# ORDINANCE NO. 2012-_____

## AN ORDINANCE AMENDING CHAPTER 31 OF THE SOLANO COUNTY CODE, AMENDING SECTIONS 31-20, 31-30, AND 31-40, RELATING TO GRADING, DRAINAGE, LAND LEVELING, AND EROSION CONTROL IN THE SUISUN MARSH AND WATERSHED

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The Board of Supervisors of the County of Solano ordains as follows:

**SECTION I**

Section 31-20 of Chapter 31 of the Solano County Code (Grading, Drainage, Land Leveling, and Erosion Control), subsection (c), is amended as follows:

(c) Suisun Marsh Protection.

(1) Prior to the issuance of a grading and drainage permit for sites located within the Suisun Marsh area, a marsh development permit must be obtained.

(2) It shall be unlawful to do any of the following activities without a grading and drainage permit within, or in areas within the buffer extending 25 feet from the top of a bank to, those channels within the Suisun Marsh or those channels flowing or which will flow into the Suisun Marsh identified on that diagram entitled "Protected Channels of the Suisun Marsh Watershed," which is on file at the Department of Resource Management and is incorporated herein as though set forth in full:

(A) Newly construct any structure, except that the repair, replacement, reconstruction, improvement, or maintenance of any existing structure may be performed unless the Director determines that such repair, replacement, reconstruction, improvement, or maintenance will result in an increase in flood elevation, public flood hazard, or increase sedimentation to such an extent that adverse environmental impacts will occur in the Suisun Marsh.

(B) 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.

(C) 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, habitat, or flood control purposes; or

(ii) Gardening and landscape activities associated with an established use.

(D) Store or handle toxic substances, excepting application of chemicals to land or crops in the course of agricultural practices or customary home landscaping activities.

**SECTION II**

The diagram entitled "Protected Channels of the Suisun Marsh Watershed," the original of which is on file with the Department of Resource Management and a copy of which is attached hereto as Exhibit 1, was included as part of Ordinance No. 1166, adopted on August 3, 1982. That original diagram is incorporated herein by reference and made a part of Section 31-20, subsection (c)(2), of the Solano County Code.

**SECTION III**

Section 31-30 of Chapter 31 of the Solano County Code, subsections (o) and (p), are amended as follows:

(o) Waterways shall be designed to avoid erosion as much as practical. Wide channels should be constructed with flat side slope surfaces and the channel and slopes should be lined with grass or other appropriate vegetation. Every effort must be made to preserve natural channels and drainage ways.

(p) Except as limited by section 28-51 of this Code, (Watershed and Conservation (W) District), filling, grading, excavating, or obstructing the bed or banks of a watercourse and removal of the riparian vegetation should be allowed only where no reasonable alternative is available and, where allowed, shall be limited to the minimum amount necessary. In the Suisun Marsh, stream modification should be permitted only if necessary to ensure the protection of life or existing structures from floods, and only the minimum amount of modification necessary shall be allowed in such cases.

**SECTION IV**

Section 31-40 of Chapter 31 of the Solano County Code, is amended as follows:

**Sec. 31-40. Review and approval**

(a) Grading and drainage permit applications and accompanying maps and plans shall be reviewed by the Department of Resource Management and approved when found to be in compliance with the provisions of this chapter, and conformance with acceptable grading and erosion control techniques. Permits required as a condition of a building permit, use permit, marsh development permit,

or other land development permit will be issued only in conjunction with, or subsequent to, approval of such a permit and not in anticipation of such a permit.

(b) Within the Suisun Marsh Watershed, the Department of Resource Management shall issue a permit only if the Director finds that riparian habitat will be protected and that the proposed activity will not increase sedimentation and runoff within or into the Suisun Marsh to such an extent that significant adverse environmental impacts will occur in the Suisun Marsh.

**SECTION V**

All ordinances and parts of ordinances in conflict herewith are repealed.

**SECTION VI**

This ordinance will be effective thirty (30) days after its adoption.

**SECTION VII**

If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

**SECTION VIII**

A summary of 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 adoption.

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PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on _____, 2012, by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

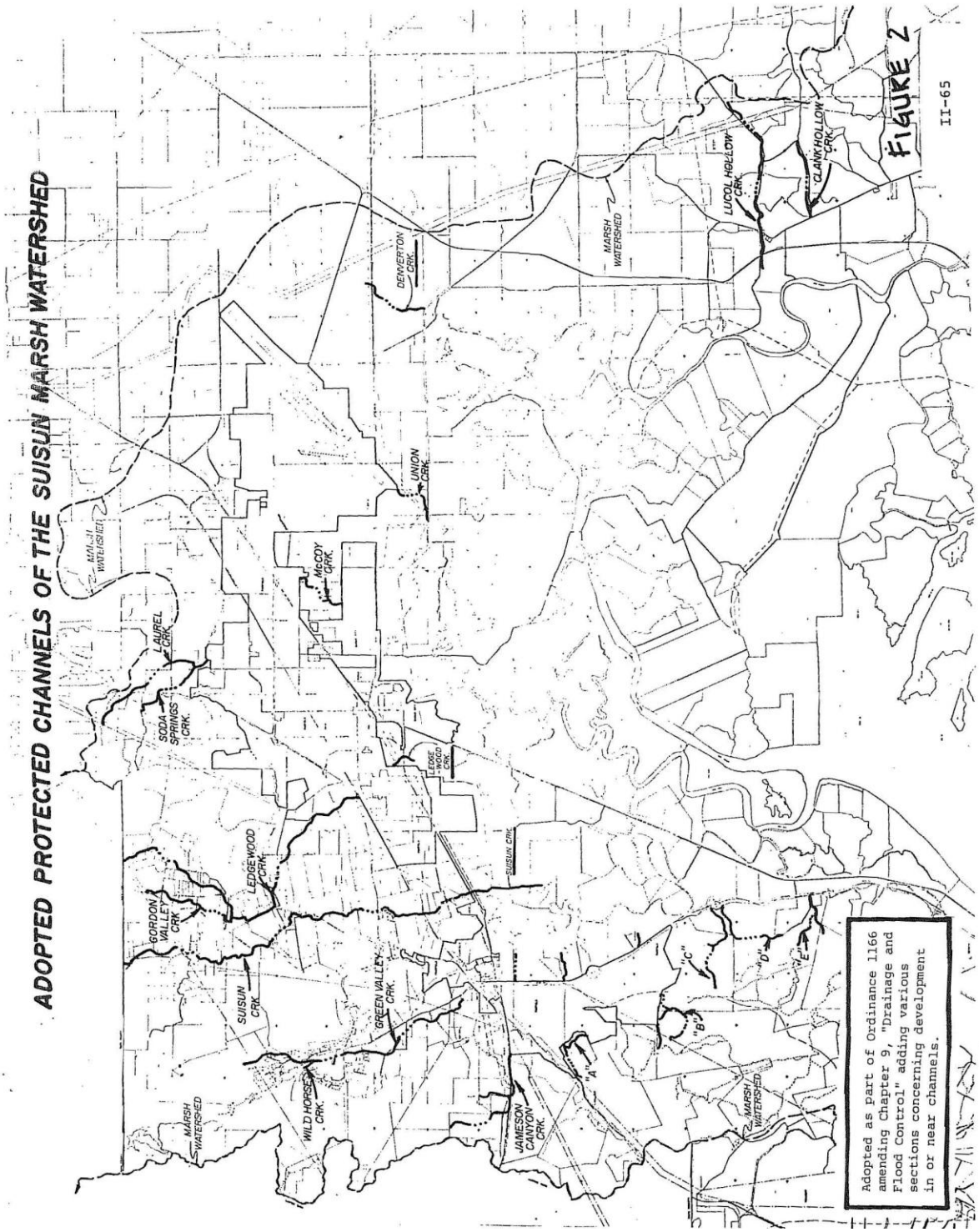
_____
Linda J. Seifert, Chair

Solano County Board of Supervisors

ATTEST:
Birgitta E. Corsello, Clerk
Solano County Board of Supervisors

By: _____
Patricia J. Crittenden, Chief Deputy Clerk

**Exhibit 1**


ADOPTED PROTECTED CHANNELS OF THE SUISUN MARSH WATERSHED
MARSH WATERSHED
LAUREL CRK.
SODA SPRINGS CRK.
McCOY CRK.
UNION CRK.
DENVERTON CRK.
LUCOL HOLLOW CRK.
CLANK HOLLOW CRK.
GORDON VALLEY CRK.
LEDGEWOOD CRK.
EDGE WOOD CRK.
SUISUN CRK.
GREEN VALLEY CRK.
WILD HORSE CRK.
JAMESON CANYON CRK.
"A"
"B"
"C"
"D"
"E"
Adopted as part of Ordinance 1166 amending Chapter 9, "Drainage and Flood Control" adding various sections concerning development in or near channels.
FIGURE 2
II-65