AN ORDINANCE ADOPTING FLOOD PLAIN REGULATIONS FOR PROPERTIES SITUATED WITHIN AREAS SUBJECT TO FLOODING AND INUNDATION; LIMITING SUCH AREAS TO CERTAIN USES AND REQUIRING THAT CERTAIN PERMITS SHALL BE SECURED FOR CERTAIN USES; DEFINING CERTAIN TERMS USED HEREIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THERewith.

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

SECTION 1. DECLARATION OF POLICY:

The Board of Supervisors of the County of Solano hereby finds and declares that certain resource areas and valuable properties in the County of Solano, lying adjacent to, or near, natural streams, watercourses, and sloughs, or constructed water channels are subject to erosion, inundation, flooding and sedimentation and that the public health, safety and welfare, and the property of the people of the County, require the establishment of land use regulations for the purpose of flood plain management and effective cooperation with the State of California and the United States in flood control programs.

SECTION 2. DEFINITIONS:

A. "DESIGN FLOOD"
The selected flood against which the protection is provided, or eventually will be provided, by means of flood protective or control works.

B. "DESIGNATED FLOODWAY"
The channel of a stream and that portion of the adjoining flood plain required to reasonably provide for the construction of a project for passage of the design flood including the lands necessary for construction of project levees.

C. "ENGINEER"
The Director of the Solano County Department of Public Works.

D. "COUNTY CLERK"
The County Clerk of Solano County.

E. "BOARD OF SUPERVISORS"
The Board of Supervisors of Solano County.

SECTION 3. REGULATIONS FOR FP-1 ZONES

In any FP-1 Zone, the regulations of this article shall apply, in addition to other regulations which apply to such flood plain zones, provided that, if conflicts in these regulations occur, the regulations of this article shall govern, and provided further, that the land uses previously permitted by Regulations for such flood plain zones shall be permitted in any FP-1 Zone only upon the terms and conditions specified in Section 4B(3) of this ordinance.

SECTION 4. USES ALLOWED:

The following General Flood Plain Regulation Zone Classifications are hereby adopted:

FP-1 Primary Flood Plain Zones
FP-2 Secondary Flood Plain Zones
FP-3 Tertiary Flood Plain Zones

In any FP-1, FP-2, or FP-3 Zone, the regulations of this article shall apply, in addition to other regulations which apply to such flood plain zones, provided that, if conflicts in these regulations occur, the regulations of this article shall govern, and provided further, that the land uses previously permitted by Regulations for such flood plain zones shall be permitted in any FP-1 Zone only upon the terms and conditions specified in Section 4B(3) of this ordinance.

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(1) Flood Control channels, spreading grounds and basins.
(2) Recreation areas, parking lots, wildlife preserves, and forest preserves, exclu­
dsive of structural improvements (other than rest rooms and appurtenant facilities
located and constructed in accordance with County Health requirements), and which areas,
lots and preserves shall be so designed as to withstand inundation by floods.
(3) Agricultural uses, provided they are not conducted within stream channels or
flood plain zones where their effects would constitute a flood threat to life or property.
(4) Public service facilities, such as roads, bridges, diversion drains, and public
utilities, designed and constructed, so as not to be damaged appreciably by flooding
or be unduly restrictive of the flood carrying capacity of the designated floodway.
(5) Boating facilities and campgrounds operated on a seasonal basis between the months
of May and October inclusive; floating docks shall be sectional with no portion longer
than forty (40) feet, and shall be removed from the FP-1 Zone at the end of each season.
(6) Normal maintenance of existing channels, ditches and levees.
No building or structure shall be constructed, erected, converted, altered or en­
larged in the primary flood plain zone, or relocated within that zone, nor shall any
other condition be allowed which would tend to cause stream channel alteration or ad­
ersely affect the carrying capacity of a designated floodway, so as to constitute a
threat to life and property.
4B Uses Requiring a Flood Plain Regulation Permit In Accord with Section 7:
(1) Floating docks in off season (November through April, inclusive) provided, however,
that such use will not constitute a threat to life or significantly restrict the
the carrying capacity of the designated floodway.
(2) Excavation or filling of land areas, construction of levees, dikes or other flood
structures, designed to protect property from natural flooding, provided, however, that
such use will not constitute a threat to life or significantly restrict the carrying
capacity of the designated floodway.
(3) Uses otherwise allowed in the zone on properties which lie within Primary Flood
Plain Zones, but have been sufficiently protected with manmade dikes or levees, as
determined by the Engineer. When such protection is afforded, the subject property may
be considered Tertiary Flood Plain in nature, as defined by Section 6.
SECTION 5. REGULATIONS FOR FP-2 ZONES:
This zone classification is intended to be applied to properties lying within inun­
dation areas affected by overflow and back water, but relatively free of any current
and excluding FP-1 Zones. These areas require special regulations for the protection
of properties and their improvements from flood hazards and damages.
5A Uses Allowed:
(1) Uses otherwise allowed in the zone provided that the ground floor level of
buildings, structures and uses shall be above flood profile level as determined by
the Engineer.
(2) Public parks and recreational developments, exclusive of structural improvements,
except for restrooms and appurtenant facilities which shall be located and constructed
in accordance with County Health requirements and regulations, and designed to with­
stand inundation due to floods.
5B Uses Requiring A Permit In Accord With Section 7:
(1) Improvements to existing buildings and structures where the floor level does not
meet the minimum requirements set forth under paragraph 5A(1) of Uses Allowed.
(2) Uses normally permitted in the zone when properties which lie within the Secondary
Flood Plain Zone have been protected with man-made dikes or levees. When such pro­
tection is afforded, the subject property may be considered Tertiary Flood Plain in
nature, as defined by Section 6.
(3) Filling of land areas, construction of levees or dikes or other flood structures
designed to protect property from natural flooding.
SECTION 6. REGULATIONS FOR FP-3 ZONES:
This zone classification is intended to be applied to properties which lie within
a flooding area, but which have been protected by man-made dikes or levees constructed
by local, state or federal agencies, by private individuals, firms, corporations, etc.,
provided such protective devices meet all applicable local, state or federal standards.
The following regulations and the general rules, as set forth above, shall apply in all
FP-3 Zones.
SECTION 7. FLOOD PLAIN REGULATION PERMITS:

A. The purpose of the Flood Plain Regulation permit is to provide for a detailed review and necessary arbitration of certain proposed land uses by the Engineer.

B. Flood Plain Regulation Permits, revocable, conditional or valid for a term period, may be granted for any of the uses or purposes for which such permits may be required by the terms of this ordinance. Granting of a qualified permit does not exempt an applicant from complying with the requirements of other ordinances.

C. Application - Application for a Flood Plain Regulation Permit shall be made in writing with the required information as prescribed by the Engineer. The prescribed information may include plans, detailed survey information or information required by the Engineer in order to make a determination that the proposal complies with the intent of this ordinance. Application for a permit shall be directed to the Engineer.

D. Action - Upon the receipt of an application for a Flood Plain Regulation Permit, with the required information as prescribed in Section 7B, the Engineer shall diligently process the application and issue or deny the said permit. Such permit may be issued subject to conditions as stipulated by the Engineer.

E. Revocation - In any case where a Flood Plain Regulation Permit has not been exercised within one (1) year after the date of the granting thereof, then without further action by the Engineer, the permit shall be null and void.

F. Appeal - Appeal from an action resulting from the administration of this ordinance may be made according to the provisions of Section 9. Non-issuance of a Flood Plain Regulation Permit within a reasonable period may be the subject of an appeal.

SECTION 8. RULES OR PROCEDURE:

The Board of Supervisors may establish rules of procedure governing all hearings required by this Ordinance and the laws of the State of California. Upon the adoption of rules of procedure by the Board of Supervisors, the same shall be filed in the Office of the County Clerk and copies of said rules of procedure shall be given to persons requesting them.

SECTION 9. APPEALS:

A. The Board of Supervisors shall have power to hear and decide appeals when it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or determination made by the Engineer or other official of the County in the administration or enforcement of this ordinance.

B. Any person, firm, corporation, unincorporated association, public officer or agency, aggrieved or affected by any determination of this Ordinance may within ten (10) days file an appeal in writing with the Board of Supervisors. In the written appeal, the reasons of the appeal shall be outlined. Filing of an appeal shall stay all proceedings until determination of the appeal. Upon receipt of such appeal, the Board of Supervisors shall set the date for a public hearing to be held within thirty (30) days thereafter and notify the Appellant, the original applicant, if other than Appellant, and the Engineer.

C. The Engineer shall transmit to the Board of Supervisors, Copies of all papers constituting the record of action appealed.

D. Upon hearing the appeal, the Board of Supervisors shall make a determination that the decision appealed from shall be affirmed, reversed or modified. Notice of the Board of Supervisors' determination shall be mailed forthwith by the County Clerk to the original applicant, the person making the appeal and the Engineer.

E. Notwithstanding any other provision of this Ordinance, the Board of Supervisors, upon its own motion made within ten (10) days from the making of any final order, requirement, or determination by the Engineer, may review, affirm, reverse, or modify wholly or in part, such order, requirement, or determination. Notice of such review shall be delivered or mailed to the Engineer and the original applicant. The notice shall include a provision for a public hearing to be held within fifteen (15) days from the date of the motion.
SECTION 10. AMENDMENTS:
This ordinance may be amended by the establishment or changing of boundaries of Flood Plain Regulation Zones or by changing any other provision thereof whenever the public necessity, convenience and the general welfare require such amendment subject to the procedure set forth in this section.

A. Initiation:
An Amendment may be initiated by a resolution of intention by the Board of Supervisors.

B. Public Hearings:
(1) The Board of Supervisors shall hold at least two (2) public hearings on any proposed amendment. At least ten (10) days prior to the first public hearing, the County Clerk shall give notice thereof by at least one (1) publication of such public hearing in a newspaper of general circulation within the county, setting forth the general purpose and scope of the proposed changes in the Ordinance.

SECTION 11. ENFORCEMENT, LEGAL PROCEDURES, PENALTIES:
All departments, officials, and public employees of the County of Solano, vested with the duty and authority to issue land use permits shall conform to the provisions of this ordinance, and shall issue no such permits for land uses, buildings, or purposes which are in conflict with the provisions of this ordinance; and any such permits, if issued in conflict with the provisions of this ordinance, shall be null and void.

A. It shall be the duty of the Engineer to bring about enforcement of the provisions of this ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building, or structure, the moving of materials, or any other operation covered by this ordinance. It shall be the duty of the Sheriff of the County of Solano and all officers of said County, herein and/or otherwise charged by law with the enforcement of this ordinance, to respond to the requests of the Engineer and thus enforce this ordinance and all the provisions of the same, within the limits of the Police power of the county.

B. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this ordinance, or condition of a permit issued pursuant to this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than FIVE HUNDRED DOLLARS ($500.00), or by imprisonment in the Solano County Jail for a term not exceeding six (6) months, or by both fine and imprisonment. Any such persons, firm, or corporation shall be deemed to be guilty of a separate offense for each day during which any violation of this ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punished as herein provided.

SECTION 12. SHORT TITLE:
This ordinance may be cited as the Solano County Flood Plain Regulation Ordinance.

SECTION 13. CONFLICT:
All ordinances and parts of ordinances of the County of Solano in conflict with this ordinance, to the extent of such conflict are hereby repealed.

SECTION 14. VALIDITY:
If any section, sub-section, sentence, clause, or phrase of this ordinance is held by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 15. ENACTMENT:
This ordinance shall be published once in 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.

ATTEND:
WALLACE L. BRAZELTON
WALLACE L. BRAZELTON, Chairman
Board of Supervisors of the County of Solano, State of California
I, NEIL CRAWFORD, County Clerk of Solano County, and ex-officio Clerk of the Board of Supervisors of said County, do hereby certify that the foregoing Ordinance was regularly introduced, passed and adopted by said Board at a regular meeting thereof held October 27, 1970, by the following vote:

AYES: SUPERVISORS Church, Godfrey, Mazzoni, Scofield and Brazelton

NOES: None

ABSENT: None

WITNESS my hand and the Seal of said Board this 27th day of October, 1970.

NEIL CRAWFORD, County Clerk

By Deputy Clerk

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ORDINANCE NO. 75

AN ORDINANCE ESTABLISHING COMPENSATION FOR SERVICES RENDERED BY MEMBERS OF THE SOLANO COUNTY BOARD OF SUPERVISORS

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

SECTION I:

Each supervisor of the Solano County Board of Supervisors shall receive Ten Thousand Eight Hundred Dollars ($10,800.00) a year for all services rendered including mileage. When required in the performance of his duties to travel to any point outside the County, and when such travel is made in other than a county vehicle, he shall be entitled to mileage reimbursement not to exceed five cents ($0.05) per mile. He shall be allowed actual costs for expenses incurred in such travel to any point outside the county.

SECTION II:

This ordinance shall be published once before the expiration of fifteen (15) days after its passage in the DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, and shall be in full force and effect thirty (30) days after its passage.

ATTEST:

NEIL CRAWFORD, County Clerk and ex-officio Clerk of said Board of Supervisors

By Deputy Clerk

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I, NEIL CRAWFORD, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Solano, State of California, hereby certify that the above and foregoing Ordinance was regularly introduced, passed and adopted at a regular meeting of said Board on the 17th day of November, 1970, by the following vote:

AYES: SUPERVISORS Church, Mazzoni, Brazelton

NOES: SUPERVISORS Godfrey, Scofield

ABSENT: None

WITNESS my hand the official seal as such Clerk this 17th day of November, 1970.

NEIL CRAWFORD

County Clerk

By Deputy Clerk