ORDINANCE NO. 1091

ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE
BY ADDING SECTION 28-26.5 THERETO
ENTITLED "MARSH DEVELOPMENT PERMITS"

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

SECTION I.

Chapter 28 of the Solano County Code is hereby amended by
adding Section 28-26.5, which shall read as follows:

Section 28-26.5. Marsh Development Permits.

(a) Purpose.

The purpose of a Marsh Development Permit is to allow
uses within the secondary management area of the Suisun Marsh,
subject to specific conditions and county approval. Lands design­
nated as primary or secondary management areas of the Suisun
Marsh are those as defined in §§ 29101, 29102 and 29103 of the
Public Resources Code.

(b) When Required.

Marsh Development Permits shall be required from any
person or entity wishing to undertake a development as defined in
§29114 of the Public Resources Code within the secondary manage­
ment 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
county. If a portion of the site or development is within the
primary management area, a permit may also be required from the
county prior to application for any Marsh Development Permit
which may be required by the San Francisco Bay Conservation and
Development Commission (BCDC).

(c) Issuance.

Marsh Development Permits may be issued for any of the
uses or purposes for which such permits are required or permitted
by the terms of this Chapter. Granting of a Marsh Development
Permit does not exempt the applicant from complying with
requirements of building codes adopted pursuant to Chapter 6, other provisions of this Code, or other ordinances.

(d) Application.

Application for a Marsh Development Permit shall be filed with the Planning Department and shall be accompanied by plans and data assuring the fullest practical presentation of facts about the development; a site plan drawn to scale and fully dimensioned showing property lines; the location and extent of existing and proposed work and uses; information clearly distinguishing existing from proposed improvements, existing and proposed public access areas, building elevations, and primary and secondary management area boundaries; the approximate distance to the nearest marsh, managed wetland, or tidal area; and the location and name of the nearest public road and private access. Such application shall be accompanied by a fee or fees as may be set by the Board of Supervisors by resolution pursuant to Section 1-18 of this Code. No part of such fee shall be refundable.

(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.

(f) Public Notice.

At least ten (10) days prior to the public hearing on any Marsh Development Permit application, notice of the proposed development and the public hearing by the Zoning Administrator or Planning Commission shall be given by publication in a newspaper of general circulation in the county, and by posting in the vicinity of the property involved, or by mailing such notices to contiguous owners of record, and to all persons and organizations who have requested such notices.

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(g) **Action.**

(1) The Zoning Administrator or Planning Commission may grant Marsh Development Permits upon the finding, in each case, that the requirements set forth in this chapter and in subsection (h) of this section are fulfilled.

(2) The Zoning Administrator or Planning Commission may stipulate conditions, and guarantees that such conditions will be complied with when in the public interest and deemed necessary.

(h) **General Conditions.**

In granting a Marsh Development Permit, the Zoning Administrator or Planning Commission shall find the following conditions to be fulfilled:

(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 in the neighborhood.

(5) That 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, the Zoning Administrator shall give to the permittee notice of intention to
revoke such permit, at least ten (10) days prior to a Planning Commission review thereon. After conclusion of the review, the Planning Commission may revoke such permit.

(2) In any case where a Marsh Development Permit has not been exercised within one (1) year after the date of granting thereof then, without further action by the Zoning Administrator or Planning Commission, the use permit shall be null and void; excepting, that upon written request by the permittee, the Planning Commission may authorize an extension of the permit not to exceed one year. Only one (1) such extension may be granted.

(j) 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 County for a period of six (6) 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 permit the filing of such new application prior to the expiration of such six (6) month period.

(x) Appeal.

Appeal from the action of the Zoning Administrator or Planning Commission may be made according to the provisions of Section 28-37 of this Code.

(1) 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 1-18 of this Code. No part of said fee or fees
shall be refundable.

SECTION II.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Vallejo News, 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.

ATTEST:

JOHN S. BLACKLOCK
Clerk of the Board of Supervisors,

By /s/ Deputy

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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 this 8th day of January, 1980.

On the motion of Supervisor Dewitt and the Second of Supervisor Brazelton, this Ordinance was adopted at a regular meeting of said Board on the 29th day of January, 1980, by the following vote:

AYES:    SUPERVISORS: Dewitt & Brazelton

NOES:    SUPERVISORS: Long

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 2nd day of February, 1980.

JOHN S. BLACKLOCK
Clerk of the Board of Supervisors,

By /s/ Deputy