

ORDINANCE NO. 2018 - \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 31 OF THE SOLANO COUNTY CODE,  
AMENDING SECTIONS 31-12, 31-20, 31-30, AND 31-40 RELATING TO GRADING,  
DRAINAGE, LAND LEVELING, AND EROSION CONTROL IN THE SUISUN MARSH  
AND WATERSHED**

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

**SECTION I**

The following definitions are added to Section 31-12 of Chapter 31 (Grading, Drainage, Land Leveling, and Erosion Control) of the Solano County Code, in alphabetical order.

**Protected Channels** are 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.

**Suisun Marsh** is the Suisun Marsh as defined in Public Resources Code section 29101.

**Suisun Marsh Watershed** is the immediate watershed of the Suisun Marsh as defined in Public Resources Code section 29104.

**Top of Bank** means the upper elevation of land which defines the shape of a channel, conduit, canal, or ditch. The top of the bank of a normal channel does not include, nor shall the adjacent area be measured from, swales or other low-lying lands contiguous to said normal channel which are subject to occasional inundation by rain waters or discharges of irrigation waters.

**SECTION II**

Subsection 31-20(c) of Chapter 31 of the Solano County Code 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 area extending 25 feet from the top of a bank to, any watercourse within the Suisun Marsh or any Protected Channel: 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 likely 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 buffer area of the channel. Emergency repairs may be commenced prior to obtaining a permit, provided that notification of any such work is given to the Director on the next business day and an application for a grading permit is submitted within ten days.

(C) Cut or remove vegetation, except for:

(i) Grazing, cultivation of land, and other agriculturally related agricultural activities, including cutting or removing vegetation from channels or adjacent areas for agricultural, habitat, or flood control wetland management purposes; or

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

## **SECTION II**

Subsection 31-30(q) of Chapter 31 of the Solano County Code is amended as follows:

(q) In the Suisun Marsh watershed, stream channelization or stream diversions should not be permitted if it would result in significant adverse effects on the quality or quantity of water entering the Marsh. Along Protected Channels in the Suisun Marsh Watershed, any stream modification that would involve the removal of significant existing riparian vegetation should be permitted only if shown to be necessary to ensure the protection of life or existing structures from flood, and only the minimum amount of modification necessary should be allowed in such cases. In the Suisun Marsh, stream modification should not be permitted if it would increase sedimentation or runoff that would cause significant, adverse environmental impacts in the Marsh.

## **SECTION III**

Subsection 31-40(b) of Chapter 31 of the Solano County Code is amended as follows:

(b) In addition to all general standards and requirements of this Chapter, within the Suisun Marsh and the Suisun Marsh Watershed, the Director shall issue a grading and drainage permit or approve a plan for grading and erosion and sediment control for those activities described in Section 31-20(c) only if the Director finds that the proposed grading complies with design principles and standards described in Section 31-30(q), that riparian habitat will be protected from significant degradation, 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 IV**

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

## **SECTION V**

The Board of Supervisors has made the following findings in regard to this ordinance:

1. These amendments are in conformity with the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan.
2. A Negative Declaration has been prepared, circulated, and adopted for this project. The Board of Supervisors has considered the Negative Declaration, together with any comments received during the public review process and hearing. The Board of Supervisors finds on the basis of the Negative Declaration and any comments received that there is no substantial evidence that the proposed amendments will have a significant effect on the environment.

#### **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.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on October 2, 2018, by the following vote:

AYES:            SUPERVISORS            \_\_\_\_\_

\_\_\_\_\_

NOES:           SUPERVISORS            \_\_\_\_\_

EXCUSED:       SUPERVISORS            \_\_\_\_\_

\_\_\_\_\_  
JOHN M. VASQUEZ, Chair  
Solano County Board of Supervisors

ATTEST:  
BIRGITTA E. CORSELLO, Clerk  
Solano County Board of Supervisors

By: \_\_\_\_\_  
Jeanette Neiger, Chief Deputy Clerk