ORDINANCE NO. 1420

AN ORDINANCE REPUBLISHING CHAPTER 31
OF THE SOLANO COUNTY CODE ENTITLED
GRADING AND EROSION CONTROL

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

SECTION I.

Chapter 31 of the Solano County Code, entitled "Grading and Erosion Control," is hereby republished to read as follows:

CHAPTER 31.

GRADING AND EROSION CONTROL.

Article I. Title, Purpose and General Provisions.

§ 31-10. Title.
§ 31-11. Purpose.
§ 31-12. Definitions.
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Article I. Title, Purpose and General Provisions.

Sec. 31-10. Title.
This chapter shall be known as the Solano County Grading and Erosion Control ordinance. (Ord. No. 1087, §1.)

Sec. 31-11. Purpose.
The purpose of this chapter 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. (Ord. No. 1087, §1.)

Sec. 31-12. Definitions.
For the purpose of this chapter, the following definitions shall apply:
(a) Applicant means a person, partnership, corporation or public agency requesting permission to engage in any clearing of vegetation or grading activity.
(b) Civil engineer means a professional engineer registered as a civil engineer by the state of California.
(c) Director means the director of the transportation department of the county of Solano.
(d) Diversion means a temporary or permanent structure consisting of a channel, ditch or ridge constructed across a sloping land surface to intercept and divert surface runoff.
(e) Erosion means detachment and movement of soil or rock fragments by water, wind, ice or gravity.
(f) Erosion and sediment control handbook means a handbook maintained by the county which serves as a guide to effective practices and structural measures for control of soil erosion and sedimentation.
(g) Excavation or cut means 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.
(h) Fill means a deposit of earth or other material placed by artificial means.
(i) Floodplain means the relatively flat area generally adjoining the channel of a natural stream which has been or may be hereafter covered by floodwater.
(j) Grading means any excavation, stripping, cutting, filling, stockpiling, or any combination thereof which alters land or vegetation.
(k) Land disturbance means 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.
Mulching means the application of plant residue or other suitable materials to the land surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

Runoff means the surface water flow or rate of flow following precipitation.

Sedimentation means the process by which mineral or organic matter is removed from its site of origin, transported, and deposited by water, wind, or gravity.

Sediment basin means a reservoir which retards flows sufficiently to cause or allow deposition of transported sediment.

Site means 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.

Watercourse means any natural or manmade channel for transporting water, including the streambed and the banks, whether continuously flowing or intermittent. (Ord. No. 1087, § 1.)

Sec. 31-13. Appeals.

Appeals from decisions under this chapter shall be made to the board of supervisors in writing within ten days from the date of such decision. (Ord. No. 1087, § 1.)

Sec. 31-14. Validity and severability.

Should any section, subsection, subdivision, sentence, clause, or phrase of this chapter be held unconstitutional, such section shall be deleted and shall not affect the validity or enforceability of the remaining sections of this chapter. (Ord. No. 1087, § 1.)

Sec. 31-15. 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. (Ord. No. 1087, § 1.)

Article II. Procedure

Sec. 31-20. Grading permit requirement.

Except as exempted in sections 31-22 and 31-23 of this article, 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 transportation department. A separate permit shall be required for each site and may cover both excavations and fills. (Ord. No. 1087, § 1.)
Sec. 31-21. Requirements to qualify for exemption.
Before grading activities may qualify for one of the exemptions listed under Section 31-22 below, the following conditions and requirements must apply:

(a) The activities must 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.

(b) 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 in this chapter to assure that the potential for erosion of any project is minimized.

Sec. 31-22. Exemptions.
When the conditions and requirements of Section 31-21, above, are met a grading permit shall not be required when the director has determined that the proposed work consists of the following activities:

(a) Gardening primarily for home use and landscaping activity which involves land disturbance of less than ten thousand 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 one hundred fifty cubic yards of material on any one site, (2) is less than eight thousand square feet of surface area, (3) is less than four feet 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 one hundred cubic yards of material on any one site, (2) is less than five thousand square feet of surface area, (3) is less than four feet 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 off-site 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, diskling, 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 in this chapter as part of their operating policies.

(i) Land leveling activities for which a permit has been issued pursuant to chapter 9 of this code, drainage and flood control.

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

(k) Grading activities in the Suisun Primary Marsh as defined under the Suisun Marsh Protection Act.

(l) Projects on state and/or federally owned and operated property. (Ord. No. 1087, § 1.)

Sec. 31-23. Grading provisions for major subdivisions.

The transportation director is authorized and directed to enforce the provisions of this chapter for all grading done within subdivisions. A separate grading permit is not required for land disturbance activities associated with major subdivisions administered by the transportation 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 transportation director. (Ord. No. 1087, § 1.)

Sec. 31-24. Minor grading.

A minor grading permit may be issued by the transportation director for proposed projects of a minor nature. Factors used by the 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 thirty thousand square feet and result in less than one thousand cubic yards of earth movement.

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

(c) There is an absence of steep slopes defined as fifteen percent 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 director in order for the project to conform to the standards set forth in this chapter. Such conditions may include but are not limited to drainage provisions, revegetation requirements and erosion and sediment control measures. (Ord. No. 1087, § 1.)

Sec. 31-25. 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 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 director may waive portions of the application requirements or require additional information as needed. The application 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 information.

(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. (Ord. No. 1087, § 1.)

Sec. 31-26. Major grading permit.
A proposed project which does not qualify for a minor grading permit as set forth in section 31-24, or as determined by the director, shall require a major grading permit. (Ord. No. 1087, § 1.)

Sec. 31-27. 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 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 31-25. In addition, the 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, sedimentation and the rate of water runoff. The erosion, and sediment and runoff control plan shall contain appropriate information required by this section and as deemed necessary by the 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 director. Following submittal of the application, the county shall determine the adequacy of the plan and may require the submission of further qualification or information when necessary to judge the adequacy of the planned erosion, sediment and runoff control measures. The proposed measures shall incorporate 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.
7. Stockpiling of materials.
8. Dust control measures.

(b) the 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 proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. (Ord. No. 1087, § 1; Ord. No. 1121, § 1.)

Article III. Design Principles and Standards.

Sec. 31-30. 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 retained, 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 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 or restrictions of this time period may be established by the 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 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 shall 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 constructed 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) Except as limited by section 28-37 watershed and conservation (W) districts, filling, grading, excavating or obstructing the bed or banks of a watercourse and removal of the riparian vegetation shall be allowed only where no reasonable alternative is available and where allowed, shall be limited to the minimum amount necessary. (Ord. No. 1087, § 1; Ord. No. 1121, §§ 2, 3.)

Article IV. Implementation and Enforcement.

Sec. 31-40. 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 chapter, 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. (Ord. No. 1087, § 1.)

Sec. 31-41. Inspection and enforcement.
The provisions of this chapter shall be enforced by the director who shall require inspection of all work and require compliance with all the provisions of the chapter. Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the director or the director's authorized representative has reasonable cause to believe that there exists on any private property a condition or activity which requires a permit as specified by this chapter, the director or the director's authorized representative may enter such property at all reasonable times to inspect the same or to perform any duty imposed upon the director by this chapter. (Ord. No. 1087, § 1; Ord. No. 1121, § 4.)

Sec. 31-42. 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 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 any time 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 director. The 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 this chapter until such time as compliance with the chapter 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 director and the applicant that the technique meets the intent of the erosion control plan.

(f) The 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 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. (Ord. No. 1087, § 1.)

Sec. 31-43. Abatement of hazards.
If it is determined by the board of supervisors or by the 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, watercourse, wetland 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, repay 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. (Ord. No. 1087, § 1; Ord. No. 1121, § 5.)

Sec. 31-44. Performance bond.
A performance bond, cash bond, instrument of credit or other form of security acceptable to the 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 director, the bond may be held until the erosion and sediment control measures have been performed satisfactorily for a period of one year following completion of development or until such measures are permanently stabilized as provided for in this chapter. 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. (Ord. No. 1087, § 1.)

Sec. 31-45. Penalties.
Any person, firm, corporation or agency whether as principal agent, employee, or otherwise failing to comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than
five hundred dollars for each separate offense 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 chapter shall continue shall constitute a separate offense. (Ord. No. 1087, § 1.)

SECTION II.

Pursuant to provisions of Government Code Section 25124(b)(1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a Summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the FAIRFIELD DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the office of the Clerk of the Board of Supervisors within FIFTEEN (15) DAYS after adoption of the Ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST:

LEE SIMMONS, Chairwoman of the Board of Supervisors

LINDA L. TERRA, Clerk of the Board of Supervisors

I, LINDA TERRA, 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 this 10th day of March 1992.
On the motion of Supervisor Carroll and the second of Supervisors Caddle, this Ordinance was adopted at a regular meeting of said Board on the 24th day of March, 1992, by the following vote:

AYES: SUPERVISORS: Caddle, Carroll, Davis, Stewart and Chairwoman Simmons

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 24th day of March, 1992.

LINDA L. TERRA, Clerk of the Board of Supervisors

By