



Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, California 94533
Solanocounty.com

*Planning Services Division
(707) 784-6765 Fax (707) 784-4805*

*Mike Yankovich
Program Manager*

MEMORANDUM

TO: Planning Commission

FROM: Mike Yankovich, Planning Manager

DATE: August 18, 2011

SUBJECT: Study Session on Suisun Marsh Local Protection Program 2011 Amendment

Planning staff is asking the Planning Commission to conduct a study session and to provide direction for future amendments on the General Plan and Zoning Code provisions of Draft 2011 Amendment to the Solano County component for the Suisun Marsh Local Protection Program (LPP).

Suisun Marsh Preservation Act Requirements

In 1977, the California State legislature enacted the Suisun Marsh Preservation Act (Marsh Act) which provides a mechanism to preserve and enhance the wildlife habitat of the Suisun Marsh and to assure retention of upland areas adjacent to the marsh in uses compatible with its protection. The Marsh Act established the Suisun Marsh Management Area (Figures 1 & 2). The primary responsibility for carrying out the provisions of the Marsh Act was assigned to local government. The majority of the Suisun Marsh lies under the jurisdiction of Solano County. Other local governmental agencies having jurisdiction within the Marsh include the cities of Fairfield, Suisun City, the Solano County Local Agency Formation Commission, the Solano County Mosquito Abatement District and the Suisun Resource Conservation District. Under the provisions of the Marsh Act, Solano County and these agencies were required to bring their policies and operating procedures into conformity with the provisions of the Marsh Act and the Suisun Marsh Protection Plan through the preparation of a component to the Local Protection Program.

Solano County's component was required to contain development controls designed to meet the following objectives (a) to protect the wetlands within the Marsh; (b) to protect agricultural lands both within and adjacent to the Marsh; (c) to designate principal permitted uses on land within the Marsh; (d) to limit erosion, sedimentation, and run-off; (e) to protect riparian habitat (f) to ensure that use of deep water industrial and port area at Collinsville is in conformity with the Protection Plan; and (g) to ensure that new development in and adjacent to the Marsh is designed to protect the visual characteristics of the Marsh.

Existing Solano County LPP Component

In 1980, Solano County prepared and submitted to the San Francisco Bay Conservation and Development Commission (BCDC) its component of the Suisun Marsh LPP. On September 18, 1980, BCDC approved the County component subject to a number of conditions. Amendments were prepared to meet BCDC conditions of approval and these were submitted on August 31, 1982. BCDC certified the County's component on November 4, 1982.

In 1998, Solano County amended its component of the LPP to incorporate provisions addressing wetland restoration in the Collinsville area. These amendments were certified by BCDC on February 2, 1999.

The current LPP is comprised of the following provisions:

1. Solano County General Plan
 - a. Suisun Marsh Policies
 - b. Land Use Map
2. Policies Regulating Sewage Disposal Systems
3. Solano County Code Provisions
 - a. Chapter 28, Zoning
 - i. Marsh Preservation (MP) District
 - ii. Limited Agriculture (A-L) District
 - iii. Water Dependent Industrial (I-WD) District
 - iv. Marsh Development Permits
 - v. Zoning District Map for the Suisun Marsh Management area
 - b. Chapter 8, Drainage and Flood Control
 - c. Chapter 31, Grading and Erosion Control

In addition, the County adopted required findings of consistency between provisions of the Suisun Marsh Protection Act and existing county policy.

Proposed Amendments to the Solano County LPP Component

The proposed 2011 Draft LPP Amendment has been prepared as a result of a number of recent actions affecting the County's certified component of the LPP including: adoption of the 2008 General Plan update; proposed updates to the Zoning Code; rezoning proposals in the Water Related Industrial Reserve Area around Collinsville consistent with the 2008 General Plan; and adopted County Code amendments consolidating Chapters 9 and 31 into a new updated Chapter 31 addressing grading, drainage, land leveling and erosion control and adoption of Chapter 6.4 addressing sewage standards.

The proposed LPP Amendment is comprised of the following provisions. Some of the provisions have been adopted by the Board of Supervisors as indicated. The remaining provisions will be considered by the Planning Commission, Board of Supervisors, and the Bay Conservation and Development Commission (BCDC) through a public hearing process.

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|----|---|--------------------------------|
| 1. | 2008 Solano County General Plan | |
| | a. Suisun Marsh Policies | Adopted 2008 & Proposed Amend. |
| | b. Land Use Diagram | Adopted 2008 |
| 2. | Policies Regulating Sewage Disposal Systems | Repeal |
| | Add Chapter 6.4 Sewage Standards | Adopted |
| 3. | Solano County Code Provisions | |

a.	Chapter 28, Zoning	
	I. Definitions	Proposed Amend.
	II. Marsh Preservation (MP) District	Proposed Amend.
	III. Limited Agriculture (A-L) District	Proposed Amend.
	IV. Water Dependent Industrial (I-WD) District	No Change
	I. Commercial Recreation (CR-L) District	Proposed New District
	VI. Residential - Traditional Community (R-TC-4) District	Proposed New District
	VII. Marsh Development Permit	Proposed Amend.
	VIII. Land Use Regulations	Proposed Amend.
	IX. Proposed Zoning Map Changes	Proposed Amend.
b.	Chapter 31, Grading, Drainage, Land Leveling and Erosion Control.	Adopted 2007

In addition, amendments have been prepared updating the findings of consistency between provisions of the Suisun Marsh Protection Act and existing County policy.

The following summarizes the proposed General Plan and County Code amendments incorporated in the 2011 Draft LPP Amendment. Within the 2011 Draft LPP documents, new provisions to the LPP are underlined or are in red and provisions to be deleted are shown with strikeout.

2008 SOLANO COUNTY GENERAL PLAN

The 2008 General Plan updated county policies and programs and consolidated individual general plan elements into a single integrated document. Changes affecting the LPP included (1) updates to the County policies incorporated in the LPP and (2) changes to the land use designations in the Collinsville area.

The 2008 General Plan carries forward existing policies from the previous General Plan elements and LLP as well as modifying and establishing new marsh protection policies. More general policies which provide protections in the Suisun Marsh are included in Chapter 2, Land Use, Chapter 4, Resources, Chapter 5, Public Health and Safety and Chapter 8, Public Facilities and Service. More detail policies directly affecting the Suisun Marsh have been incorporated in the 2008 General Plan Appendix C, Suisun Marsh Policy Addendum. The proposed amendments to the LPP contained in General Plan Chapters 2, 4, 5, and 8 were previously adopted as part of the 2008 General Plan. The proposed amendments contained in Appendix C are new proposed changes not yet adopted by the County. The adopted and proposed General Plan Amendments for the LPP amendment are shown in Exhibit I.

Chapter 2 Land Use (Adopted).

The Land Use chapter contains new land use descriptions for water bodies and courses, park and recreation, marsh, agriculture, public/quasi-public, traditional community - residential, commercial recreation and water dependent industrial land use designations which have been applied to the Suisun Marsh Management Area. The chapter incorporates provisions of the Orderly Growth Initiative which limits redesignation under the General Plan of agricultural and marsh land use designations to other land uses.

A special study was conducted in the Collinsville area as part of the General Plan update through a community based planning program. The recommendations of the special study have been incorporated in Chapter 2. They provide a policy framework for the land use changes in the

Collinsville area, including the Water Related Industry Reserve Area under the Suisun Marsh Protection Plan, and for updating the Collinsville-Montezuma Hills Area Plan and Program.

Chapter 4 Resources (Adopted).

This chapter summarizes the County's Suisun Marsh LPP and establishes new general marsh protection policies. The chapter also includes new General Plan policies addressing biological resource protection, scenic resource protection, recreation and wind energy resources that apply to the Suisun Marsh Management Area.

Chapter 5 Public Health and Safety Chapter (Adopted).

This chapter includes new policies addressing flood control which are applicable to the Suisun Marsh Management Area.

Chapter 8 Public Facilities and Services (Adopted).

This chapter includes a new policy addressing the Public/ Quasi-public land use designation applied to the Potrero Hills Landfill.

Appendix C Suisun Marsh Policy Addendum (Proposed Amendments).

The addendum includes specific General Plan policies governing the Suisun Marsh which were previously incorporated into the Solano County component of the LLP and certified by BCDC. They include policies addressing biologic resources; wildlife habitat management and preservation; agriculture; water quality; natural gas; utilities, facilities and transportation; and recreation and marsh access. Policies addressing scenic resources, industrial land use, and flood hazards were updated and included in the General Plan chapters described above. The Collinsville-Montezuma Hills Area Plan and Program is no longer part of the General Plan and these water dependent industrial policies are proposed to be replaced with water related industrial policies from BCDC's Suisun Marsh Protection Plan.

The Suisun Marsh Policy Addendum will be moved from Appendix C and will become new Chapter 12 of the General Plan.

General Plan Land Use Diagram (Adopted).

The 2008 Land Use Diagram incorporates land use changes within the Water Related Industry Reserve Area of the Suisun Marsh in the Collinsville area. The Land Use Diagram is shown in Figure 3 attached.

POLICIES REGULATING SEWAGE DISPOSAL SYSTEMS (Proposed to be Repealed)

The LPP currently contains a summary of the policies and regulations governing sewage disposal systems within the Suisun Marsh as they existed in 1982. It is proposed that this summary of sewage policies and regulations be repealed and replaced by Solano County Code Chapter 6.4, Sewage Standards adopted in 2001 and as amended in 2004.

SOLANO COUNTY CODE PROVISIONS

The following summarizes the proposed LPP amendments contained in the Solano County Code. Amendments contained in Chapter 28, Zoning are proposed amendments that have not yet been adopted by the County. The proposed amendments to the LPP contained in Chapter 6.4

Sewage Standards and Chapter 31, Grading, Drainage, Land Leveling, and Erosion Control have been previously adopted by the County and no changes are proposed.

Chapter 28. Zoning.

The County has an ongoing program updating the Solano County Zoning Code text. This includes extensive reformatting of the code and updating land use descriptions, definitions, and development standards. Proposed amendments to the Definitions, Limited Agricultural District, Marsh Preservation District, Commercial Recreation, Land Use Regulations, and Marsh Development Permit sections are new proposed changes not yet adopted by the County. One new zoning district, Residential – Traditional Community District, is proposed to be added to the LLP to address 2008 General Plan land use changes in the Water Related Industrial Reserve Area of the Suisun Marsh located in the Collinsville area. No changes are proposed for the Water Dependent Industrial District. The following summarizes the proposed zoning code text amendments and rezonings.

Definitions and Zoning Districts

The proposed amendments to the zoning code definitions and zoning districts are shown in Exhibit II. The following summarizes the proposed changes.

Definitions (Proposed Amendment). New definitions of Hunting Club and Marsh Orientated Recreation is proposed.

Limited Agriculture (A-L) District (Proposed Amendments). Amendments to the A-L District text include reformatting of the chapter and providing clearer definitions and standards addressing secondary dwelling, agricultural employee housing, agricultural home stay, marsh oriented recreation, and non-conforming uses within the Suisun Marsh. Many of these changes incorporate similar provisions recently proposed for the Exclusive Agricultural District.

Residential -Traditional Community (R-TC) District (Proposed New District). The proposed zoning district updates and will ultimately replace the Suburban Residential and Urban Residential District. A new classification R-TC-4 (4,000 sq. ft. lots) would be applied to the existing residential area of the Collinsville Township. This area is comprised primarily of existing 4,000 sq. ft. lots and is currently zoned A-20 Exclusive Agriculture. This change is consistent with the new Traditional Community-Residential land use designation under the 2008 General Plan and the residential character of the area, and establishes set back standards more consistent with the existing parcel sizes than provided under the A-20 district.

Commercial Recreation (CR) District (Proposed Amendments). The Commercial Recreation (CR) zoning district would be reformatted and updated consistent with the new Zoning Code provisions. A new Commercial Recreation – Limited (CR-L) classification would be established for application within the Suisun Marsh. The CR-L district includes provisions for outdoor recreation, special occupancy parks, marinas, interpretive centers, stables, boating and fishing clubs and ecological and agricultural education uses.

Water Dependent Industrial (I-WD) District (Adopted). The Zoning Code update proposed to consolidate all of the industrial zoning district (Limited Manufacturing (M-L), General Manufacturing (M-G) and I-WD into one code section. As a result, the district has been reformatted. However no changes are proposed to the allowed and conditional uses under the existing district provisions. This district will be updated as part of a future specific plan or area plan for Collinsville.

Marsh Preservation (MP) District (Proposed Amendments). Amendments to the MP District text include reformatting the chapter and providing clearer definitions and standards addressing crop production, marsh oriented recreation, complementary commercial facilities and non-conforming uses with the Suisun Marsh.

Land Use Regulations (Proposed Amendments)

Amendments to the General Provisions and Use Permit sections that have been consolidated in the new Land Use Regulations article of the zoning code. Sections relating to provisions for specific uses are that address uses in the proposed amendments to the MP, A-L, CR and R-TC zoning districts are shown in Exhibit III.

Marsh Development Permits (Proposed Amendments)

The Marsh Development permit provisions have been updated as shown in Exhibit IV. The Department name has been updated. Application and processing requirements for a Marsh Development Permit have been clarified and updated to parallel the use permit process.

Zoning Map Amendments (Proposed Amendments)

The existing Suisun Marsh Zoning Districts are shown in Figure 4. To bring zoning into consistency with the 2008 General Plan and to implement the new Commercial Recreation - Limited (CR-L) and Residential – Traditional Community (R-TC-4) zoning districts, the County is proposing to rezone lands in two areas of the Suisun Marsh, Collinsville area and the Parish Road/I-680 area.

Collinsville Area. The existing zoning in the Collinsville area is shown in attached Figure 5. The proposed rezoning is shown in attached Figures 6 and 7.

The Suisun Marsh Protection Plan Water Related Industry Reserve Area is zoned Water Dependent Industrial (I-WD) and Exclusive Agriculture (A) in Collinsville Township. Within the Water Dependent Reserve Area, approximately 716 acres of lands currently zoned I-WD would be rezoned to Marsh Preservation (MP) and approximately 1,392 acres currently zoned I-WD would be rezoned to Limited Agriculture (A-L 160). Approximately 1,834 acres of land currently zoned I-WD to the east of Collinsville outside the Suisun Marsh Management Area are proposed to be rezoned to Exclusive Agriculture (A-160). The remaining 268 acres of I-WD zoned lands within the Suisun Marsh Water Related Industrial Reserve area designated Water Dependent Industrial under the General Plan would remain unchanged.

Approximately 12 acres of land within the Collinsville Township are proposed to be rezoned from Exclusive Agriculture (A-20) to Residential – Traditional Community (RE 1/8). Approximately 24 acres of land designated Commercial Recreation under the General Plan would be rezoned from I-WD to Commercial Recreation – Limited (CR-L). In addition, one acre would be rezoned from Exclusive Agriculture (A-20) to CR-L.

Parish Road / I-680. The existing zoning in the Parish Road / I-680 area is shown in attached Figure 8 and proposed rezoning is shown in attached Figure 9. Within the Suisun Marsh Management Area, Approximately 37 acres are proposed to be rezoned from Exclusive Agriculture (A-20) to Agriculture- Limited (AL-160) and approximately 5 areas are proposed to be rezoned from Marsh Preservation (MP) to AL-160. Another 6 acres would be rezoned from A-20 to MP. These zoning changes are designed to bring Agricultural zoning into consistency with the General Plan and Suisun Marsh Protection Plan and to more accurately reflect the existing ground conditions.

Chapter 6.4 Sewage Standards (Adopted).

The County is proposing to replace the existing discussion of sewage policies and regulations contained in the LPP with Chapter 6.4 Sewage Standards adopted in 2001 by the Board of Supervisors and as amended by the Board in 2004. No changes are proposed to this ordinance.

Chapter 31, Grading, Drainage, Land Leveling and Erosion Control (Adopted)

Two chapters of the County Code, Chapter 8, Drainage and Flood Control and Chapter 31, Grading and Erosion Control that were included in the County's component of the LPP have been consolidated into a new Chapter 31, Grading, Drainage, Land Leveling, and Erosion Control. This consolidation was approved by the Board of Supervisors in 2007. The consolidation was designed to eliminate any confusion that could arise due to duplicative or contradictory provisions in the code sections. New storm water protection measures were added consistent with the Solano County's Storm Water Management Programs and State Regional Water Control Board permit requirements. The enforcement provisions were also strengthened in the consolidated chapter.

CONSISTENCY BETWEEN PROVISION OF THE MARSH ACT AND EXISTING COUNTY POLICY

The County is required to describe the consistency of existing land use designation and zoning regulations with provisions of the Marsh Act for lands west of Interstate 680 and retain uses in areas adjacent to the Suisun Marsh compatible with the protection of long term agricultural uses within the Suisun Marsh. These findings have been updated to reflect changes incorporated in the 2008 Solano County General Plan. Changes reference provisions in the Orderly Growth Initiative, Tri-City and County Cooperative Plan and the Resource Conservation Overlay designation on the Land Use Diagram.

Approval Process

The amendment to the Solano County LPP must be reviewed and certified by BCDC as being consistent with the provisions of the Suisun Marsh Protection Plan and Suisun Marsh Protection Act of 1977. As part of the certification process, BCDC must amend the San Francisco Bay Plan (Bay Plan) and Suisun Marsh Protection Plan (Marsh 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. These amendments will need to be adopted by the BCDC Commission prior to their certification of the County's component of the LPP

The County began this process by preparing a Draft amendment to the County LPP component 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.

In August 2010, the Board of Supervisors authorized submittal of an application to amend the Bay Plan and Marsh Plan to reflect the General Plan land use changes in Collinsville. In December 2010, the Board and BCDC entered into an agreement for processing the application

to amend the Bay Plan and Marsh Plan. On July 7, 2011, BCDC approved the County's Bay Plan and Marsh Plan amendment.

A revised draft of the LPP amendment dated July 21, 2011 was prepared for review by the Planning Commission incorporating comments received and further revisions to the zoning code provisions incorporated provisions formulated under the County's ongoing zoning code update. After review and comment by the Planning Commission, the Draft LPP amendment will be submitted to BCDC for informal review and comment. After initial review by BCDC, the County will begin the formal process to adopt the proposed amendments to the General Plan and zoning code that will become part of the County LPP. Public hearings will be scheduled before the Planning Commission and Board of Supervisors. Upon approval by the Board, the LPP amendment will be submitted to BCDC for certification.