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Public Hearing to consider updates to development policies and regulations for the Suisun Marsh, which include: Adopting a resolution approving a Negative Declaration; Adopting a resolution amending General Plan (G-11-02); Adopting an ordinance amending Chapter 28 (Zoning Regulations) and rezoning properties (Z-11-02 & Z-11-03); Introducing an ordinance amending Chapter 31 (Grading, Drainage, Land Leveling, and Erosion Control); Adopting a resolution amending the Solano County Component of the Suisun Marsh Local Protection Program, and transmitting the Local Protection Program to the Bay Conservation and Development Commission for certification

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Published Notice Required? Yes X No ___

Public Hearing Required? Yes X No ___

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Board of Supervisors conduct a noticed published hearing to:

- A. Adopt a resolution approving a Negative Declaration of environmental impact for the project;
- B. Adopt a resolution amending the Solano County General Plan, including the updated sewage disposal system policy and consistency findings;
- C. Adopt an ordinance amending Chapter 28, Zoning Regulations, including property rezonings;
- D. Introduce an ordinance amending Chapter 31, Grading, Drainage, Land Leveling, and Erosion Control, and;
- E. Adopt a resolution amending the Solano County Component of the Suisun Marsh Local Protection Program and transmitting the Local Protection Program to the Bay Conservation and Development Commission for certification.

SUMMARY:

The Board is being asked to review and approve the 2012 Amendment to the Local Protection Program (LPP) prepared as a result of a number of recent actions affecting the County's certified component of the LPP. These actions include the adoption of: the 2008 General Plan update; the 2012 Zoning Regulation revisions; rezoning proposals in the Water Related Industrial Reserve Area around Collinsville to bring zoning into consistency with the 2008 General Plan; County Code amendments consolidating Chapters 9 and 31 into a new updated Chapter 31 addressing grading, drainage, land leveling and erosion control; and Chapter 6.4 addressing sewage standards.

The Planning Commission at its meeting of June 20, 2012, recommended (4-1 vote) that the Board adopt the 2012 Amendment and associated actions, and to retain the existing wind energy policy that prohibits wind turbine projects in the primary management area, but permits them in the secondary management area (with a conditional use permit) after demonstrating that they will not have a significant impact on the maintenance of the marsh in its present

natural state, on Marsh wildlife and on the visual characteristics of the marsh. This issue was the focus of public testimony and Planning Commission deliberations. Correspondence was received from Bay Conservation and Development Commission (BCDC); Audubon; Ducks Unlimited; The Bay Institute and State Department of Fish and Game requesting a prohibition of wind energy projects in the secondary management area of the Suisun Marsh.

FINANCIAL IMPACT:

The cost of preparing this Board item and the land use planning effort to amend the Solano County Component of the Suisun Marsh Local Protection Program is borne by the General Fund as part of the approved Department of Resource Management budget.

DISCUSSION:

Background

This is the second step of a two-step process to amend the County's component of the Local Protection Program (LPP). The first step required the County to submit an application to the BCDC to amend the Suisun Marsh Protection Plan (Marsh Plan) and the San Francisco Bay Plan (Bay Plan) to reflect the Water Dependent Industrial and Commercial Recreation land use changes in the Collinsville area adopted by the County as part of the 2008 General Plan.

The County began this process by preparing a draft amendment to the County component of the LPP dated May 1, 2010. This document was posted on the County website and made available to the public for review and comment. Two community meetings were held in Rio Vista and Fairfield to provide further opportunity for public comment. All of the landowners in the Suisun Marsh and Collinsville area and the affected agencies were notified of the document's availability and the two community meetings. The document was also presented to the Suisun Resource Conservation District for comment.

On August 24, 2010, the Board of Supervisors 1) authorized entering into an agreement with BCDC to process the Bay Plan and Marsh Plan amendments and related actions; and 2) adopted the 2010 Amendments to the Solano County component of the Suisun Marsh LPP and authorized submittal of the 2010 Amendments to BCDC. The 2010 LPP Amendments addressed Chapter 31, Grading, Drainage, Land Leveling and Erosion Control and Chapter 6.4 Sewage Standards and Findings of Consistency with the Suisun Marsh Act. This amendment to the County's LPP is still pending before BCDC and is not yet certified.

Proposed 2012 Amendment to the Solano County LPP

The 2008 General Plan carries forward existing policies from the previous General Plan as well as modifying and establishing new marsh protection policies. The Land Use Chapter provides updated descriptions of land use classifications within the Suisun Marsh. The Resources Chapter includes new general policies for the protection of the Suisun Marsh and the Public Facilities and Service Chapter address Potrero Hills Landfill. More detailed policies directly affecting the Suisun Marsh are presented in Appendix C of the 2008 General Plan, Suisun Marsh Policy Addendum. An amendment is proposed to replace the Collinsville-Montezuma Hills Area Plan and Program policies in Appendix C with Water Related Industrial policies from the Suisun Marsh Protection Plan. In addition, Appendix C is proposed to become Chapter 12 of the General Plan and the policies from the Resources Chapter are incorporated into the new Chapter 12.

Finally, the existing wind energy policy adopted as part of the County's General Plan in June 1982 and incorporated as part of the County's LPP that same year would be retained as part of the County's LPP with no amendments. The 1982 policy would need to be re-adopted by the County as an amendment to the 2008 General Plan, but carrying that 1982 policy forward as part of the County's LPP would not require an amendment to the existing LPP. As currently provided in Chapter 4 of the General Plan, wind turbines would continue to be prohibited in the primary management area. Within the secondary management area, wind turbine projects would need to demonstrate that they will not have a significant impact on the maintenance of the marsh in its present natural state, on Marsh wildlife and on the visual characteristics of the marsh. The 1982 policy contains a number of criteria to be followed in siting wind turbine projects within the secondary management area to ensure projects are consistent with provisions of the Marsh Act and Marsh Plan. This policy was previously found by BCDC to be consistent with the Marsh Act and Marsh Plan as part of the County's 1982 LPP.

For a detailed discussion of the amendment please refer to the Planning Commission Memorandum dated June 20, 2012 (Attachment F).

California Environmental Quality Act (CEQA) Review

A Draft Initial Study and Negative Declaration was prepared for those elements of the Proposed 2012 Amendment to the Solano County Component of the Suisun Marsh Local Protection Program which have not already been adopted as General Plan policies or ordinances. The Initial Study and Negative Declaration were circulated through the State Clearinghouse with a 30 day review period. The review period ended on June 1, 2012.

Public Comment

County and BCDC staff worked closely on the amendments and reached consensus on the majority of the issues except for the wind energy policy. This was also the case with the Suisun Resource Conservation District as well.

The County received four comment letters on the Initial Study and Negative Declaration within the review period and two after. The four received within the review period were: Bay Conservation and Development Commission; Audubon; Ducks Unlimited; and The Bay Institute. The comment letter from Central Valley Flood Protection Board and State Department of Fish and Game were received after the review period closed. Except for Central Valley the commenters addressed the wind energy policy.

Public Noticing Requirement

Notice of this public hearing was published at least 30 days before the scheduled hearing in the Fairfield Daily Republic.

ALTERNATIVES:

The Board could choose to not approve the Proposed 2012 Amendment to the Solano County Component of the Suisun Marsh Local Protection Program. This is not recommended because the Suisun Marsh Local Protection Program has not been updated since 1998 and must be current and consistent with the General Plan and Zoning Regulations.

OTHER AGENCY INVOLVEMENT:

The Bay Conservation and Development Commission is responsible for the statewide administration of the Suisun Marsh program. Staff has been working with BCDC staff to amend the County's Component of the Suisun Marsh Local Protection Program. The County Administrator and County Counsel have reviewed this item and concur with the recommended action.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION