ORDINANCE NO. 1087

AN ORDINANCE ADDING CHAPTER 31 TO THE SOLANO COUNTY CODE ESTABILISHING GRADING AND EROSION CONTROLS FOR THE UNINCORPORATED AREAS OF SOLANO COUNTY: AMENDING SECTION 6-3 OF CHAPTER 6 OF THE SOLANO COUNTY CODE BY REPEALING PORTIONS OF CHAPTER 70 OF THE UNIFORM BUILDING CODE: AND ADDING SECTION 9-4.1 OF CHAPTER 9 TO THE SOLANO COUNTY CODE TO CONFORM TO THE REQUIREMENTS OF CHAPTER 31.

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.

The Solano County Code is hereby amended by the addition of Chapter 31 entitled Grading and Erosion Control, which shall read as follows:

CHAPTER 31

ARTICLE I

TITLE, PURPOSE AND GENERAL PROVISIONS

Section 31-100. TITLE.

This ordinance shall be known as the Solano County Grading and Erosion Control Ordinance.

Section 31-101. PURPOSE.

The purpose of this ordinance is to provide the means for controlling soil erosion, sedimentation, increased rates of water runoff and related environmental damage by establishing minimum standards and providing regulations for the construction and maintenance of fills, excavations, cuts and clearing of vegetation, revegetation of cleared areas, drainage control, and the protection of exposed soil surfaces in order to protect downstream waterways and wetlands and to promote the safety, public health, convenience and general welfare of the community.

Section 31-102. DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply:

(a) Applicant. A person, partnership, corporation or public agency requesting permission to engage in any clearing of vegetation or grading activity.
(b) **Civil Engineer.** A professional engineer registered as a civil engineer by the State of California.

(c) **Diversion.** A temporary or permanent structure consisting of a channel, ditch or ridge constructed across a sloping land surface to intercept and divert surface runoff.

(d) **Erosion.** Detachment and movement of soil or rock fragments by water, wind, ice or gravity.

(e) **Erosion and Sediment Control Handbook.** A handbook maintained by the County which serves as a guide to effective practices and structural measures for control of soil erosion and sedimentation.

(f) **Excavation or Cut.** Any act by which soil, rock, earth, sand, gravel or any similar material is cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting therefrom.

(g) **Fill.** A deposit of earth or other material placed by artificial means.

(h) **Floodplain.** The relatively flat area generally adjoining the channel of a natural stream which has been or may be hereafter covered by flood water.

(i) **Grading.** Any excavation, stripping, cutting, filling, stockpiling, or any combination thereof which alters land or vegetation.

(j) **Land Disturbance.** Any activity which results in the deposit or removal of any material or the alteration of either land or vegetation and which may result in increased potential for soil erosion or sedimentation.

(k) **Mulching.** The application of plant residue or other suitable materials to the land surface to
conserves moisture, hold soil in place, and aid in establishing plant cover.

(1) Runoff. The surface water flow or rate of flow following precipitation.

(m) Sedimentation. The process by which mineral or organic matter is removed from its site of origin, transported, and deposited by water, wind, or gravity.

(n) Sediment Basin. A reservoir which retards flows sufficiently to cause or allow deposition of transported sediment.

(o) Site. Any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership where grading, excavating or filling is, was or will be performed.

(p) Watercourse. Any natural or man-made channel for transporting water, including the streambed and the banks, whether continuously flowing or intermittent.

Section 31-103. APPEALS.

Appeals from decisions under this ordinance shall be made to the Board of Supervisors in writing within ten days from the date of such decision.

Section 31-104. VALIDITY AND SEVERABILITY.

Should any section, subsection, subdivision, sentence, clause, or phrase of this ordinance be held unconstitutional, such section shall be deleted and shall not affect the validity or enforceability of the remaining sections of this ordinance.

Section 31-105. FEES.

A schedule of fees may be established by resolution of the Board of Supervisors for all costs incurred in the processing of any grading application. Such fees shall cover the full costs of review, approvals,
inspections, certification of compliance, or other
determinations or actions necessitated by the permit
application. A separate and distinct fee may be set
by the Board of Supervisors by resolution for the cost
of appeals filed pursuant to this Chapter.

ARTICLE II.
PROCEDURE

Section 31-200. GRADING PERMIT REQUIREMENT.
Except as exempted in Sections 31-201. and 31-202.
below, no person shall commence or perform any grading,
filling, excavation, or clearing of vegetation for
any purpose without having first obtained a grading
permit from the Public Works Department. A separate
permit shall be required for each site and may cover both
excavations and fills.

Section 31-201. EXEMPTIONS.
A grading permit is not required if the proposed
work consists of the following activities and where such
activities will not endanger adjacent property, cause
increased erosion, sedimentation and rate of water runoff,
divert or impair the flow of water within a watercourse
or cause a public nuisance. All development activities
exempted from the grading permit requirement shall be
carried out in a manner consistent with the design
principles and standards set out herein to assure that
the potential for erosion of any project is minimized:
(a) Gardening primarily for home use and land-
scaping activity which involves land disturbance of less
than 10,000 square feet of surface area.
(b) An excavation below finished grade for
swimming pools, septic tanks, leaching systems, basements
and footings of a building, retaining wall or other
structure authorized by a valid building or encroachment permit. This shall not exempt lot grading or filling for a construction site unless otherwise provided for by this Section.

(c) An excavation which (1) does not result in the movement of more than 150 cubic yards of material on any one site, (2) is less than 5,000 square feet of surface area, (3) is less than four feet (4') in vertical depth at its deepest point measured from the natural ground surface, (4) does not create a cut slope steeper than two horizontal to one vertical (2:1) and (5) which is promptly stabilized or revegetated where needed to prevent erosion.

(d) A fill which (1) does not exceed 150 cubic yards of material on any one site, (2) is less than 5,000 square feet of surface area, (3) is less than four feet (4') in vertical depth at its deepest point measured from the natural ground surface, (4) is placed on a surface having a slope not steeper than seven horizontal to one vertical (7:1), (5) does not create a slope steeper than two horizontal to one vertical (2:1), (6) does not change the existing offsite drainage pattern above or below the grading site, (7) will not be used for structural support, and (8) is promptly stabilized or revegetated where needed to prevent erosion.

(e) Accepted agricultural or managed wetland activities including routine mowing, plowing, harrowing, disk ing, ridging, leveling, riprapping and similar operations necessary to prepare an existing field for a crop or flooding with the exception of grading or leveling of land not previously graded or leveled for production.
(f) Cemetery graves, well drilling, tunnels and trenches for utilities and exploratory excavations under the direction of soil engineers or engineering geologists.

(g) Refuse disposal areas, sanitary landfills, mining, quarrying, excavating processing, stockpiling of rock, sand, gravel aggregate or clay, as authorized in the zoning ordinance, for which a use permit has been granted by Solano County where the operation and conduct thereof is being carried out in accordance with an approved plan for grading and erosion and sediment control and the project does not block or divert any natural drainage way or unduly increase runoff upon any adjacent or contiguous property.

(h) Grading or development performed by Solano County or Special Districts which have incorporated grading standards as set forth herein as part of their operating policies.

(i) Land leveling activities for which a permit has been issued pursuant to Chapter 9 of the Solano County Code, "Drainage and Flood Control".

(j) Development and maintenance of fire access roads, fire breaks and stock trails.

Section 31-202. GRADING PROVISIONS FOR MAJOR SUBDIVISIONS.

The Public Works Director is hereby authorized and directed to enforce the provisions of this ordinance for all grading done within subdivisions. A separate grading permit is not required for land disturbance activities associated with major subdivisions administered by the Public Works Director where the control of grading and erosion is incorporated into the subdivision plans.
A separate grading permit may be required, however, for minor subdivisions requiring grading activities associated with conditions of approval. No grading shall be done for subdivisions until a grading plan has received final approval by the Public Works Director.

Section 31-203. MINOR GRADING.

A minor grading permit may be issued by the Public Works Director for proposed projects of a minor nature. Factors used by the Public Works Director in determining if a project is of a minor nature include, but are not limited to, the following:

(a) The development will disturb an area of land less than 30,000 square feet and result in less than 1,000 cubic yards of earth movement.

(b) The project will limit the establishment of impervious surfaces to a maximum of 15,000 square feet and will provide for the control of runoff from such surfaces.

(c) There is an absence of steep slopes defined as 15% or greater, highly erodible soils or unstable slopes defined as Type A lands in the Health and Safety Element of the Solano County General Plan.

(d) The project will not damage structures on or adjacent to the site.

(e) The project will not obstruct or block the drainage of waterways and channels.

(f) The project will not impair significant natural vegetation, biological habitats, public views, or other sensitive natural resources.

Such a permit shall require the applicant to adhere to the provisions of the approved site map, grading plan and erosion control plan and to any additional conditions.
as required by the Public Works Director in order for
the project to conform to the standards set forth herein.
Such conditions may include but are not limited to
drainage provisions, revegetation requirements and
erosion and sediment control measures.

Section 31-204. PERMIT PROCEDURE FOR A MINOR
GRADING PERMIT.

The application for a minor grading permit shall
be made in writing on a form prescribed by the Public
Works Director and shall include all information, plans
and maps deemed necessary for a comprehensive review
of the project by the County. The application must
be signed and certified by the owner of the property,
or by an authorized agent. The application shall be
accompanied by scale drawings, the permit application
fee, and, if required, a bond. The Public Works Director
may waive portions of the application requirements or
require additional information as needed. The applica­
tion for a minor grading permit shall include but not
be limited to the following:

(a) A vicinity map showing the relationship of
the site to the surrounding area roads, streams and
important geographic features.

(b) A site map to include the exterior boundaries
of the property, adjacent roads, existing structures,
major landmarks, stream alignments, contour intervals,
soils description and all appropriate geologic informa­
tion.

(c) A grading plan indicating elevations, dimensions,
quantity, location and the extent of the proposed grading
and a schedule for construction activities. The grading
plan shall also include a report showing the extent
and manner of tree cutting and vegetation clearing and
disposal, provisions for stockpiling topsoil used in
 revegetation of the site and plans for temporary and
final revegetation of the site.
(d) An erosion control plan which indicates
necessary land treatment, structural measures and
timing requirements which will effectively minimize
soil erosion and sedimentation.

Section 31-205. MAJOR GRADING PERMIT.

A proposed project which does not qualify for a
minor grading permit as set forth in Section 31-203.
or as determined by the Public Works Director shall
require a major grading permit.

Section 31-206. APPLICATION PROCEDURE FOR A
MAJOR GRADING PERMIT.

(a) The application for a major grading permit
shall be made in writing on a form prescribed by the
Public Works Director and shall include all information,
plans and maps deemed necessary for a comprehensive
review of the project by the County. The application
for a major grading permit shall include the vicinity
map, site map and grading plan as required for a
minor grading permit under Section 31-204. In addition,
the Public Works Director shall require that the
application include an engineered erosion, sediment
and runoff control plan which indicates necessary land
treatment, structural measures and timing requirements
which will effectively minimize soil erosion, sedimenta-
tion and the rate of water runoff. The erosion, and
sediment and runoff control plan shall contain appro-
priate information required by this Section and as
deemed necessary by the Public Works Director. The
plan shall be prepared under the direction of a registered
civil engineer and signed by the engineer unless this
requirement is waived by the Public Works Director.
Following submittal of the application, the County
shall determine the adequacy of the plan and may re-
quire the submission of further qualification or infor­
mation when necessary to judge the adequacy of the
planned erosion, sediment and runoff control measures.
The proposed measures shall, whenever feasible, in­
corporate the recommendations contained in the County's
Erosion and Sediment Control Handbook. The plan shall
contain a description of the following:

(1) Vegetative measures.
(2) Drainage protection and control
measures.
(3) Erosion and sediment control
measures.
(4) Runoff control measures.
(5) Cut and fill construction.
(6) Disposal of excess materials.
(7) Stockpiling of materials
(8) Dust control measures.
(9) A construction schedule.

(b) The Public Works Director may also require
additional information to be supplied by the applicant
including but not limited to the following:

(1) A soil engineering report including
data regarding the nature, distribution and
strength of existing soils, conclusions and
recommendations for grading procedures and
design criteria for corrective measures when
necessary, and opinions and recommendations
covering adequacy of sites to be developed by
the proposed grading.

(2) An engineering geology report including
an adequate description of the geology of the
site, conclusions and recommendations regarding
the effect of geologic conditions on the pro­
posed development, and opinions and recommenda­
tions covering the adequacy of sites to be de­
veloped by the proposed grading.

ARTICLE III
DESIGN PRINCIPLES AND STANDARDS
Section 31-300. GENERAL DESIGN PRINCIPLES AND
STANDARDS.

The purpose of the general design principles and
standards is to assure that development be accomplished
so as to minimize adverse effects upon the existing
terrain and to minimize the potential for erosion.
Control measures are to apply to all aspects of the
proposed grading and are intended to be operational
during all stages of development. The following basic
design principles and standards shall serve as minimum
guidelines for grading plans and erosion, sediment and
runoff control plans.

(a) Stripping or burning of vegetation, grading,
or other soil disturbance shall be done in a manner
which will minimize soil erosion.

(b) Existing natural vegetation shall be re­
tained, protected and supplemented wherever feasible.
Site development shall be accomplished so that existing
trees are preserved whenever possible and practical.

(c) Exposure of soil to erosion by removal of
vegetation shall be limited to the smallest area

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practical and for the shortest time practical. Soil exposure shall not exceed an area in which development will be completed during a single construction season to insure that soils are stabilized and vegetation is established in advance of the rainy season (October 15 - April 15 - When necessary, extensions to this time period may be granted by the Public Works Director on a case by case basis).

(d) Facilities shall be constructed to retain sediment produced on site.

(e) Sediment basins, sediment traps, diversions or similar required measures shall be installed well in advance of any clearing or grading and maintained throughout any such operations until removal is authorized by the permit-issuing authority. The design of such structures should account for abating potential mosquito problems.

(f) Temporary and final seeding, mulching, or other suitable stabilization measures shall be used to protect exposed erodible areas during development and in advance of the rainy season (October 15 - April 15 - When necessary, extensions to this time period may be granted by the Public Works Director on a case by case basis).

(g) Permanent control structures and final vegetation should be installed as soon as practical in the development and a long range maintenance plan developed and adhered to.

(h) Provisions shall be made to accommodate the increased runoff caused by altered soil surface conditions during and after development.

(i) Surface runoff rates in excess of predevelopment
levels shall be retarded by appropriate structural
and vegetative measures.

(j) Slopes, both cut and fill, shall not be
steeper than two horizontal to one vertical (2:1)
unless a thorough geological and engineering analysis
indicates that steeper slopes are safe and appropriate
erosion control measures are specified.

(k) Cuts and fills shall not encroach upon
natural watercourses, their floodplains, or constructed
channels in a manner so as to adversely affect other
properties.

(l) Disposal of cleared vegetation and excavated
materials shall be done in a manner which reduces the
risk of erosion and shall strictly conform to the
provisions of the approved grading permit. Topsoil
shall be conserved for reuse in revegetation of
disturbed areas whenever possible.

(m) Proposed development and roadway alignments
should be fitted to the topography and soils to
minimize erosion.

(n) Waterways shall be designed to avoid erosion
as much as practical. Wide channels should be con­
structed with flat side slopes and the channel and
slopes should be lined with grass or other appropriate
vegetation. Every effort must be made to preserve
natural channels and drainageways.

(o) Filling, grading, excavating or obstructing
the bed or banks of a watercourse and removal of
riparian vegetation shall be allowed only where no
reasonable alternative is available and where allowed,
shall be limited to the minimum amount necessary.
ARTICLE IV
IMPLEMENTATION AND ENFORCEMENT

Section 31-400. REVIEW AND APPROVAL.
Grading permit applications and accompanying maps and plans shall be reviewed by the County and approved when found to be in compliance with the provisions of this ordinance, and conformance with acceptable grading and erosion control techniques. Permits required as a condition of a building permit, use 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.

Section 31-401. INSPECTION AND ENFORCEMENT.
The provisions of this ordinance shall be enforced by the Public Works Director who shall require inspection of all work and require compliance with all the provisions of the ordinance.

Section 31-402. APPLICANT'S RESPONSIBILITIES.
(a) The applicant shall install all soil erosion and sediment control measures in strict compliance with the ordinance and in accordance with the approved erosion control plan.

(b) The Public Works Director shall issue a "Notice of Permit" form or forms which shall be posted on the property at a place which can be easily seen anytime that grading activity is occurring. A copy of the approved permit and plans must also be retained on site for review at any time.

(c) All soil erosion and sediment control measures shall be adequately maintained by the applicant for a period of one year or until such measures are permanently stabilized as determined by the Public Works Director.
The Public Works Director shall issue a certificate indicating the date on which the measures in the approved plan were completed.

(d) An order to stop work may be issued and further work shall be prohibited if it is determined that the work does not comply with the provisions of the approved erosion control plan or with the provisions of the ordinance until such time as compliance with the ordinance is assured.

(e) A new or modified erosion and sediment control technique may be allowed to be used provided there is mutual agreement between the Public Works Director and the applicant that the technique meets the intent of the erosion control plan.

(f) The Public Works Director may require modifications to grading plans and operations if delays occur as a result of weather generated or other natural phenomena not considered at the time a permit was issued.

(g) The Public Works Director may cause remedial work to be done at the applicant's expense if it is determined that it is necessary to protect completed work or to prevent damage.

Section 31-403. ABATEMENT OF HAZARDS.

If it is determined by the Board of Supervisors or by the Public Works Director as the Board's authorized representative that any existing excavation or embankment or fill on private property has become a hazard to life and limb or endangers property or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property,
upon receipt of notice in writing from the County
shall, within the period specified therein, repair
or eliminate such excavation or embankment so as to
eliminate the hazard and be in conformance with the
requirements of this code. If the requirements of
the notice are not complied with in the time period
specified, the County may seek injunctive and/or
other relief by a civil action against any person
or persons participating in the violation.

Section 31-404. PERFORMANCE BOND.

A performance bond, cash bond, instrument of
credit or other form of security acceptable to the
Public Works Director may be required to be posted by
the applicant. The amount of the bond or security
shall be the full cost of the installed erosion and
sediment control measures and for the maintenance of
such facilities. At the discretion of the Public
Works Director, the bond may be held until the erosion
and sediment control measures have performed satisfactorily
for a period of one year following completion of develop­
ment or until such measures are permanently stabilized
as provided for in this ordinance. The bond may be
used to provide for the installation and maintenance of
the control measures if not done by the applicant and
sediment runoff is occurring as a result.

Section 31-405. PENALTIES.

Any person, firm, corporation or agency whether
as principal agent, employee, or otherwise failing to
comply with the provisions of this ordinance shall
be guilty of misdemeanor and upon conviction thereof,
shall be punishable by a fine of not more than five
hundred dollars ($500.00) for each separate offense

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and shall be strictly liable for the cost of any work required by the County to abate any erosion, sediment or runoff hazard. Every day any violation of this ordinance shall continue shall constitute a separate offense.

SECTION II.

Section 6-3(d), Chapter 6, Buildings, Solano County Code is added to read as follows:

(d) Chapter 70 of the Uniform Building Code title "Excavation and Grading" is hereby repealed with the exception of Sections 7009, 7010, 7011, 7012 and 7013 related to cuts, fills, setbacks, drainage and terracing and erosion control. Provisions for such excavation and grading activities are hereby subject to the provisions of Chapter 31 of the Solano County Code entitled Grading and Erosion Control.

SECTION III.

Section 9-4.1. Chapter 9, Drainage and Flood Control, Solano County Code is added to read as follows:

Sec. 9-4.1. Conformance with Grading and Erosion Control Standards.

Development requiring a permit under this Section shall be accomplished in a manner consistent with the General Design Principles and Standards established by Chapter 31-300. of the Solano County Code.

SECTION IV.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Vacaville Reporter, a newspaper of general circulation, printed and published in the County of Solano, State of

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California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

LARRY L. ASERA, Chairman of the Solano County Board of Supervisors

ATTEST:

JOHN S. BLACKLOCK, Clerk of the Board of Supervisors

By Mary J. Clement

Deputy Clerk

I, JOHN S. BLACKLOCK, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held on the 4th day of December, 1979.

On the motion of Supervisor HEMITT, and the second of Supervisor DAVIS, this Ordinance was adopted at a regular meeting of said Board on the 26th day of December, 1979, by the following vote:

AYES:

SUPERVISORS: BRANN, BRAZELTON, DAVIS, HEMITT,
AND CHAIRMAN ASERA

NOES:

SUPERVISORS: NONE

ABSENT:

SUPERVISORS: NONE

WITNESS my hand and the Seal of said Board this 27th day of December, 1979.

JOHN S. BLACKLOCK, Clerk of the Board of Supervisors

By Mary J. Clement

Deputy Clerk