

Solano County is proposing to amend and update the County's component of the Suisun Marsh Local Protection Program (LPP). The Suisun Marsh Management Area is shown in Figures SM-1 and SM-2. The County is required to prepare and adopt a component of the LPP as required under the 1977 Suisun Marsh Preservation Act (Marsh Act) to implement the Marsh Act and the Suisun Marsh Protection Plan within the Suisun Marsh Management area. The County component of the LPP, as last certified by BCDC in 1999, is comprised of policies contained in the County General Plan as in effect in 1999; County Code provisions including the Zoning Code (Chapter 28), Drainage and Flood Control (Chapter 9), and Grading and Erosion Control (Chapter 31) as in effect in 1999; and policies regulating sewage disposal systems.

The 2012 update to the County's component of the LPP was prepared as a result of a number of actions including: adoption of the 2008 General Plan; updates to the Zoning Code; rezoning of the Water Related Industrial Reserve Area around Collinsville consistent with the 2008 General Plan; and County Code amendments consolidating Chapters 9 and 31 into a new updated Chapter 31 addressing grading, drainage, land leveling, and erosion control. The Board approved the 2012 LPP update on August 28, 2012, and the County submitted that update to BCDC for certification.

During BCDC's certification process, the Department of Resource Management became aware that further amendments to the text of the LPP may be necessary to clarify the County's policies and regulations for development in the Suisun Marsh. The County withdrew its certification request and the Department has prepared further revisions to the introductory text of the LPP, the General Plan, and Chapters 28 and 31 of the County Code, all of which together comprise the County's component of the LPP. These further revisions include combining Suisun Marsh Policy 15 (SM.P-15) with Suisun Marsh Policy 13 (SM.P-13) (pages 30-47), since they both address the County's grading ordinance, and renumbering the remaining policies. The County's grading ordinance has been amended to address grading activities specific to the Marsh (pages 87 & 88). Another issue involves the post closure activities that Potrero Hills Landfill will be able to pursue. Landfill staff have been working with BCDC and County staff regarding the acceptable post closure activities that the Landfill will be able to engage in. Language has been revised (pages 53 & 54) under Footnote 5 of Table 28.22A of the Suisun Marsh Agricultural districts Table of Allowed Uses. The language provides the Planning Commission latitude to approve uses that are compatible with approved closure and/or post-closure plans for the site that will not subject occupants of the site, neighbors or the environment to risks associated with the wastes. Additional language was added to the Marsh Preservation district Table of Allowed uses to clarify that a use permit is required for marsh restoration activities only when dredge sediments are being used; this language was inadvertently omitted when Chapter 28 was updated in 2012.

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. Carrying the 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.

California Environmental Quality Act (CEQA) Review

A Draft Initial Study and Negative Declaration was prepared for those elements of the Proposed 2018 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 September 26, 2018.

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.

Attachments:

A - Solano County Component of the Suisun Marsh Local Protection Program (2018 Amendment)