ORDINANCE NO. 1090

AN ORDINANCE AMENDING CHAPTER TWENTY-EIGHT OF THE
SOLANO COUNTY CODE BY ADDING SECTION 28-33.6 THERETO
ENTITLED "DESIGNATED WATERCOURSE ENVIRONMENT AREAS"
AND BY ADDING FURTHER DEFINITIONS TO SECTION 28-1

The Board of Supervisors of the County of Solano, State of
California, does ordain as follows:

SECTION I.

Chapter Twenty-eight of the Solano County Code is hereby
amended by the addition of Section 28-33.6, which shall read as
follows:

Section 28-33.6. Designated Watercourse Environment Areas.

(a) Purpose and Scope. The purpose of this section is to
achieve the following objectives along designated watercourses
in Solano County: preserve water quality and riparian habitat;
control erosion, sedimentation and runoff; promote wise land use;
prevent property loss and damage due to flooding; protect the
public health and safety by minimizing danger due to flood and
earthquake; and promote recreational opportunities. This purpose
is to be accomplished by regulating the type, intensity and extent
of development which may occur within specified watercourse en-
vironment areas.

For the purposes of this section, "development" is con-
sidered to include the following:

(1) Filling, depositing, excavating or removing any
material;

(2) Construction, reconstruction or enlargement of any
structure;

(3) Any alteration of land or vegetation.

Watercourses or portions thereof governed by this section
are designated "protected watercourses" and are shown on the
zoning maps.
(b) Description of Designated Watercourse Environment Areas.

A watercourse environment area consists of a "protected watercourse", between the tops of the banks, and a strip of land 25 feet wide extending laterally outward from the top of each bank. The top of the bank is the upper elevation of land which defines the trough shape of the watercourse.

When application is made for development within 150 feet of the top of the bank of a protected watercourse, the boundary of the watercourse environment area may be extended by action of the Planning Director to a maximum of 150 feet laterally outward from the top of each bank wherever riparian habitat, potential erosion problems or slopes in excess of 3:1 are determined to exist. For the purpose of making this determination, riparian habitat shall be deemed to include trees and woody plants over three feet in height which are clearly dependent on the watercourse for their continued existence.

The boundary of the watercourse environment area shall also be extended where necessary to coordinate with flood control and watercourse protection regulations in effect on adjoining properties.

If it is determined that boundary extensions are not necessary, the boundaries of the watercourse environment area shall remain at the 25 foot minimum specified above.

(c) Uses Prohibited. Any use or activity constituting "development" shall be prohibited within watercourse environment areas excepting those uses and activities allowed and permitted in (d) and (e) below. In addition, industrial, commercial and agricultural uses involving handling or storage of toxic substances are prohibited, excepting application of chemicals to land or crops in the course of agricultural practices.

(d) Uses Allowed. Grazing of livestock and cultivation of land for agricultural purposes shall be allowed where such
use has occurred within the five year period prior to January 1, 1980.

(e) Uses Permitted. Uses permitted, when carried out according to the Principles and Standards for Development set forth in (f) below, shall include:

(1) Restoration and maintenance of watercourse channels and roads.

(2) Road construction by public agencies in cases where such construction cannot reasonably be accomplished without infringing upon the watercourse environment area.

(3) New structural flood control and water conservation measures, and stock ponds, including channel alterations and levees, only in case of an existing hazard where protection by other means is not practical.

(4) Public and nonpublic utility lines.

(5) Bridges and their connecting roadways.

(6) Fenced access to the watercourse for livestock.

(7) Storm drain and irrigation outflow provisions or structures.

(f) Principles and Standards for Development. The purpose of these principles and standards for development is to insur that development and maintenance activities permitted heretofore are accomplished in a manner which minimizes adverse effects upon the natural or existing topography and vegetation of watercourse environment areas. Erosion in excess of natural levels shall be prevented and riparian vegetation shall be protected utilizing the following basic standards:

(1) Riparian vegetation shall not be removed except when necessary to meet public health and safety and flood control goals, or in connection with
development and maintenance activities allowed and permitted hereunder. Removal of riparian vegetation for these purposes shall be limited to the minimum amount necessary.

(2) Soil disturbance for development projects shall be limited to the smallest surface area and volume of soil practical and for the shortest practical length of time.

(3) Surface runoff rates in excess of pre-development levels shall be retarded by appropriate means.

(4) Facilities shall be provided to retain sediment produced by development at the developed site.

(5) Proposed development and roadway alignments shall be fitted to the topography and soils to minimize erosion.

(6) Filling, grading, excavating or obstructing the bed or banks of the stream channel shall be allowed only where no reasonable alternative is available.

(7) Development work shall be accomplished between April 15 and October 15. When necessary, extensions of this time period may be granted by the Planning Director on a case-by-case basis.

(8) Disturbed areas shall be revegetated by October 15, using indigenous riparian species wherever practical. When necessary, extensions of this deadline may be granted by the Planning Director on a case-by-case basis.

(9) Where needed to prevent erosion, exposed soil surfaces shall be hydromulched or stabilized by other erosion control measures prior to October 15. When necessary, extensions of this deadline may be
granted by the Planning Director on a case-by-case basis.

(g) Abatement of Hazards. If it is determined by the Board of Supervisors, or by the Public Works Director as the Board's authorized representative, that a menace to life or property or to riparian habitat or water quality exists as a result of violation of this Section, a written notice shall be issued to the property owner, or other person or agent in control of the property, requiring corrective action to be taken within a specified, reasonable time period. If the requirements of the notice are not complied with in the time period specified, the County may seek injunctive and/or other relief by a civil action against any person or persons participating in the violation.

SECTION II.

The following definitions are added to Chapter 28, Section 28-1 of the Solano County Code:

Erosion. Detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Riparian Habitat. The waterside environment where various plant and animal populations are endemic, existing as a result of the existence of the watercourse, or where such populations can be established due to the existence of the watercourse.

Sedimentation. The process by which mineral or organic matter is removed from its site of origin, transported, and deposited by water, wind or gravity.

Watercourse. Any natural or man-made channel for transporting water, including the streambed and the banks, whether continuously flowing or intermittent.

SECTION III.

This Ordinance shall be published once before the expiration
of FIFTEEN (15) DAYS after its final passage in the Vallejo Times Herald, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

WALLACE L. BRAZELTON, Chairman of the Solano County Board of Supervisors

ATTEST:

JOHN S. BLACKLOCK, Clerk of the Board of Supervisors

By ______________________________
Deputy Clerk

I, JOHN S. BLACKLOCK, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held on the 8th day of January, 1980.

On the motion of Supervisor _______ Hewitt _________, and the second of Supervisor _______ Asera _________, this Ordinance was adopted at a regular meeting of said Board on the 22nd day of January, 1980, by the following vote:

AYES: SUPERVISORS: ASERA, BRANN, DAVIS, HEWITT, and ______________________________
CHAIRMAN BRAZELTON

NOES: SUPERVISORS: NONE

ABSENT: SUPERVISORS: NONE

WITNESS my hand and the Seal of said Board this 29th day of January, 1980.

JOHN S. BLACKLOCK, Clerk of the Board of Supervisors

By ______________________________
Deputy Clerk