CHAPTER 11 GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

Article 02. - Purpose and Effect.

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Editor's note—Ord. No. 5988, § I, adopted May 15, 2012, amended ch. 11, arts. 02—26, in its entirety. Former ch. 11 pertained to similar subject matter, and derived from Ord. No. 5819, adopted December 9, 2008. Ord. No. 5819, §§ 6 and 7, adopted December 9, 2008, amended the Code by renumbering former Ch. 11 as a new Ch. 11A, and adding a new Ch. 11 (Back)
Article 02. Purpose and Effect.

Sec. 11.02.010. Title.

This chapter is and may be cited as the Sonoma County Grading, Drainage, and Vineyard and Orchard Site Development Ordinance.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.02.020. Purpose.

This chapter is enacted for the purpose of regulating grading, drainage improvement, and vineyard and orchard site development within the unincorporated area of the county, and to establish ministerial standards for those activities that:

A. Minimize hazards to life and property;
B. Protect against soil loss, and the pollution of watercourses with soil and other pollutants;
C. Protect the safety, use, and stability of public rights-of-way and watercourses;
D. Protect watercourses from obstruction, and protect life and property from the deleterious effects of flooding;
E. Protect against the destruction of human remains and archaeological resources;
F. Protect streams, lakes, ponds, and wetlands; and
G. Promote water conservation.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.02.030. Responsibility for administration.

This chapter shall be administered under the direction of the board of supervisors, by and through the director of permit and resource management and the agricultural commissioner.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.02.040. Applicability.

A. Compliance required. The provisions of this chapter shall apply to all grading, drainage improvement, and vineyard and orchard site development occurring within the unincorporated area of the county, except for grading and drainage improvement for timber operations conducted under an approved timber harvesting plan or nonindustrial timber management plan. The permit requirements in this
CHAPTER 11 - GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

Article 02. Purpose and Effect.

Chapter shall apply to all grading, drainage improvement, and vineyard and orchard site development subject to the provisions of this chapter, unless exempted from permit requirements by section 11.04.020, 11.06.020, or 11.08.020. The standards in article 16 shall apply to all grading, drainage improvement, and vineyard and orchard site development subject to the provisions of this chapter, regardless of whether a permit is required by this chapter.

B. Liability. Nothing in this chapter, nor the issuance of a permit pursuant to this chapter, nor compliance with the provisions of this chapter or with any permit conditions, shall relieve any person from responsibility for damage to other persons or property, or impose any liability upon the county, its officers, agents, or employees, for damage to other persons or property.

C. Relationship to other laws. The provisions of this chapter are not intended to and shall not be construed or given effect in a manner that conflicts with state or federal law, or interferes with the achievement of state or federal regulatory objectives. The provisions of this chapter shall be interpreted to be supplementary to and compatible with state and federal enactments, and in furtherance of the public purposes those enactments express. Compliance with the provisions of this chapter, however, does not ensure compliance with state and federal requirements. Further, the provisions of this chapter are not intended to and shall not be construed or given effect in a manner that supersedes other provisions of this code. Where another provision of this code establishes a stricter requirement than a provision of this chapter, that stricter requirement shall prevail.

D. Other permits. Nothing in this chapter shall eliminate the need for any person undertaking any grading, drainage improvement, or vineyard or orchard site development to obtain any other permits, approvals, or authorizations required by this code or state or federal agencies.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.02.050. Interpretations.

A. Authority to interpret. The director of permit and resource management and the agricultural commissioner shall have the authority to interpret the provisions of this chapter. Whenever the director of permit and resource management or the agricultural commissioner determines it necessary or appropriate, he or she may issue an official written interpretation or, in the alternative, may refer the issue of interpretation to the board of supervisors for determination.

B. Language. When used in this chapter, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "include," "includes," and "including" shall mean "including but not limited to."

C. Time limits. Whenever a number of days is specified in this chapter, or in any permit, condition of approval, or notice provided in compliance with this chapter, the number of days shall be construed as calendar days, unless business days are specified. A time limit shall extend to 5 p.m. on the following business day where the last of the specified number of days falls on a weekend, county-observed holiday, or other day the county is not open for business.

D. State law or state regulation requirements. Where this chapter references applicable provisions of state law or state regulation, the reference shall be construed to be to the applicable state law or state regulation provisions as they may be amended from time to time.

(Ord. No. 5988, § I, 5-15-2012)
Article 04. Grading Permits.

Sec. 11.04.010. Grading permit requirements.
A. Permit required. A grading permit shall be required prior to commencing any grading or related work, including preparatory site clearing and soil disturbance, except where exempted from permit requirements by section 11.04.020. A separate grading permit shall be required for each site.

B. Grading designation and performance. Grading shall be designated in compliance with table 11-1, and shall be performed as follows:

1. Regular grading. Regular grading shall be performed in compliance with approved plans and specifications prepared by the property owner or a licensed professional acting within the scope of their license.

2. Engineered grading. Engineered grading shall be performed in compliance with approved plans and specifications prepared by a civil engineer.

Table 11-1 Grading Designation

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Grading</td>
<td>Engineered Grading</td>
</tr>
<tr>
<td>Volume (combined total of cut and fill)</td>
<td>Does not exceed 5,000 cubic yards</td>
</tr>
<tr>
<td>Cut</td>
<td>No greater than 2 feet in depth and does not create a cut slope greater than 5 feet in height</td>
</tr>
<tr>
<td>Fill in the flood-prone urban area or any special flood hazard area</td>
<td>Does not exceed 50 cubic yards</td>
</tr>
<tr>
<td>Fill outside the flood-prone urban area and any special flood hazard area</td>
<td>No greater than 3 feet in depth</td>
</tr>
</tbody>
</table>
CHAPTER 11 - GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

Article 04. Grading Permits.

<table>
<thead>
<tr>
<th>Natural slope of grading area</th>
<th>No steeper than 15 percent</th>
<th>Steeper than 15 percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geologic Hazard Area</td>
<td>Grading area is not in the Geologic Hazard Area Combining District</td>
<td>Grading area is wholly or partially in the Geologic Hazard Area Combining District¹</td>
</tr>
<tr>
<td>Geologic hazards</td>
<td>Grading area contains no geologic hazards</td>
<td>Grading area contains any geologic hazards²</td>
</tr>
</tbody>
</table>

Notes:
1. The engineered grading designation shall apply only to the portion of the grading area that is in the Geologic Hazard Area Combining District.
2. The engineered grading designation shall apply only to the portion of the grading area that is directly affected by the geologic hazards.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.04.020. Exemptions from grading permit requirements.

The following activities are exempt from the provisions of section 11.04.010 and may be conducted without obtaining a grading permit, provided that these activities shall still be subject to the standards in article 16.

A. Cemeteries. Routine excavations and fills for graves.

B. Emergency grading. Grading necessary to protect life or property, or to implement erosion prevention measures, where a situation exists that requires immediate action; provided that only the volume of grading necessary to abate an imminent hazard may be performed prior to obtaining a grading permit. The person performing the emergency grading or the property owner shall notify the permit authority and provide evidence acceptable to the permit authority of the scope and necessity of the grading on or before the next business day after the onset of the emergency situation. The person performing the emergency grading or the property owner shall apply for a grading permit within ten (10) days after the commencement of grading. The permit authority may order grading to be stopped or restricted in scope based upon the nature of the emergency.

C. Environmental remediation. Grading for environmental remediation ordered or approved by a public agency exercising regulatory jurisdiction over a site contaminated with hazardous materials, where the ground surface is restored to its previous topographic condition within sixty (60) days after the completion of the work. The permit authority shall be notified in writing at least thirty (30) days prior to the commencement of the work.

D. Excavations subject to valid building permit. Excavations for buildings or structures, where authorized by a valid building permit. This exemption shall not apply to any excavation with an unsupported height greater than five (5) feet after the completion of the structure.

E. Exploratory excavations. Exploratory excavations to investigate subsurface soil conditions and geology, affecting or disturbing an area of less than ten thousand (10,000) square feet and
Article 04. Grading Permits.

involving the movement of less than fifty (50) cubic yards, under the direction of a civil engineer, soils engineer, engineering geologist, or registered environmental health specialist, where the ground surface is restored to its previous topographic condition within sixty (60) days after the completion of the work.

F. Fills subject to valid building, agricultural exemption, or demolition permit. Fills for buildings or structures, where authorized by a valid building, agricultural exemption, or demolition permit. Fill that is intended to support structures or surcharges and is greater than one (1) foot in depth shall submit a compaction report as part of the application for the building, agricultural exemption, or demolition permit. This exemption shall not apply to any fill that is engineered grading.

G. Grading subject to valid encroachment permit. Grading within a public right-of-way, where authorized by a valid encroachment permit.


I. Maintenance, repair, or resurfacing of private roads. Maintenance, repair, or resurfacing of existing, lawfully constructed private roads, where the length, width, and design capacity are not changed. This exemption shall not apply to any fill in the flood-prone urban area or any special flood hazard area.

J. Minor cut. A cut that does not exceed fifty (50) cubic yards, and:
   1. Is no greater than two (2) feet in depth; or
   2. Does not create a cut slope greater than five (5) feet in height and steeper than two (2) units horizontal to one (1) unit vertical (50 percent).

K. Minor fill outside flood-prone urban area and special flood hazard areas. A fill outside the flood-prone urban area and any special flood hazard area that does not exceed fifty (50) cubic yards or alter or obstruct a watercourse, and:
   1. Is intended to support structures or surcharges and is no greater than one (1) foot in depth and placed on terrain with a natural slope no steeper than fifteen (15) percent; or
   2. Is not intended to support structures or surcharges and is no greater than three (3) feet in depth.

L. Pipelines and utilities. Excavations and fills for pipelines, routine pipeline maintenance practices, or installation, testing, maintenance, or replacement of utility connections, distribution or transmission systems, or telecommunication facilities, on a single site or within a public right-of-way, where the ground surface is restored to its previous topographic condition within sixty (60) days after the completion of the work. This exemption shall not apply to any fill that is used for any purpose other than restoring the ground surface to its previous topographic condition.

M. Public projects. Grading for public projects on public property undertaken by or on behalf of the county or a local agency governed by the board of supervisors.

N. Public trails. Grading for public trails, where a public agency takes full responsibility for the work. The permit authority shall be notified in writing at least thirty (30) days prior to the commencement of the work.

O. Resource conservation, restoration, or enhancement projects. Grading for soil, water, wildlife, or other resource conservation, restoration, or enhancement projects, where a public agency assumes full responsibility for the work. The permit authority shall be notified in writing at least thirty (30) days prior to the commencement of the work.

P. Soil profiling test pits. Excavations for soil profiling test pits, where the ground surface is restored to its previous topographic condition within sixty (60) days after the completion of the work.
Article 04. Grading Permits.

Q. Surface mining. Mining, quarrying, excavating, processing, or stockpiling rock, sand, gravel, aggregate, or clay in compliance with chapter 26A of this code.

R. Wells and on-site sewage disposal systems subject to valid well or septic permit. Excavations and fills for wells and on-site sewage disposal systems, where authorized by a valid well or septic permit and the fill material is placed on-site and the placement is shown on the approved well or septic plans.

(Ord. No. 5988, § I, 5-15-2012)
CHAPTER 11 - GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

Article 06. Drainage Permits.

Sec. 11.06.010. Drainage permit requirements.

A. Permit required. A drainage permit shall be required prior to commencing any drainage improvement or related work, including preparatory site clearing and soil disturbance, except where exempted from permit requirements by section 11.06.020. A separate drainage permit shall be required for each site.

B. Drainage improvement designation and performance. Drainage improvement shall be designated in compliance with table 11-2, and shall be performed as follows:

1. Regular drainage improvement. Regular drainage improvement shall be performed in compliance with approved plans and specifications prepared by the property owner or a licensed professional acting within the scope of their license.

2. Engineered drainage improvement. Engineered drainage improvement shall be performed in compliance with approved plans and specifications prepared by a civil engineer.

Table 11-2 Drainage Improvement Designation

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Threshold¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameter</td>
<td>Threshold¹</td>
</tr>
<tr>
<td>Cross-sectional area of drainage improvement</td>
<td>Does not exceed 2 square feet</td>
</tr>
<tr>
<td></td>
<td>Exceeds 2 square feet</td>
</tr>
</tbody>
</table>

1. Examples:

   Circular - Diameter is less than or equal to 19 inches or 1.6 feet, effectively 18 inches or 1.5 feet.

   Vee-ditch - Depth of one (1) foot and top width equal to four (4) feet (assumes 2:1 side slopes).

(Ord. No. 5988, § l, 5-15-2012)
CHAPTER 11 - GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

Article 06. Drainage Permits.

Sec. 11.06.020. Exemptions from drainage permit requirements.

The following activities are exempt from the provisions of section 11.06.010 and may be conducted without obtaining a drainage permit, provided that these activities shall still be subject to the standards in article 16.

A. Drainage improvement subject to valid grading, building, septic, VESCO, or encroachment permit. Drainage improvement for grading, buildings or structures, septic systems, vineyard or orchard site development, or within a public right-of-way, where authorized by a valid grading, building, septic, VESCO, or encroachment permit.

B. Maintenance, repair, or replacement of existing private drainage improvements. Maintenance, repair, or replacement of existing, lawfully constructed private drainage improvements, where the location and design capacity are not changed.

C. Minor pipe and vee-ditch swale systems. Construction or modification of pipe and vee-ditch swale systems that meet all of the following criteria:
   1. The drainage area is less than one-half acre for a smooth-walled pipe or vee-ditch swale system, or less than one-quarter acre for a corrugated pipe system.
   2. The pipe or vee-ditch swale system is not located in the flood-prone urban area.
   3. The pipe system is a single run, with minimum diameter of eight (8) inches and installed slopes between two (2) percent and four (4) percent, or the vee-ditch swale system is made of earth, grass, or rock, with side slopes no steeper than two (2) units horizontal to one (1) unit vertical (fifty (50) percent), maximum depth of nine (9) inches, and installed slopes between two (2) percent and four (4) percent.

D. Public projects. Drainage improvement for public projects on public property undertaken by or on behalf of the county or a local agency governed by the board of supervisors.

E. Public trails. Drainage improvement for public trails, where a public agency takes full responsibility for the work. The permit authority shall be notified in writing at least thirty (30) days prior to the commencement of the work.

F. Resource conservation, restoration, or enhancement projects. Drainage improvement for soil, water, wildlife, or other resource conservation, restoration, or enhancement projects, where a public agency assumes full responsibility for the work. The permit authority shall be notified in writing at least thirty (30) days prior to the commencement of the work.

G. Seasonal agricultural drainage swales. Construction or modification of seasonal agricultural drainage swales that meet all of the following criteria:
   1. The drainage swale is constructed on contour to the maximum extent practicable.
   2. The flowline slope of the drainage swale does not exceed four (4) percent.
   3. The drainage swale does not exceed one hundred fifty (150) feet in length.
   4. The outlet for the drainage swale is protected to prevent soil loss.

(Ord. No. 5988, § I, 5-15-2012)
Article 08. Vineyard/Orchard Erosion and Sediment Control (VESCO) Permits.

Sec. 11.08.010. VESCO permit requirements.

A. Permit required. A VESCO permit shall be required prior to commencing any vineyard or orchard site development or related work, including preparatory site clearing and soil disturbance, except where exempted from permit requirements by section 11.08.020. A separate VESCO permit shall be required for each site.

B. Vineyard and orchard site development designation and performance. Vineyard and orchard site development shall be designated in compliance with table 11-3, and shall be performed as follows:

1. Level I vineyard and orchard site development. Level I vineyard and orchard site development shall be performed in compliance with approved plans and specifications prepared by the property owner or the authorized agent of the property owner.

2. Level II vineyard and orchard site development. Level II vineyard and orchard site development shall be performed in compliance with approved plans and specifications prepared by a civil engineer.

Table 11-3 Vineyard and Orchard Site Development Designation

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Threshold</th>
<th>Level I Vineyard and Orchard Site Development</th>
<th>Level II Vineyard and Orchard Site Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural slope of planting area having no highly erodible soils</td>
<td>No steeper than 15 percent</td>
<td>Steeper than 15 percent, but in no event steeper than 50 percent</td>
<td></td>
</tr>
<tr>
<td>Natural slope of replanting area having no highly erodible soils</td>
<td>No steeper than 30 percent</td>
<td>Steeper than 30 percent</td>
<td></td>
</tr>
<tr>
<td>Natural slope of planting area having any highly erodible soils</td>
<td>No steeper than 10 percent</td>
<td>Steeper than 10 percent, but in no event steeper than 50 percent</td>
<td></td>
</tr>
</tbody>
</table>
Natural slope of replanting area having any highly erodible soils | No steeper than 15 percent | Steeper than 15 percent
---|---|---
Where tree removal is involved, natural slope descending below ridgetop | No steeper than 50 percent for more than 500 feet in slope length above a designated stream | Steeper than 50 percent for more than 500 feet in slope length above a designated stream
Where tree removal is involved, location of ridgetop | Not on a designated watershed or sub-watershed divide | On a designated watershed or sub-watershed divide

(Ord. No. 5988, § I, 5-15-2012)

**Sec. 11.08.020. Exemptions from VESCO permit requirements.**

The following activities are exempt from the provisions of section 11.08.010 and may be conducted without obtaining a VESCO permit, provided that these activities shall still be subject to the standards in article 16.

A. Replacing missing, dead, or diseased grapevines or orchard trees. Interplanting young grapevines or orchard trees among established grapevines or orchard trees for the purpose of replacing individual missing, dead, or diseased grapevines or orchard trees in a vineyard or orchard, where the drainage system, irrigation system, trellis system, and other vineyard or orchard infrastructure are kept intact with minimal disturbance. This shall not exempt the replanting of an entire vineyard or orchard.

B. Planting and replanting hobby orchard. Planting and unlimited replanting of an orchard for hobby purposes, where the orchard is no more than one-half ½ acre in land area. This exemption may only be used for one (1) hobby orchard per legal parcel.

C. Planting and replanting hobby vineyard. Planting and unlimited replanting of a vineyard for hobby purposes, where the vineyard is no more than one-half ½ acre in land area. This exemption may only be used for one (1) hobby vineyard per legal parcel.

(Ord. No. 5988, § I, 5-15-2012)
Article 10. Permit Application Filing and Processing.

Sec. 11.10.010. Permit authority.

The permit authority responsible for reviewing and making decisions on each type of permit application required by this chapter is identified by table 11-4. Decisions of the permit authority approving or denying discretionary permit applications shall be subject to appeal and direct review pursuant to article 20.

Table 11-4 Permit Authority

<table>
<thead>
<tr>
<th>Type of Permit Application</th>
<th>Permit Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading Permit - Agricultural Grading</td>
<td>Agricultural Commissioner</td>
</tr>
<tr>
<td>Grading Permit - Construction Grading</td>
<td>Director of Permit and Resource Management</td>
</tr>
<tr>
<td>Drainage Permit - Agricultural Drainage Improvement</td>
<td>Agricultural Commissioner</td>
</tr>
<tr>
<td>Drainage Permit - Construction Drainage Improvement</td>
<td>Director of Permit and Resource Management</td>
</tr>
<tr>
<td>VESCO Permit - Vineyard and Orchard Site Development</td>
<td>Agricultural Commissioner</td>
</tr>
</tbody>
</table>

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.10.020. Permit application preparation and filing.

A. Pre-application contact. A prospective applicant is encouraged to contact the permit authority before completing and filing a permit application to determine the information and materials required for application filing. The provision of information by the permit authority shall not be construed as a
recommendation for either approval or denial of an application. Any failure by the permit authority to identify all required information and materials shall not constitute a waiver of those requirements.

B. Application. Permit applications shall be filed with the permit authority on a county application form. Each permit application shall include all required fees and deposits, and all plans and specifications and other information and materials required by the permit authority, including any reports and studies necessary to verify compliance with the standards in article 16 (e.g., hydrology study, hydraulic analysis, compaction report, geotechnical or soils report, liquefaction study, wetlands assessment, wetlands delineation). No permit application shall be deemed complete, and processing shall not commence on any permit application, until all required fees and deposits have been paid, and all required plans and specifications and other information and materials have been submitted.

C. Eligibility for filing. A permit application may only be filed by the owner or authorized agent of the owner of the site, or other person with the written consent of the site owner.

D. Request for relief from standards. A permit application may include a request for relief from the standards in article 16. The request shall state in writing each standard proposed to be varied, the proposed substitute measure, when it would apply, and its advantages. The permit authority may require additional information to evaluate the requested relief.

E. Ministerial action; exception. The board of supervisors hereby declares that the review of permit applications and the issuance of permits pursuant to this chapter shall be ministerial actions, except where the permit application includes a request pursuant to Subsection D for relief from the standards in article 16. This chapter shall be interpreted, administered, and construed in light of this legislative intent.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.10.030. Application fees.

A. Fee schedule. The board of supervisors shall establish a schedule of fees for the processing of permit applications required by this chapter.

B. Refunds and withdrawals. The required application fees cover county costs for staff time and the other activities involved in processing permit applications. Therefore, no refund due to disapproval or expiration shall be allowed. In the case of a withdrawal, the permit authority may refund up to ninety (90) percent of the application fee prior to the commencement of plan review.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.10.040. Indemnification.

A. Applicant agreement. At the time of submitting a permit application that includes a request pursuant to section 11.10.020.D for relief from the standards in article 16, the applicant shall agree, as part of the permit application, to defend (with legal counsel of the county’s selection), indemnify, and hold harmless the county and its agents, officers, attorneys, and employees, from any claim, action, or proceeding brought against the county or its agents, officers, attorneys, or employees to attack, set aside, void, or annul, a discretionary approval of the county concerning the permit application, which action is brought within the applicable statute of limitations. The required indemnification shall include damages awarded against the county, if any, costs of suit, attorneys’ fees, and other costs and expenses incurred in connection with the action.

B. County notification of applicant. In the event that a claim, action, or proceeding referred to in subsection A is brought, the county shall promptly notify the applicant of the existence of the claim, action, or proceeding and shall cooperate fully in the defense of the claim, action, or proceeding.

(Ord. No. 5988, § I, 5-15-2012)
Sec. 11.10.050. Initial permit application review.

The permit authority shall review each permit application for completeness and accuracy before it is accepted as complete and officially filed. The permit authority's determination of completeness shall be based on the permit authority's list of required application contents and any additional instructions provided to the applicant in any pre-application contact.

A. Notification of applicant when permit application is incomplete. The permit authority shall inform the applicant in writing within thirty (30) days of filing when a permit application is incomplete. The letter shall specify the additional information required to make the permit application complete.

B. Withdrawal of application. If an applicant fails to provide the additional information specified in the permit authority's letter providing notice of an incomplete permit application within one hundred twenty (120) days following the date of the letter, the permit application shall be deemed withdrawn without any further action by the permit authority. The permit authority may grant one (1) ninety-day extension, if the applicant files a written request with the permit authority before expiration of the original one hundred twenty-day period. After the withdrawal of a permit application, future permit authority consideration shall require the submittal of a new, complete permit application and associated fees.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.10.060. Environmental review.

After a permit application has been accepted as complete, if the permit application includes a request pursuant to section 11.10.020.D for relief from the standards in article 16, the proposed activity shall be reviewed as required by CEQA to determine the level of environmental processing required.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.10.070. Expiration of permit application.

If a permit is not issued within one (1) year following the filing of a permit application, the permit application shall expire without any further action by the permit authority. The permit authority may grant one (1) one hundred eighty-day extension, if the applicant files a written request with the permit authority before expiration of the original one-year period and shows that the extension is warranted due to a lawsuit, permit authority error, or other circumstances beyond the control of the applicant. After the expiration of a permit application, future permit authority consideration shall require submittal of a new, complete permit application and associated fees.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.12.010. Approval and issuance.

A. Criteria for approval.
   1. Ministerial permit application. A ministerial permit application shall be approved, and a grading, drainage, or VESCO permit issued, when the permit authority verifies that:
      a. The proposed grading, drainage improvement, or vineyard or orchard site development complies with the provisions of this chapter, other applicable provisions of this code, and the conditions of any applicable land use permit, subdivision approval, or other entitlement; and
      b. The proposed grading, drainage improvement, or vineyard or orchard site development is not part of a project for which an application for a land use permit or subdivision approval has been submitted, or, if part of such a project, the land use permit or subdivision approval has been issued.
   2. Discretionary permit application. A discretionary permit application may be approved, and a grading, drainage, or VESCO permit issued, when the permit authority determines that:
      a. There are special circumstances affecting the property that make the strict application of the standards in article 16 impractical;
      b. The proposed grading, drainage improvement, or vineyard or orchard site development is consistent with the purpose and intent of the standards in article 16, and does not diminish the health, safety, and environmental protection benefits that would be obtained from the strict application of those standards;
      c. The proposed grading, drainage improvement, or vineyard or orchard site development complies with all other provisions of this chapter, other applicable provisions of this code, and the conditions of any applicable land use permit, subdivision approval, or other entitlement; and
      d. The proposed grading, drainage improvement, or vineyard or orchard site development is not part of a project for which an application for a land use permit or subdivision approval has been submitted, or, if part of such a project, the land use permit or subdivision approval has been issued.

B. Permit conditions. In approving a discretionary permit application pursuant to subsection A.2, the permit authority may impose any conditions deemed reasonable and necessary to protect the public health, safety, and welfare, prevent adverse environmental impacts or the creation of hazards to property, and ensure proper completion of work.

C. Effect of permit and approved plans and specifications.
   1. Compliance with plans and specifications required. All work for which a grading, drainage, or VESCO permit is issued shall be done in compliance with the approved plans and specifications. The approved plans and specifications shall not be changed without the written approval of the permit authority.
   2. Modifications. Proposed modifications to the approved plans and specifications shall be submitted to the permit authority in writing, together with all necessary technical information and

design details. A proposed modification shall be approved only if the permit authority verifies that the modification complies with the provisions of this chapter, other applicable provisions of this code, and the conditions of any applicable land use permit, subdivision approval, or other entitlement.

D. Distribution of approved plans and specifications. The permit authority shall retain one (1) or more sets of approved and dated plans and specifications for inspection and record keeping. Two (2) sets of approved and dated plans and specifications shall be provided to the permittee. The permittee shall maintain one (1) set of approved and dated plans and specifications and the permit on the site at all times during the work.

(Ord. No. 5988, § 1, 5-15-2012)

Sec. 11.14.010. Effective date of permits.
A. Ministerial Permit. A ministerial permit required by this chapter shall become effective when issued by the permit authority.
B. Discretionary Permit. A discretionary permit required by this chapter shall become effective on the 11th day following the date of permit application approval by the permit authority, provided that no appeal has been filed or direct review requested in compliance with article 20.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.14.020. Permit time limits and extensions.
A. Permit time limits.
   1. Grading permit. A grading permit shall expire three (3) years from the effective date of the permit, unless an extension has been granted in writing in compliance with subsection B, provided that the permit authority may limit a grading permit to a lesser time period where the permit is required to abate dangerous or hazardous conditions. All work for which a grading permit is issued shall be completed and finaled prior to expiration of the permit or any extension granted pursuant to subsection B.
   2. Drainage permit. A drainage permit shall expire three (3) years from the effective date of the permit, unless an extension has been granted in writing in compliance with subsection B, provided that the permit authority may limit a drainage permit to a lesser time period where the permit is required to abate dangerous or hazardous conditions. All work for which a drainage permit is issued shall be completed and finaled prior to expiration of the permit or any extension granted pursuant to subsection B.
   3. VESCO permit. A VESCO permit shall expire five (5) years from the effective date of the permit, unless an extension has been granted in writing in compliance with subsection B. All work for which a VESCO permit is issued shall be completed and finaled prior to expiration of the permit or any extension granted pursuant to subsection B.
B. Permit extensions. Any permittee holding an unexpired grading, drainage, or VESCO permit may apply for an extension of the time within which the work for which the permit is issued must be completed and finaled. The permit authority may extend the expiration date of the permit for a period not exceeding one hundred eighty (180) days per extension request, where the permittee has requested the extension in writing and shown that a lawsuit, permit authority error, or other circumstances beyond the control of the permittee have prevented the work from being started or completed, or that the extension is in the interest of public health and safety.

(Ord. No. 5988, § I, 5-15-2012)
Sec. 11.14.030. Performance of work.

All work for which a grading, drainage, or VESCO permit is required shall be subject to the following requirements.

A. Pre-construction consultation. The permittee and the permit authority shall have a pre-construction consultation prior to the commencement of the work.

B. Responsibility for the work. The permittee and the property owner shall be responsible for the work to be performed in compliance with the approved plans and specifications and the standards in article 16.

C. Inspection. The work shall be subject to inspection as required by the permit authority. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or other provisions of this code. Inspections presuming to give authority to violate or cancel the provisions of this chapter or other provisions of this code shall not be valid.

1. Site access. The permittee shall provide adequate access to the site for inspection by inspectors designated by the permit authority during the performance of all work, and for a minimum of three (3) years following final inspection for purposes of monitoring all work performed.

2. Professional inspections and certifications. The permit authority may require professional inspections and certifications to verify proper completion of the work.

   a. Type of inspections and certifications. The professional inspections and certifications may include, but shall not be limited to requiring: the permittee to provide a civil engineer, soils engineer, engineering geologist, professional geologist, registered professional forester, wetlands biologist, or other professional to perform inspections of work in progress and to certify the proper completion of work; inspection and testing by an approved testing agency; or the submittal of periodic progress reports.

   b. Notification of noncompliance. Where the use of a civil engineer, soils engineer, engineering geologist, professional geologist, registered professional forester, wetlands biologist, or other professional is required, these personnel shall immediately report in writing to the permit authority and the permittee any instance of work not being done in compliance with this chapter, other applicable provisions of this code, the approved plans and specifications, or any permit conditions, and shall also provide recommendations for corrective measures, if determined by the consultant to be necessary.

   c. Transfer of responsibility for approval. If a required civil engineer, soils engineer, engineering geologist, professional geologist, registered professional forester, wetlands biologist, or other professional is changed during the course of the work, the work shall be stopped until the replacement individual has notified the permit authority in writing of their agreement to accept responsibility for approval of the completed work within the area of their technical competence.

D. Field changes. After permit issuance, no change to the approved work shall occur without the prior written approval of the permit authority. If the permit authority determines that the changes are minor, the changes shall be shown on the as-built plans. If the permit authority determines that the changes are significant, a request for a modification to the approved plans and specifications shall be filed as provided in section 11.12.010.C.2.

E. Protection of utilities. As required by Government Code section 4216.2, the permittee shall contact the Underground Service Alert (USA) prior to starting any excavation that will be conducted in an area that is known, or reasonably should be known, to contain subsurface utility installations. Contact shall occur at least two (2) working days, but not more than fourteen (14)
CHAPTER 11 - GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT


calendar days, before the excavation starts. If practical, the excavator shall delineate with white paint or other suitable markings the area to be excavated.

F. Stop work orders. The permit authority may order that any work performed contrary to the requirements of this chapter, other applicable provisions of this code, the approved plans and specifications, or any permit conditions, or any work that has otherwise become hazardous to property or the public, be immediately stopped. It shall be unlawful and a violation of this chapter for any person to resume work that was ordered to be stopped by the permit authority, unless the permit authority has required and the permittee has agreed to any necessary corrective measures, and the permit authority has authorized resumption of the work in writing. A violation of a stop work order shall be punishable in compliance with section 11.24.060.B.

(Ord. No. 5988, § 1, 5-15-2012)

Sec. 11.14.040. Completion of work.

A. Final reports. Upon final completion of all work for which a grading, drainage, or VESCO permit is required, the permit authority may require the following plans and reports, supplements thereto, or other documentation, prepared by the appropriate professionals in the format required by the permit authority. The permit authority may also require such plans and reports at other stages of the work.

1. As-built plans. A set of as-built plans including original and finished contours at intervals acceptable to the permit authority, parcel drainage patterns with directional arrows, locations and elevations of all surface and subsurface drainage improvements, and locations of all storm water best management practices.

2. Testing records. A complete record of all field and laboratory tests, including the location and elevation of all field tests.

3. Professional opinions. Professional opinions regarding slope stability, soil bearing capacity, and any other information pertinent to the adequacy of the site for its intended use.

4. Declarations about completed work. Declarations by any civil engineer, soils engineer, engineering geologist, professional geologist, registered professional forester, wetlands biologist, or other professional required by the permit authority pursuant to section 11.14.030.C.2, that all work was done in substantial compliance with the recommendations contained in any required soils or other special report, and in compliance with the approved plans and specifications.

B. Final inspection. No permittee shall be deemed to have complied with the provisions of this chapter until a final inspection of the work has been completed and approved by the permit authority. The permittee shall notify the permit authority when the work is ready for final inspection. The permit authority shall final a permit when all work has been completed in compliance with the approved plans and specifications, and all reports required by subsection A have been submitted and accepted.

(Ord. No. 5988, § 1, 5-15-2012)
CHAPTER 11 - GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

Article 16. Standards.

**Article 16. Standards.**

**Sec. 11.16.010. Purpose.**

This article provides ministerial standards for the proper conduct of grading, drainage improvement, and vineyard and orchard site development. All grading, drainage improvement, and vineyard and orchard site development subject to the provisions of this chapter shall comply with the requirements of this article, regardless of whether a permit is required by this chapter.

(Ord. No. 5988, § I, 5-15-2012)

**Sec. 11.16.020. Cuts and fills.**

A. General. Cuts and fills shall be designed and constructed in compliance with the following requirements.

1. Areas of cuts and fills. Cuts and fills shall be limited to the amount necessary for the intended use.

2. Final contours. Contours, elevations, and shapes of finished surfaces shall be blended with adjacent natural terrain to achieve a consistent grade and natural appearance as follows:
   a. The top of cut slopes shall be rounded off to blend with the natural terrain.
b. Borders of cut slopes and fills shall be rounded off to a minimum radius of five (5) feet to blend with the natural terrain.

B. Cuts. Cuts shall be designed and constructed in compliance with the following requirements.

1. Slope. The slope of cut surfaces shall be no steeper than two (2) units horizontal to one (1) unit vertical (50 percent), unless a soils report justifies a steeper slope.

2. Terracing and drainage. Terracing and drainage of cuts shall be provided as required by subsection D.

C. Fills. Fills shall be designed and constructed in compliance with the following requirements.

1. Fill location. Fill shall not be placed on natural slopes steeper than two (2) units horizontal to one (1) unit vertical (50 percent).

2. Surface preparation. Ground surfaces shall be prepared to receive fill by removing vegetation, topsoil, and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

3. Benching. Benching into sound bedrock or other competent material, as determined by a civil engineer, shall be required where existing grade is at a slope steeper than five (5) units horizontal to one (1) unit vertical (twenty (20) percent) and the depth of the fill exceeds five (5) feet. Benching shall be provided in accordance with figure 11-1, subject also to the following requirements:

   a. A key at least ten (10) feet in width and two (2) feet in depth shall be installed.

   b. The key shall be installed at least one (1) foot into sound bedrock or other competent material.

   c. The area beyond the toe of the fill shall be sloped for sheet overflow or a non-erosive drain shall be provided.

   d. Cuts for benching and keys shall be accepted by a soils engineer as a suitable foundation for fill prior to the placement of the fill material.

\[\text{Figure 11-1 Benching Details}\]
CHAPTER 11 - GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

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4. Fill material. Fill material shall not include organic, frozen, or other deleterious materials. No rock or similar irreducible material greater than 6 inches in any dimension shall be included in fills, except where a soils engineer devises a method of placement of larger rock, continuously inspects its placement, and approves fill stability, subject also to the following requirements:
   a. Potential rock disposal areas shall be shown on the plans and specifications.
   b. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

5. Fill placement. Fills shall be constructed in lifts not exceeding eight (8) inches in depth. Completed fills shall be stable, well-integrated, and bonded to adjacent materials and the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the approved plans and specifications.

6. Compaction.
   a. Fills intended to support structures or surcharges. Fills intended to support structures or surcharges shall be compacted to a minimum of ninety (90) percent of maximum dry density, as determined by ASTM D 1557, Modified Proctor.
   b. Fills not intended to support structures or surcharges. Fills not intended to support structures or surcharges shall be compacted as follows:
      (1) Fills greater than three (3) feet in depth shall be compacted to the density specified by a soils engineer.
      (2) Fills no greater than three (3) feet in depth shall be compacted to the density necessary for the intended use.

7. Slope. The slope of fill surfaces shall be no steeper than two (2) units horizontal to one (1) unit vertical (fifty (50) percent), unless a soils report justifies a steeper slope.

8. Limitation on fill in flood-prone urban area. No fill shall be placed in the flood-prone urban area, unless an analysis demonstrates that no adverse impact to drainage within the flood-prone urban area will result from the fill placement and related improvements.

9. No net fill in special flood hazard areas. No fill shall be placed in any special flood hazard area, unless an analysis demonstrates that no reduction in flood storage capacity within the special flood hazard area will result from the fill placement and related improvements.

10. Terracing and drainage. Terracing and drainage of fills shall be provided as required by subsection D.

D. Terracing and drainage of cuts and fills. Terracing and drainage of cuts and fills shall be designed and constructed to ensure the integrity of the cuts and fills. The following requirements shall apply only to cuts and fills with surface slopes steeper than three (3) units horizontal to one (1) unit vertical (thirty-three (33) percent). Additional requirements applicable to the provision of drainage improvements are established by Section 11.16.040

1. Agricultural grading. Terracing and drainage of cuts and fills for agricultural grading shall be designed by a civil engineer and constructed in compliance with the civil engineer's requirements.

2. Construction grading. Terracing and drainage of cuts and fills for construction grading shall conform to the following requirements.
   a. Terraces. Terraces shall be established on cut and fill slopes to control surface drainage and debris. Suitable access shall be provided to permit proper cleaning and maintenance of terraces.
      (1) For cut and fill slopes up to thirty (30) feet in vertical height, terraces need not be provided.
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(2) For cut and fill slopes greater than thirty (30) feet and up to sixty (60) feet in vertical height, one (1) terrace at least six (6) feet in width shall be established at mid-height.

(3) For cut and fill slopes greater than sixty (60) feet and up to one hundred twenty (120) feet in vertical height, terraces at least six (6) feet in width shall be established at not more than thirty-foot intervals or one (1) terrace at least twelve (12) feet in width shall be established at mid-height.

(4) For cut and fill slopes greater than one hundred twenty (120) feet in vertical height, terrace widths and spacing shall be designed by a civil engineer.

b. Terrace drainage.

(1) Swales or ditches. Swales or ditches shall be provided on terraces, and shall:
   (a) Have a minimum gradient of twenty (20) units horizontal to one (1) unit vertical (five (5) percent);
   (b) Be paved with reinforced concrete not less than three (3) inches in thickness, or with other materials suitable to the application; and
   (c) Have a minimum depth of one (1) foot and a minimum width of five (5) feet.

(2) Limitation on single run of swale or ditch. A single run of swale or ditch shall not collect runoff from a tributary area exceeding thirteen thousand five hundred (13,500) square feet (projected) without discharging into a down drain.

c. Subsurface drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

d. Building pad drainage. Building pads shall have a drainage gradient of fifty (50) units horizontal to one (1) unit vertical (two (2) percent) toward approved drainage improvements.

e. Surface interceptor drains. Surface interceptor drains shall be installed along the top of all cut and fill slopes where the tributary drainage area above slopes towards the cut or fill and has a drainage path greater than forty (40) feet measured horizontally. The drains shall be paved with reinforced concrete not less than three (3) inches in thickness, or with other materials suitable to the application. The drains shall be designed to meet the SCWA flood control design criteria for a one hundred-year design discharge. This surface interceptor drains requirement shall not apply to outslope constructed roadways designed to prevent the concentration of storm water, provided that the stability of the cut and fill slope is maintained.

E. Setbacks. Cut and fill slopes shall be set back from property lines in compliance with the following requirements. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in figure 11-2.

1. Top of slope. The setback at the top of a slope shall be not be less than that shown in figure 11-2, or than is required to accommodate any required surface interceptor drains, whichever is greater.
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Figure 11-2 Cut and Fill Slope Setback Requirements

F. Protection of footings, buildings, and structures. Footings that may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless the building or structure is capable of withstanding the additional loads caused by the fill or surcharge. The rights of adjacent affected property owners shall be as set forth in Civil Code section 832.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.030. Dams and reservoirs.

A. Dams and reservoirs subject to county jurisdiction. Dams and reservoirs within the county's jurisdiction shall be designed and constructed in compliance with the requirements of this article and the California Division of Safety of Dams Guidelines for Small Dams, except that:

1. Minimum freeboard and residual freeboard. The minimum freeboard (vertical distance from spillway crest to dam crest or reservoir crest where there is no dam) for spillways shall be specified by a civil engineer. The minimum residual freeboard (vertical distance from maximum reservoir stage for spillway design flood to dam crest or reservoir crest where there is no dam) shall be 1.5 feet.

2. Compaction. Embankments shall be compacted to a minimum of ninety (90) percent of maximum dry density, as determined by ASTM D 1557, Modified Proctor.

3. Low level outlet. A low level outlet need not be provided where the reservoir floor is below grade and a pump capable of emptying or lowering the reservoir in case of emergency or for inspection and maintenance is installed.

B. Dams and reservoirs subject to state jurisdiction. Dams and reservoirs within the state's jurisdiction shall be designed and constructed in compliance with the requirements of the California Division of Safety of Dams.

(Ord. No. 5988, § I, 5-15-2012)
Sec. 11.16.040. Drainage.

A. Management of storm water. Grading and vineyard and orchard site development shall include the drainage improvements or other methods necessary to manage storm water in compliance with the permit authority's best management practices guide.

B. Natural drainage patterns and runoff. Grading, drainage improvement, and vineyard and orchard site development shall maintain off-site natural drainage patterns, and limit runoff in compliance with the permit authority's best management practices guide.

C. Design and construction of drainage improvements. Drainage improvements shall be designed and constructed in compliance with the permit authority’s best management practices guide. Drainage improvements required for cuts and fills are also subject to the requirements of section 11.16.020.D.

D. Disposal of storm water. Drainage improvements shall carry storm water to the nearest practicable disposal location and shall dissipate the energy or diffuse the flow prior to releasing the storm water off the site.

E. Prevention of soil loss. Drainage improvements shall prevent or minimize soil loss through the use of storm drain culverts (pipes), storm drain inlets and outlets, storm drain outfalls, energy dissipators, flow dispersion, check dams, rolling dips, critical dips, proper location and sizing of culverts, revegetation of exposed or disturbed slopes, minimizing cross drains through road outsloping, minimizing the use of artificial slopes, and other best management practices referenced or detailed in the permit authority's best management practices guide.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.050. Soil and other pollutant discharges.

Grading, drainage improvement, and vineyard and orchard site development shall be designed and conducted in compliance with the following requirements.

A. During the work. Soil and other pollutant discharges shall be prevented or controlled during the work through the use of best management practices in compliance with the permit authority’s best management practices guide.

B. Prior to final inspection. Disturbed surfaces shall be revegetated prior to final inspection as provided by section 11.16.090, unless covered with impervious or other improved surfaces authorized by the approved plans and specifications, and permanent best management practices referenced or detailed in the permit authority’s best management practices guide shall be installed to control soil and other pollutant discharges.

C. Post-development. Post-development soil and other pollutant discharges shall be limited in compliance with the permit authority's best management practices guide.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.060. Storm water best management practices.

Grading, drainage improvement, and vineyard and orchard site development shall be conducted in compliance with the following requirements.

A. Rainy season. During the rainy season, storm water best management practices referenced or detailed in the permit authority's best management practices guide shall be implemented and functional on the site at all times.

B. Non-rainy season. During the non-rainy season, on any day when the National Weather Service forecast is a chance of rain of thirty (30) percent or greater within the next twenty-four (24)
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hours, storm water best management practices referenced or detailed in the permit authority's best management practices guide shall be implemented and functional on the site if necessary to prevent soil and other pollutant discharges.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.070. Work during the rainy season.

Grading, drainage improvement, and vineyard and orchard site development shall be conducted in compliance with the following requirements during the rainy season (the period from October 15 through April 15).

A. Construction grading and drainage improvement. Construction grading and drainage improvement shall be permitted during the rainy season only when on-site soil conditions permit the work to be performed in compliance with the requirements of this article and the storm water best management practices required by section 11.16.060 are maintained. The area of erodible land exposed at any one (1) time during the work shall not exceed one (1) acre or twenty (20) percent of the site, whichever is greater, and the time of exposure shall be minimized to the maximum extent practicable.

B. Agricultural grading and drainage improvement, and vineyard and orchard site development.

1. Agricultural grading and drainage improvement, and initial vineyard and orchard site development work for vineyard and orchard planting, shall not be permitted during the rainy season, except between April 1 and April 15, and only when on-site soil conditions permit the work to be performed in compliance with the requirements of this article and the storm water best management practices required by section 11.16.060 are maintained.

2. Initial vineyard and orchard site development work for vineyard and orchard replanting shall not be permitted during the rainy season, except between October 15 and November 15 and between April 1 and April 15, and only when on-site soil conditions permit the work to be performed in compliance with the requirements of this article and the storm water best management practices required by section 11.16.060 are maintained.

3. Final vineyard and orchard site development work for vineyard and orchard planting and replanting shall be permitted during the rainy season only when on-site soil conditions permit the work to be performed in compliance with the requirements of this article and the storm water best management practices required by section 11.16.060 are maintained.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.080. Removal of trees and other vegetation.

Grading, drainage improvement, and vineyard and orchard site development shall not remove or disturb trees and other vegetation except in compliance with the approved plans and specifications and the permit authority's best management practices guide.

A. The limits of grading, drainage improvement, and vineyard or orchard site development shall be defined and marked on the site to prevent damage to surrounding trees and other vegetation.

B. Trees and other vegetation within the limits of grading, drainage improvement, or vineyard or orchard site development that are to be retained shall be identified and protected from damage by marking, fencing, or other measures.

Removal or disturbance of trees and other vegetation for construction grading and drainage improvement are also subject to the requirements of section 11.16.070.A. Removal of trees for vineyard
and orchard site development for vineyard and orchard planting is also subject to the prohibitions in section 11.18.040.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.090. Revegetation.

Grading, drainage improvement, and vineyard and orchard site development shall replant disturbed surfaces in compliance with the approved plans and specifications and the following requirements.

A. Preparation for revegetation. Topsoil removed from the surface in preparation for grading, drainage improvement, and vineyard and orchard site development shall be stored on or near the site and protected from soil loss while the work is underway, provided that such storage shall not cause damage to root systems of trees intended to be preserved.

B. Methods of revegetation. Mulching, seeding, planting of groundcover, shrubs or trees, or other suitable stabilization measures shall be used to protect exposed soil to minimize soil loss, and to maximize slope stability. Use of drought-tolerant, fire resistant native plant species is encouraged; use of invasive plant species identified in the permit authority's best management practices guide is prohibited.

C. Timing of revegetation measures. Temporary or permanent revegetation shall be installed as soon as practical after vegetation removal, but in all cases prior to:

1. October 15 for all grading and drainage improvement;
2. October 15 for all initial vineyard and orchard site development work for vineyard and orchard planting; and
3. November 15 for all initial vineyard and orchard site development work for vineyard and orchard replanting.

Permanent revegetation or landscaping shall be installed prior to final inspection.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.100. Sprinkler frost protection systems.

Sprinkler frost protection systems shall be designed and installed in compliance with the approved plans and specifications and the permit authority's best management practices guide.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.110. Protection of human remains and archaeological resources.

In the event that human remains or archaeological resources are discovered during grading, drainage improvement, and vineyard and orchard site development, all work shall be halted in the vicinity of the find, the permit authority shall be notified, and the following shall occur before work may be resumed:

A. Human remains. If human remains or suspected human remains are discovered, the permittee or the property owner shall notify the county coroner and comply with all state law requirements, including Health and Safety Code section 7050.5 and Public Resources Code section 5097.98, to ensure proper disposition of the human remains or suspected human remains, including those identified to be Native American remains.
B. Archaeological resources. If archaeological resources or suspected archaeological resources are discovered, the permit authority shall notify the State Historic Preservation Officer and the Northwest Information Center at Sonoma State University, and the permittee or the property owner shall retain a qualified archeologist to evaluate the find to ensure proper disposition of the archaeological resources or suspected archaeological resources. All costs associated with the evaluation and mitigation of the find shall be the responsibility of the permittee or the property owner. The permit authority shall provide notice of the find to any tribes that have been identified as having cultural ties and affiliation with the geographic area in which the archaeological resources or suspected archaeological resources were discovered, if the tribe or tribes have requested notice and provided a contact person and current address to which the notice is to be sent. The permit authority may consult with and solicit comments from notified tribes to aid in the evaluation, protection, and proper disposition of the archaeological resources or suspected archaeological resources. The need for confidentiality of information concerning the archaeological resources or suspected archaeological resources shall be recognized by all parties. For the purposes of this section, archaeological resources include historic or prehistoric ruins, burial grounds, pottery, arrowheads, midden, or culturally modified soil deposits. Artifacts associated with prehistoric ruins include humanly modified stone, shell, bone, or other cultural materials such as charcoal, ash, and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, or floor depressions; mortuary features are typically represented by human skeletal remains.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.120. Protection of watercourses.

Grading, drainage improvement, and vineyard and orchard site development within, adjacent to, or involving the alteration of watercourses shall comply with the provisions of article II (water clarity) of chapter 23 of this Code and the following requirements.

A. Flood carrying capacity. The flood carrying capacity of any altered or relocated portion of a watercourse shall be maintained.

B. Obstruction of watercourses. Watercourses shall not be obstructed unless alternate drainage improvements complying with section 11.16.040 are installed.

C. Fills within watercourses. Fills placed within watercourses shall have protection against soil loss.

D. Heavy equipment. Heavy equipment shall not cross or disturb channels of actively flowing streams without best management practices referenced or detailed in the permit authority's best management practices guide in place.

E. Materials storage. Excavated materials and soil amendment and fertilizing materials shall not be deposited or stored in or adjacent to a watercourse where they can be washed away by high water or storm runoff.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.130. Setbacks for streams.

Grading and vineyard and orchard site development shall be set back from streams in compliance with the requirements in table 11-5, unless stricter requirements are established in the general plan, local coastal program, or zoning code. Trees and other vegetation shall be retained in setback areas in compliance with the permit authority's best management practices guide. Vegetative filter strips may be installed in setback areas in compliance with the permit authority's best management practices guide. Grassy avenues and turnarounds for agricultural crops may be located within vegetative filter strips in...
compliance with the permit authority's best management practices guide. This setback requirement shall not apply to grading for bridges, stream crossings, and approaches; dams and reservoirs; drainage improvements; trails; public projects; resource conservation, restoration, or enhancement projects; or stream bank restoration or stabilization.

Table 11-5 Stream Setback Requirements

Grading and Vineyard and Orchard Site Development for Vineyard and Orchard Planting

<table>
<thead>
<tr>
<th>Type of Stream</th>
<th>Soils on Grading or Planting Area</th>
<th>Natural Slope of Grading or Planting Area</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated stream</td>
<td>No highly erodible soils</td>
<td>Slope is no steeper than 15 percent</td>
<td>25 feet from the top of bank</td>
</tr>
<tr>
<td>Designated stream</td>
<td>No highly erodible soils</td>
<td>Slope is steeper than 15 percent</td>
<td>50 feet from the top of bank</td>
</tr>
<tr>
<td>Designated stream</td>
<td>Any highly erodible soils</td>
<td>Slope is no steeper than 10 percent</td>
<td>25 feet from the top of bank</td>
</tr>
<tr>
<td>Designated stream</td>
<td>Any highly erodible soils</td>
<td>Slope is steeper than 10 percent</td>
<td>50 feet from the top of bank</td>
</tr>
<tr>
<td>Undesignated stream</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>25 feet from the top of bank</td>
</tr>
</tbody>
</table>

Vineyard and Orchard Site Development for Vineyard and Orchard Replanting

<table>
<thead>
<tr>
<th>Type of Stream</th>
<th>Soils on Replanting Area</th>
<th>Natural Slope of Replanting Area</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated stream</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>25 feet from the top of bank</td>
</tr>
<tr>
<td>Undesignated stream</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>25 feet from the top of bank</td>
</tr>
</tbody>
</table>
Sec. 11.16.140. Setbacks for lakes and ponds.

Grading and vineyard and orchard site development shall be set back from lakes and ponds in compliance with the requirements in table 11-6, unless stricter requirements are established in the general plan, local coastal program, or zoning code. Trees and other vegetation shall be retained in setback areas in compliance with the permit authority's best management practices guide. Vegetative filter strips may be installed in setback areas in compliance with the permit authority's best management practices guide. Grassy avenues and turnarounds for agricultural crops may be located within vegetative filter strips in compliance with the permit authority's best management practices guide. This setback requirement shall not apply to grading for drainage improvements; trails; public projects; resource conservation, restoration, or enhancement projects; or lake or pond maintenance.

<table>
<thead>
<tr>
<th>Type of Water Body</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake</td>
<td>50 feet from the high water mark, unless the area slopes away from the lake and the grading or vineyard or orchard site development will not compromise the structural integrity of the lake.</td>
</tr>
<tr>
<td>Pond</td>
<td>50 feet from the high water mark, unless the area slopes away from the pond and the grading or vineyard or orchard site development will not compromise the structural integrity of the pond.</td>
</tr>
</tbody>
</table>

Sec. 11.16.150. Setbacks for wetlands.

Grading, drainage improvement, and vineyard and orchard site development shall be set back from wetlands in compliance with the requirements in table 11-7, unless stricter requirements are established in the general plan, local coastal program, or zoning code. Trees and other vegetation shall be retained in setback areas in compliance with the permit authority's best management practices guide. Vegetative filter strips may be installed in setback areas in compliance with the permit authority's best management practices guide. Grassy avenues and turnarounds for agricultural crops may be located within vegetative filter strips in compliance with the permit authority's best management practices guide.

<table>
<thead>
<tr>
<th>Type of Wetlands</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated wetlands</td>
<td>100 feet from the delineated edges</td>
</tr>
</tbody>
</table>
CHAPTER 11 - GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

Article 16. Standards.

<table>
<thead>
<tr>
<th>Undesignated wetlands</th>
<th>50 feet from the delineated edges, unless a wetlands biologist recommends a different setback</th>
</tr>
</thead>
</table>

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.160. Setbacks for ridgetops.

Where tree removal is involved, vineyard and orchard site development for vineyard and orchard planting on ridgetops shall be set back from descending slopes in compliance with the requirements in table 11-8. Trees and other vegetation shall be retained in setback areas in compliance with the permit authority's best management practices guide. Vegetative filter strips may be installed in setback areas in compliance with the permit authority's best management practices guide. Grassy avenues and turnarounds for vineyards and orchards may be located within vegetative filter strips in compliance with the permit authority's best management practices guide.

Table 11-8 Ridgetop Setback Requirements

<table>
<thead>
<tr>
<th>Type of Descending Slope</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Descending natural slope steeper than 50 percent for more than 50 feet in slope length</td>
<td>50 feet from the delineated slope break</td>
</tr>
</tbody>
</table>

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.16.170. Setbacks for areas of instability.

Where tree removal is involved, vineyard and orchard site development for vineyard and orchard planting shall be set back from areas of instability in compliance with the requirements in table 11-9. Trees and other vegetation shall be retained in setback areas in compliance with the permit authority's best management practices guide. Vegetative filter strips may be installed in setback areas in compliance with the permit authority's best management practices guide. Grassy avenues and turnarounds for vineyards and orchards may be located within vegetative filter strips in compliance with the permit authority's best management practices guide.

Table 11-9 Area of Instability Setback Requirements

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below and lateral to area of instability</td>
<td>50 feet from the delineated edge, unless an engineering geologist recommends a different setback</td>
</tr>
</tbody>
</table>
### Article 16. Standards.

| Above area of instability | 100 feet from the delineated edge, unless an engineering geologist recommends a different setback |

(Ord. No. 5988, § I, 5-15-2012)
Article 18. Prohibited Activities.

Sec. 11.18.010. Purpose.

This article establishes prohibitions against certain agricultural grading and vineyard and orchard site development.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.18.020. Prohibited agricultural grading.

Agricultural grading to prepare new land for agricultural crop production shall be prohibited on natural slopes steeper than fifty (50) percent.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.18.030. Prohibited vineyard and orchard site development.

Vineyard and orchard site development for vineyard and orchard planting shall be prohibited on natural slopes steeper than fifty (50) percent.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.18.040. Prohibited removal of trees for vineyard and orchard site development.

Removal of trees for vineyard and orchard site development for vineyard and orchard planting shall be prohibited on natural slopes steeper than forty (40) percent with cohesionless soils, and on areas of instability unless the area is repaired in compliance with this chapter.

(Ord. No. 5988, § I, 5-15-2012)
Article 20. Appeals and Direct Review.

Sec. 11.20.010. Appeals.

A. Appeal subjects and jurisdiction. A decision by the permit authority approving or denying a discretionary permit application may be appealed to the board of supervisors. All other decisions of the permit authority under this chapter shall be final, subject only to judicial review.

B. Eligibility. An appeal may be filed by any interested person.

C. Timing and form of appeal. An appeal shall be filed in writing with the permit authority on a county appeal form within ten (10) days after the decision that is the subject of the appeal. The appeal shall specifically state the basis for the appeal and shall be accompanied by the required filing fee.

D. Effect of appeal. The filing of an appeal shall stay the decision of the permit authority until the board of supervisors takes action in compliance with subsection F.

E. Scheduling of hearing and report. After an appeal has been timely filed, the appeal shall be scheduled for consideration at a public hearing by the board of supervisors. Public notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with article 22. The hearing shall be de novo. Prior to the hearing, the permit authority shall prepare a report on the matter and forward the report to the board of supervisors.

F. Hearing and decision. At the appeal hearing, the board of supervisors may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal. After the hearing, the board of supervisors may affirm, affirm in part, modify, or reverse the decision of the permit authority, and such action shall be final.

G. Withdrawal of appeal. After filing, an appeal may not be withdrawn except with the consent of the board of supervisors.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.20.020. Direct review.

A. Request for direct review. Any member of the board of supervisors may request the board of supervisors to review a decision by the permit authority approving or denying a discretionary permit application.

B. Timing and form of request for direct review. A request for direct review shall be made orally at a board of supervisors meeting, or filed in writing or by e-mail with the clerk of the board of supervisors, prior to the expiration of the appeal period for the decision of the permit authority. A request for direct review need not state the reasons for the request. A request for direct review shall not be deemed to be an allegation of any flaw in or a pre-judgment of the decision of the permit authority.

C. Effect of request for direct review. A request for direct review shall stay the decision of the permit authority until the board of supervisors takes action in compliance with subsection D, and, if
CHAPTER 11 - GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

Article 20. Appeals and Direct Review.

applicable, until the board of supervisors takes action in compliance with subsection F. The stay shall
not extend the time for filing an appeal of the decision that is the subject of the request.

D. Consideration of request for direct review. A request for direct review shall be considered by the
board of supervisors at a regular meeting of the board of supervisors.

1. If the board of supervisors grants the request for direct review, the board of supervisors shall
assume jurisdiction over the matter and take action in compliance with subsection F.

2. If the board of supervisors denies the request for direct review, the decision of the permit
authority shall stand unless an appeal of the decision was timely filed.

E. Scheduling of hearing and report. After a request for direct review has been granted, the direct
review shall be scheduled for consideration at a public hearing by the board of supervisors. Public
notice of the hearing shall be provided, and the hearing conducted, in compliance with article 22. The
hearing shall be de novo. Prior to the hearing, the permit authority shall prepare a report on the
matter and forward the report to the board of supervisors.

F. Hearing and decision. At the direct review hearing, the board of supervisors may consider any issue
involving the matter that is the subject of the direct review. After the hearing, the board of supervisors
may affirm, affirm in part, modify, or reverse the decision of the permit authority, and such action
shall be final.

G. Participation by initiator of request for direct review. Any member of the board of supervisors who
initiates a request for direct review may fully participate in determining whether to approve the
request and, if the request is approved, in hearing and deciding upon the matter, including voting,
unless actual bias or prejudice is otherwise shown.

H. Withdrawal of request for direct review. After filing, a request for direct review may not be withdrawn
except with the consent of the board of supervisors.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.20.030. Simultaneous appeal and direct review.

When a decision by the permit authority is both appealed and jurisdiction is taken by the board of
supervisors through direct review, both the appeal and the direct review shall be heard and considered
concurrently.

(Ord. No. 5988, § I, 5-15-2012)
Article 22. Public Hearings.

Sec. 11.22.010. Notice of hearing.

The public shall be provided advance notice of any public hearing by the board of supervisors required by this chapter in compliance with Government Code sections 65090, 65091, and 65092. The failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds for any court to invalidate the actions of the board of supervisors, provided that there has been substantial compliance with the requirements of this section.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.22.020. Hearing procedure.

A hearing by the board of supervisors shall be held at the date, time, and place for which notice was given. Any hearing may be continued without further notice, provided that the board of supervisors announces the date, time, and place to which the hearing will be continued prior to the adjournment or recess of the hearing. For any matter being considered at a hearing in compliance with this chapter, the board of supervisors may announce a tentative decision, and defer its action on a final decision until appropriate findings or conditions of approval have been prepared.

(Ord. No. 5988, § I, 5-15-2012)
Article 24. Enforcement.

Sec. 11.24.010. Purpose.

This article establishes provisions that are intended to ensure compliance with the requirements of this chapter, and are for the protection of the public health, safety, and welfare.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.24.020. Enforcement responsibility.

The permit authority shall be responsible for enforcing the provisions of this chapter, and may issue correction notices, notices of violation, stop work orders, hazard abatement notices, and citations for any violations of this chapter or of any permit issued pursuant to this chapter.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.24.030. Permits in conflict with chapter deemed void.

Any permit issued in conflict with the provisions of this chapter shall be void and of no effect.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.24.040. Violation of chapter.

Any activity performed contrary to the provisions of this chapter is hereby declared to be unlawful and a public nuisance.

(Ord. No. 5988, § I, 5-15-2012)
Sec. 11.24.050. Misdemeanor.

Any person, whether as principal, agent, employee, or otherwise, violating or causing the violation of any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable in compliance with section 1-7 of this Code.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.24.060. Stop work order.

A. Issuance of stop work order. Any activity performed in violation of this chapter shall be subject to the issuance of a stop work order.

B. Violation of stop work order. Any violation of a stop work order shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by this Code.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.24.070. Hazard abatement.

A. Issuance of hazard abatement notice. Whenever the permit authority determines that any existing excavation, embankment, or fill on private property has become a hazard to public safety, endangers property, or adversely affects the safety, use, or stability of adjacent property, an overhead or underground utility, or a public way or watercourse, or could adversely affect the water quality of any watercourse or water body, the permit authority shall issue a hazard abatement notice to the owner or other person in control of the property advising of the problem. Upon receipt of the hazard abatement notice, the owner or other person in control of the property shall, within the time specified in the notice, eliminate the hazard and conform with the requirements of this chapter.

B. Violation of hazard abatement notice. Any violation of a hazard abatement notice shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by this code.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.24.080. Suspension, revocation, or modification.

A. Permit authority action. Any permit issued pursuant to this chapter may be suspended, revoked, or modified by the permit authority, if the permit authority determines any of the following:
   1. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification;
   2. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application; or
   3. One (1) or more of the conditions of the original permit have not been substantially fulfilled or have been violated.

B. Effect of revocation. The revocation of any permit issued pursuant to this chapter shall have the effect of terminating the permit and denying the privileges granted by the permit.

(Ord. No. 5988, § I, 5-15-2012)
Sec. 11.24.090. Enforcement action.

When the permit authority determines that an activity is being performed in violation of this chapter, the permit authority may initiate an enforcement action pursuant to section 1-7.3 of this Code and seek the imposition of civil penalties pursuant to section 1-7.1 of this Code.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.24.100. Remedies not exclusive.

The remedies identified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided in this chapter shall be cumulative and not exclusive.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.24.110. Additional permit processing fees.

Any person who performs any activity requiring a permit under this chapter without first obtaining the required permit shall pay the additional permit processing fees established by the county's fee schedule for the correction of the violations and any applicable penalties, before being granted a permit for the activity.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.26.010. Purpose.

This article provides definitions of terms and phrases used in this chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this article conflict with definitions in other provisions of this Code, these definitions shall control for the purposes of this chapter. If a word is not defined in this article, or in other provisions of this Code, the permit authority shall determine the correct definition.

(Ord. No. 5988, § I, 5-15-2012)

Sec. 11.26.020. Definitions of specialized terms and phrases.

As used in this chapter, the following terms and phrases shall have the meanings ascribed to them in this section, unless the context in which they are used clearly requires otherwise. The definition of a term or phrase applies to any of that term's or phrase's variants.

Agricultural Commissioner. The agricultural commissioner-sealer of the county or his or her authorized representative.

Agricultural Crop. Any adapted cultivated crop grown and harvested for commercial purposes. As used in this chapter, agricultural crop does not include trees regulated by the Z'Berg-Nejedly Forest Practice Act of 1973, Public Resources Code section 4511 et seq.

Agricultural Cultivation. The act of preparing the soil for the raising of agricultural crops.

Agricultural Drainage Improvement. Any drainage improvement for agricultural cultivation.

Agricultural Grading. Any grading for agricultural cultivation. As used in this chapter, agricultural grading does not include grading for roads, dams, reservoirs, lakes, ponds, or pads for structures.

Approved Plans and Specifications. Plans and specifications approved by the permit authority pursuant to this chapter.

Architect. An individual licensed by the state to practice architecture and to use the title, architect.

Area of Instability. An area of soil or rock prone to mass wasting, including slides, falls, slumps, and flows.

As-Built Plans. Plans or drawings that depict the final installed configuration of grading, drainage improvement, or vineyard or orchard site development (whether physical or functional). The plans or drawings shall indicate any construction deviations and show all features as actually built. The plans or drawings are intended to provide a permanent record of as-built conditions and aid as key references for future maintenance processes.

Best Management Practice. A program, technology, process, siting criteria, operational method, or engineered system, which when implemented prevents, controls, removes, or reduces pollution or other adverse environmental effects.

California Division of Safety of Dams. The Division of Safety of Dams in the California Department of Water Resources.


Civil Engineer. An individual registered by the state to practice civil engineering and to use the title, civil engineer.

Coastal Zone. The portions of the California Coastal Zone established by the California Coastal Act of 1976, and as defined by Public Resources Code section 30103, within the county.

Cohesionless Soils. Soils that depend on friction between soil particles for their strength and are weakened when saturated.

Compaction. The densification of a fill by mechanical means.

Construction Drainage Improvement. Any drainage improvement except agricultural drainage improvement.

Construction Grading. Any grading except agricultural grading.

Cut. See excavation.

Dam. Any artificial barrier, together with appurtenant works, that does or may impound or divert water.

Designated Stream. Any stream designated in the general plan, local coastal program, or zoning code.

Designated Watershed or Sub-Watershed. Any watershed or sub-watershed designated in the general plan.

Designated Wetlands. Any wetlands designated in the general plan, local coastal program, or zoning code.

Discretionary Permit Application. A permit application that includes a request pursuant to Section 11.10.020.D for relief from the standards in Article 16.

Director of Permit and Resource Management. The director of the permit and resource management department of the county or his or her authorized representative.

Drainage Improvement. Any manmade improvement constructed to collect and convey storm water. As used in this chapter, drainage improvement includes construction, maintenance, repair, replacement, and modification of such improvements.

Earth Material. Any rock or natural soil or combination thereof.

Embankment. A fill consisting of a deposit of soil, rock, or other materials mechanically placed.

Embankment Reservoir. An off-stream reservoir that utilizes embankments on all sides to impound water.

Engineering Geologist. A professional geologist certified by the state as an engineering geologist.

Excavation. The removal of earth material by artificial means, also referred to as a cut.


Fill. The deposition of earth material by artificial means. As used in this chapter, fill does not include soil amendment and fertilizing materials.

Final Orchard Site Development Work. Any mowing or tilling, laying out of tree rows, construction of temporary drainage improvements, installation of aboveground portions of irrigation systems, frost

protection systems, or other orchard infrastructure, planting of orchard trees, or other work undertaken as part of the final phase of orchard planting or replanting.

Final Vineyard Site Development Work. Any mowing or tilling, laying out of vine rows, construction of temporary drainage improvements, installation of aboveground portions of irrigation systems, frost protection systems, trellis systems, or other vineyard infrastructure, planting of grapevines, or other work undertaken as part of the final phase of vineyard planting or replanting.

Flood-Prone Urban Area. The area within the boundaries defined on the north by River Road; on the west by the easterly boundary of the Laguna de Santa Rosa to its intersection with Highway 12 and continuing with the easterly limit of the city of Sebastopol to Highway 116; on the south by Highway 116 to its intersection with Old Redwood Highway then south to East Cotati Avenue and east to its intersection with Petaluma Hill Road; and on the east by Petaluma Hill Road, north to Highway 12 then west to Highway 101 and north to River Road.

Frost Protection Water. Any water applied to a vineyard or orchard during a frost event to mitigate the effects of subfreezing temperatures.

General Plan. The Sonoma County General Plan.

Geologic Hazard. A geologic condition, either natural or man-made, that poses a potential danger to life and property. Examples include landslides, flooding, faulting, beach erosion, land subsidence, pollution, waste disposal, and foundation and footing failures.

Geologic Hazard Area Combining District. See Article 70 of Chapter 26 and Article XXV of Chapter 26C of this code.

Grading. An excavation or fill or combination thereof. As used in this chapter, grading does not include ripping, diskng, plowing, harrowing, tilling, land planing no greater than 3 feet in depth, or other similar routine agricultural cultivation practices.

Grading Area. The land area subject to grading.


Initial Orchard Site Development Work. Any site clearing, ripping, diskng, plowing, or other soil disturbance, construction of field roads or drainage improvements, installation of belowground portions of irrigation systems, frost protection systems, or other orchard infrastructure, or other work undertaken as part of the initial phase of orchard planting or replanting.

Initial Vineyard Site Development Work. Any site clearing, ripping, diskng, plowing, or other soil disturbance, construction of field roads or drainage improvements, installation of belowground portions of irrigation systems, frost protection systems, or other vineyard infrastructure, or other work undertaken as part of the initial phase of vineyard planting or replanting.

Key. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

Lake. A permanent natural body of water of any size, or an artificially impounded body of water having a surface area of at least one (1) acre, isolated from the sea, and having an area of open water of sufficient depth and permanency to prevent complete coverage by rooted aquatic plants. As used in this chapter, lake does not include embankment reservoirs.

Landscape Architect. An individual licensed by the state to practice landscape architecture and to use the title, landscape architect.

Land Use Permit. A discretionary permit or approval granted by the county pursuant to the zoning code to use a specific site for a particular purpose.

Licensed Professional. An architect, civil engineer, landscape architect, professional geologist, or registered professional forester.
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Local Coastal Program. The Sonoma County Local Coastal Program.

Ministerial Permit Application. Any permit application except one that includes a request pursuant to section 11.10.020.D for relief from the standards in article 16.

Natural Slope. The slope of the ground prior to any soil disturbance. Natural slope shall be determined by measuring the horizontal distance between adjacent contours on a USGS 7.5 minute quadrangle map or other topographic map acceptable to the county with a scale of not less than 1:24000 (1” = 2000’) and contour intervals of not more than twenty (20) feet, and then dividing the difference in elevation between the two (2) contours by the measured horizontal distance. The horizontal distance shall be measured perpendicular to the contours.

Non-rainy Season. The period of the year during which there is not a substantial chance of rainfall. For the purposes of this chapter, the non-rainy season is defined as starting on April 16 and ending on October 14, inclusive.

Orchard. A planting of orchard trees. Land devoted to the cultivation of such a planting.

Orchard Planting. Any planting of a new orchard, increasing the footprint of an existing orchard, or replanting of an existing orchard that does not qualify as an orchard replanting.

Orchard Replanting. Any replanting of an existing orchard where the orchard has been under active cultivation for the previous five (5) years, no orchard trees are removed prior to the filing of a permit application for the replanting, and the footprint of the orchard does not increase.

Orchard Site Development. Any initial or final orchard site development work for an orchard planting or replanting.

Orchard Tree. Any fruit- or nut-bearing tree.

Permit Application. An application for a permit required by this chapter.

Permit Authority. The individual identified by table 11-4 as having the responsibility and authority to review, and approve or deny the permit applications described in this chapter.

Permit Authority’s Best Management Practices Guide. The best management practices guide or guides for grading, drainage improvement, and vineyard and orchard site development prepared or referenced by the permit authority. The guide or guides shall reference or detail only fixed standards and objective measurements that do not require the exercise of discretion by the permit authority, and do not conflict with the provisions of this chapter.

Permittee. The person to whom a grading, drainage, or VESCO permit is issued.

Person. Any individual, firm, partnership, corporation, company, association, joint stock association; state, tribe, county, city, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Planting Area. The land area subject to a vineyard or orchard planting.

Pond. A still, freshwater body that is smaller than a lake and often manmade. A pond can provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard watering, and other related uses. As used in this chapter, pond does not include embankment reservoirs.

Professional Geologist. An individual registered by the state to practice geology and to use the title, professional geologist.

Rainy Season. The period of the year during which there is a substantial chance of rainfall. For the purposes of this chapter, the rainy season is defined as starting on October 15 and ending on April 15, inclusive.

Registered Environmental Health Specialist. An individual registered by the state to practice as an environmental health specialist and to use the title, registered environmental health specialist.
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**Registered Professional Forester.** An individual licensed by the state to practice forestry and to use the title, registered professional forester.

**Replanting Area.** The land area subject to a vineyard or orchard replanting.

**Reservoir.** An impounded body of water.

**Ridgetop.** A relatively flat topographic divide above divergent and descending slopes where one (1) or more of the descending slopes has a natural slope steeper than fifty (50) percent for more than fifty (50) feet in slope length.


**Slope.** An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance (e.g., 2:1) or as a percentage (e.g., fifty (50) percent).

**Site.** Any lot or parcel of land or contiguous combination thereof where any grading, drainage improvement, or vineyard or orchard site development subject to the provisions of this chapter is performed or permitted.

**Site Clearing.** Any removal of trees or other vegetation, including orchard trees and grapevines.

**Soil Amendment and Fertilizing Materials.** Organic and in-organic substances applied to the existing soil to improve physical properties of the soil or increase available nutrients in the soil. As used in this chapter, soil amendment and fertilizing materials include commercial fertilizers, agricultural minerals such as gypsum and lime, pumice, straw, and manure.

**Soil Disturbance.** Any alteration to the natural surface of the ground through the use of construction equipment, tractors, and similar equipment.

**Soil Loss.** The wearing away of the ground surface as a result of the movement of wind, water, or ice.

**Soils Engineer.** A civil engineer experienced and knowledgeable in the practice of soils engineering.

**Soils Engineering.** The application of the principles of soils mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

**Soils Report.** A soils report prepared by a soils engineer, which identifies the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

**Special Flood Hazard Area.** Any area designated by the Federal Emergency Management Agency as subject to flooding by the one (1) percent annual chance flood (one hundred-year flood).

**Spillway Design Flood.** See the California Division of Safety of Dams Guidelines for Small Dams.

**Sprinkler.** Any over- or under-plant rotating sprinkler, over-plant targeted sprinkler, or under-plant microsprinkler.

**Sprinkler Frost Protection System.** Any system utilizing sprinklers to apply frost protection water to a vineyard or orchard.

**State CEQA Guidelines.** The State CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq.

**Storm Water.** Any storm water runoff, snow melt runoff, and surface runoff.

**Storm Water Best Management Practice.** See best management practice.
Stream. Any natural channel with bed and banks containing flowing water or showing evidence of having contained flowing water (e.g., deposit of rock, sand, gravel, or soil).

Subdivision Approval. Any discretionary approval granted by the county pursuant to chapter 25 of this Code or the Subdivision Map Act, Government Code section 66410 et seq.

Terrace. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.


Top of Bank. The points in a cross-section where the stream channel makes a transition to flood plain. Top of bank can be identified by a change in the slope of the land, a transition from terrestrial to riparian vegetation, or changes in the composition of substrate materials.

Tree. A woody perennial plant, typically large with a well-defined stem carrying a definite crown, with a minimum diameter at breast height of five (5) inches, and a minimum height of fifteen (15) feet.

Tree Removal. The removal of more than one-half (½) acre of tree canopy within the planting area.

Tree Canopy. The more or less continuous cover of branches formed by the crowns of adjacent trees other than orchard trees.

Tribe. A California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.

Undesignated Stream. Any stream not designated in the general plan, local coastal program, or zoning code.

Undesignated Wetlands. Any wetlands not designated in the general plan, local coastal program, or zoning code.

USGS 7.5 Minute Quadrangle Map. The 7.5 minute series United States Geological Survey quadrangle map most recently published.

Vegetative Filter Strip. A land area seeded to close growing or sod forming grasses, designed to filter out soil and other pollutants carried in storm water or waste water.

Vineyard. A planting of grapevines. Land devoted to the cultivation of such a planting.

Vineyard Planting. Any planting of a new vineyard, increasing the footprint of an existing vineyard, or replanting of an existing vineyard that does not qualify as a vineyard replanting.

Vineyard Replanting. Any replanting of an existing vineyard where the vineyard has been under active cultivation for the previous five (5) years, no grapevines are removed prior to the filing of a permit application for the replanting, and the footprint of the vineyard does not increase.

Vineyard Site Development. Any initial or final vineyard site development work for a vineyard planting or replanting.

Watercourse. Any stream, or any manmade channel constructed to facilitate the use of water or convey storm water.

Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have one (1) or more of the following three (3) attributes in the Coastal Zone, and two (2) or more of the following three (3) attributes in all other parts of the unincorporated area of the county:

1. The land supports predominantly hydrophytes during the normal wet portion of the growing season.

2. The substrate is predominantly undrained hydric soil.

3. The substrate is saturated with water or covered by shallow water at some time during the normal wet portion of the growing season of each year.

Wetlands Biologist. A biologist experienced and knowledgeable in the delineation of wetlands in California using applicable federal, state, and local criteria.

Zoning Code. Chapters 26 and 26C of this Code.

(Ord. No. 5988, § I, 5-15-2012)