ORDINANCE NO. 1166
AN ORDINANCE AMENDING CHAPTER 9 ENTITLED "DRAINAGE AND FLOOD CONTROL," ADDING VARIOUS SECTIONS CONCERNING DEVELOPMENT IN OR NEAR CHANNELS

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

SECTION I.

Section 9-1, "Definitions," is amended by adding the following definitions:

Section 9-1: Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them by this section:

Adjacent Area. A strip of land 25 feet wide extending laterally outward from the top of each bank of a normal channel.

Channel. Any natural stream bed or mechanically excavated open depression in which water may or does flow.

Conduit. A general term for a channel intended for the conveyance of water, whether opened or closed.

Canal. An artificial waterway for drainage or irrigation.

Ditch. An artificial channel, usually distinguished from a canal by its smaller size.

Land leveling. The redistribution of the surface cover of dirt by mechanical means to change the existing contours of the land.

Person. Individuals, partnerships, associations, corporations, special districts, and other, not including employees of the County Public Works Department and the County Flood Control and Water Conservation District, or authorized representatives of the County.

Riparian habitat. The channel or adjacent area where plants and animals naturally grow as a result of the presence of the channel.

Top of bank. The upper elevation of land which defines
SECTION II.

Section 9-3 of the Solano County Code is amended by adding a new subsection (g) to read as follows:

Section 9-3. Permits for a Change of Drainage—Required.

(g) To do any of the following activities within or in areas adjacent to those channels flowing or which will flow into the Suisun Marsh, as more fully shown on that diagram entitled "Protected Channels of the Suisun Marsh Watershed" on file at the Public Works Department and which is incorporated herein as though set forth in full.

(1) Newly construct any structure, except that the repair, replacement, reconstruction, improvement or maintenance of any existing structure may be taken unless the county engineer determines that such repair, replacement, reconstruction, improvement or maintenance will result in an increase in flood level, public flood hazard, or increase sedimentation to such an extent that adverse environmental effects will occur in the Suisun Marsh.

(2) Fill, grade, excavate, obstruct, close, divert, repair or reconstruct the channel or adjacent area of the channel. Emergency repairs may be commenced prior to obtaining a permit.

(3) Cut or remove vegetation except for:
   (i) Grazing, cultivation of land, and other agriculturally related activities including cutting or removing vegetation from channels or adjacent areas for agricultural or flood control purposes.
   (ii) Gardening and landscape activities associated with an established use.

(4) Store or handle toxic substances, excepting application of chemicals on land or crops in the course of
SECTION III.

Section 9-4 of the Solano County Code is amended by rewriting the section and adding certain provisions as follows:

Section 9-4. Same -- Terms of Issuance.

(a) The county engineer or the applicable public agency having jurisdiction shall grant permits to do any of the things referred to in Section 9-3 if he finds that such acts will not prevent or obstruct water drainage, will not increase the costs of road operation and maintenance, and will not cause damage to any property or any flood control, water delivery or drainage facility.

(b) The county engineer shall issue a permit for those activities set forth in Section 9-3(g) only if he finds in addition to the findings required by Section 9-4(a), that riparian habitat will be protected and that the proposed activity will not increase sedimentation and runoff into the Suisun Marsh to such an extent that adverse environmental impacts will occur in the Suisun Marsh.

(c) Permits shall be subject to such terms and conditions as the county engineer shall deem reasonably necessary to assure adequate storm water drainage and the prevention of injury or damage, including increased sedimentation to any property, including county roads or flood control, water delivery or drainage facility, or the Suisun Marsh. No permit shall be granted to fill, grade, excavate, obstruct, close, or divert a storm water drainage channel, watercourse, or channel unless a substitute or replacement facility which is approved by the county engineer is provided. No such substitute or replacement facility which flows or will flow into the Suisun Marsh shall be approved unless there is no reasonable alternative.
as follows:

Section 9-5. Permit Fees.

(e) A fee for processing a permit under this chapter may be established by the Board of Supervisors by resolution. No fee may be charged for permits issued pursuant to Section 9-3(g) except for activities related to new construction, excluding additions and alterations, or such other circumstances where the magnitude of the activity is such that a fee is deemed appropriate by the Director of Public Works. Should a fee be imposed by the Director of Public Works, that determination may be appealed to the Board of Supervisors by the applicant.

SECTION V.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Vallejo Independent Press, 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
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 foregoing Ordinance was introduced at a regular meeting held July 27th, 1982.

On motion of Supervisor Hewitt, Seconded by Supervisor Cunningham, this Ordinance was approved at a regular meeting of said Board on August 5th, 1982.
1982, by the following vote:

AYES: SUPERVISORS: Brann, Brazelton, Cunningham, and
             Chairman Hewitt

NOES: SUPERVISORS: Davis

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 3rd day of August, 1982.

JOHN S. BLACKLOCK, Clerk
of the Board of Supervisors

By   Deputy Clerk