gas Storage	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. 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.
- 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.

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.

TABLE 28.52B	
DEVELOPMENT STANDARDS FOR MAIN BUILDING, ACCESSORY STRUCTURES, AND USES	
MAIN BUILDING	
Minimum Lot Area	250 acres
Setbacks	
Front	Ten feet; unless otherwise indicated by building lines on the zoning maps.
Sides (each)	Ten feet; unless otherwise indicated by building lines on the zoning maps.
Rear	Ten feet; unless otherwise indicated by building lines on the zoning maps.
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 exceed the heights allowed in Section 28-99 of this code, if located in an airport flight obstruction area.
ACCESSORY STRUCTURES AND USES	
Setbacks	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	<i>Parking shall be provided in conformance with the parking standards in Section 28.94</i>
Signs	<i>All signs shall comply with the sign requirements in Section 28.96</i>

Part II-G – Solano County Code

Chapter 28, Section 28.78

Subsection 28.78.20(B) – Land Use Regulations for Infrastructure Uses, subparagraphs (3), (8), & (9)

3. **Waste Disposal, Processing, or Composting.** Disposal, processing, or composting of waste shall show that adequate controls or measures will be taken to prevent offensive smoke, odors, and fumes; and shall be located so that truck traffic noise and vibration shall not be offensive to neighboring dwellings.
8. **Pipeline, transmission line, or distribution line, inside of R.O.W.** Public utility, electric, gas, water, oil, and telephone transmission and distribution lines shall be permitted in any district without the necessity of first obtaining a use permit; provided, that maps showing proposed routes of such transmission lines, together with a written statement of approximate structure heights and right-of-way widths, shall be submitted to the Planning Commission, and routes mutually acceptable to the Planning Commission and utility agencies concerned shall be determined in writing prior to acquisition of any rights-of-way. Each transmission line route proposal submitted in accordance herewith shall be accompanied by a fee or fees as may be set by the Board of Supervisors by resolution pursuant to Section 11-111 of this Code. No part of such fee shall be refundable.
9. **Utility Facilities or Infrastructure, outside of R.O.W.** All utility accessory uses and structures for transmission or distribution of electricity, gas, water, oil, gasoline, telephone, television or other utility services may be permitted in any district. Utility accessory uses and structures include, but are not limited to, compression, drying, regeneration stations, substations, or pumping stations.

Part II-H – Solano County Code

Chapter 28, Section 28.104

Marsh Development Permit [Full Section]

Section 28.104 – MARSH DEVELOPMENT PERMITS

A. Purpose

The purpose of a marsh development permit is to allow uses within the secondary management of the Suisun Marsh, subject to specific conditions and County approval. Lands designated as Primary or Secondary Management Areas of the Suisun Marsh are those as defined in Section 29101, 29102, and 29103 of the Public Resources Code. County marsh development permits issued in the secondary management area may be appealed to the San Francisco Bay Conservation and Development Commission pursuant to Section 29504 of the Public Resources Code.

B. When Required

A marsh development permit shall be required from any person or entity wishing to undertake a development, as defined in Section 29114 of the Public Resources Code, within the secondary management area of the Suisun Marsh. Any land use development permit or other permit which conforms with the provisions of this Section may serve as a marsh development permit, as determined by the Director of Resource Management. If all or a portion of the site or development is within the Primary Management Area, any required County land use or development permit shall be obtained prior to application for a marsh development permit from the San Francisco Bay Conservation and Development Commission for development within the Primary Management Area, unless that Commission has delegated its permit authority as described in section 29501 of the Public Resources Code. The lawful use of land under County permit, issued prior to the certification of the Suisun Marsh Local Protection Program, shall be eligible for a marsh development permit, provided, such existing use does not have an adverse impact upon the Suisun Marsh.

C. Compliance with Building Codes and Other Ordinances

Approval of a marsh development permit does not exempt the applicant from complying with the requirements of building codes adopted pursuant to other provisions of this Code, or from other ordinances.

D. Application

Application for a marsh development permit within the Secondary Management Area shall be filed by the owner or the owner's agent with the Department of Resource Management. The application shall be in the form prescribed by the Director of Resource Management. The

application shall consist of a written narrative and detailed site plan. When a land use subject to a marsh development permit is proposed in both the Primary Management Area and Secondary Management Area, the land use shall be subject to a marsh development permit covering the whole of the project. The application shall, at a minimum, include the following items and information:

1. Fee or fees as set by the Board of Supervisors, pursuant to Section 11-111 of this code. No part of such fee shall be refundable.
2. A complete legal description of the property.
3. A narrative description of existing uses of the subject property and adjacent properties, proposed uses and improvements on the subject property, and existing and proposed water supply, sewage disposal, and utility service.
4. Facts demonstrating that the proposed marsh development permit, in its entirety, is consistent with the Solano County General Plan, the certified Suisun Marsh Local Protection Program, and the findings described in subsection (h) of this Section.
5. A site plan at a scale no smaller than one inch equal to one hundred feet depicting the following: property lines; the foot print of any pre-existing use or development area; location of proposed work, buildings, and uses, clearly distinguishing existing and proposed improvements; building, parking and landscape coverage and yard setbacks; drainage, water supply, sewage disposal, and utility service; existing and proposed public access areas; Primary and Secondary Management Area boundaries; the approximate distance to the nearest marsh, managed wetland, or tidal areas; and the location and name of nearest public road and private access.
6. Project design and improvement details, including but not limited to preliminary grading plans, building elevations, landscaping, and signs.
7. Performance standards as may be applicable (e.g., hazardous materials and waste management).
8. Such other information as may be required by the Director of Resource Management concerning the proposed development and use of the property, or which the applicant may deem appropriate for a full consideration of the proposal by the Planning Commission or Zoning Administrator.
9. All information required by this Section shall be stated in a manner to describe the character and style of the proposed development and use in sufficient detail to constitute definite criteria under which subsequent development can be judged for compliance.

E. Public Hearing

At least one public hearing on any marsh development permit application shall be held by the Zoning Administrator or the Planning Commission, which shall maintain a public record of all hearings.

F. Public Notice

Notice of this hearing shall be given pursuant to Section 28.04 of this Chapter.

G. Action

1. The Zoning Administrator or Planning Commission may approve a marsh development permit if it finds that the requirements set forth in the certified Suisun Marsh Local Protection Program, this Chapter, and in subsection (h) of this Section are fulfilled.
2. When approving a marsh development permit, the Zoning Administrator or Planning Commission may impose conditions to support the finding enumerated in subsection (h) of this Section, together with guarantees that such conditions will be complied with, based on a finding that such conditions and guarantees are in the public interest.
3. Unless the marsh development permit application is withdrawn, action to approve, conditionally approve, or deny the marsh development permit shall be taken by the Zoning Administrator or Planning Commission within the time limits specified in the Permit Streamlining Act, except that the applicant and Zoning Administrator may mutually agree to extend such period.
4. Any action taken by the Zoning Administrator or the Planning Commission on a marsh development permit application shall not become effective until:
 - (i) The time period for filing an appeal pursuant to Section 28.112 of this Chapter has expired or, if an appeal has been filed, the appeal has been finally decided or withdrawn; and
 - (ii) The twenty (20) working day period after the Bay Conservation and Development Commission has received notice of the County's final action approving the marsh development permit has expired or, if an appeal by or to the Bay Conservation and Development Commission has been filed, the appeal has been withdrawn or the Bay Conservation and Development Commission either determines that the appeal raises no substantial issue or takes no action on the appeal within the time limits specified in section 29524 of the Public Resources Code.

H. Required Findings

A marsh development permit shall not be approved unless the all of the following general findings are made:

1. That the application process complies with the California Environmental Quality Act of 1970, as amended.
2. That the establishment, maintenance, or operation of the use is in conformity with the County General Plan with regard to traffic circulation, population densities and distributions, and all other pertinent aspects.

3. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
4. That the applicant has exhibited proof that such use 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 to the neighborhood.
5. That the proposed development shall be consistent with the certified Suisun Marsh Local Protection Program. Where the proposed development is located in both the Secondary and Primary Management Areas, all portions of the proposed development shall be consistent with the certified Suisun Marsh Local Protection Program.

I. Revocation

1. In any case where the conditions of a marsh development permit have not been or are not complied with, or where the use has been abandoned, the Zoning Administrator shall give to the permittee notice of intention to revoke such permit, at least fifteen days prior to a Planning Commission review thereof.
2. Formal rules of evidence shall not apply to revocation proceedings, and witnesses need not be sworn, but the permittee shall be given an opportunity to respond to any evidence or testimony presented by the Zoning Administrator or the public. After conclusion of the review, the Planning Commission may revoke such permit or modify the permit by imposing new or modified conditions to address the previous noncompliance.

J. Expiration

1. Marsh development permits approved for a temporary, fixed period of time shall expire on the date specified in the permit and shall thereafter be null and void, but any such permit may be revised to modify its expiration date if an application to do so is filed at least 30 days prior to the expiration date. Marsh development permits approved for an indefinite period do not expire but shall be revoked by the Planning Commission if abandoned or not timely renewed.
2. In any case where a marsh development permit has not been exercised within one year after the date of approval thereof, or any other period for exercise stated in a condition of the permit, then without further action by the Zoning Administrator or Planning Commission, the marsh development permit shall expire and thereafter be null and void; except that upon written request by the permittee, the Zoning Administrator may authorize an extension of the permit not to exceed one year. Only one such extension may be granted.

K. Reapplication

Whenever a marsh development permit application has been denied for a specific use, no new application covering all or a portion of the property involved in the original application shall be accepted by the Department of Resource Management for a period of six months from the

effective date of the final denial of the original application; provided, that upon a showing of a substantial change of circumstances, the Planning Commission may allow the filing of a new application prior to the expiration of the six-month period.

L. Appeal

Appeal from the action of the Zoning Administrator or Planning Commission may be made according to the provisions of Section 28.112 of this code.

M. Minor Revisions

Minor revisions not constituting substantial alteration in the marsh development permit, or any element thereof, may be reviewed and approved by the Zoning Administrator or Planning Commission, whichever shall have issued the permit sought to be revised. Each application for a minor revision shall be accompanied by a fee as may be set by the Board of Supervisors, pursuant to Section 11-111 of this code. No part of said fee or fees shall be refundable.

N. Renewal

A marsh development permit approved for an indefinite period shall be subject to periodic renewal every five years, or such other period of time as may be set by the zoning administrator or planning commission in approving a marsh development permit. The zoning administrator shall administratively approve a marsh development renewal if the following conditions are satisfied:

1. The permittee has requested renewal;
2. The permittee has paid a renewal fee as may be set by the Board of Supervisors, pursuant to Section 11-111 of this Code: and
3. The development is in full compliance with all conditions of the marsh development permit.

If the Zoning Administrator is unable to approve a renewal, the marsh development permit shall be set for revocation. Every marsh permit approved in conjunction with a use permit prior to September 27, 2012, and still in effect as of that date shall be subject to the renewal period and procedure described in this subsection unless a different period or procedure is specifically described in the conditions of the marsh development permit or use permit.

Part II-I – Solano County Code

Chapter 31

Sections 31-12, 31-20, 31-21, 31-30, and 31-40 [exerpts]

Section 31-12 – Definitions

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Protected Channels are those channels flowing or which will flow into the Suisun Marsh identified on that diagram entitled “Protected Channels of the Suisun Marsh Watershed,” which is on file at the Department of Resource Management and is incorporated herein as though set forth in full.

Suisun Marsh is the Suisun Marsh as defined in Public Resources Code section 29101.

Suisun Marsh Watershed is the immediate watershed of the Suisun Marsh as defined in Public Resources Code section 29104.

Top of Bank means the upper elevation of land which defines the shape of a channel, conduit, canal, or ditch. The top of the bank of a normal channel does not include, nor shall the adjacent area be measured from, swales or other low-lying lands contiguous to said normal channel which are subject to occasional inundation by rain waters or discharges of irrigation waters.

Section 31-20 – Grading and Drainage Permit Requirements

(c) Suisun Marsh Protection.

(1) Prior to the issuance of a grading and drainage permit for sites located within the Suisun Marsh, a marsh development permit must be obtained.

(2) It shall be unlawful to do any of the following activities without a grading and drainage permit within, or in the buffer area extending 25 feet from the top of bank to, any watercourse within the Suisun Marsh or any Protected Channel:

(A) Newly construct any structure, except that the repair, replacement, reconstruction, improvement, or maintenance of any existing structure may be performed unless the Director determines that such repair, replacement, reconstruction, improvement, or maintenance will likely result in an increase in flood elevation, public flood hazard, or increase sedimentation to such an extent that adverse environmental impacts will occur in the Suisun Marsh.

(B) Fill, grade, excavate, obstruct, close, divert, repair, or reconstruct the channel or adjacent buffer area of the channel. Emergency repairs may be commenced prior to obtaining a permit, provided that notification of any such work is given to the Director on the next business day and an application for a grading permit is submitted within ten days.

(C) Cut or remove vegetation, except for:

(i) Grazing, cultivation of land, and other agricultural activities, including cutting or removing vegetation from channels or adjacent areas for agricultural wetland management purposes; or

(ii) Gardening and landscape activities associated with an established residential use.

Section 31-30 – General Design Principles and Standards

(q) In the Suisun Marsh watershed, stream channelization or stream diversions should not be permitted if it would result in significant adverse effects on the quality or quantity of water entering the Marsh. Along Protected Channels in the Suisun Marsh Watershed, any stream modification that would involve the removal of significant existing riparian vegetation should be permitted only if shown to be necessary to ensure the protection of life or existing structures from flood, and only the minimum amount of modification necessary should be allowed in such cases. In the Suisun Marsh, stream modification should not be permitted if it would increase sedimentation or runoff that would cause significant, adverse environmental impacts in the Marsh.

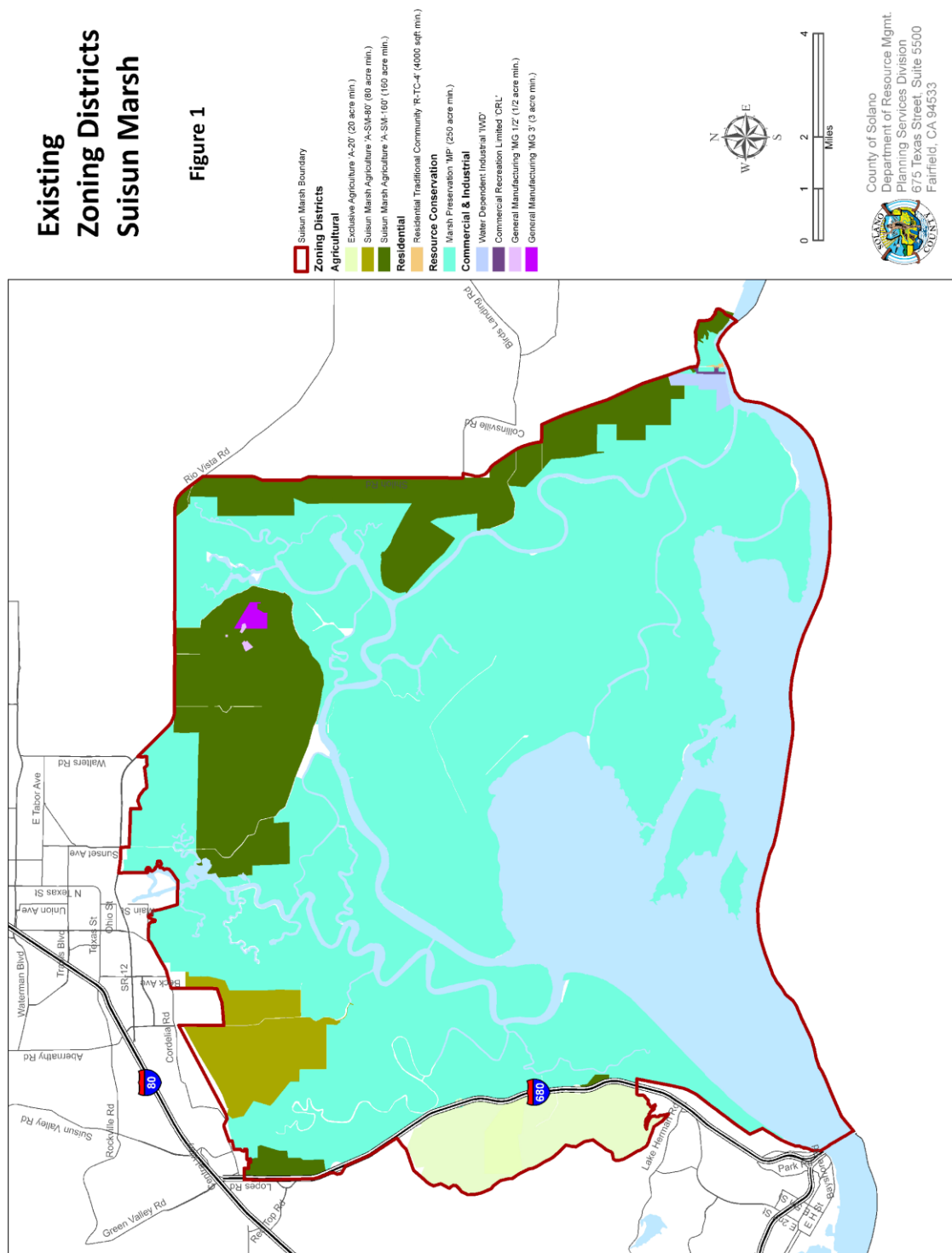
Section 31-40 – Approval and Issuance of Permit

(b) In addition to all general standards and requirements of this Chapter, within the Suisun Marsh and the Suisun Marsh Watershed, the Director shall issue a grading and drainage permit or approve a plan for grading and erosion and sediment control for those activities described in Section 31-20(c) only if the Director finds that the proposed grading complies with design principles and standards described in Section 31-30(q), that riparian habitat will be protected from significant degradation, and that the proposed activity will not increase sedimentation and runoff within or into the Suisun Marsh to such an extent that significant adverse environmental impacts will occur in the Suisun Marsh.

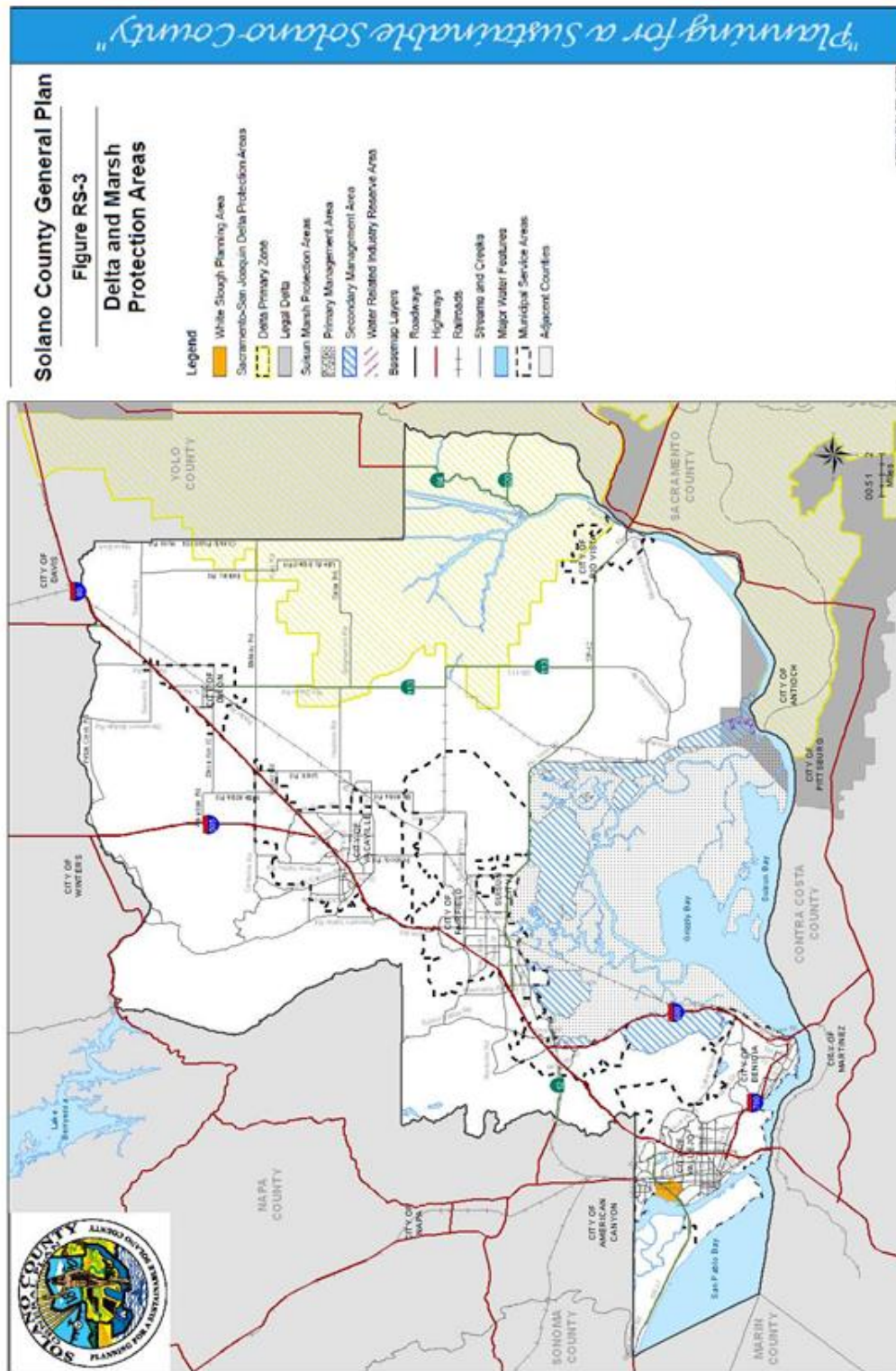
Part III – Figures

Existing Zoning District and Figures from Solano County General Plan and Solano County Code

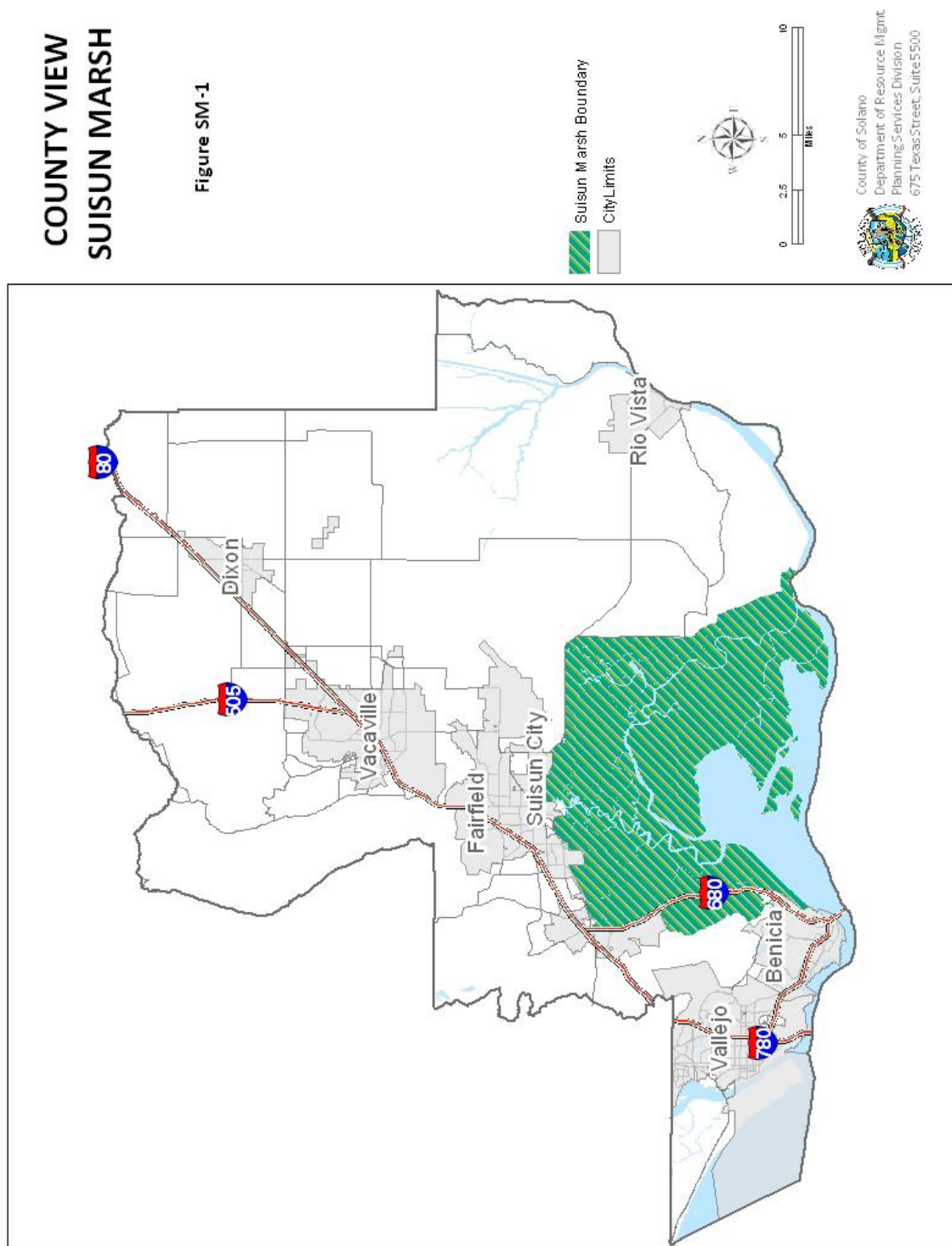
1. Existing Zoning Districts – Suisun Marsh



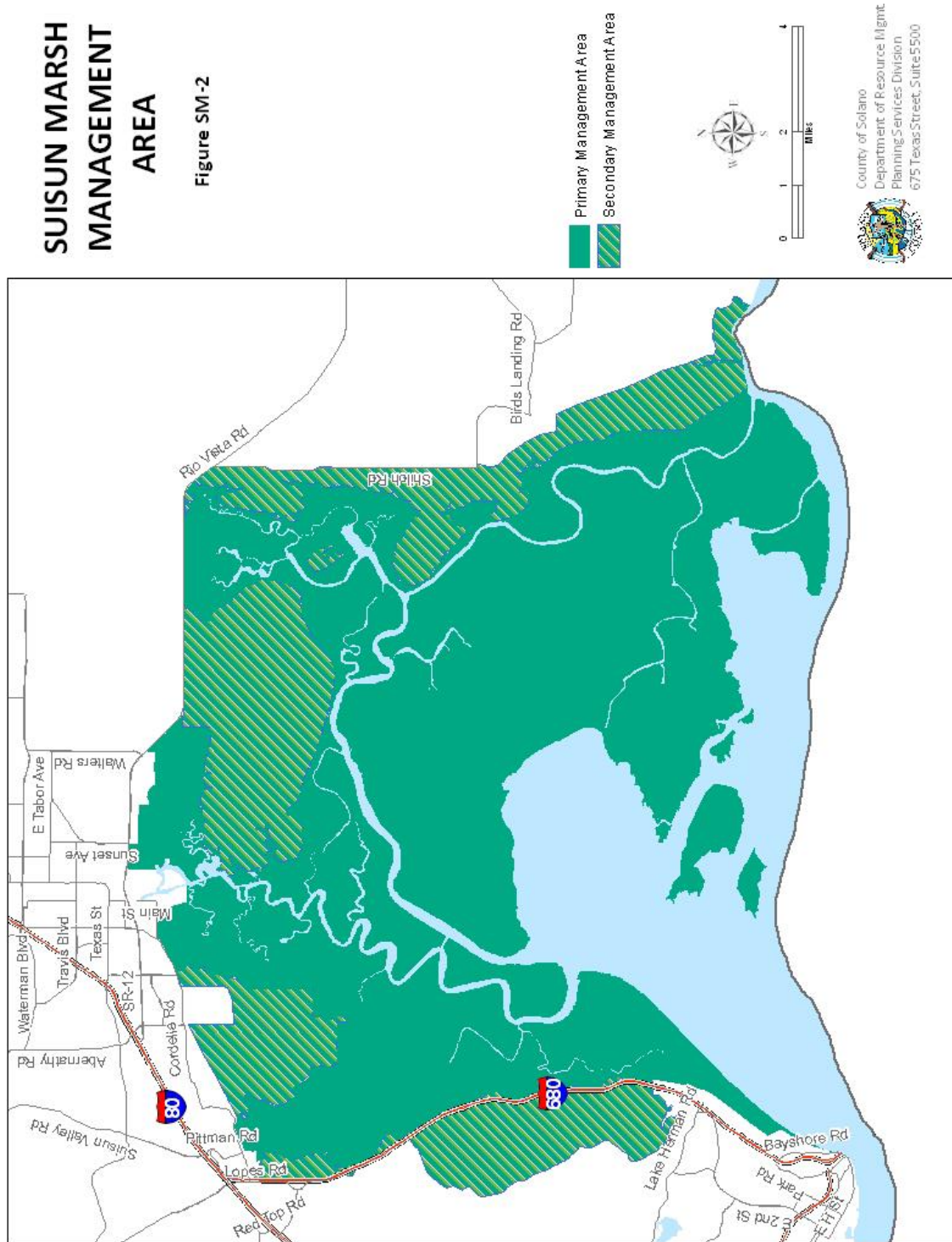
2. General Plan, Chapter 4, Figure RS-3



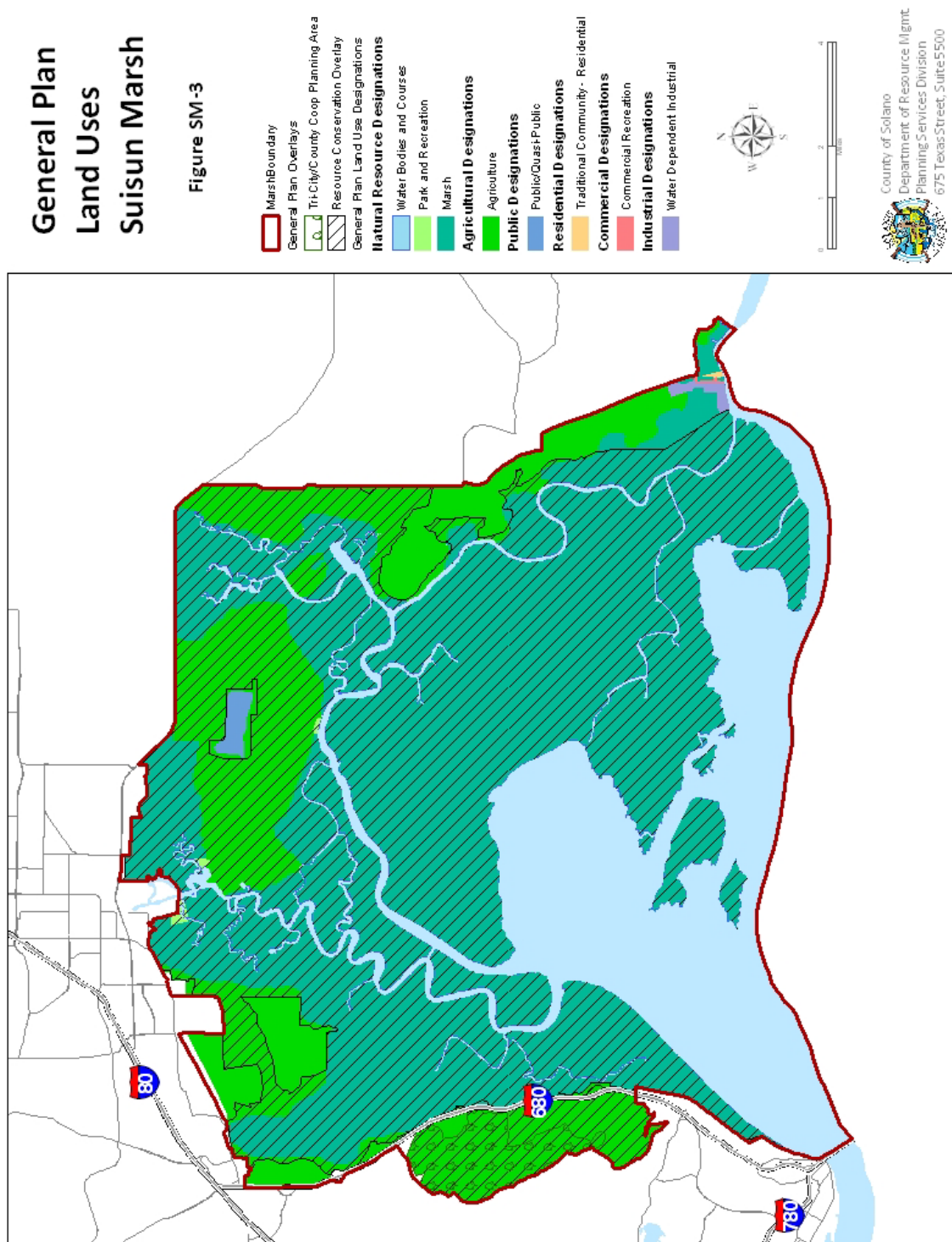
3. General Plan, Chapter 12, Figure SM-1



4. General Plan, Chapter 12, Figure SM-2



5. General Plan, Chapter 12, Figure SM-3



Solano County Component of the
Suisun Marsh Local Protection Program
2018 Amendment DRAFT

