

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF SOLANO COUNTY ADOPTING THE 2012 AMENDMENT TO THE COUNTY'S COMPONENT OF THE SUISUN MARSH LOCAL PROTECTION PROGRAM

WHEREAS, the Suisun Marsh Preservation Act of 1977 requires Solano County to prepare a Solano County Component of the Suisun Marsh Local Protection Program ("County LPP"), which is to include those provisions of the County's General Plan, specific plans, ordinances, zoning maps, land use regulations, and other programs or standards that have been adopted by the County, or are to be undertaken or carried out by the County in and adjacent to the Suisun Marsh, and which implement the Act and the Suisun Marsh Protection Plan at the County level; and

WHEREAS, on May 20, 1980, through its Resolutions Nos. 80-78 and 80-79, the Board of Supervisors adopted the County LPP and transmitted that component to the San Francisco Bay Conservation and Development Commission ("BCDC") for review and certification; and

WHEREAS, BCDC conditionally approved the County LPP, subject to a number of conditions for certification, on September 18, 1980; and

WHEREAS, on August 31, 1982, through its Resolution No. 82-169, the Board of Supervisors adopted amendments to the County LPP and transmitted the amended component to BCDC for review and certification; and

WHEREAS, on November 4, 1982, BCDC unconditionally certified the County LPP, as amended on August 31, 1982; and

WHEREAS, on February 2, 1999, through its Resolution No. 99-31, the Board of Supervisors amended the County LPP in connection with the Montezuma Wetlands project, which amendment was certified by BCDC on June 17, 1999; and

WHEREAS, the certified County LPP is currently comprised of portions of the County's General Plan and the Solano County Code, including the Zoning Code (Chapter 28), Drainage and Flood Control (Chapter 9), and Grading and Erosion Control (Chapter 31), as existed in 1999; and

WHEREAS, in 2007, the County repealed Chapter 9 of the Solano County Code, consolidating the provisions of that chapter into a revised Chapter 31 (Grading, Drainage, Land Leveling, and Erosion Control) of the County Code; and

WHEREAS, in 2008, the County adopted a comprehensive update to the Solano County General Plan, superseding most elements of the prior general plan; and

WHEREAS, in February 2012, the County adopted a comprehensive update to Chapter 28 of the County Code, repealing the prior version of that chapter; and

WHEREAS, Solano County General Plan Implementation Program RS.I-12, calls for a program to review and update the County LPP to reflect new policies and programs in the 2008 Solano County General Plan and other updates to policies, programs, and regulations contained in the currently-certified version of that component; and

WHEREAS, a Draft 2010 Amendment to the County LPP was prepared and distributed for public review and comment in June 2010; and

WHEREAS, the County held two publicly noticed community meetings, providing opportunity for the public to review and comment on the Draft 2010 Amendment to the County LPP, and the amendment was provided to the Benicia, Cordelia, Fairfield, and Suisun City public libraries and posted on the internet; and

WHEREAS, after June 2010, the scope of the Draft 2010 Amendment was reduced to address only adoption of County Code amendments consolidating Chapters 9 and 31 into a revised Chapter 31 and adoption of Chapter 6.4 of the County Code regulating sewage disposal systems; and

WHEREAS, the Board conducted a public hearing on the Draft 2010 Amendment to the County LPP on August 24, 2010, having given 30 day public notice to BCDC, all entities having components of the Local Protection Program, and to the public; and

WHEREAS, on August 24, 2010, the Board adopted the 2010 Amendment to the County LPP and Findings of Consistency between Provisions of the Suisun Marsh Protection Act and Existing County Policy, and authorized submittal of the Amendment to BCDC for its review and certification; and

WHEREAS, the adopted 2010 Amendment to the County LPP is still pending before BCDC and, pursuant to Section 29419(a) of the Suisun Marsh Preservation Act, the version of the County LPP in effect at this time is the version certified by BCDC in 1999; and

WHEREAS, amending the County LPP to reflect the changes to the water dependent industrial and commercial recreation land use designations adopted as part of the Solano County 2008 General Plan first required an amendment to the San Francisco Bay Plan and Suisun Marsh Protection Plans in the Collinsville area; and

WHEREAS, on August 24, 2010, the Board authorized the County Administrator to transmit an application to the San Francisco Bay Conservation and Development Commission to amend the San Francisco Bay Plan and Suisun Marsh Protection Plan; and

WHEREAS, on July 7, 2011, BCDC approved amendments to its San Francisco Bay Plan and Suisun Marsh Protection Plan to modify the boundaries of the water-related industrial priority use designation at Collinsville, thereby reconciling prior inconsistencies between the Commission's two plans and the County's 2008 General Plan; and

WHEREAS, following BCDC's approval of its plan amendments, a Draft 2012 Amendment to the County LPP was prepared and distributed by the Department of Resource Management for public review and comment; and

WHEREAS, the Draft 2012 Amendment addresses adoption of the 2008 General Plan update, adoption of Zoning Code Text amendments addressing Definitions, Limited Agriculture District, Residential Traditional Community District, Commercial Recreation District, Water Dependent Industrial District, and Land Use Regulations; further amending Chapter 31 addressing

grading, drainage, land leveling and erosion control; replacing Chapter 6.4 of the County Code regulating sewage disposal systems with revisions to County policy regulating sewage disposal systems within the Suisun Marsh; and amending the Zoning maps relating to the Water Related Industrial Reserve Area around Collinsville and in secondary management area consistent with the 2008 General Plan; and

WHEREAS, the Draft 2012 Amendment, as prepared by the Department of Resource Management, was formatted as complete County LPP document that would supersede all prior versions of the County LPP, although numerous policies and regulatory provisions in the Draft 2012 Amendment simply carried forward policies and regulatory provisions contained in the current County LPP, reformatted without substantive amendment; and

WHEREAS, in the Draft 2012 Amendment circulated for public comment prior to consideration by the Solano County Planning Commission, the Department proposed that the policy in the current County LPP addressing commercial wind energy development in the Suisun Marsh be substantively updated; and

WHEREAS, the Planning Commission conducted a noticed public hearing on the Draft 2012 Amendment on June 21, 2012, and made its recommendation to the Board of Supervisors; and

WHEREAS, the Planning Commission recommended that the Board of Supervisors adopt the Draft 2012 Amendment as prepared by the Department, except that the existing County LPP policy for commercial wind energy development in the Suisun Marsh, which was adopted by the Board on August 3, 1982, through Resolution No. 82-139 and was certified as part of the County LPP by BCDC on November 4, 1982, should be included as Policy SM-P 35 of Chapter 12 of the General Plan and retained as an existing policy of the County LPP without amendment; and

WHEREAS, the Board conducted a public hearing on the Draft 2012 Amendment on August 28, 2012, having first given 30 day public notice to BCDC, all entities having components of the Local Protection Program, and to the public; and

WHEREAS, the Board has reviewed the staff report of the Department of Resource Management, the recommendation of the Planning Commission, and heard and considered all comments regarding all elements of the project, including both the proposed substantive amendments to the County LPP and the substantive retention of various policies and regulatory provisions of the current County LPP; and

WHEREAS, the Board finds that the proposed 2012 Amendment of the County LPP, as recommended by the Planning Commission, conforms to the Suisun Marsh Protection Plan and the Suisun Marsh Preservation Act of 1977; and

WHEREAS, a Negative Declaration has been prepared and circulated for the proposed project. Prior to reviewing the project, the Board considered the Negative Declaration together with any comments received during the public review process. The Board finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment.

RESOLVED, the Board of Supervisors of the County of Solano does hereby adopt the 2012 Amendment of the Solano County Component of the Suisun Marsh Local Protection Program as recommended by the Planning Commission, attached hereto as Exhibit 1 and as supplemented to reflect all actions taken by the Board of Supervisors on this date, and directs the Director of the Department of Resource Management to format the amended County LPP as necessary.

RESOLVED, the Board of Supervisors directs the Director of the Department of Resource Management to notify the San Francisco Bay Conservation and Development Commission that the 2010 Amendment to the County LPP has been superseded and should no longer be reviewed and considered by the Commission for certification.

RESOLVED, the Board of Supervisors directs the Director of the Department of Resource Management to submit the amended County LPP to the San Francisco Bay Conservation and Development Commission for its review and certification.

Passed and adopted by the Solano County Board of Supervisors on August 28, 2012 by the following vote:

AYES:	Supervisors	_____

NOES:	Supervisors	_____
EXCUSED:	Supervisors	_____

Linda J. Seifert, Chair
Solano County Board of Supervisors

ATTEST:
Birgitta E. Corsello, Clerk
Board of Supervisors

By: _____
Patricia J. Crittenden, Chief Deputy Clerk