

ORDINANCE NO. 5819

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE SONOMA COUNTY CODE AND THE PREVIOUSLY ADOPTED 2007 CALIFORNIA BUILDING CODE WITH RESPECT TO THE REGULATION OF GRADING, DRAINAGE, AND VINEYARD AND ORCHARD SITE DEVELOPMENT

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Section 1-7.3 of the Sonoma County Code is amended to read:

Sec. 1-7.3. Administrative procedure for abatement of certain violations of this code.

(a) Violation Notices and Notice and Orders. Upon receipt of information from county staff that there exists a continuing violation of Chapters 7, 11, 11A, or 13, Article 3 of Chapter 15, Sections 19-16, 22-2(a), 22-2(c), 22-2(e), 22-2(g), 22-3, 22-6, 22-8, 22-18(k), 22-18(l), or 22-18(n), or Chapters 24, 25B, 26, 26A, or 26C of this code, the enforcing officer or his or her designee may order that the violation cease. Notice and orders shall be in writing and include a description of the real estate sufficient for identification, include a statement of the violation or violations and the reason the notice was issued, a reasonable time to bring the property into compliance, appeal rights, the potential to impose penalties and record an abatement notice for failure to comply. Code enforcement may, but is not required to, initiate enforcement through a notice of violation prior to issuing a notice and order. Violation notices shall be sent via first-class mail and notice and orders shall be sent certified mail addressed to the last known property owner as listed on the latest official equalized tax roll and may be served on the holder of any mortgage or deed of trust or other lien or encumbrance of record. A copy of the notice and order shall be posted in a conspicuous location on the subject property.

(b) Appeals. Any notice, order, decision or determination made by any administrative official of the county of Sonoma in connection with or related may be appealed by any person affected by the determination to a hearing officer appointed by the county pursuant to Sections 2-33.1 through 2-33.5 of this code. Any such appeal

must be made in writing and submitted to the enforcing officer within ten (10) calendar days from the date of the administrative action.

Except for orders to vacate structures or threats to life, safety or to the environment as determined by the enforcing officer, enforcement may be stayed during the pendency of any appeal that is timely filed. Failure of any person to file an appeal shall constitute a waiver of the right to an appeal hearing and adjudication of the violations raised in the notice, or any portion thereof. Appeals may be withdrawn at any time prior to the commencement of the appeal hearing, except that the withdrawn appeal hearing may be converted to an abatement hearing pursuant to subsection (d) below, and heard on the same date and time as scheduled for the appeal hearing.

(c) Notice to Vacate. If the enforcing officer orders a structure or property to be vacated, each structure or property shall be posted reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building or portion thereof which has been posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy has been issued.

(d) Abatement Hearings–Failure to Appeal. If the violation continues after issuance of a notice of violation or notice and order and an appeal is not timely filed, the enforcing officer shall file in the office of the county recorder a notice of abatement proceedings describing the property and certifying that nature of the violation and that the owner has been so notified of the violation. The enforcing officer or his or her designee may set the matter for an abatement hearing before a hearing officer appointed by the county pursuant to Sections 2-33.1 through 2-33.5 of this code. If the matter is set for hearing, a notice of hearing shall be posted on the property upon which the violation exists and shall be mailed to the persons known to be in possession of the property and to the persons shown on the latest equalized county tax roll to be the owners of the property. The notice shall be posted and mailed at least ten (10) days prior to the hearing.

(e) Notice of Hearing. The notice of appeal hearing or abatement hearing shall contain:

(1) The street address and/or a description of the property sufficient to identify the property upon which the violation exists;

(2) The name(s) of the owner(s) or occupant(s) of the property as indicated on the latest equalized Sonoma County tax roll;

(3) A statement that the property described has been found to be in violation of this code and a brief description of the conditions existing which constitute the violation(s);

(4) The date, time and location of the hearing;

(5) A statement that if a violation is found to exist that the costs incurred by the county in abating the nuisance shall be special assessment against the property and that a lien will be placed upon the property for the costs of abatement;

(6) A statement that costs shall include, but are not limited to, any administrative overhead, salaries and expenses incurred by the following departments: office of the agricultural commissioner-sealer, permit and resource management, public health, transportation and public works, emergency services, county counsel and the district attorney;

(7) A statement that in order for an oral or written evidence or any claim, defense or privilege to be considered it must be presented to the hearing officer at or before the time of the hearing and that failure to do so will constitute a waiver and may prevent such evidence or claim, defense or privilege from being considered in any later proceeding;

(8) A copy of the procedural rules governing such hearings.

(9) Notice of the hearings on the violation shall also be given in accordance with Section 26-92-050.

(f) Conduct of Hearings. At the time and place set forth for the appeal hearing or abatement hearing, the hearing officer shall swear witnesses, hear testimony and receive written or documentary evidence relating to the alleged violation. The hearing officer shall cause the hearing to be recorded and shall preserve all written argument and all photographs and other documentary evidence introduced at the time of the hearing. Additional procedural rules for the conduct of the administrative hearing may be adopted by resolution of the board of supervisors.

(g) Hearing Officer Decision.

(1) Within forty-five (45) days after the appeal hearing or abatement hearing is closed, the hearing officer shall render his or her decision relating to the existence or nonexistence of the alleged violation. The decision shall contain:

(i) Findings of fact and conclusions of law;

(ii) If a violation is found to exist, an order that the violation be abated within a certain time;

(iii) If violation is found to exist or to have existed at the time the matter was set for hearing, a statement of the costs incurred by the county in abating the violation and a demand that those costs be paid to the county within twelve (12) days;

(iv) If the violation is found to exist or to have existed at the time the matter was set for hearing, and assessment of penalties in accordance with Section 1-7.1 and a demand that those penalties be paid to the county within twelve (12) days;

(v) A statement that the decision is a final decision, subject to judicial review in accordance with Code of Civil Procedure Section 1094.6.

(2) A copy of the hearing officer's decision shall be mailed, by certified mail, to the owner of the parcel which is subject to the hearing, and to the occupant of such parcel. A copy of the decision shall also be posted on the bulletin board outside the planning commission chambers and shall remain posted for a period of twelve (12) days.

(h) Costs. If a final decision of the hearing officer finds that a violation exists, by upholding the notice and order on appeal or on decision after an abatement hearing, the owner of the property shall be responsible for paying the county's administrative abatement costs, including, but not limited to, those cost items set forth in the notice required by subsection (c) of this section, as well as any penalties assessed pursuant to Section 1-7.1.

(i) Abatement Liens. If the owner of the property is responsible for any costs pursuant to this chapter, such costs of abatement shall become a lien against the property as is authorized by the Government Code and this section. A notice of abatement lien shall be filed which states the identity of the record owner or possessor of the property, the date upon which abatement of the nuisance was ordered by the hearing officer, a description of the real property subject to the lien, the amount of the abatement costs incurred to date and, if applicable, the date upon which the abatement was complete. If the abatement has not yet been completed, the notice shall so state and shall also indicate

that the lien is a partial lien and that additional abatement costs will be incurred in the future. It is the intent of the board of supervisors that abatement costs incurred after the filing of the notice of abatement lien relate back to the date upon which the lien was recorded for purposes of priority; however, in order to preserve its rights, after all abatement costs have been incurred and the abatement is complete, the enforcing officer, or his or her designee, shall cause a supplemental notice of abatement lien to be recorded. The supplemental notice shall contain all of the information required for the original notice and shall also refer to the recordation date and recorder's document number of the original notice.

(j) **Recording of Hearing Officer's Decision.** The enforcing officer or his or her designee, may, in his or her discretion, cause a copy of the hearing officer's decision to be recorded in the office of the Sonoma County recorder. In the event of such recordation and in the further event that the violation is corrected, a notice of such correction shall be recorded. The enforcing officer or his or her designee is authorized to prepare and record a notice of correction. Correction of the violation shall not excuse the property owner's liability for costs incurred during the administrative abatement process.

(k) **Enforcement of Order-Civil Action.** If the property owner does not comply with an order of the hearing officer, the enforcing officer or his or her designee shall be authorized to request that county counsel seek judicial enforcement of the administrative order. Unless counsel indicates otherwise, at the time of making such request, the enforcing officer shall provide county counsel with a copy of a written transcript of the entire administrative proceedings, the final decision and all documentary evidence introduced in the course of the proceedings. Such copies shall be provided in a format suitable for lodging with the Superior Court. Additionally, where the board of supervisors has evidence that a violation of Chapters 7, 11, 11A, or 13, Article 3 of Chapter 15, Sections 19-16, 22-2(a), 22-2(c), 22-2(e), 22-2(g), 22-3, 22-6, 22-8, 22-18(k), 22-18(l), or 22-18(n), or Chapters 24, 25B, 26, 26A, or 26C of this code poses a significant health or safety hazard to the owners or occupants of adjoining properties or to the surrounding community, or for other good cause shown, the board of supervisors may, in its discretion, commence a judicial action to enjoin such violation without the necessity of first going through the administrative procedures set forth in this section.

SECTION II. Subsection (d) of Section 7-5 (Building Permit Required) of the Sonoma County Code is amended to read:

(d) Building permits must be cleared as to zoning considerations in Chapter 26 or 26C, grading and drainage requirements in Chapter 11, and stormwater requirements in Chapter 11A of this code. Building permits for projects regulated by the California

Fire Code and Sonoma County fire safe standards may be subject to review and approval by appropriate fire service agencies. Where county road encroachment is necessary, a permit for same shall be first secured. A water and/or sewer clearance is first required in areas serviced by special districts and cities before building permits can be issued.

SECTION III. Subsection (a) of Section 7-13 (Codes Adopted and Modifications) of the Sonoma County Code is amended to read:

(a) 2007 California Building Code Volumes 1 and 2, Chapters 1-35, including Appendix Chapter 1, Appendix C, Appendix H, and Appendix I; 2007 California Historical Building Code Chapters 8-1 through 8-10; and the 2007 California Existing Building Code, Appendix Chapter A-1, are hereby adopted and incorporated herein by reference, save and except such portions as are deleted, modified or revised as follows:

(1) The chief building official may, in his or her discretion, waive the plan check fee for the second and all subsequent buildings or structures identical to a building or structure for which a plan check has been paid. This plan check fee waiver for subsequent submittals shall be limited to one (1) year following date of original fee payment. In each case the applicant must be the same for all permits.

(2) Demolition permits will be required.

(3) Section 105.2 of Appendix Chapter 1 of the California Building Code is amended to read:

105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the jurisdiction. Such exempt structures must meet all other applicable requirements of this jurisdiction, including required minimum distances from property lines. Permits shall not be required for the following:

Building Permit Exemptions:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, when located on a parcel which contains an existing Group R, and/or Group U Occupancy, provided the floor area does not exceed 120 square feet, and the height above grade does not exceed 12 feet. No more than one structure may be allowed under this exemption

unless separated from another permit exempt structure by more than 50 feet.

2. Fences, not over 10 feet high, except that solid wood, concrete and masonry fences more than 6 feet in height measured from the lowest grade to the top of the fence shall require a building permit.
3. Oil derricks.
4. Retaining walls, which retain not more than 3 feet of material unless supporting a surcharge or impounding Class I, II, or IIIA liquids. For the purpose of this section, a retaining wall is considered to be supporting a surcharge if:
 - a. The wall retains more than one foot of material and the retained material slopes more than two units horizontal to one vertical within a distance equal to twice the height of the wall above the lowest grade, or
 - b. The wall retains more than one foot of material and any road or structure is located on the retained material within a distance equal to twice the height of the wall above the lowest grade.
5. Tanks, not containing Class I, II, or IIIA liquids supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks, platforms, and driveways not more than 30 inches above grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy which do not exceed 5,000 gallons, and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems. (Plumbing, electrical or mechanical systems associated with the structure require permits.)
11. Swings and other playground equipment, treehouses and skateboard ramps, accessory to detached one and two family dwellings, which are not used for commercial purposes, and children's play structures when constructed on a parcel which contains a one or two- family dwelling or a State licensed school or day care center.
12. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 and U Occupancies.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. Minor repair of interior paneling or gypsum wallboard when it does not serve as a fire-resistive assembly or as lateral bracing for a structure. Minor repairs are limited to 500 square feet, on a one time basis. Subsequent minor repairs will require permits. This exemption shall not apply to structures subject to flood damage.
15. Replacement of windows or doors with others of the same size, and in the same location when the structural frame of the opening is not altered.
16. Prefabricated structures no more than 500 square feet in area, constructed of light frame materials and covered with cloth or flexible plastic, accessory to a single family dwelling, with no associated electrical, plumbing, or mechanical equipment and the height above grade does not exceed 12 feet.
17. Arbors, trellises, and gazebos, when the height above grade does not exceed 12 feet. For the purpose of this section, arbors, trellises, and gazebos are defined as follows:
 - a. Structures which have a lattice or fabric roof structure, and
 - b. 75% of the exterior walls are not less than 75% open, and

- c. Into which a motor vehicle cannot be driven due to the configuration of the structure or placement on the site.

If such a structure contains electrical, plumbing, or mechanical equipment, a permit is required for this work.

18. Removal of up to 25% of exterior and/or interior or roof coverings or other similar work for the purpose of determining the condition of structural members in a structure where work is being planned. Such work may remain exposed for a maximum of 90 days before being repaired. A permit must be obtained for the repairs unless exempted by this section of the Sonoma county code.

Electrical Permit Exemptions:

1. Minor repair work, including the replacement of lamps or the connection of approved portable electric equipment to approved permanently installed receptacles.
2. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
4. Listed cord and plug connected temporary decorative lighting.
5. Reinstallation or replacement of attachment plug receptacles, but not the outlets therefor.
6. Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
7. Installation or maintenance of communications wiring, devices, appliances, apparatus, or equipment.

Gas Permit Exemptions:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical Permit Exemptions:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing Permit Exemptions:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(4) Section 108.8.3 of the California Building Code is amended to read:

Section 108.8.3 Appeals. Appeals to orders, decisions or determinations of the Building Official relative to the requirements of this code shall be made in accordance with Sections 7-3 and 7-4 of the Sonoma County Code.

(5) Section 105.5 of Appendix Chapter 1 of the California Building Code is amended to read:

Section 105.5 Expiration. Unless otherwise authorized, every permit issued by the Permit and Resource Management Department under the provisions of this code shall expire by limitation three (3) years from the date of permit issuance. The chief building official may limit a permit to a lesser time period when necessary to abate dangerous or substandard conditions. The chief building official may extend this time period when such extension is warranted, including (1) to correct an error by the department, (2) when a legal action prevents the project from being completed within the three year time frame, or (3) in the interest of public health and safety. The chief building official's decision regarding the limitation period shall be final.

Before any work can be recommenced on any expired permit, a new permit shall first be obtained. The new permit shall be obtained for all work necessary to finish the project including work already completed that has not been previously inspected and approved by the department. The building standards for the work authorized by the new permit shall be governed by the codes in force at the time of the new permit application as described in Section 108.3.1 as to the erection and construction of dwellings and appurtenant structures for which construction was lawfully commenced or approved prior to the effective date of this ordinance.

The fees for the new permit shall be based on the current fee schedule at full value of the previously permitted work minus the value of the work inspected and approved prior to expiration of the permit plus the full value of any new work not previously permitted per the Permit and Resource Management Department Expired Permit Policy.

(6) Section 108.2 of Appendix Chapter 1 of the California Building Code is amended to read:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Permit and Resource Management Department fee schedule.

When approved by the chief building official a reduction in plan review fees to seventy five percent (75%) of that otherwise required may be granted where a peer review or third party plan review or other process results in substantially reduced plan review effort by the Permit and Resource Management Department.

(7) Section 105.3.2 of Appendix Chapter 1 of the California Building Code is amended to read:

105.3.2 Expiration of plan review. If no permit is issued within one year following the date of application, the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. If, after such expiration, the original plans are resubmitted within 180 days following such expiration, the plan review fee shall be 25% of that otherwise required. No application shall be renewed in this fashion more than once. In order to further renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. The chief building official may extend this time period when such extension is warranted, including but not limited to (1) to correct an error by the department, (2) when a legal action prevents the project from being completed within the three year time frame, or (3) in the interest of public health and safety. The chief building official's decision regarding the limitation period shall be final.

(8) Section 105.3.3 is added to Appendix Chapter 1 of the California Building Code, to read:

105.3.3 Reinspection Fees.

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the building official. The reinspection fee shall be established in the jurisdiction fee schedule. When a reinspection fee has been assessed, no additional inspection of the work shall be performed until the required fees have been paid.

(9) Section 111.1.1 is added to Appendix Chapter 1 of the California Building Code, to read:

111.1.1 Connection after order to disconnect. Persons shall not make connections from any energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

(10) Section 112 of Appendix Chapter 1 of the California Building Code, Board of Appeals, is deleted.

(11) Section 113.4 of Appendix Chapter 1 of the California Building Code is amended to read:

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of the a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee equal to the amount of the permit fee, whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

(12) Sections 115.1.1 and 115.1.2 are added to Appendix Chapter 1 of the California Building Code, to read:

115.1.1 Definition of unsafe or dangerous building. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe or dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exist is not of sufficient width or size or is not arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside wall or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement including construction without permit or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in this Code or Health and Safety Code section 17920.3 or Uniform Housing Code Chapters 4,5,6 and Sections 701.2, 701.3, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary,

unfit for human habitation or is such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
19. Whenever any building or structure has been abandoned and unsecured for a period in excess of six months so as to constitute an attractive nuisance or hazard to the public.

115.1.2 Definition of nuisance. The following shall be defined as a nuisance:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation that may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.

- 6. Inadequate or unsanitary sewage or plumbing facilities.
- 7. Uncleanliness, as determined by the health officer.
- 8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

(13) Section 115.3 of Appendix Chapter 1 of the California Building Code is amended to read:

115.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe per Section 1-7.3 of the Sonoma County Code.

(14) Section 116 is added to Appendix Chapter 1 of the California Building Code, to read:

**SECTION 116
NOTICE TO VACATE**

116.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 115.4, be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
.....of.....

116.2 Posting during declared emergencies. During a declared local emergency or State of emergency as defined in Chapter 10 of this Code, each structure or property affected by the declaration and subsequently reviewed shall be evaluated and posted in accordance with the standards established in Applied Technology Council (ATC) 20, ATC 45 or the most recently adopted standard by the California Office of Emergency Services as an emergency response plan.

116.3 Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 115.3 reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted unless specifically stated on the posting. Entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

116.4 Appeals. Appeals of any notice and order to abate any violation of this Code shall be heard and decided by a hearing officer pursuant to Section 1-7.3 of the Sonoma County Code.

(15) Section 202 of the California Building Code is amended to revise the definition of “building” to read:

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. Building is also any structure as to which state agencies have regulatory power, and housing or enclosure of persons, animals, chattels, equipment or property of any kind. Building is also any structure wherein things may be grown, made, produced, kept, handled, stored or disposed of, and all appendages, accessories, apparatus, appliances and equipment installed as a part thereof. Building shall not include machinery, equipment or appliances installed for manufacture or process purposes only, nor shall it include any construction installations which are not a part of a building, any tunnel, mine shaft, highway or bridge, or include any house trailer or vehicle which conforms to the Vehicle Code.

NOTE: Building shall have the same meaning as defined in Health and Safety Code section 17920 and 18908 for the applications specified in Sections 101.17.9 and 101.17.10.

(16) Section 202 of the California Building Code is amended to revise the definition of “building, existing” to read:

BUILDING, EXISTING. A building legally erected prior to the adoption of this code, or one for which a legal building permit was issued for the construction or legalization thereof prior to the adoption of this code.

(17) Section 903.2 of the California Building Code is amended to read:

Section 903.2 Where required. An automatic sprinkler system shall be installed and maintained in all newly constructed buildings.

Exceptions:

1. Detached Group U occupancies 3000 sq. ft. or less. Agricultural exempt buildings and agricultural buildings as approved by the Fire Code Official, as defined in Chapter 2 of the 2007 California Fire Code.
2. Detached poolhouses up to 1000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
3. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities or connections for such facilities.
4. Detached non-combustible motor vehicle fuel dispensing canopies classified as a Group M occupancy.
5. Car Ports of non-combustible construction.
6. B or M occupancies 500 sq. ft. or less.
7. Private riding arenas, provided that all of the following conditions are met:
 - (a) The building has a minimum of 60 feet of clearance to property lines or other structures on all sides.
 - (b) The building has an on-site water supply complying with the requirements of this code.
 - (c) The building has an annual fire inspection by the chief.
 - (d) The portions of the building that are not part of the private riding arena are equipped with an automatic fire-extinguishing system and are separated from the private riding arena by area separation walls meeting the requirements of the Building Code.

8. Canopied winery crush pads, provided that all of the following conditions are met:
 - (a) The canopy and supporting structure are constructed of non-combustible materials.
 - (b) If attached, the crush pad is separated from other portions of the building by one-hour fire-resistive walls.
 - (c) The crush pad is not used for storage of combustible materials.
9. Dairy milking facilities.

(18) Section 903.2(a) is added to the California Building Code, to read:

903.2(a) Additions. Additions to existing commercial and residential buildings that increase square feet (based on the following percentages) calculated by the existing gross floor area shall meet the requirements for a newly constructed building:

0-1000 sq. ft.	200%
	(or 2000 sq. ft. maximum cumulative total)
1001-4000 sq. ft.	100%
≥ 4001 sq. ft.	50%

(19) Section 903.2(b) is added to the California Building Code, to read:

903.2(b) Changes of occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums, the building shall meet the requirements for a newly constructed building.

(20) Section 903.2(c) is added to the California Building Code, to read:

903.3(c) Elevation of existing buildings. An automatic fire extinguishing system shall be installed throughout all existing buildings when the building is elevated

to: (i) three or more stories, or (ii) more than 35 feet in height from grade to finished ceiling or exposed roof.

Exceptions:

1. An automatic fire-extinguishing system need not be provided when the area above 35 feet is provided for aesthetic purposes only and is unused and unoccupied.
 2. An automatic fire-extinguishing system need not be provided when existing single-family and two-family dwellings are elevated to comply with the requirements of Chapter 7B of the Sonoma County Code, provided that all of the following conditions are met:
 - (a) The elevation creates a building no more than three stories in height.
 - (b) Two approved exits are provided for the highest floor, including a third story having less than 500 square feet of floor area.
 - (c) Approved interconnected smoke detectors are installed at each floor level and in all sleeping rooms and hallways.
 - (d) There is no expansion or modification of use other than installation of the exits required by subparagraph (b) above and a utility room less than 100 square feet. The space created at ground level by the elevation shall be used only as a Group U Occupancy private parking garage or as unused crawl space.
 - (e) Any addition to the building after the elevation shall require installation of an automatic fire-extinguishing system throughout the building.
- (21) Sections 903.2.4 through 903.2.13 of the California Building Code are deleted.
- (22) Section 903.4 of the California Building Code is amended to read:
- 903.4 Sprinkler system monitoring and alarms. Except for Group R, Division 3 Occupancies, all valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, water flow switches shall be electronically

supervised. Valves when used for standpipes are excluded from this provision unless required by the Fire Code Official, as defined in Chapter 2 of the 2007 California Fire Code.

(23) Section 903.4.1 of the California Building Code is amended to read:

903.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or propriety supervising station as defined in NFPA 72, or when approved by the Fire Code Official, as defined in Chapter 2 of the 2007 California Fire Code, shall sound an audible alarm at a constantly attended location.

(24) Section 903.4.2 of the California Building Code is amended to read:

903.4.2 Alarms. Every new fire alarm system installed for the purpose of evacuation, including those systems activated solely by fire sprinkler systems, shall be designed so that all occupants of the building shall be notified audibly and visually for each separate occupancy or each separate residential dwelling unit.

(25) Section 903.4.3 of the California Building Code is deleted.

(26) Section 905.3.1 of the California Building Code is amended to read:

905.3.1 Building height. Class I standpipes shall be installed in buildings three stories or over in height with approved outlets provided on each floor level, including the roof when roof access is provided.

(27) Section 905.9 of the California Building Code is amended to read:

905.9 Valve supervision. Valves controlling water supplies shall be supervised in the open position so that a change in the normal position of the valve will generate a supervisory signal at the supervising station required by Section 903.4. Where a fire alarm system is provided, a signal shall also be transmitted to the control unit.

Exceptions: Valves to underground key or hub valves in roadway boxes provided by the municipality or public utility do not require supervision.

(28) Section 907.2.8.1 of the California Building Code is amended to read:

907.2.8.1 Manual fire alarm system for R-1 occupancies.

Exceptions: Manual fire alarm boxes are not required throughout the building when the following conditions are met:

- 1.1 The building is equipped throughout with an automatic fire sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2, and
- 1.2. With in each residential unit the notification devices will activate upon sprinkler water flow, and
- 1.3 At least one manual fire alarm box is installed in an approved location.

(29) Section 907.2.8.3 of the California Building Code is amended to read:

907.2.8.3 Smoke alarms. Smoke alarms shall be installed as required by Section 907.2.10.

(30) Section 907.2.9, Exception 2, of the California Building Code is amended to read:

907.2.9 Manual fire alarm system for R-2 Occupancies.

Exceptions:

2. Manual fire alarm boxes are not required throughout the building when the following conditions are met:
 - 2.1 The building is equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, and
 - 2.2 Within each residential unit the notification devices will activate upon sprinkler water flow, and
 - 2.3 At least one manual fire alarm box is installed in an approved location.

(31) Section 1505.1 of the California Building Code is amended to read:

1501.1 Scope.

- (a) General. Except as otherwise provided in subsection (b), the roof covering assembly on any structure regulated by this code shall be as specified in Table No. 1505.1 and as classified in Section 1505.
- (b) Roof Covering Assembly on Specified Structures. Notwithstanding any other provision of this code, the roof-covering assembly on the following structures regulated by this code shall be a Class A roof-covering assembly as classified in Section 1505.2.
 - 1. Any new structure regulated by this code;
 - 2. Any existing structure regulated by this code when more than fifty percent (50%) of the roof area of the structure is re-roofed;
 - 3. Any addition regulated by this code when the addition creates a new roof and the floor area of any single floor of the addition exceeds six hundred forty (640) square feet.
- (c) Roof-covering Assembly. The roof-covering assembly includes the roof deck, underlayment, interlayment, insulation and covering which is assigned to a roof-covering classification.
- (d) The following types of structures are exempt from this requirement:
 - 1. Greenhouses.
 - 2. Patio covers.
 - 3. Fabric membrane structures when the fabric is certified as “flame retardant” by the State Fire Marshall.
 - 4. Residential vehicle covers.
 - 5. Awnings.
 - 6. Sod roofs.

SECTION IV. Section 7-14.5 is added to the Sonoma County Code, to read:

Sec. 7-14.5. Stream setback for structures requiring a building permit.

All structures requiring a building permit or an agricultural exemption shall be set back from streams a distance of 2.5 times the height of the stream bank plus 30 feet, as measured from the toe of the stream bank outward, or 30 feet outward from the top of the stream bank, whichever distance is greater, unless a greater distance is established in the general plan, local coastal program, and/or zoning code. If the top of the stream bank cannot be determined by visual analysis, it shall be determined by hydraulic analysis.

SECTION V. Section 7-19 of the Sonoma County Code is amended to read:

Sec. 7-19. Definitions.

Whenever any of the following names or terms are used herein or in any codes adopted by reference by this chapter, unless the context directs otherwise, such names or terms so used shall have the meaning ascribed thereto by this section as follows:

(a) “Building official,” “chief building official,” “chief electrical inspector,” “administrative authority,” and similar references to a chief administrative position shall mean the director of the permit and resource management department of the county or his or her designee; provided, however, that where such terms are used in conjunction with those duties imposed upon the public health officer, the terms shall mean the public health officer of the county.

(b) The “building division,” “electrical division,” or “plumbing division” shall mean the permit and resource management department of the county.

(c) “City” shall mean the county when referring to a political entity, or an unincorporated area of the county.

(d) “City clerk” means “county clerk” and/or “clerk of the board of supervisors.”

(e) “City council” or “mayor” means the board of supervisors.

(f) “Board of appeals” shall mean the local appeals board and housing appeals board provided for in Section 7-3.

(g) “California Building Code” or “2007 California Building Code” means the regulations adopted by the California Building Standards Commission in California Code

of Regulations, Title 24, Part 2, 2007 California Building Code, which incorporates by adoption the 2006 International Building Code, published by the International Code Council, with necessary California amendments.

(h) “California Building Standards Administrative Code” means the regulations adopted by the California Building Standards Commission in California Code of Regulations, Title 24, Part 1, 2007 California Building Standards Administrative Code, which incorporate by adoption the 2007 edition of the California Administrative Code published by the International Code Council.

(i) “California Electrical Code” or “2007 California Electrical Code” means the regulations adopted by the California Building Standards Commission in California Code of Regulations, Title 24, Part 3, California Electrical Code, which incorporate by adoption the 2005 edition of the National Electric Code, with necessary California amendments.

(j) “California Energy Code” or “2007 California Energy Code” means the regulations adopted by the California Building Standards Commission in California Code of Regulations, Title 24, Part 6, 2007 California Energy Code, which incorporate by adoption the 1997 edition of the Model Energy Code of the International Code Council, with necessary California amendments.

(k) “California Fire Code” means the regulations adopted by the California Building Standards Commission in California Code of Regulations, Title 24, Part 9, 2007 California Fire Code, which incorporate by adoption the edition of the Uniform Fire Code of the International Fire Code Institute, with necessary California amendments.

(l) “California Historical Building Code” or “2007 California Historical Building Code” means the regulations adopted by the California Building Standards Commission in California Code of Regulations, Title 24, Part 8, 2007 California Historical Building Code.

(m) “California Mechanical Code” or “2007 California Mechanical Code” means the regulations adopted by the California Building Standards Commission in California Code of Regulations, Title 24, Part 4, 2007 California Mechanical Code, which incorporate by adoption the 2006 edition of the Uniform Mechanical Code published by International Association of Plumbing and Mechanical Officials, with necessary California amendments.

(n) “California Plumbing Code” or “2007 California Plumbing Code” means the regulations adopted by the California Building Standards Commission in California Code of Regulations, Title 24, Part 5, 2007 California Plumbing Code, which incorporate by adoption the 2006 edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials, with necessary California amendments.

(o) “California Referenced Standards Code” or “2007 California Referenced Standards Code” means the regulations adopted by the California Building Standards Commission in California Code of Regulations, Title 24, Part 12, 2007 California Referenced Standards Code.

(p) “Local coastal program” means the Sonoma County Local Coastal Program.

(q) “General plan” means the Sonoma County General Plan.

(r) “Stream” means 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).

(s) “Zoning Code” means Chapters 26 and 26C of this code.

SECTION VI. Chapter 11 of the Sonoma County Code is redesignated as Chapter 11A and amended to read:

CHAPTER 11A STORMWATER QUALITY

Sec. 11A-1. Purpose and intent of chapter.

(a) The purpose of this chapter is to protect and enhance the water quality of the county’s watercourses pursuant to and consistent with the Federal Clean Water Act and amendments thereto and to assure compliance with the conditions set forth by the National Pollution Discharge Elimination System (NPDES) as requirements of stormwater discharge permits.

(b) It is the intent of the board of supervisors in enacting this chapter to protect the health, safety and general welfare of the county’s citizens by:

(1) Controlling the discharge to the county's stormwater system from spills and the dumping or disposal of materials other than stormwater.

(2) Reducing pollutants in stormwater discharges to the maximum extent practicable.

Sec. 11A-2. Definitions.

The following words and phrases when used in this chapter shall have the meaning as defined herein. Words and phrases used in this chapter and not otherwise defined shall be interpreted as defined in the regulations of the U.S. Environmental Protection Agency to implement the provisions of the Federal Clean Water Act and as defined by the State Water Resources Control Board to implement the Porter-Cologne Act in the State Water Code.

(a) "Administrative authority" means the county department(s) or other agency (ies) approved by the board of supervisors to administer and enforce any portion of the provisions of this chapter. County departments which may be so designated include, but are not limited to, the permit and resource management department, transportation and public works department, department of health services, department of emergency services or the agricultural commissioner.

(b) "Discharge" means the flow of water and or other materials to the stormwater system from any distinguishable or identifiable source, other than from a vessel or other floating craft.

(c) "Prohibited discharge" means any polluted discharge or any discharge to the county's stormwater system that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit, discharges resulting from emergency fire fighting activities and discharges further exempted at Section 11A-5(b)(2).

(d) "Pollutant" means any material other than water.

(e) "Pollutant loading" means the aggregate quantity of all pollutants.

(f) "Polluted discharges" means discharges with pollutant loads that detract from or place limits on any actual or potential beneficial use of the receiving waters.

(g) “Unpolluted discharges” means discharges with pollutant loads that do not detract from or place limits on any actual or potential beneficial use of the receiving water.

(h) “Stormwater” means stormwater runoff, snow melt runoff and surface water runoff and drainage.

(i) “Authorized county employee(s)” means those individuals designated by the administrative authority to act as his or her designee(s).

(j) “Best management practice” or “BMP” means a program, technology, process, siting criteria, operational method, or engineered system, which when implemented prevents, controls, removes, or reduces pollution.

(k) “Stormwater system” means those facilities by which stormwater may be collected and conveyed to any stream, watercourse, other body of water or wetlands, publicly or privately owned, which are not part of a publicly owned treatment works (“POTW”) as that term is defined in 40 CFR Section 122.2.

(l) “County’s stormwater system” means those publicly owned or maintained stormwater facilities that are situated within the county.

(m) “Non-stormwater discharge” means any discharge that is not entirely composed of stormwater, or any release of pollutants that potentially or actually discharges to the county’s stormwater system.

(n) “Premises” means any building, lot, parcel, real estate, or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(o) “Commercial facility” means any nonresidential premises or any premises used as a site of commercial activity.

(p) “Significant noncompliance” means non-compliance with any provision of this chapter that either:

(1) Poses or threatens to pose a significant danger to the environment or public health;

(2) Has not been abated in a reasonable period to time; or

- (3) Has recurred.

Sec. 11A-3. Administrative authorities.

Except as otherwise provided in this code, the provisions of this chapter shall be administered by the administrative authority.

Sec. 11A-4. Construction and application.

This chapter shall be construed in a manner consistent with the requirements of the Federal Clean Water Act and acts amendatory thereof, any applicable implementing regulations thereto and any NPDES permit for stormwater discharges from the applicable area issued by the State Water Resources Control Board or any Regional Water Quality Control Board and any amendment, revision or reissuance of the permit.

Sec. 11A-5. Discharge of non-stormwater.

(a) The release of non-stormwater discharges to the county's stormwater system is prohibited.

(b) The following discharges are exempt from the prohibition set forth in subsection (a) of this section:

(1) Any discharge in compliance with a National Pollution Discharge Elimination System (NPDES) permit issued to the discharger and administered by the state of California under the authority of the United States Environmental Protection Agency.

(2) Discharges from the following activities will not be considered a prohibited discharge to the county's stormwater system when properly managed: flushing of potable water from potable water lines and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation and footing drains, water from crawlspace pumps, air conditioning condensation, springs, runoff from individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges or flows from emergency firefighting, and any other flows necessary for implementing BMPs directed or approved by the administrative authority.

Sec. 11A-6. Discharge in violation of NPDES permit.

Any discharge that would result in or contribute to a violation of any NPDES permit for stormwater discharges from the applicable area and any amendment, revision or reissuance of such permit, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the county, its officers, agents, and employees in any administrative or judicial enforcement action relating to such discharge.

Sec. 11A-7. Unlawful discharge and unlawful connections.

- (a) It is unlawful to establish, use, maintain or continue unauthorized drainage connections to the county's stormwater system.
- (b) It is unlawful to establish, use, maintain or continue drainage connections to the county's stormwater system that are or may be a source of prohibited discharges.
- (c) It is unlawful to commence or continue any unauthorized and/or prohibited discharges to the county's stormwater system.

Sec. 11A-8. Reduction of pollutants in stormwater.

- (a) **Activities Resulting in Discharge of Pollutants.** Any person engaging in activities that may result in pollutants entering the county's stormwater system shall undertake all practicable measures to reduce and/or eliminate such pollutants. All activities that do actually, or may potentially, result in the deposit of pollutants in or on the county's stormwater system, in any tributary of this system, and all land which drains to either this system or any of its tributaries, shall be construed as activities that may result in pollutants entering the county's stormwater system. Examples of such activities include, but are not limited to, ownership and use of premises that may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, business enterprises and dwelling units.
- (b) **Pollutants and Littering.** No person shall throw, deposit, leave, keep or permit to be thrown, deposited, placed, left or maintained, any refuse, household hazardous wastes or other hazardous waste, garbage, debris, or other wastes, or other discarded or abandoned objects or articles in or upon any stormwater system or upon any public or private plot of land in the applicable area so that the same might become a pollutant, except in lawfully established waste disposal facilities.

(c) Sidewalks. The occupant or tenant or, in the absence of occupant or tenant, the owner or proprietor of any real property in the county in front of which there is a paved sidewalk shall maintain that portion of the sidewalk in front of the property free of dirt or litter to the maximum extent practicable. Sweepings from the sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway or any element of any drainage system, but shall be disposed of in receptacles maintained as required for the disposal of solid waste.

(d) Construction Activities. Any construction contractor performing work in the applicable area shall implement appropriate best management practices to prevent the discharge of construction wastes or debris or contaminants from the construction materials, tools, and equipment from entering the stormwater system.

(e) Bodies of Water. No person shall throw or deposit litter in any fountain, pool, lake, stream, river or any other body of water within the applicable area.

(f) Standard for Parking Lots, Paved Areas, and Related Stormwater Systems. Persons owning, operating, or maintaining a paved parking lot, the paved areas of a gas station, a paved private street, road, or driveway and related stormwater systems shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the stormwater system.

(g) Notification of Intent and Compliance with General Permits. Each industrial discharger, discharger associated with construction activity or other discharger described in any general stormwater permit addressing such discharges as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control Board, North Coast Region, shall provide the notice of intent, comply with, and undertake all other activities required by any general stormwater permit applicable to such dischargers, and shall provide a copy of the notice of intent and of each annual report pursuant to any general stormwater permit to the administrative authority, and shall pay any associated monitoring and enforcement fees to the county that may be set by the board of supervisors. Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by such permit.

(h) Compliance with Best Management Practices. Where best management practice guidelines or requirements have been adopted or published by the Environmental Protection Agency, any state of California agency, any San Francisco Bay area agency, or the county, for any activity, operation or facility that may cause or

contribute to prohibited discharges, every person undertaking such activity or operation or owning or operating such commercial facility shall comply with such guideline or requirement.

(i) **Stormwater Pollution Prevention Plan.** The administrative authority may require any business in the applicable area that engages in activities that may result in prohibited discharges to develop and implement a stormwater pollution prevention plan, which must include an employee training program. Business activities that may require a stormwater pollution prevention plan include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures that are carried out partially or wholly out of doors.

(j) **Coordination with Hazardous Materials Release Response Plans and Inventory.** Any business subject to the Hazardous Materials Release Response and Inventory Plan, Division 20, Chapter 6.95 of the California Health and Safety Code (commencing with Section 25500), shall include in that plan provision(s) for compliance with this chapter, including the prohibitions on non-stormwater discharges and the requirement to reduce the release of pollutants to the maximum extent practicable.

Sec. 11A-9. Enforcement.

(a) **Inspections.** Routine or area inspections by the county shall be based upon such reasonable selection process as may be deemed necessary to carry out the objectives of this chapter, including, but not limited to, random sampling and/or sampling in areas where there is evidence of stormwater contamination, discharge of non-stormwater to the stormwater system, or similar activities. Such inspections may also be done in conjunction with routine inspections conducted by other public agencies such as the Environmental Health Division of the Department of Health Services and/or the Hazardous Materials Division of the Department of Emergency Services.

(b) **Authority to Sample and Establish Sampling Devices.** With the consent of the owner or the occupant of property or pursuant to a search or inspection warrant, any authorized county employee may take such samples and meter such discharges as the administrative authority deems necessary to determine whether a non-stormwater discharge has taken place or is taking place and to determine the magnitude of such discharges. Such county employee may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the administrative authority may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site.

(c) Training of Employees – Notification of Spills. The owner of a commercial facility or the persons responsible for emergency response for a commercial facility have the responsibility to train facility personnel and maintain notification procedures to assure:

(1) Immediate notification is provided to the county administrative authority of any suspected, confirmed or unconfirmed release of material, pollutants or waste creating a risk of discharge into the county stormwater drain system.

(2) Immediate notification is given to the “911” emergency response system if said discharge poses an immediate threat to the public health or safety and/or the environment.

(3) Written notification is provided to the county administrative authority within five working days.

(i) Training of personnel shall assure that all BMPs are being fully and correctly implemented and that all releases of any non-stormwater discharge or of any pollutant that threatens to enter the county’s stormwater system are immediately recognized and that appropriate response is taken in the event of such release.

(ii) As soon as any person in charge of a commercial facility or who is responsible for emergency response for a commercial facility has knowledge of, or reasonably could be expected to have knowledge of, any suspected, confirmed or unconfirmed release of a non-stormwater discharge entering, or of any pollutant that is threatening to enter, the county stormwater system from such facility, such person take all necessary steps to ensure the early discovery and containment and clean up such release and shall immediately notify the county administrative authority. In addition, written notification shall be given to the county administrative authority within five working days. This written notification shall contain as a minimum a narrative describing the circumstances resulting in the release, or threatened release, the efforts taken to clean up the release and the measures being taken to prevent reoccurrence. This notification requirement is in addition to, and not in lieu of, other required notifications.

(d) Requirement to Test or Monitor. Any authorized county employee may require that any person engaged in any activity or owning or operating any commercial facility that may cause or contribute to illicit discharges, undertake such monitoring activities and/or analysis and furnish such reports as the authorized employee may specify. The burden, including costs, of these activities, analysis and reports shall bear a reasonable relationship to the need for the monitoring and/or analysis and reports and the

benefits to be obtained. The recipient of such a requirement shall undertake and provide the monitoring, analysis and reports required.

(e) **Order to Cease and Desist.** When the county administrative authority finds that the discharge from a commercial facility is taking place, or is threatening to take place, in violation of the prohibitions of this chapter or any other discharge control requirements, the county administrative authority may issue a written order to cease and desist and may direct the discharge to:

(1) Comply forthwith with the order and to cease those operations that result or threaten to result in discharges which violate any prohibition or limit of this chapter until such time as the administrative authority states in writing that he or she is satisfied that BMPs will remove the threat are in place;

(2) Comply with the order in accordance with a time schedule set by the administrative authority; or

(3) In the event of a threatened violation take appropriate remedial or preventative action.

(f) **Require that the Discharger Submit a Schedule of Remedial or Preventative Action.** When the administrative authority finds that the discharge from a commercial facility is taking place, or is threatening to take place, in violation of the code requirements, the administrative authority may issue an order to cease and desist and may direct the discharger to submit for her or his approval a detailed time schedule of specific actions the discharger shall take to correct or prevent the violation of such prohibitions and requirements.

(g) **Predischarge Facility.** When source reduction BMPs are, in the opinion of the administrative authority, inadequate to prevent actual or potential prohibited discharges from a commercial facility to the county's stormwater system, the administrative authority may require that the owner of the commercial facility provide, at the owner's expense, predischarge facilities necessary to reduce the pollutant load at a point prior to discharge from said facility or to any element of the county's stormwater system. The administrative authority may further require that the owner of the commercial facility, at the owner's expense, provide a monitoring access hole so that the pollutant loading may be periodically measured. Examples of predischarge facilities are oil/grease interceptors and sand/silt interceptors.

Plans, specifications, and other pertinent factors related to the aforementioned predischage facilities shall be submitted to the county for approval by the administrative authority. Construction of the proposed facilities shall not commence until the administrative authority's approval is obtained in writing and use of the facilities shall not commence until the completed facilities are approved in writing by the administrative authority. Such facilities, once approved, shall be continuously maintained in satisfactory operating condition to the satisfaction of the administrative authority.

Sec. 11A-10. Violations constituting misdemeanors.

The violation of any provision of this chapter, or the failure to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor.

Sec. 11A-11. Violation--Additional actions and remedies.

(a) Any non-stormwater discharger found to be in significant non-compliance as defined in Section 11A-2 in any calendar year may have its name published in the largest daily newspaper published in the Santa Rosa area.

(b) Any person who violates any order issued by the administrative authority for violation of the provisions of this chapter regulating or prohibiting discharge of non-stormwater and which causes, or threatens to cause, non-stormwaters to enter the county's stormwater system may be liable civilly in a sum not to exceed the amount that the county may be fined by the State Water Resources Control Board or the amount of any civil liability imposed on the county for noncompliance with the municipal stormwater discharge permit for the Santa Rosa area.

Sec. 11A-12. Violation – Emergency abatement.

If the administrative authority determines that a violation of this chapter has created an emergency condition which seriously endangers the public health or safety, the administrative authority may abate the condition. The cost of said abatement shall be charged to the discharger and the county may at its option recover the same in a civil action. Such charge shall be in addition to any penalty for a violation of this chapter under Section 11A-10 or 11A-11(b).

Sec. 11A-13. Fine for falsification of data.

Any person who submits a report required by this chapter, which he or she knows, or should have reason to know, contains falsified data shall be subject to a fine not to

exceed the amount that the county may be fined by the State Water Resources Control Board or the amount of any civil liability imposed on the county for noncompliance with the municipal stormwater discharge permit for the Santa Rosa area.

Sec. 11A-14. Continuing violation.

Every day or any portion thereof any violation of this chapter continues shall constitute a separate offense.

Sec. 11A-15. Concealment.

Concealing, aiding or abetting a violation of any provision of this chapter shall constitute a violation of such provision.

Sec. 11A-16. Acts potentially resulting in violation of Federal Clean Water Act and/or Porter-Cologne Act.

Any person who violates any provision of this chapter or who violates any cease and desist order or prohibition may also be in violation of the Federal Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanction of those acts including civil and criminal penalties. Any enforcement actions authorized under this chapter may also include notice to the violator of such potential liability.

Sec. 11A-17. Violations deemed a public nuisance.

In addition to the penalties provided in this chapter, the county board of supervisors finds and determines that any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety, and welfare, is declared to be a nuisance and may be abated as such.

Sec. 11A-18. Civil actions.

In addition to any other remedies provided in this chapter or this code, including but not limited to abatement pursuant to Section 1-7.3 of this code, any violation of this chapter may be enforced by civil action brought by the county. In any such action, the county may seek, as appropriate, any or all of the following:

- (a) A temporary restraining order, preliminary and permanent injunction;

(b) Reimbursement for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing administrative action under this chapter;

(c) Costs incurred in removing, correcting, or terminating the adverse effect resulting from the violation;

(d) Compensatory damages for loss or destruction of water quality, wildlife, fish and aquatic life.

Costs and damages recovered under this section shall be paid to the county and shall be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control system(s) and implementing or enforcing the provisions of this chapter.

Sec. 11A-19. 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.

Sec. 11A-20. Dispute – Request for ruling.

If any discharger disputes an interpretation or application of this chapter, the discharger may request in writing a ruling by the administrative authority on the matter. The administrative authority will set forth his or her determination(s) in writing.

Sec. 11A-21. Appeals.

If the discharger is dissatisfied with the determinations made by the administrative authority under Section 11A-20, the discharger may, within thirty (30) days after the receipt of the ruling by the administrative authority, appeal the ruling to the board of supervisors by filing a written notice of appeal with the clerk of the board. The notice shall state each basis and the grounds for the appeal. The board of supervisors shall make a final determination of the issue(s) so submitted.

Sec. 11A-22. Applicable area.

The provisions of this chapter shall apply to discharges, pollution sources, and facilities located within the boundaries of any municipal NPDES permit for storm water

discharges applicable to Sonoma County, as said boundaries are approved by the State Water Resources Control Board or any Regional Water Quality Control Board. Where said boundaries are established on or along a publicly-maintained drainage channel or publicly maintained road right-of-way, said boundary shall include all of such facilities within public ownership and/or maintenance.

SECTION VII. A new Chapter 11 is added to the Sonoma County Code, to read:

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

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 Regulations.

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; and

- F. Protect streams, lakes, ponds, and wetlands.

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.

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 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 this chapter 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 grading, drainage improvement, and vineyard and orchard site development to obtain any other permits, approvals, or authorizations required by this code or state or federal agencies.

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

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 the requirements in 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

Parameter	Threshold	
	Regular Grading	Engineered Grading
Volume (combined total of cut and fill)	Does not exceed 5,000 cubic yards	Exceeds 5,000 cubic yards
Cut	No greater than 2 feet in depth and does not create a cut slope greater than 5 feet in height	Greater than 2 feet in depth or creates a cut slope greater than 5 feet in height
Fill	No greater than 3 feet in depth	Greater than 3 feet in depth
Natural slope of grading area	No steeper than 15 percent	Steeper than 15 percent
Flood-prone urban area or special flood hazard area	No fill is placed in the flood-prone urban area or a special flood hazard area	Fill is placed in the flood-prone urban area or a special flood hazard area
Geologic Hazard Area Combining District	Grading area is not in the Geologic Hazard Area Combining District	Grading area is wholly or partially in the Geologic Hazard Area Combining District ¹
Geologic hazards	Grading area contains no geologic hazards	Grading area contains any geologic hazards ²

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.

Sec. 11.04.020. Exemptions from grading permit requirements.

The following grading activities are exempt from the provisions of Section 11.04.010 and may be conducted without obtaining a grading permit; provided that exempt grading shall still be subject to the standards in this chapter.

- 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 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 60 days after the completion of the work. The permit authority shall be notified in writing at least 30 days prior to the commencement of the work.
- D. Excavations below finished grade subject to valid building permit.** Excavations below finished grade for basements, tanks, vaults, swimming pools, and footings of a building, retaining wall, or other structure, where authorized by a valid building permit. This shall not exempt any excavation with an unsupported height greater than 5 feet after the completion of the structure, or any fill using material from the excavation,

except where the material is placed on-site and the placement is shown on the approved building plans.

- E. Exploratory excavations.** Exploratory excavations to investigate subsurface soil conditions and geology, affecting or disturbing an area of less than 10,000 square feet and involving the movement of less than 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 60 days after the completion of the work.
- F. Grading subject to valid encroachment permit.** Grading within a public right-of-way, where authorized by a valid encroachment permit.
- G. Landfills.** Grading at landfills regulated by the State Integrated Waste Management Act.
- H. 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 shall not exempt any fill in the flood-prone urban area or any special flood hazard area.
- I. Minor cut.** A cut that does not exceed 50 cubic yards, and:

 - 1. Is no greater than 2 feet in depth; or
 - 2. Does not create a cut slope greater than 5 feet in height and steeper than 2 units horizontal to 1 unit vertical (50 percent).
- J. 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 50 cubic yards or alter or obstruct a watercourse, and:

 - 1. Is intended to support structures or surcharges and is no greater than 1 foot in depth and placed on terrain with a natural slope no steeper than 15 percent; or

2. Is not intended to support structures or surcharges and is no greater than 3 feet in depth.

- K. 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.
- L. 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 30 days prior to the commencement of the work.
- M. 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 30 days prior to the commencement of the work.
- N. Soil profiling test pits.** Excavations for soil profiling test pits, where the ground surface is restored to its previous topographic condition within 60 days after the completion of the work.
- O. Surface mining.** Mining, quarrying, excavating, processing, or stockpiling rock, sand, gravel, aggregate, or clay in compliance with Chapter 26A of this code.
- P. Water lines, pipelines, and utilities.** Excavations and fills for water lines; routine pipeline maintenance practices; or installation, testing, maintenance, or replacement of utility connections, distribution or transmission systems, and facilities for utilities regulated by the California Public Utilities Commission, including electrical, water, or natural gas, on a single site or within a public right-of-way; where the ground surface is restored to its previous topographic condition within 60 days after the completion of the work.
- Q. 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.

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 the requirements in 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

Parameter	Threshold ¹	
	Regular Drainage Improvement	Engineered Drainage Improvement
Cross-sectional area of drainage improvement	Does not exceed 2 square feet	Exceeds 2 square feet

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 1 foot and top width equal to 4 feet (assumes 2:1 side slopes).

Sec. 11.06.020. Exemptions from drainage permit requirements.

The following drainage improvement activities are exempt from the provisions of Section 11.06.010 and may be conducted without obtaining a drainage permit; provided that exempt drainage improvement shall still be subject to the standards in this chapter.

- A. Drainage improvement subject to valid grading, building, septic, vineyard and orchard site development, 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, vineyard and orchard site development, 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 installation 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 and/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 8 inches and installed slopes between 2 percent and 4 percent, or the vee-ditch swale system is made of earth, grass, or rock, with side slopes no steeper than 2 units horizontal to 1 unit vertical (50 percent), maximum depth of 9 inches, and installed slopes between 2 percent and 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 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 30 days prior to the commencement of the work.

G. Seasonal agricultural drainage swales. Construction or installation 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 4 percent.
3. The drainage swale does not exceed 150 feet in length.
4. The outlet for the drainage swale is protected to prevent soil loss.

Article 08. Vineyard and Orchard Site Development Permits.

Sec. 11.08.010. Vineyard and orchard site development permit requirements.

A. Permit required. A vineyard and orchard site development 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 vineyard and orchard site development 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 the requirements in 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

Parameter	Threshold	
	Level I Vineyard and Orchard Site Development	Level II Vineyard and Orchard Site Development
Natural slope of planting area having no highly erodible soils	No steeper than 15 percent	Steeper than 15 percent, but in no event steeper than 50 percent
Natural slope of replanting area having no highly erodible soils	No steeper than 30 percent	Steeper than 30 percent
Natural slope of planting area having any highly erodible soils	No steeper than 10 percent	Steeper than 10 percent, but in no event steeper than 50 percent
Natural slope of replanting area having any highly erodible soils	No steeper than 15 percent	Steeper than 15 percent

Sec. 11.08.020. Exemptions from vineyard and orchard site development permit requirements.

The following vineyard and orchard site development activities are exempt from the provisions of Section 11.08.010 and may be conducted without obtaining a vineyard and orchard site development permit; provided that exempt vineyard and orchard site development shall still be subject to the standards in this chapter.

- A. Replacing missing, dead, or diseased grapevines or fruit- or nut-bearing trees.** Interplanting young grapevines or fruit- or nut-bearing trees among established grapevines or fruit- or nut-bearing trees for the purpose of replacing individual missing, dead, or diseased grapevines or trees in a vineyard or orchard, where the drainage system, irrigation system, trellis system, and other infrastructure of the vineyard or orchard is 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 less than one-half acre in land area. This exemption may only be used for one 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 less than one-half acre in land area. This exemption may only be used for one hobby vineyard per legal parcel.

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 of this chapter.

Table 11-4 - Permit Authority

Type of Permit Application	Permit Authority
Agricultural Grading	Agricultural Commissioner
Construction Grading	Director of Permit and Resource Management
Agricultural Drainage Improvement	Agricultural Commissioner
Construction Drainage Improvement	Director of Permit and Resource Management
Vineyard and Orchard Site Development	Agricultural Commissioner

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 contents.** Each permit application shall be filed with the permit authority on a county application form. The permit application shall include all required fees and/or deposits, and all plans and specifications, and other information, materials, and submittals required by the permit

authority, including any reports and studies necessary to verify conformance with this chapter (e.g., hydrology study, hydraulic analysis, compaction report, geotechnical or soils report, liquefaction study, wetlands assessment, wetlands delineation).

- C. Eligibility for filing.** A permit application may only be filed by the owner or authorized agent of the owner of the subject property, or other person with the written consent of the property owner.
- D. Request for relief from standards.** A permit application may include a request for relief from the standards in this chapter. 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 Subsection D for relief from the standards in this chapter. This chapter shall be interpreted, administered, and construed in light of this legislative intent.

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.
- B. Timing of payment.** No permit application shall be deemed complete, and processing shall not commence on any permit application until all required fees and/or deposits have been paid.
- C. 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 90 percent of the application fee prior to the commencement of plan review.

Sec. 11.10.040. 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 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 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. Expiration 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 120 days following the date of the letter, the permit application shall be deemed expired. The permit authority may grant one 90-day extension. After the expiration of a permit application, permit approval shall require the submittal of a new, complete permit application.

Sec. 11.10.050. Environmental review.

After acceptance of a complete permit application, if the permit application includes a request pursuant to Section 11.10.020.D for relief from the standards in this chapter, the proposed activity shall be reviewed as required by CEQA to determine the level of environmental processing required.

Article 12. Permit Application Approval and Permit Issuance.

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 vineyard and orchard site development 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 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 discretionary land use permit has been submitted, or, if part of such a project, the discretionary land use permit has been issued.

2. Discretionary permit application. A discretionary permit application may be approved, and a grading, drainage, or vineyard and orchard site development 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 this chapter impractical;
- b. The proposed grading, drainage improvement, or vineyard or orchard site development is consistent with the purpose and intent of the standards in this chapter, 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 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 discretionary land use permit has been submitted, or, if part of such a project, the discretionary land use permit has been issued.

B. Permit conditions. In approving a discretionary permit application, the permit authority may impose any conditions deemed reasonable and necessary to protect 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 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 or other entitlement.

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

Article 14. Permit Implementation.

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 and/or direct review requested in compliance with Article 20 of this chapter.

Sec. 11.14.020. Permit time limits and extensions.

A. Permit time limits.

- 1. Grading permit.** Grading for which a grading permit is issued shall be completed and finalled within three years from the effective date of the permit, or the permit shall expire, 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.
- 2. Drainage permit.** Drainage improvement for which a drainage permit is issued shall be completed and finalled within three years from the effective date of the permit, or the permit shall expire, 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.
- 3. Vineyard and orchard site development permit.** Vineyard and orchard site development for which a vineyard and orchard site development permit is issued shall be completed and finalled within five years from the effective date of the permit, or the permit shall expire, unless an extension has been granted in writing in compliance with Subsection B.

B. Permit extensions. Any permittee holding an unexpired grading, drainage, or vineyard and orchard site development permit may apply for an extension of the time within which grading, drainage improvement, or vineyard or orchard site development must be completed and finalled. The permit authority may extend the expiration date of the permit for a period not exceeding 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 grading, drainage improvement, or vineyard or orchard site development from being started or completed, or that the extension is in the interest of public health and safety.

Sec. 11.14.030. Operations.

Grading, drainage improvement, and vineyard and orchard site development for which a 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 accordance with the approved plans and specifications and any permit conditions.
- C. **Inspection.** The work shall be subject to inspection as required by the permit authority to verify compliance with the approved plans and specifications and any permit conditions. Inspections shall not be construed to approve 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.
 - 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; and/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 working days, but not more than fourteen 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 11.24.030.C.

Sec. 11.14.040. Completion of work.

- A. Final reports.** Upon final completion of grading, drainage improvement, or vineyard or orchard site development for which a 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, to verify compliance with the approved plans and specifications and any permit conditions. 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 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 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, including the installation of all drainage improvements and their protective devices, and all storm water best management practices, have been completed in compliance with the approved plans and specifications, and all reports required by Subsection A have been submitted and accepted.

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 shall be conducted in a manner consistent with the requirements of this article, regardless of whether a permit is required by this chapter.

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 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 2 units horizontal to 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 2 units horizontal to 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 5 units horizontal to 1 unit vertical (20 percent) and the depth of the fill exceeds 5 feet. Benching shall be provided in accordance with Figure 11-1, subject also to the following requirements:
 - a. A key at least 10 feet in width and 2 feet in depth shall be installed.
 - b. The key shall be installed at least 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.

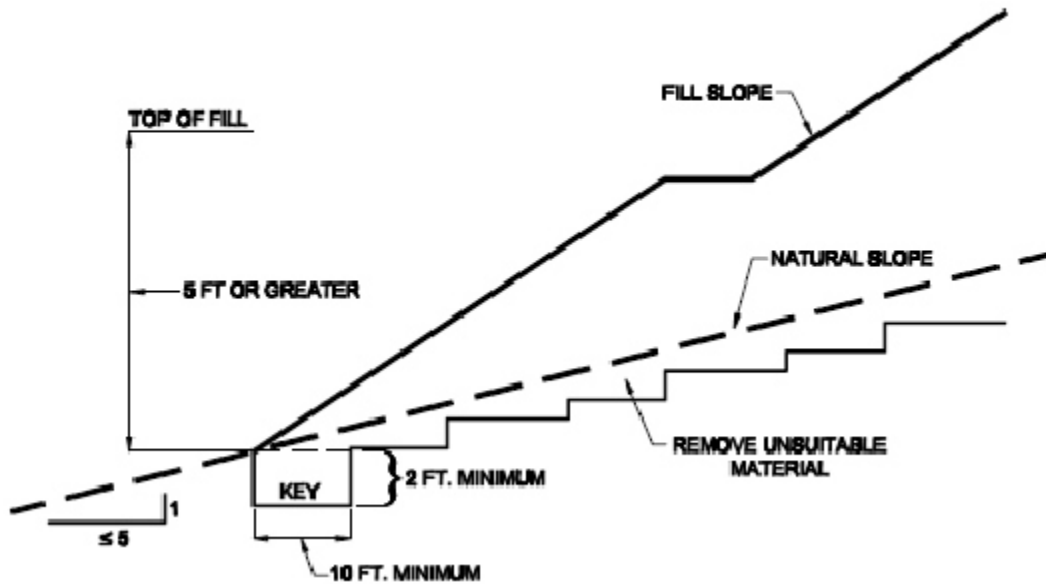


Figure 11-1 - Benching Details

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 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 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 3 feet in depth shall be compacted to the density specified by a soils engineer.
- (2) Fills no greater than 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 2 units horizontal to 1 unit vertical (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 engineering 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 engineering 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 3 units horizontal to 1 unit vertical (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 30 feet in vertical height, terraces need not be provided.
 - (2) For cut and fill slopes greater than 30 feet and up to 60 feet in vertical height, one terrace at least 6 feet in width shall be established at mid-height.
 - (3) For cut and fill slopes greater than 60 feet and up to 120 feet in vertical height, terraces at least 6 feet in width shall be established at not more than 30-foot intervals or one terrace at least 12 feet in width shall be established at mid-height.
 - (4) For cut and fill slopes greater than 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 20 units horizontal to 1 unit vertical (5 percent);
 - (b) Be paved with reinforced concrete not less than three inches in thickness, or with other materials suitable to the application; and

(c) Have a minimum depth of 1 foot and a minimum width of 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 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 50 units horizontal to 1 unit vertical (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 40 feet measured horizontally. The drains shall be paved with reinforced concrete not less than three 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 100 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.

2. **Toe of slope.** The setback at the toe of a slope shall not be less than that shown in Figure 11-2.

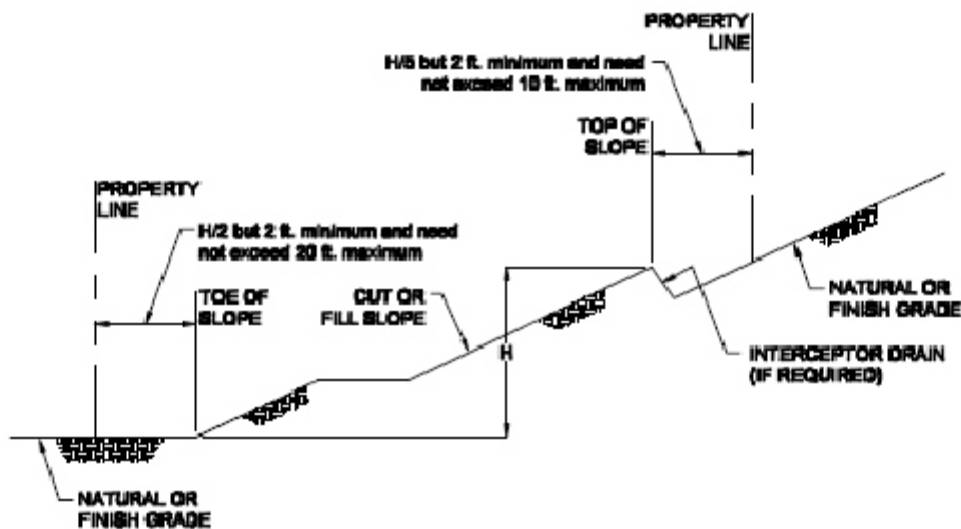


Figure 11-2 - Cut and Fill Slope Setback Requirements

- 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 Section 832 of the Civil Code.

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 chapter 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 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.

Sec. 11.16.040. Drainage.

- A. **Management of storm water.** Grading and vineyard and orchard site development shall include the drainage improvements and/or other methods necessary to manage storm water runoff in compliance with the permit authority's best management practices guide.
- B. **Natural drainage patterns and storm water levels.** Grading, drainage improvement, and vineyard and orchard site development shall be designed to maintain off-site natural drainage patterns, and limit post-development storm water levels 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 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 outsliping, minimizing the use of artificial slopes, and other best management practices referenced or detailed in the permit authority's best management practices guide.

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 operations, soil and other pollutant discharges shall be prevented or controlled through the use of best management practices in compliance with the permit authority's best management practices guide.
- B. Prior to final inspection, all disturbed surfaces shall be revegetated 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, soil and other pollutant discharges shall be limited in compliance with the permit authority's best management practices guide.

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. 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. During the non-rainy season, on any day when the National Weather Service forecast is a chance of rain of 30 percent or greater within the next 24 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.

Sec. 11.16.070. Operations 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 (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 this chapter. The area of erodible land exposed at any one time during the work shall not exceed 1 acre or 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 land preparation work for vineyard and orchard planting, shall be permitted during the rainy season only from April 1 to April 15, and only when on-site soil conditions permit the work to be performed in compliance with this chapter.
 2. Initial land preparation work for vineyard and orchard replanting shall be permitted during the rainy season only from October 15 to November 15 and from April 1 to April 15, and only when on-site soil conditions permit the work to be performed in compliance with this chapter.
 3. Final land preparation and planting 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 this chapter.

Sec. 11.16.080. Removal of vegetation.

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

- 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 vegetation.
- B. Any existing vegetation within the limits of grading, drainage improvement, or vineyard or orchard site development that is to remain undisturbed by the work shall be identified and protected from damage by marking, fencing, or other measures.

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 land preparation work for vineyard and orchard planting, and all final land preparation and planting work; and

3. November 15 for all initial land preparation work for vineyard and orchard replanting.

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

Sec. 11.16.100. 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.

Sec. 11.16.110. 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.

Sec. 11.16.120. 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, and/or zoning code. Existing vegetation shall be retained in setback areas to filter soil and other pollutants carried in storm water. Vegetative filter strips may be installed in setback areas in compliance with the permit authority's best management practices

guide to enhance filtration. Grassy avenues and turnarounds for agricultural crops may be located within vegetative filter strips. 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

Type of Stream	Soils on Grading or Planting Area	Natural Slope of Grading or Planting Area	Setback
Stream designated in the general plan, local coastal program, and/or zoning code	No highly erodible soils	Slope is no steeper than 15 percent	25 feet from the top of bank
Stream designated in the general plan, local coastal program, and/or zoning code	No highly erodible soils	Slope is steeper than 15 percent	50 feet from the top of bank
Stream designated in the general plan, local coastal program, and/or zoning code	Any highly erodible soils	Slope is no steeper than 10 percent	25 feet from the top of bank
Stream designated in the general plan, local coastal program, and/or zoning code	Any highly erodible soils	Slope is steeper than 10 percent	50 feet from the top of bank
Stream not designated in the general plan, local coastal program, and/or zoning code	Not applicable	Not applicable	25 feet from the top of bank

Vineyard and Orchard Site Development for Vineyard and Orchard Replanting

Type of Stream	Soils on Replanting Area	Natural Slope of Replanting Area	Setback
Stream designated in the general plan, local coastal program, and/or zoning code	Not applicable	Not applicable	25 feet from the top of bank
Stream not designated in the general plan, local coastal program, and/or zoning code	Not applicable	Not applicable	25 feet from the top of bank

Sec. 11.16.130. 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, and/or zoning code. Existing vegetation shall be retained in setback areas to filter soil and other pollutants carried in storm water. Vegetative filter strips may be installed in setback areas in compliance with the permit authority’s best management practices guide to enhance filtration. Grassy avenues and turnarounds for agricultural crops may be located within vegetative filter strips. 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 11-6 - Lake and Pond Setback Requirements

Type of Water Body	Setback
Lake	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.
Pond	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.

Sec. 11.16.140. 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, and/or zoning code. Existing vegetation shall be retained in setback areas to filter soil and other pollutants carried in storm water. Vegetative filter strips may be installed in setback areas in compliance with the permit authority's best management practices guide to enhance filtration. Grassy avenues and turnarounds for agricultural crops may be located within vegetative filter strips.

Table 11-7 - Wetlands Setback Requirements

Type of Wetlands	Setback
Wetlands designated in the general plan, local coastal program, and/or zoning code	100 feet from the delineated edges
Wetlands not designated in the general plan, local coastal program, and/or zoning code	50 feet from the delineated edges, unless a wetlands biologist recommends a lesser setback

Article 18. Prohibited Activities

Sec. 11.18.010. Purpose.

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

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 50 percent.

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 50 percent.

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 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 of this chapter. 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.

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 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 of this chapter. 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.

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.

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.

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 and/or conditions of approval have been prepared.

Article 24. Enforcement.

Sec. 11.24.010. Power to enforce.

The director of permit and resource management and the agricultural commissioner shall be responsible for enforcing the provisions of this chapter and may issue correction notices, notices of violation, stop work orders, and citations for any violations of this chapter, or any permit issued pursuant to this chapter.

Sec. 11.24.020. Permits in conflict with chapter deemed void.

Any permit issued in conflict with the provisions of this chapter shall be deemed void.

Sec. 11.24.030. Violations.

- A. Public nuisance.** Any activity performed contrary to the provisions of this chapter is hereby declared to be unlawful and a public nuisance.
- B. Criminal violation.** Any person, whether an agent, principal, or otherwise, violating or causing the violation of any provision of this chapter or any permit issued pursuant to this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable in compliance with Section 1-7 of this code.
- C. Stop work order.**
 - 1. Any activity in violation of this chapter or any permit issued pursuant to this chapter shall be subject to the issuance of a “stop work order.”
 - 2. 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 the county.

Sec. 11.24.040. Suspension, revocation, or modification.

- A. Permit authority action.** A grading, drainage, or vineyard and orchard site development permit 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 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 a grading, drainage, or vineyard and orchard site development permit shall have the effect of terminating the permit and denying the privileges granted by the original permit.

Sec. 11.24.050. Enforcement action.

When the permit authority determines that an activity is being performed in violation of the provisions of this chapter, the permit authority may initiate an enforcement action pursuant to Section 1-7.3 of this code.

Sec. 11.24.060. 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.

Sec. 11.24.070. 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.

Sec. 11.24.080. Hazard abatement.

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 provide written notice to the owner or other person in control of the property advising of the problem. Upon receipt of the written notice from the permit authority, 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.

Article 26. Glossary.

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.

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, Chapter 8 (commencing with Section 4511) of Part 2 of Division 4 of the Public Resources Code.

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.

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

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.

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

California Division of Safety of Dams Guidelines for Small Dams. California Department of Water Resources, Division of Safety of Dams, Guidelines for the Design and Construction of Small Embankment Dams, latest edition.

California Environmental Quality Act (CEQA). The California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

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 Section 30103 of the Public Resources Code, within the county.

Compaction. The densification of a fill by mechanical means.

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

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.

Discretionary 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.

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

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

Drainage Improvement. Any manmade improvement constructed or installed to collect and convey storm water. As used in this chapter, drainage improvement includes construction, installation, 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.

FEMA. The Federal Emergency Management Agency in the U.S. Department of Homeland Security.

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

Final Land Preparation and Planting Work. The light tilling and laying out of vine or tree rows, installation of drip lines or other above-ground irrigation systems, installation of trellis systems, planting of grapevines or trees, and other work undertaken after the completion of initial land preparation work as part of the final phase of vineyard or orchard 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.

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 routine agricultural cultivation activities.

Grading Area. The land area subject to grading.

Highly Erodible Soils. The soils in the Diablo, Dibble, Goldridge, Laughlin, Los Osos, Steinbeck, and Suther soil series.

Initial Land Preparation Work. The disking, ripping, soil chiseling, terracing, and other major soil disturbance; construction of field roads; construction or installation of drainage improvements, water supply systems, and temporary and permanent soil and other pollutant control measures; and other work undertaken as part of the initial phase of vineyard or orchard 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 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 ministerial or 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.

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 this chapter.

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 20 feet, and then dividing the difference in elevation between the two 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 fruit- or nut-bearing trees. Land devoted to the cultivation of such a planting.

Orchard Planting. The planting of a new orchard or the expansion of the footprint of an existing orchard.

Orchard Replanting. The replanting of an existing orchard where the footprint of the orchard does not change.

Orchard Site Development. Initial land preparation work or final land preparation and planting work or both for orchard planting or replanting.

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 for grading, drainage improvement, and vineyard and orchard site development prepared by the director of permit and resource management and the agricultural commissioner. The guide shall reference or detail only fixed standards and objective measurements that do not require the exercise of discretion by the director of permit and resource management or the agricultural commissioner, and do not conflict with the provisions of this chapter.

Permittee. The person to whom a grading, drainage, or vineyard and orchard site development 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.

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.

Routine Agricultural Cultivation Activity. Clearing, grubbing, stripping, ripping, plowing, disking, harrowing, tilling, land planing no greater than 3 feet in depth, and similar activities for agricultural cultivation.

SCWA Flood Control Design Criteria. The Flood Control Design Criteria Manual for Waterways, Channels, and Closed Conduits, Sonoma County Water Agency, latest edition.

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., 50 percent).

Site. Any lot or parcel of land or contiguous combination thereof where grading, drainage improvement, or vineyard or orchard site development is performed or permitted.

Site Clearing. Any removal of vegetative ground cover that results in disturbance of soils, or any removal of existing agricultural plants, vines, or trees.

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 1 percent annual chance flood (100-year flood).

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

State CEQA Guidelines. The State CEQA Guidelines, California Code of Regulations, title 14, division 6, chapter 3, commencing with section 15000.

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).

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

Timber Operations. See Public Resources Code section 4527.

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, and/or changes in the composition of substrate materials.

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

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. The planting of a new vineyard or the expansion of the footprint of an existing vineyard.

Vineyard Replanting. The replanting of an existing vineyard where the footprint of the vineyard does not change.

Vineyard Site Development. Initial land preparation work or final land preparation and planting work or both for 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 or more of the following three attributes in the Coastal Zone, and two or more of the following three 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.

SECTION VIII. Section 19-16 is added to the Sonoma County Code, to read:

Sec. 19-16. Protection of defined channels and drainage easements.

(a) No person, municipality, or public district shall commit or cause to be committed any of the acts hereinafter described:

(1) Impair or impede or obstruct the natural flow of storm water or other water running in a watercourse or cause or permit the obstruction of a watercourse.

(2) Deposit any material in a watercourse without complying with the provisions of Chapter 11 of this code.

(3) Alter the surface of land so as to reduce the capacity of a watercourse.

(4) Commit any act, within any easement dedicated for drainage purposes, that will impair the use of such easement for such purpose.

(5) Place any material along the sides of a watercourse or so close to the side of a watercourse as to cause such material to be carried away by flood waters passing through the watercourse.

(6) Deposit any material that contains paper, bottles, cans, lumber, garbage, organic matter or other material which will not readily become an integral part of the side of a watercourse.

(7) Deposit car bodies or any unsightly material on the top or sides of any embankment that defines a watercourse.

(b) For the purposes of this section, “watercourse” means any stream, or any manmade channel constructed to facilitate the use of water or convey storm water.

SECTION IX. Section 23A-8 of the Sonoma County Code is amended to read:

Sec. 23A-8. Designation of Additional Ministerial Actions.

The actions that are determined to be ministerial under this code include but are not limited to:

(a) Issuance of building permits pursuant to Chapter 7 of this code, and zoning permits pursuant to Chapter 26 or 26C of this code, for a building or use of land outside a scenic resources combining district and for which design review is not required.

(b) Issuance of flood control, grading, drainage, and stormwater quality clearances pursuant to Chapters 7B, 11, and 11A of this code.

(c) Issuance of grading, drainage, and vineyard and orchard site development permits pursuant to Chapter 11 of this code, except where the permit application includes a request for relief from the standards in Chapter 11.

(d) Issuance of encroachment permits pursuant to Article III of Chapter 15 of this code.

(e) Approval of final subdivision maps pursuant to Chapter 25 of this code.

(f) Issuance of water well construction, reconstruction, or demolition permits pursuant to Chapter 25B of this code.

SECTION X. Article V (Vineyard Erosion and Sediment Control) of Chapter 30 of the Sonoma County Code is amended to read:

Article V. Disclosure of Vineyard and Orchard Site Development Regulations.

Sec. 30-40. Disclosure of vineyard and orchard site development regulations to buyers of real property.

(a) Where a transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or residential stock cooperative improved with one to four

dwelling units is proposed for any real property within the unincorporated area of the county having a zoning designation of LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Resources and Rural Development), RRDWA (Resources and Rural Development - Agricultural Preserve), TP (Timber Production), AR (Agriculture and Residential), or RR (Rural Residential) under Chapter 26 or 26C of this code, the transferor shall disclose Chapter 11 of this code and the nature of its requirements for vineyard and orchard site development to the prospective transferee in one of the following ways:

(1) Deliver a general disclosures and disclaimers advisory to the prospective transferee pursuant to local real estate practice that includes a statement disclosing this article and the nature of its requirements. The statement shall be in the following form:

The County of Sonoma, through Chapter 11 of the Sonoma County Code (Sonoma County Grading, Drainage, and Vineyard and Orchard Site Development Regulations), has established permit requirements and standards for vineyard and orchard site development within the unincorporated area of Sonoma County. If at any time you plant a new vineyard or orchard or replant an existing vineyard or orchard on all or any part of the property you are purchasing, you will be required to comply with the requirements of Chapter 11 of the Sonoma County Code. For more information about Chapter 11 of the Sonoma County Code and its requirements for vineyard and orchard site development, please contact the Sonoma County Agricultural Commissioner.

(2) Deliver a disclosure statement to the prospective transferee pursuant to Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code disclosing this article and the nature of its requirements. The disclosure statement shall be in the following form:

LOCAL OPTION

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, DESCRIBED AS ____ *(Address and Assessor's Parcel Number(s))* _____. THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED

PROPERTY IN COMPLIANCE WITH SECTION 30-40 OF THE SONOMA COUNTY CODE AS OF (date) . IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I

SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF SONOMA, AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

The County of Sonoma, through Chapter 11 of the Sonoma County Code (Sonoma County Grading, Drainage, and Vineyard and Orchard Site Development Regulations), has established permit requirements and standards for vineyard and orchard site development within the unincorporated area of Sonoma County. If at any time you plant a new vineyard or orchard or replant an existing vineyard or orchard on all or any part of the property you are purchasing, you will be required to comply with the requirements of Chapter 11 of the Sonoma County Code. For more information about Chapter 11 of the Sonoma County Code and its requirements for vineyard and orchard site development, please contact the Sonoma County Agricultural Commissioner.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller _____ Date _____

Seller_____

Date_____

II

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller_____

Date_____

Seller_____

Date_____

Buyer_____

Date_____

Buyer_____

Date_____

Agent (Broker Representing Seller)_____

By_____ Date_____
(Associate Licensee or Broker-Signature)

Agent (Broker Obtaining the Offer)_____

By_____ Date_____
(Associate Licensee or Broker-Signature)

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

(b) If a prospective transferee refuses to sign the general disclosures and disclaimers advisory or disclosure statement required by subsection (a), the transferor may comply with the requirements of this section by delivering the advisory or statement to the prospective transferee as provided in subsection (a) and affixing and signing the following declaration to the advisory or statement:

"I, _____ (*name*) _____, have delivered a copy of the foregoing _____ (*general disclosures and disclaimers advisory/disclosure statement*) _____ as required by Section 30-40 of the Sonoma County Code to _____ (*transferee's name*) _____, who has refused to sign.

I declare the foregoing to be true.

Date: _____ Signature: _____ Print Name: _____

(c) Noncompliance with the provisions of this section shall not affect title to real property, nor prevent the recording of any document.

SECTION XI. The provisions of this ordinance shall apply to all applications for grading, drainage, and vineyard and orchard site development permits that are filed on or after the effective date of this ordinance. The provisions of the ordinance shall also apply to any applications for grading and drainage permits, and notices of authorized vineyard plantings and replantings, that were filed but not accepted as complete for processing prior to the effective date of this ordinance. Any applications for grading and drainage permits, and notices of authorized vineyard plantings and replantings, that were filed and accepted as complete for processing prior to the effective date of this ordinance shall continue to be reviewed and decided upon under the provisions of Chapters 7, 11, and 30 of the Sonoma County Code in effect on the day prior to the effective date of this ordinance.

SECTION XII. Pursuant to Health and Safety Code section 17958.7, the Board of Supervisors finds and determines that this ordinance and the changes or modifications made herein to the Sonoma County Code and the previously adopted 2007 California Building Code with respect to grading are reasonably necessary because of local climatic, geological, and topographical conditions. Sonoma County has many areas with unstable soil conditions, including expansive and liquefiable soils. The county is prone to long periods of dry weather, which shrink expansive soils, and heavy downpours, which promote landslides. In addition, the county is in an extremely active seismic area. These conditions not only make for unstable land under proposed structures, but cause pollution into streams and rivers when soil is disturbed. The special grading regulations set forth in Section VII of this ordinance are needed under these conditions. The Director of the Permit and Resource Management Department is directed to file a copy of this ordinance with the California Building Standards Commission.

SECTION XIII. The Board of Supervisors finds and determines as follows:

(a) This ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Sections 15307 and 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment, and pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. The basis for this determination is that this ordinance does not in itself approve any construction activities, but instead establishes standards, permit requirements, and other measures that regulate grading, drainage, and vineyard and orchard site development more stringently than existing codes. These standards, permit requirements, and other measures will not result in any direct physical change to the environment on their own, and will instead assure the maintenance, restoration, enhancement, and protection of natural resources and the environment by strengthening existing environmental standards and establishing new limitations. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

(b) Notwithstanding any other provision of this ordinance, if for any reason a court of competent jurisdiction holds in a final order, writ, judgment, or other finding that any determination of this section is invalid, such decision shall automatically and immediately render this ordinance inoperative, suspended, and of no further force or effect. The provisions of this ordinance shall be automatically reinstated and given full force and effect if the final order, writ, judgment, or other finding is stayed or reversed by a higher court of competent jurisdiction.

SECTION XIV. The Board of Supervisors finds and determines as follows:

(a) On September 23, 2008, the Board of Supervisors adopted the county’s current general plan - Sonoma County General Plan 2020 (“General Plan 2020”). General Plan 2020 supersedes and replaces the county’s former general plan - 1989 Sonoma County General Plan (“the 1989 General Plan”). In addition to the state mandated general plan elements, the 1989 General Plan and General Plan 2020 include an Agricultural Resources Element. The Agricultural Resources Element was established in the 1989 General Plan, and continued in General Plan 2020, to acknowledge the importance of agricultural production in and to the county. The purpose of the Agricultural Resources Element is to establish policies to insure the stability and productivity of the county’s agricultural lands and industries. The Agricultural Resources Element is intended to provide clear guidelines for decisions in agricultural areas, and to express policies, programs, and measures that promote and

protect the current and future needs of the county's agricultural industry. Section 2.9 of the Agricultural Resources Element addresses streamlining permit processing for agricultural uses in designated agricultural land use categories. In that section, Goal AR-9 is to provide agricultural permit processing procedures that are rapid and efficient, Objective AR-9.1 is to establish permit processing procedures that will simplify and shorten the decision making process for permits on agricultural lands, and Policy AR-9c is to establish procedures and standards to distinguish those agricultural uses and activities that may be approved by administrative action and to expedite the processing of permits for agricultural and agriculture related uses. These goals, objectives, and policies, when integrated with the remainder of General Plan 2020, give strong policy direction to expedite, as opposed to complicate, the processing of agricultural related permits for properties bearing one of the county's three agricultural land use designations (Land Intensive Agriculture, Land Extensive Agriculture, and Diverse Agriculture).

(b) Under current county regulations, grading and drainage improvement (both agricultural and construction) are allowed ministerially by permit, vineyard site development (authorized vineyard planting and replanting) is allowed ministerially by written notice and review, and orchard site development is allowed ministerially as a matter of right. Given the ministerial nature of these regulations, and the goals, objectives, and policies cited in Subsection (a) above, it is the intention of the Board of Supervisors, in adopting the comprehensive grading, drainage, and vineyard and orchard site development regulations set forth in Section VII of this ordinance, to ensure that such regulations are administered in a ministerial, as opposed to discretionary, manner, except as otherwise expressly provided in those regulations. The imposition of a discretionary regulatory scheme relating to grading, drainage improvement, and vineyard and orchard site development could, in turn, implicate the provisions of the California Environmental Quality Act ("CEQA"). The application of CEQA to grading, drainage improvement, and vineyard and orchard site development could result in inappropriate and burdensome delays of lawful activities in the county, particularly agricultural production activities. Accordingly, the Board of Supervisors declares its intention, in adopting the comprehensive grading, drainage, and vineyard and orchard site development regulations set forth in Section VII of this ordinance, to achieve certain environmental protections while, at the same time, creating a ministerial system of regulation that is consistent with the current practices of the county and the goals, objectives, and policies cited in Subsection (a) above, and does not unduly complicate and discourage grading, drainage improvement, and vineyard and orchard site development activities.

(c) Notwithstanding any other provision of this ordinance, if for any reason a court of competent jurisdiction holds in a final order, writ, judgment, or other finding

that any provision of Section VII of this ordinance which the Board of Supervisors intended to be ministerial is, in fact, discretionary (and therefore subject to CEQA), such decision shall automatically and immediately render this ordinance inoperative, suspended, and of no further force or effect. The provisions of this ordinance shall be automatically reinstated and given full force and effect if the final order, writ, judgment or other finding is stayed or reversed by a higher court of competent jurisdiction.

SECTION XV. Except as otherwise provided in Sections XIII and XIV of this ordinance, if any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION XVI. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the 14th day of October, 2008, and finally passed and adopted this 9th day of December, 2008, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

BROWN absent **SMITH** aye **KELLEY** aye **REILLY** aye **KERNS** aye

AYES 4 **NOES** **ABSTAIN** **ABSENT** 1

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

/s/ Mike Kerns
Chair, Board of Supervisors
County of Sonoma

ATTEST:

/s/ Robert Deis
Robert Deis, Clerk of
the Board of Supervisors