ORDINANCE NO. 1121

AN ORDINANCE AMENDING CHAPTERS 28 AND 31 OF THE
SOLANO COUNTY CODE REGARDING THE SUISUN MARSH
LOCAL PROTECTION PROGRAM ADDING VARIOUS PROVISIONS
AND RENUMBERING CERTAIN SECTIONS

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

SECTION I.

Chapter 31, Section 31-206(a) is amended by deleting
certain words as follows:

Section 31-206. APPLICATION PROCEDURE FOR A MAJOR
GRADING PERMIT.

(a) The application for a major grading permit shall
be made in writing on a form prescribed by the Public Works
Director and shall include all information, plans and maps
deemed necessary for a comprehensive review of the project
by the County. The application for a major grading permit
shall include the vicinity map, site map and grading plan as
required for a minor grading permit under Section 31-204.
In addition, the Public Works Director shall require that
the application include an engineered erosion, sediment and
runoff control plan which indicates necessary land treatment,
structural measures and timing requirements which will
effectively minimize soil erosion, sedimentation and the
rate of water runoff. The erosion, sediment and runoff
control plan shall contain appropriate information required
by this Section and as deemed necessary by the Public Works
Director. The plan shall be prepared under the direction of
a registered civil engineer and signed by the engineer
unless this requirement is waived by the Public Works Director.

Following submittal of the application, the County shall
determine the adequacy of the plan and may require the
submission of further qualification or information when
necessary to judge the adequacy of the planned erosion,
sediment and runoff control measures. The proposed measures
shall, whenever feasible, incorporate the recommendations
contained in the County's Erosion and Sediment Control Handbook. The plan shall contain a description of the following:

1. Vegetative measures
2. Drainage protection and control measures
3. Erosion and sediment control measures
4. Runoff control measures
5. Cut and fill construction
6. Disposal of excess materials
7. Stockpiling of materials
8. Dust control measures
9. A construction schedule

SECTION II.

Chapter 31, Section 31-300(c) is amended to allow restrictions of the time period for exposing soil as follows:

Section 31-300. GENERAL DESIGN PRINCIPLES AND STANDARDS.

(c) Exposure of soil to erosion by removal of vegetation shall be limited to the smallest area practical and for the shortest time practical. Soil exposure shall not exceed an area in which development will be completed during a single construction season to insure that soils are stabilized and vegetation is established in advance of the rainy season (October 15 - April 15 - When necessary, extensions or restrictions of this time period may be granted by the Public Works Director on a case by case basis).

SECTION III.

Chapter 31, Section 31-300(o) is amended to limit the application of the section as follows:

Section 31-300. GENERAL DESIGN PRINCIPLES AND STANDARDS.

(o) Except as limited by Chapter 28-33.6 Designated Watercourse, Environmental Areas, filling, grading, excavating or obstructing the bed or banks of a watercourse and removal
of the riparian vegetation shall be allowed only where no reasonable alternative is available and where allowed, shall be limited to the minimum amount necessary.

SECTION IV.

Chapter 31, Section 31-401 is amended to allow entry on private property for inspections as follows:

Section 31-401. INSPECTION AND ENFORCEMENT.

The provisions of this ordinance shall be enforced by the Public Works Director who shall require inspection of all work and require compliance with all the provisions of the ordinance. Whenever necessary to make an inspection to enforce any provision of this ordinance, or whenever the Public Works Director or his authorized representative has reasonable cause to believe that there exists on any private property, a condition or activity which requires a permit as specified by this ordinance, the Public Works Director or his authorized representative may enter such property at all reasonable times to inspect the same or to perform any duty imposed upon the Director by this ordinance.

SECTION V.

Chapter 31, Section 31-403 is amended to include watercourse and wetland within the application of the section as follows:

Section 31-403. 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 any existing excavation or embankment or fill on private property has become a hazard to life and limb or endangers property or adversely affects the safety, use or stability of a public way watercourse, wetland or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said
property, upon receipt of notice in writing from the County shall, within the period specified therein, repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code.

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 violations.

SECTION VI.

Chapter 28, Section 28-33.6(e)(3) is amended to delete certain permitted uses as follows:

Section 28-33.6. Designated Watercourse Environment Areas.

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

SECTION VII.

Chapter 28, Section 28-33.6(f)(7) is amended to allow restrictions of the time period for doing work in the marsh as follows:

Section 28-33.6. Designated Watercourse Environment Areas.

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

SECTION VIII.

Chapter 28, Section 28-23.6(c) is amended to add certain uses permitted by use permit as follows:

Section 28-23.6. Marsh Preservation (MP) District.

(c) Uses Permitted Provided the Conditions for a Use Permit
as Set Forth in Section 28-27 of this Code are Fulfilled:

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

(2) Additional dwellings for caretakers or persons
    employed on the premises when such residential use is clearly
accessory or incidental to the allowed use of the site.

(3) Oil and gas wells, and storage of natural gas
    in abandoned wells.

(4) Public service facility.

(5) Scientific research and educational facility
directly related to the marsh environment, and similar uses
as may be determined appropriate by the Planning Commission.

(6) Removal or transposition Dredging of minerals
    or natural materials.

(7) Temporary facilities for the transfer of
    levee maintenance material from shore to barge and natural
    materials dredged from waterways within the boundaries of
    the Suisun Marsh Protection Program from barge to shore.

SECTION IX.

Chapter 28, Section 28-10.6(c) is amended to eliminate
certain permitted uses and specifically provide for certain
solid waste disposal sites in the marsh and renumber certain
sections as follows:


(c) Uses Permitted, provided the Conditions for a Use
Permit as Set Forth in Section 28-27 Are Fulfilled:

(2) Pumping, disposal, incineration, or reduction of refuse. Solid waste disposal site in conformity with Section 29409 of the Public Resources Code.

(3) Airport and heliport.

(4) (3) Public stable, horse show, lodge, club or resort for swimming, boating, fishing, hunting or shooting, and similar types of uses as may be determined by the Planning Commission.

(5) (4) Public service facility.

(6) (5) Oil and gas wells when located within 150 feet of the center line of the street.

(7) (6) Rural resident enterprise.

(8) (7) Additional dwellings for persons employed on the premises when such residential use is clearly accessory or incidental to the agricultural use of the site.

(9) Removal or transportation of minerals or natural materials.

SECTION X.

Chapter 28, Section 28-26.5(c) is amended to allow issuance of a Marsh Development Permit for certain use of land under County permit as follows:

Section 28-26.5. Marsh Development Permits.

(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. 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 said use does not have an adverse impact upon the Suisun Marsh. Granting of a Marsh Development Permit does not exempt the
applicant from complying with requirements of building codes
adopted pursuant to Chapter 5, other provisions of this
Code, or other ordinances.

SECTION XI.

Chapter 28, Section 28-23.3(a) is amended to include
certain definitions contained in the San Francisco Bay plan
as follows:

Section 28-23.3. Water-Dependent Industrial (I-WD) District.

(a) The Board of Supervisors finds that 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. Further-
more, significant agricultural and marsh lands are nearby
resources which the County is committed to preserve. For
this reason, the water-dependent industrial district is
established to reserve water-front lands for large-scale,
water-dependent industries to assure the efficient use of
waterfront industrial sites and to ensure that impacts 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.

SECTION XII.

Chapter 28, Section 28-23.3(b) is amended to include
certain additional interim uses permitted by use permit in
the marsh as follows:

Section 28-23.3. Water-Dependent Industrial (I-WD) Districts.

(b) Uses Allowed.

Agriculture as an interim use, and buildings and
uses clearly accessory or incidental to such use, except
that those uses indicated below, may be established only
after the conditions for a use permit, set forth in Section
28-27, are fulfilled.

(1) As an interim use: animal feed yard, poultry
operation.

(2) Oil and gas wells.

(3) Dredge disposal site.

(4) As a limited term use within the area designated
for commercial recreation use on the General Plan:
Marinas, including boat harbor, boat launching facilities;
boat and boat trailer storage; boat construction,
servicing, sales, repair; commercial lodging; restaurants
and refreshment stands; water related recreational
shop, store and service for retail sales when conducted
entirely within a building.

SECTION XIII.

This Ordinance shall be published once before the expira-
tion 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 Cali-
Forica, and shall be in full force and effect THIRTY (30) DAYS
after its passage.
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 5th day of May, 1981.

On the motion of Supervisor _______ Hewitt ______________ and the Second of Supervisor _ Brann _______________, this Ordinance was adopted at a regular meeting of said Board on the 2nd day of _______ June, 1981, by the following vote:

AYES: SUPERVISORS: BRAZELTON, CUNNINGHAM, HEWITT, and CHAIRMAN BRANN ____________________________

NOES: SUPERVISORS: DAVIS ____________________________

ABSTAINED: SUPERVISORS: NONE ____________________________

ABSENT: SUPERVISORS: NONE ____________________________

WITNESS my hand and the Seal of said Board this 2nd day of _______ June, 1981.

JOHN S. BLACKLOCK, Clerk
of the Board of Supervisors

By Deputy Clerk