ORDINANCE NO. 1512

AN ORDINANCE AMENDING CHAPTER 31 OF THE SOLANO COUNTY CODE CONCERNING GRADING AND EROSION CONTROL, AND TO TRANSFER ADMINISTRATION OF CHAPTER 31 FROM THE TRANSPORTATION DEPARTMENT TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

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

SECTION I.

Chapter 31, Article I, Section 31-11 of the Solano County Code is amended to read as follows:

Sec. 31-11. Purpose.

The purpose of this chapter, in conjunction with Chapter 70 of the Uniform Building Code 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.)

SECTION II.

Chapter 31, Article I, Section 31-12, subsection (c) of the Solano County Code is amended to read as follows. Other than the amendment herein, all other provisions of Section 31-12 shall remain as currently set forth:

Sec. 31-12. Definitions.
For the purpose of this chapter, the following definitions shall apply:

(c) Director means the director of the Environmental Management department of the county of Solano, or his/her authorized representative.

SECTION III.

Chapter 31, Article II, Section 31-20 of the Solano County Code is amended to read as follows:

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 environmental management department. A separate permit shall be required for each site and may cover both excavations and fills. (Ord. No. 1087, § 1.)

SECTION IV.

Chapter 31, Article II, Section 31-21, subsection (a) of the Solano County Code is amended to read as follows. Other than the amendment herein, all other provisions of Section 31-21 shall remain as currently set forth:

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 or rate of water runoff, divert or impair the flow of water within a watercourse or cause a public nuisance.

SECTION V.

Chapter 31, Article II, Section 31-23 of the Solano County Code is amended to read as follows:

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

The 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 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 director. (Ord. No. 1087, § 1.)

SECTION VI.

Chapter 31, Article II, Section 31-27, subsection (a) of the Solano County Code is amended to read as follows. Other than the amendment herein, all other provisions of Section 31-27 shall remain as currently set forth:

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 and sealed 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 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.
(6) Disposal of excess materials.
(7) Stockpiling of materials.
(8) Dust control measures.
(9) A construction schedule.

SECTION VII.

Chapter 31, Article III, Section 31-30, subsections (e)&(o) of the Solano County Code are amended to read as follows. Other that the amendments herein, all other provisions of Section 31-30 shall remain as currently set forth:
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.

(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 director. The design of such structures should account for abating potential mosquito problems.

(o) Except as limited by section 28-37 of this code, 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.)

SECTION VIII.

Chapter 31, Article IV, Section 31-40 of the Solano County Code is amended to read as follows:

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 in 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. Permit applications which include the construction of a private or public roadway shall be reviewed and approved by the director of the transportation department prior to issuance. Any subsequent inspections and final acceptance of such roadway construction shall be performed by the director of the transportation department. In addition, the director shall not issue any permit for work to be performed under this chapter which may directly or indirectly impact any public road or right-of-way without having first obtained the approval of the transportation director. (Ord. No. 1087, § 1.)

SECTION IX.

Chapter 31, Article IV, Section 31-41 of the Solano County Code is amended to read as follows:

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 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 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.)

SECTION X.

Chapter 31, Article IV, Section 31-42, subsection (c) of the Solano County Code is amended to read as follows. Other than the amendment herein, all other provisions of Section 31-42 shall remain as currently set forth:

Sec. 31-42. Applicant's responsibilities.

(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.

SECTION XI.

Chapter 31, Article IV, Section 31-43 of the Solano County Code is amended, to read as follows:

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, 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. (Ord. No. 1087, § 1; Ord. No. 1121, § 5.)

SECTION XII.

Within FIFTEEN (15) days after adoption (the second reading) of this amendment to Chapter 31 of the Solano County Code, a summary of this amendment shall be prepared by the County Counsel and published with the names of the supervisors voting for and
against the amendment in the Fairfield Daily Republic, a newspaper of general circulation, printed and published in Solano County, State of California, and the clerk shall post in the office of the clerk of the board of supervisors a certified copy of the full text of the adopted amendment along with the names of the supervisors voting for and against the amendment.

SECTION XIII.

This ordinance to amend Chapter 31 of the Solano County Code shall be in full force and effect THIRTY (30) days after its adoption.

BARBARA R. KONDYLIS, Chairwoman of the Board of Supervisors

ATTEST:

LINDA L. TERRA, Clerk of the Board of Supervisors

I LINDA L. TERRA, Clerk of the Board of Supervisors of the County of Solano, State of California, certify that the foregoing Ordinance was introduced at a regular meeting of the Board of Supervisors held this 4th day of April, 1995.

On motion of Supervisor Thomson and the second of Supervisor Gojkovich, this Ordinance was adopted at a regular meeting of the Board on this 25th day of April, 1995, by the following vote:

AYES: Carroll, Gojkovich, Schlenker, Thomson and Chairwoman Kondylis

NOES: None

ABSTAINED: None

ABSENT: None

WITNESS my hand and the Seal of the Board this 25th day of April, 1995.

LINDA L. TERRA, Clerk of the Board of Supervisors

By Linda L. Terra