ORDINANCE NO. 1569

AN ORDINANCE AMENDING CHAPTER 28, SECTIONS 28-36(a)(b) AND 28-38(c), OF THE SOLANO COUNTY CODE ENTITLED ZONING REGULATIONS
MONTEZUMA WETLANDS PROJECT

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

SECTION I.

Section 28-36, subsections (a) and (b), of Chapter 28 of the Solano County Code are hereby amended to read as follows:

(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. Furthermore, 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 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.
(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 28-53, 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.

(5) Restoration of tidal, managed and seasonal wetlands using approved dredged sediments.

(6) Rehandling of dredged materials for on-site and off-site use.

Where a use is granted pursuant to a Planned Unit Development, the further requirement for a use permit is waived.

SECTION II.

Section 28-38, subsection (c) of Chapter 28 of the Solano County Code is hereby amended to read as follows:

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 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, 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 one-family dwellings or manufactured dwellings for caretakers or persons employed on the premises when such residential use is clearly
accessory or incidental to the allowed use of the property.

(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) Dredging of minerals or natural materials.

(7) Temporary facilities for the transfer of levee maintenance material from shore to barge.

(8) Restoration of tidal, managed and seasonal wetlands using approved dredged sediments.

SECTION III. The Board of Supervisors has made the following findings in regard to said zoning ordinance amendments:

1. The Board has duly considered, in public hearing, a request for amendments to the text of the Solano County Zoning Ordinance (Application No. Z-91-05), pertaining to uses allowed on lands zoned MP ("Marsh Preservation") and I-WD ("Water Dependent Industrial") and associated text amendments to the Solano County Policies and Regulations Governing the Suisun Marsh (Local Protection Program) which contains a compilation of County policies and regulations pertaining to the Suisun Marsh; specifically in this case, policies and regulations contained in the Solano County Zoning Ordinance.

2. The amendments to the text of the Zoning Ordinance and Local Protection Program, in conjunction with certain amendments to the Solano County General Plan as proposed by the project proponent, and in conjunction with approval of the Use Permit and Marsh Development Permit as requested by the project proponent, would permit restoration of a historic tidal wetland ecosystem using cover and non-cover sediments dredged from the San Francisco Bay and ports, and allow rehandling of dredged sediments for on-site and off-site uses in the Suisun Marsh.

3. The Board has reviewed the report of the Department of Environmental Management, and

4. The Board has reviewed staff's proposed amendments to the Zoning Ordinance and Local Protection Program, and
5. The Board has held a duly noticed public hearing and heard testimony relative to
said amendments, and

6. The Board has reviewed and considered the certified Final Environmental Impact
Report (FEIR) prepared for the Montezuma Wetlands Project and all related
approvals and actions, and

7. Approval of a Conditional Use Permit and Marsh Development Permit will be
required following approval of the amendments to the Zoning Ordinance and Local
Protection Program under consideration herein, and prior to implementation of the
proposed project, and

8. Excepting for those mitigation measures which will be implemented by
amendments to the Land Use and Circulation Element, Collinsville Montezuma Hills
Area Plan and Program, Resource Conservation and Open Space Element, Zoning
Ordinance, and Local Protection Program as recommended by the Montezuma
Wetlands Project FEIR/S, all other recommended mitigation measures will be
implemented as part of the approval process for the required Conditional Use
Permit, Marsh Development Permit, and/or other required stage of development,
as appropriate, and

9. A Mitigation Monitoring and Reporting Program will be presented to the Planning
Commission for adoption as part of the approval process for the required
Conditional Use Permit and Marsh Development Permit, and

10. Environmental Impact Findings, pursuant to Public Resources Code Section
15091, for the Montezuma Wetlands Project Zoning Ordinance Amendments are
identified in Attachment "4" of the Board of Supervisor's staff report of December 8,
1998, which Attachment is incorporated herein by reference, and thereby expressly
adopted herein, and

11. Four alternatives to the proposed project were analyzed as part of the FEIR. Both
the proposed project and Alternative #4 (Hamilton) were identified as the
environmentally superior alternatives; advantages and disadvantages differ and
neither one is clearly superior to the other. Alternative 4 was not selected because
it would not fulfill the project proponent's purpose or need, and because it would
not be feasible due to jurisdictional differences, and

12. Mitigation measures identified by the FEIR and incorporated into the Montezuma
Wetlands project description or required by conditions of approval of the Use
Permit, Marsh Development Permit, or other appropriate stage of development,
will reduce all of the remaining potentially significant adverse effects on the
environment to a less-than-significant level, as shown in the findings in said
Attachment "4", with the exception of certain impacts on Air Quality, and
13. A Statement of Overriding Considerations addressing those residual impacts (Air Quality) not reduced to a less-than-significant level, and which have been found to be unavoidable, is set forth in said Attachment "4".

14. The public benefits of the Montezuma Wetlands Project outweigh the unavoidable adverse environmental impacts on air quality as described in the proposed Statement of Overriding Considerations set forth in said Attachment "4".

SECTION IV. This ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its passage and adoption and shall take effect thirty (30) days from and after its passage.

On the motion of Supervisor _______Kondylis________, and second of Supervisor _______Thomson________, the Solano County Board of Supervisors adopted this resolution on February 2, 1999, by the following vote:

AYES: Supervisors Carroll, Kondylis, Kromm, Thomson, and Chairman Silva

NOES: Supervisors None

ABSTAIN: Supervisors None

ABSENT: Supervisors None

Chairman John F. Silva, Board of Supervisors

ATTEST:
Michael Johnson, Clerk
of the Board of Supervisors

By: Maggie Jimenez, Deputy Clerk
Reggi Blount, Deputy Clerk