

## Agenda Submittal

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<b>Agenda #:</b>	2	<b>Status:</b>	ALUC-Regular-CS
<b>Type:</b>	ALUC-Document	<b>Department:</b>	Airport Land Use Commission
<b>File #:</b>	AC 23-023	<b>Contact:</b>	Nedzlene Ferrario
<b>Agenda date:</b>	06/08/2023	<b>Final Action:</b>	
<b>Title:</b>	ALUC-23-07 (Vacaville Development Code Update)		

Determine that Application No. ALUC-23-07, (Vacaville Development Code Update), located within the Travis Airforce Base (AFB) Compatibility Zone C and D, and within the Nut Tree Airport Compatibility Plan, is consistent with the applicable Airport Compatibility Plans (City of Vacaville)

**Governing body:** Airport Land Use Commission

**District:**

**Attachments:** A - [Airport Compatibility Zones and Airport Land Use Criteria](#),  
B - [Draft Development Code Amendments](#), C - [City of Vacaville and Compatibility Zones](#),  
D - [City of Vacaville Application](#), E - [Draft Resolution](#)

Date:	Ver.	Action By:	Action:	Result:
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### RECOMMENDATION

**Determine that Application No. ALUC-23-07, (Vacaville Development Code Update), located within the Travis Airforce Base (AFB) Compatibility Zone C and D, and within the Nut Tree Airport Compatibility Plan, is consistent with the applicable Airport Compatibility Plans.**

### DISCUSSION

#### **Background**

Section 21676 (d) of the State Aeronautics Act requires the Airport Land Use Commission (ALUC) review of code changes related to development within an Airport Influence Area. The City of Vacaville has referred an application to update the City's Land Use and Development Code that includes minor changes to Divisions related to Zoning, Urban Storm Water Quality Management and Discharge Control, and Grading. Following the ALUC consistency finding, the proposed amendments will be heard by City Council.

The City is located within Zone C and D of the Travis AFB Land Use Compatibility Plan and portions of the City lie within the Nut Tree Airport Land Use Compatibility Zones. The proposed update consists of minor and administrative changes to zoning standards and procedures, enforcement procedures for stormwater management and grading. None of the proposed changes address densities, height restrictions, or other hazards to flight.

Based on the review, staff recommends the ALUC find that the proposed update complies with the requirements of these zones to protect flight, meets guidance criteria of the California Airport Land Use

Planning Handbook, and is consistent with the Nut Tree Airport and Travis AFB Land Use Compatibility Plans (LUCPs).

### **Project Description**

The City of Vacaville is proposing to update the Development Code sections related to Zoning, Urban Storm Water Quality Management and Discharge Control, and Grading Divisions of the Code.

The proposed changes in the Zoning sections consist of improved standards and procedures related to zoning appeals, required findings for project approval, and other revisions related to development standards. With regard to Urban Storm Water Quality Management and Discharge Control and Grading, stronger enforcement procedures for complying with stormwater management and discharge during construction and operational phases of development. The specific changes are contained in Attachment B.

The proposed updates do not address changes to densities, building or tower heights, and neither introduce hazards to flight such as glare, wildlife, electrical interference nor induce infill development.

### **AIRPORT PLANNING CONTEXT & ANALYSIS**

Development code regulation amendments must undergo review by the ALUC for consistency with the applicable LUCPs (State Aeronautics Act section 21676). The proposed update would apply Citywide. Its jurisdictional boundaries are located in Compatibility Zones C and D of the Travis AFB LUCP and portions of the Nut Tree Airport Compatibility Zones lie within City limits (see Attachment D). In general, Compatibility Zone criteria require review of density limits, assemblages of people, structural heights of objects and/or hazards related to bird attraction, electrical inference, glare and other flight hazards.

The California Department of Transportation (Caltrans) Division of Aeronautics has published the California Airport Land Use Planning Handbook (Caltrans Handbook) as a guide for ALUCs in the preparation and implementation of Land Use Compatibility Planning and Procedure Documents. Section 6.4.2 of the Caltrans Handbook establishes the guidance appropriate for reviewing zoning ordinances and building regulations. This section references Table 5A of the Caltrans Handbook which presents the consistency requirements for "Zoning or Other Policy Documents."

Staff evaluated the City's project using the Zone Compatibility criteria for Zone C and D of the Travis AFB LUCP and Nut Tree Airport Compatibility Zones, and the zoning consistency test criteria contained in the Caltrans Handbook. Staff analysis of the project based on this evaluation is summarized in Attachment A.

### **Analysis Finding**

Based on the review, staff finds that the proposed amendments comply with the requirements of the zones to protect flight, meet guidance criteria of the Caltrans Handbook, and are consistent with the Nut Tree Airport and Travis AFB Land Use Compatibility Plan.

## Travis AFB Land Use Compatibility Zone Criteria

### ALUC-23-07 Vacaville Development Code Update

Compatibility Zone Criteria	Consistent	Not Consistent	Comment
<b>Zone D</b>			
Max Densities – No limits	X		The proposed update does not change densities
Prohibited uses: hazards to flight	X		The proposed update does not include prohibited uses
ALUC review required for objects > 200 feet AGL	X		No objects above 200 feet are proposed
All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1(b)	X		No wind turbines proposed
All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review	X		No commercial solar proposed
All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review	X		No towers above 200 feet proposed
For areas within the Bird Strike Hazard Zone, reviewing agencies shall prepare a WHA for projects that have the potential to attract wildlife that could cause bird strikes. Based on the findings of the WHA, all reasonably feasible mitigation measures must be incorporated into the planned land use.	X		The proposed update will not introduce wildlife
For areas outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA.	X		The proposed update will not introduce wildlife
<b>Zone E</b>			
Max Densities – No limits	X		The proposed update does not increase densities
ALUC review required for objects > 200 feet AGL	X		No objects above 200 feet are proposed
All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1(b)	X		No wind turbines proposed
All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review	X		No commercial solar proposed
All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review	X		No towers above 200 feet proposed
Outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA.	X		The proposed update will no introduce wildlife

**NUT TREE AIRPORT LAND USE COMPATIBILITY ZONE CRITERIA**

**ALUC-23-07 Vacaville Development Code Update**

Compatibility Zone Criteria	Consistent	Not Consistent	Comment
<b>Zone A</b>			
Max Densities: residential – 0 du/acre, other uses/in structures – 10; in/out of structure – 15 people/acre, required open land – 65%	X		The proposed update will not increase densities
Prohibited uses: the assemblage of people; new structures >FAR 77 height limits; noise-sensitive uses	X		The proposed update does not propose prohibited uses
No uses hazardous to flight	X		The proposed update does not propose uses that are hazardous to flight
Avigation easement	X		No avigation easement required
50ft. setback from extended runway centerline for all structures	X		The proposed update does not propose structures
<b>Zone B</b>			
Max Densities: residential – 0.3 du/acre, other uses/in structures – 20; in/out of structure – 40 people/acre, required open land – 50%	X		The proposed update will not increase densities
Prohibited uses: noise-sensitive uses; schools, libraries, hospitals, nursing homes; involving substantial amounts of highly flammable or explosive materials	X		The proposed update does not propose prohibited uses
Structures to be as far as possible from the extended runway centerline	X		The proposed update does propose structures
Minimum NLR <sup>8</sup> of 25 dBA in residential and office buildings	X		The proposed update does not change noise attenuation measures
No uses hazardous to flight	X		The proposed update does not propose hazards to flight
Avigation easement	X		No avigation easement required
<b>Zone C</b>			
Max Densities: residential – 1 du/acre, other uses/in structures – 50; in/out of structure – 75 people/acre, required open land – 15%	X		The proposed update will not increase densities
Prohibited uses: schools, libraries, hospitals, nursing homes; noise-sensitive outdoor activities	X		No prohibited uses proposed
Residential structures, especially mobile homes, to have a minimum NLR of 20 dBA	X		The proposed update does not change noise attenuation measures
Clustering of development is encouraged	X		No development proposed
No uses hazardous to flight	X		The proposed update does not propose hazards to flight
Avigation easement	X		No avigation easement required
<b>Zone D</b>			
Max Densities: residential – 4 du/acre, other uses/in structures – 100; in/out of structure – 150 people/acre, required open land – 10%	X		The proposed update will not increase densities
Prohibited uses: noise-sensitive outdoor activities	X		The proposed update does not propose noise sensitive uses
Residential structures, especially mobile homes, to have a minimum NLR of 20 dBA	X		The proposed update does not change noise attenuation measures

Compatibility Zone Criteria	Consistent	Not Consistent	Comment
Clustering of development is encouraged	X		No development proposed
No uses hazardous to flight	X		The proposed update does not propose hazards to flight
Overflight easement	X		No aviation easement required
<b>Zone E</b>			
Max Densities: residential – 6 du/acre	X		The proposed update will not increase densities
Prohibited uses: Highly noise-sensitive outdoor activities; e.g. amphitheaters	X		The proposed update does not propose noise-sensitive uses
Residential uses should have limited outdoor living areas and should be oriented away from noise sources, clustering is encouraged	X		The proposed update does not change noise attenuation measures
No uses hazardous to flight	X		No hazards to flight proposed
Overflight easement	X		No aviation easement required

## California Airport Land Use Planning Handbook Criteria

### ALUC-23-07 Vacaville Development Code Update

California Airport Land Use Planning Handbook Criteria	Consistent	Not Consistent	Comment
Intensity Limitations on Nonresidential Uses	X		The proposed update does not restrict intensity on non-residential uses
Identification of Prohibited Uses	X		The proposed update does not prohibit land uses
Open Land Requirements	X		Not required
Infill Development	X		Not anticipated to induce infill development
Height Limitations and Other Hazards to Flight	X		The proposed update does not change building heights or introduce hazards to flight
Buyer Awareness Measures	X		The proposed update does not affect buyer awareness measures
Non-conforming Uses and Reconstruction	X		The proposed update does not affect non-conforming uses or reconstruction of buildings.

## ITEM J

### 2023 Annual Land Use and Development Code Update Minor Zoning Text Amendments Categorical Exemption and Land Use and Development Code Amendments File No. 22-388

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#### **Section 14.09.030.120.E (Common Procedures – Appeals)**

*Consider amending this section as noted below.*

E. Procedures for Filing an Appeal. The appellant shall file the appeal as follows: ~~on a form specified by the Director of Community Development. The appeal shall include the following:~~

- ~~1. An appeal fee as specified by Council resolution;~~
- ~~2. Reference to the action that is being appealed;~~
- ~~3. A written description of the specific grounds for the appeal, including why the appellant contends the action is not in accordance with this code, where there was an error or abuse of discretion, where the record includes inaccurate information, or how a decision is not supported by evidence in the record;~~
- ~~4. A description of how the appellant requests the action be reversed or modified; and~~
- ~~5. An appeal is void upon failure to adequately provide any of the requirements above, subject to the determination of the Director of Community Development.~~

1. The Planning Division shall provide a standard form for filing an appeal of the action of the Director of Community Development. The appeal shall be filed within 10 days from the date of action with the Planning Division and shall include such fees as may be established by the City Council. The appeal shall specify the action being appealed and shall state the specific grounds for the appeal. If only certain conditions of an approval are being appealed, the specific conditions shall be identified and the specific grounds for appeal of the conditions shall be specified. An appeal is void upon failure to adequately provide any of the requirements above, subject to the determination of the Director of Community Development.

2. The City Clerk shall provide a standard form for filing an appeal of the action of the Planning Commission. The appeal shall be filed within 10 days from the date of action with the City Clerk and shall include such fees as may be established by the City Council. The appeal shall specify the action being appealed and shall state the specific grounds for the appeal. If only certain conditions of an approval are being appealed, the specific conditions shall be identified and the specific grounds for appeal of the conditions shall be specified. An appeal is void upon failure to adequately provide any of the requirements above, subject to the determination of the Director of Community Development.

3. The discussion of the appeal shall be limited during the public hearing to only those items raised on the appeal application, except as follows:

a. New items, not identified on the appeal application form, may only be discussed if the appellant demonstrates to the satisfaction of the decision-maker on the appeal, that:

i. The new items are based on information that was not known or readily available at the time the appeal was filed; and

ii. The items do not involve issues that could have been but were not raised at the original hearing.

b. The determination of whether the new items will be discussed during the hearing shall be made by the decision-maker on the appeal and shall be final and binding.

### **Section 14.09.030.070.A (Common Procedures – Public Noticing)**

*Current Code section requires a 10-day notice and 600-foot radius for all applications. Consider amending this section to define separate noticing requirements for staff-level projects and PC/CC projects.*

A. Mailed Notice. At least 10 calendar days before the date of the public hearing, or 15 calendar days before the proposed date of action when no public hearing is required, the Director of Community Development shall provide notice by first class mail delivery to the following:

1. The applicant, the owner, and any occupant of the subject property;
2. All property owners of record within a minimum 600-foot radius of the subject property as shown on the latest available assessment roll or a larger radius if deemed necessary by the Director of Community Development in order to provide adequate public notification;
3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
4. Any person or group who has filed a written request for notice regarding the specific application.
5. Notification shall be provided for all properties and existing tenants located within 400 ft. of property lines for discretionary review subject to the Director of Community Development. All other projects shall provide notification to property owners and existing tenants within 600 ft. of property lines.

### **Section 14.09.200.020.D.2 (General Site Regulations – Accessory Building and Structures)**

*Consider adding former description about rear wall plane.*

D. Outdoor Accessory Swimming Pools. Swimming pools, including spas and any body of water having a depth of more than 18 inches, that are not completely enclosed within a building shall comply with the following standards in addition to all other applicable requirements of this code. All setbacks are measured from the water line of the pool.



1. Front and Corner Side Yards. Swimming pools shall not be located within a required front or corner side yard.
2. Interior Side and Rear Yards. Swimming pools may be located within the required rear yard and the required interior side yard when located behind the main structure provided the swimming pool is located a minimum of three feet from any property line. For the purposes of this section, where a main structure does not have a single flat wall plane forming the rear of the main structure, that flat wall plane closest to the front wall of the main structure shall be considered the rear wall of the structure.
3. Pool Equipment. Pool equipment, including pumps, shall be located no closer than one foot to any property line.

**Section 14.09.060.050.A (Residential Zoning Districts – Design Requirements for One- and Two-Unit Buildings)**

*Consider revising this section to include description from Section 14.09.074.050.D that allows the Director to approve developments that comply with City standards.*

A. Applicability. This section applies to all buildings with one or two residential units except for duplexes on a single lot and small lot single unit developments, where the applicant elects to apply the standards contained in Section 14.09.060.060, Design Requirements for Buildings with Three or More Units. Proposed Design Review applications meeting these standards shall be subject to review by the Director; the Director shall retain the discretion to refer certain projects to the Planning Commission. Developments requesting deviations to these standards shall be reviewed by the Planning Commission.

**Section 14.09.290.020 (Design Review – Applicability)**

*Consider amending this Section to describe the types of house plan projects that would require minor or major Design Review approval.*

Design review is required for plans submitted for land use approval or a building permit, including new and revisions to uses, structures, site improvements, or expansions to existing uses, structures or site improvements. The level of design review is classified as either minor or major design review, depending on the scope of the project, as follows:

A. Minor Design Review.

1. Change of use or exterior building or site alterations.
2. Nonresidential uses up to 5,000 square feet for new or expanded floor area in commercial, industrial and business park districts adjacent to residential zones, and up to 25,000 square feet in commercial districts not abutting a residential zone, and up to 100,000 square feet in industrial or business park districts not abutting a residential zone.
3. Residential uses for multifamily projects, or single-family attached units up to 10 units, and custom single-family homes.

4. New house plans within a previously approved Specific Plan or tentative subdivision map that complies with all residential design requirements.

B. Major Design Review.

1. Nonresidential uses over 5,000 square feet for new or expanded floor area in commercial, industrial and business park districts adjacent to residential zones, and over 25,000 square feet in commercial districts not abutting a residential zone, and over 100,000 square feet in industrial or business park districts not abutting a residential zone.

2. Nonresidential uses over 5,000 square feet in all other zoning districts.

3. Residential uses for multifamily projects, or single-family attached units (either on one site, or new subdivision) over 10 units, and single-family developments that include request for design exceptions.

4. Development projects that require Planning Commission approval.

5. New house plans within a previously approved Specific Plan or tentative subdivision map that require exceptions to residential design requirements including plotting mixture, setbacks, building height, and lot coverage as permitted by Chapter 14.09.310 (Adjustments).

**Section 14.09.030.110 (Common Procedures – Modifications to an Approved Project and/or Permit)**

*Consider amending this Section to include the former Code findings required for approval.*

A. Modification Application.

1. Substantial Compliance. A determination of the Director of Community Development that a use or activity and/or structure is being used, is proposed to be modified, or has been partially or completely constructed, in accordance with approved entitlements, plans and/or permits.

2. Minor Revisions. Minor revisions to approved plans and permits must meet the following criteria:

- a. Consistent with the original findings and conditions of approval, including site and building design;
- b. Does not substantially expand the approved floor area or height of a building;
- c. Would not intensify the use; and
- d. Would not result in any new or intensified effects, unless waived by the City.

3. Major Revisions. Major revisions to approved plans and permits shall be decided on by the same level of decision maker as the original approval, and must meet the following criteria:

- a. Proposal to change or eliminate conditions of approval, and/or would not be consistent with the original findings of approval;
- b. Proposal to revise an approved site plan or building plan that would affect a condition of approval;
- c. The proposal would substantially expand the approved floor area or height of a building in a way that would conflict with any applicable criteria identified in this section; and
- d. Proposed revision that would result in a new or intensified potential impact of the project. If potential impacts would affect approved mitigation measures, then the project shall be reviewed and processed in conformance with the California Environmental Quality Act provisions for revocation of permits or approvals.

**4. Required Findings. The decision-maker, when approving a modification, shall adopt the following findings of fact:**

- a. That the proposed change is of a nature that does not require the complete redesign and resubmittal of the original project;**
- b. That the proposed change is consistent with the original project;**
- c. That the proposed change does not result in lack of compliance with the development standards approved with the original project;**
- d. That the proposed change is consistent with the findings for a design review approval;**
- e. That the proposed change is consistent with the goals, objectives, and policies of the General Plan, the Zoning Ordinance, and the Development Code.**

**Section 14.09.090.030 (Public and Semi-Public Zoning Districts – Development Regulations)**

*Consider amending this Section to allow height exceptions for accessory structures in parks.*

Table 14.09.090.B, Development Regulations – Public and Semi-Public Zoning Districts, prescribes the development regulations for the public and semi-public zoning districts. Letters in parentheses refer to additional development standards that directly follow the table. Section numbers in the “Additional Regulations” column refer to other sections of this Zoning Ordinance.

**TABLE 14.09.090.B, DEVELOPMENT REGULATIONS – PUBLIC AND SEMI-PUBLIC ZONING DISTRICTS**

Standard	PF	PR	OS	Additional Regulations
Minimum Lot Area (acres)	n/a	n/a	2	
Maximum Floor Area Ratio (FAR)	0.3 (A)	0.1	0.05	See Section <a href="#">14.02.030.090</a> , Determining Floor Area Ratio
Maximum Height (feet)	70, 40 within 100 feet of a residential district	30	30	See Section <a href="#">14.09.200.060</a> , Height and Height Exceptions

**TABLE 14.09.090.B, DEVELOPMENT REGULATIONS – PUBLIC AND SEMI-PUBLIC ZONING DISTRICTS**

Standard	PF	PR	OS	Additional Regulations
Minimum Setbacks (feet)				
Front	20	20	30	See Section <a href="#">14.09.200.030</a> , Encroachments into Required Setbacks. Subject to adjustment procedure to reduce front setback, as approved, Chapter <a href="#">14.09.310</a>
Corner Side	20	20	30	See Section <a href="#">14.09.200.030</a> , Encroachments into Required Setbacks
Interior Side	0, equal to the height of the structure when adjacent to a residential district	10	30	See Section <a href="#">14.09.200.030</a> , Encroachments into Required Setbacks
Rear	0, equal to the height of the structure when adjacent to a residential district	10	30	See Section <a href="#">14.09.200.030</a> , Encroachments into Required Setbacks

Additional Development Regulations.

A. FAR Exception, PF District. An exception to the maximum FAR standard in the PF district may be approved where the decision maker makes all of the following findings:

1. The proposed use and structure for which the exception to the FAR standard is approved has a lower employee density or a lower peak hour traffic generation than uses generally permitted within the applicable zoning district;
2. Public facilities and services are available to serve the proposed use and structure; and
3. The proposed building massing is compatible with intended development in the zoning district.

B. Exceptions to Maximum Height, PR and PF District. An exception to the maximum height standards in the PR and PF districts may be approved by the decision maker as noted below:

1. Towers, spires, cupolas, water tanks, flagpoles, monuments, radio and television aerials, light poles, telecommunication equipment, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering not more than 10 percent of the ground area covered by the structures may be erected to a height not more than 80 feet, except that structures located within 100 feet of residential properties shall be no taller than 40 feet.

2. Exceptions to height standards shall be subject to compliance with height limitations in the Nut Tree Airport and Travis Air Force Base compatibility plans as noted under Section 14.09.110.040, Airport Environs (AE) Overlay District.

3. Electric utility poles and towers shall not be subject to the height limits prescribed in the district regulations.

**Section 14.09.200.050.A.2 (General Site Regulations – Fences, Walls, and Hedges)**

*Fences, walls, dense hedges, and similar structures shall comply with the standards of this section.*

A. Maximum Height. Fences, walls, dense hedges, and similar structures are limited to a maximum height as follows:

1. Residential Districts.

a. Within Required Front Setbacks. Three feet.

b. Within Required Corner Side Setbacks:

i. Areas of the required corner side setback and when yards abut a collector or arterial street. Six feet.

Except: Within five feet of the back of sidewalk or a property line. Three feet.

c. Within Required Interior Side or Rear Setbacks. Six feet except as follows:

i. Eight feet where the side or rear lot line abuts any of the following:

(A) A nonresidential zoning district or nonresidential use.

(B) Parking facilities with four or more parking spaces.

(C) Open space and creek ways.

(D) An arterial or collector street.

(E) Where owners of both lots separated by the fence or wall agree in writing, the fence or wall is located within one foot of the lot line, any portion of the fence above six feet is not metal mesh or chain link, and any portion above six feet is at least 25 percent open and integrated with the lower portion of the fence or wall both structurally and aesthetically.

d. Outside Required Setbacks or Property Lines. Six feet.

2. Nonresidential Districts. ~~Three feet within required front yards. Six feet on other property lines.~~ Fences located within the required front yard along a public street shall be limited to no taller than 3 feet as measured from grade; fences located outside of the required front yard but visible from the street shall be no taller than 6 feet. Fences located on or near interior or rear property lines shall be no taller than 8 feet, except fences located along street-side corner setbacks shall be no taller than 6 feet.

3. Decorative Features. Posts, caps, and other decorative features may exceed the maximum height provided they do not extend more than 10 percent of the length of the fence.

4. Noise Attenuation Fences and Walls. Fences and walls used for noise attenuation shall be the height determined by the findings of an acoustical study and may exceed the maximum height limits of this section.

**Table 14.09.200.A (Allowed Projections into Required Setback)**

*Consider amending this table to prohibit any attached patio covers in the required side yard.*

**Table 14.09.200.A: Allowed Projections into Required Setbacks**

Projection	Front or Corner Side Setbacks	Interior Side Setbacks	Rear Setbacks	Limitations
All Projections	No projection may extend closer than three feet to an interior lot line or into a public utility easement. Where any allowance of this Title conflicts with applicable Building Codes, the more restrictive shall apply.			
Cornices, canopies, bay windows, eaves, and similar architectural features; chimneys	6 feet	2 feet	6 feet	
Fire escapes required by law or public agency regulation	3 feet	3 feet	3 feet	
Uncovered stairs, ramps, stoops, landings, decks, and platforms				
All elements 18 inches or less above grade	May encroach but shall be a minimum of three feet from the property line			Except for vertical supports, areas 42 inches or more above the platform shall be open on at least three sides
All elements greater than 18 inches above grade	5 feet	May encroach but shall be a minimum of three feet from the property line	May encroach but shall be a minimum of six feet from the property line and cover no more than 150 square feet of the required rear yard	
Covered patios, carports, solariums, and similar features	May not encroach	May encroach but shall be a minimum of <del>three feet</del> <u>five feet</u> from the property line <u>when located between the front and rear wall planes.</u>	May encroach but shall be a minimum of 10 feet from the property line and cover no more than 150 square feet of the required rear yard	Except for vertical supports and the cover, areas 42 inches or more above the platform or ground shall be open on at least three sides except for enclosed solariums which shall be entirely enclosed in clear material such as glass or plexiglass except for the side or sides attached to the main structure
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act, See Chapter 14.09.330, Reasonable Accommodation			

**Section 14.09.260.080.B.1.b (Permanent Signs – Commercial and Mixed-Use Districts – Wall Signs)**

*Consider revising this section to*

B. Commercial and Mixed-Use Zoning Districts.

1. Wall Signs.

- a. Number of Signs. One per building frontage, plus one per tenant.
- b. Sign Area.
  - i. Minimum. Twenty square feet per lot regardless of building frontage length.
  - ii. Maximum. ~~One square foot per one linear foot of building frontage on a public street.~~ Maximum sign length shall be no more than 70% of the storefront width and shall be a minimum 2 feet from the edges of the fascia. The maximum letter height may be 24 inches, except logos or individual letters may be 30 inches. All signs shall be internally or halo-lit illuminated with an individual letter design. No cabinet signs or exposed raceways are permitted.
    - (A) If a building has frontage on more than one public street or right-of-way, the sign area for the lesser length frontages shall not exceed one-half square foot of sign area per lineal foot of building frontage.
    - (B) A portion of the allowed sign area on one building frontage may be transferred to another building frontage provided the maximum sign area on any one frontage is not increased by more than twice the maximum allowed sign area on that frontage.

#### **14.09.130.040 (Historic Preservation Overlay District – Design Review Standards)**

*Consider revising this section as noted below.*

All exterior alterations to designated historic buildings or sites in an historic district are subject to design review in accordance with the provisions of Chapter 14.09.290 of this code, Design Review.

- A. In conjunction with the designation of an historic building or historic district, specific design review criteria shall be adopted by resolution of the City Council to establish standards for the alteration of such historic buildings.
- B. Any development project approval related to the alteration of an historic building shall comply with the applicable design criteria adopted pursuant to this section.
- C. Modifications to existing historic buildings in the downtown area shall comply with the Downtown Specific Plan.

#### **14.09.310.020.A.3 (Adjustments – Applicability – Rear Yard Setbacks)**

*Consider revising this section as noted below.*

- A. Adjustments in Standards.
  1. Front Yard Setback. Up to a 25 percent reduction with a minimum of 18 feet for front-entry garages, and structures above the first floor in single-family residential districts.

Exception: not applicable in residential districts with a 15-foot front setback, and to unenclosed porches that have a 10-foot front setback.

2. Side Yard Setback and Setbacks Between Buildings. Up to a 20 percent decrease, with a minimum of five feet for side yards. Exception: not applicable to balconies or additions above the first floor.

3. Rear Yard Setback. Up to a 25 percent reduction ~~for additions, provided the required rear yard equals the area for a proposed addition.~~ Exception: not applicable to street side yard setbacks, balconies or additions above the first floor unless adjacent to public open space.

**14.09.270.170.D.3.a (Standards for Specific Uses and Activities – Telecommunication Facilities – Height Requirements)**

*Consider revising this section as noted below.*

3. Height Requirements.

a. Freestanding Antenna or Monopole. A freestanding antenna or monopole shall comply with the following height requirements: ~~not exceed a height of 10 feet above the height limit of the district in which it is located.~~

i. A freestanding antenna or monopole designed to accommodate only one service provider shall not exceed 65 feet in height.

ii. A freestanding antenna or monopole designed to accommodate two service providers shall not exceed 80 feet in height.

iii. A freestanding antenna or monopole designed to accommodate more than two service providers shall not exceed 125 feet in height.



## Exhibit B

### 2023 Annual Land Use and Development Code Update Administrative Zoning Text Amendments Categorical Exemption and Land Use and Development Code Amendments File No. 22-388

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#### **14.09.220.030.D.1 (Nonconforming Uses)**

**Nonconforming Residential Uses.** In an agriculture, residential, or any commercial zoning district, ~~(except the CR-Recreation Commercial district)~~, a nonconforming residential structure may be reconstructed, and a nonconforming residential use may be reestablished with the approval of a conditional use permit, provided the restoration is undertaken within two years from the date of destruction and is diligently pursued.

#### **14.02.060.010.B (Residential Uses – Family Day Care)**

**Family Day Care.** A day care facility licensed by the state of California, located in a residential unit where the resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

1. Small. A facility that provides care for ~~eight~~ seven or fewer children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section 1597.44).
2. Large. A facility that provides care for ~~seven~~ eight to 14 children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section 1597.465).

#### **14.11.040.040 (Tentative Parcel Maps – Findings Required for Action)**

- A. The Director of Community Development, when approving a tentative parcel map, shall adopt findings of fact consistent with Section 14.11.020.~~060-050~~.A.
- B. The Director of Community Development when denying the tentative parcel map shall adopt findings of fact consistent with Section 14.11.020.~~060-050~~.B.

#### **14.09.200.050.A.3 (Fences, Walls, and Hedges)**

**Decorative Features.** Posts, caps, and other decorative features may exceed the maximum height provided they do not extend more than 10 percent of the ~~length~~ height of the fence.

#### **14.09.250.060.C.2.h (Tree Removal on Private Property – Review and Determination)**

2. Review and Determination. Prior to the issuance of a tree removal permit, the Director of Community Development shall review the application and conduct a site investigation.

The Director of Community Development shall determine whether to issue the permit based upon the following criteria:

- a. Design project to reduce development impacts to trees. High priority in the approval of private or public projects shall be given to designing construction around existing trees to the greatest extent feasible;
- b. Condition of the Tree. The condition of the tree shall be determined by its general health, the presence of disease or damage, whether it is a public nuisance or poses a danger to the public from instability or falling limbs, its proximity to existing or proposed structures, or its interference with utility services. The condition of the tree shall also be determined by whether the tree serves as a host for a plant that is parasitic to another species of tree which is in danger of being exterminated by the parasite;
- c. Species of Tree. Native tree species shall have a higher preservation priority than introduced species, or trees that are not naturally occurring and were planted as part of a landscape plan;
- d. Number of Existing Trees. The number of existing trees in the area shall be considered, as well as the effect of the tree's removal upon the public health, safety, and general welfare, and the effect upon the aesthetic and visual quality of the area;
- e. Sound Forestry Practice. The number of healthy trees that a given parcel of land will support shall be considered, and whether removal would enhance the survival of remaining trees;
- f. Size of Tree. The scale of the tree shall be considered, as well as the size of the tree's canopy. Larger, more visually prominent trees shall have a higher preservation priority than smaller, less visually prominent trees;
- g. Location of Tree. The location of the tree on private property shall be considered. Trees located in a private rear yard, which are not highly visible from the public right-of-way, shall have a lower preservation priority than trees with a high visual impact to the neighborhood; and
- h. Replacement Proposal. A proposal for the tree replacements (in compliance with subsection ~~D~~F of this section) to offset the tree removal shall be part of the Director of Community Development's consideration.

#### **14.09.260.080.B.2.c Permanent Signs.**

##### **B. Commercial and Mixed-Use Zoning Districts.**

2. Freestanding Signs. For purposes of this subsection, contiguous lots that function as an integrated development with reciprocal parking and/or access easements or rights shall be considered one site.

- c. Maximum Sign Height.
  - i. Less Than 100 Feet of Frontage. Ten **square** feet.
  - ii. One Hundred Feet or More of Frontage.

- (A) Local or Collector Street. Fifteen square feet.
- (B) Four-Lane Undivided Arterial Street. 20 square feet.
- (C) Four-Lane Divided Arterial Street. 25 square feet.

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**ITEM J**

**2023 Annual Land Use and Development Code Update  
Minor Zoning Text Amendments  
Categorical Exemption and Land Use and Development Code Amendments  
File No. 22-388**

<b>Code Section</b>	<b>Change</b>	<b>Reason</b>
<b>MINOR TEXT AMENDMENTS</b>		
Section 14.09.030.120.F Common Procedures - Appeals	(1) Removed criteria that requires appellants to be specific about appeal reasons. (2) Added procedures for appeals to the Planning Commission and City Council. (3) Added limitations to appeal discussion during hearings.	(1) Criteria was too limited for appellants. (2) Needed to identify specific procedures for each type of appeal. (3) Appellants continued to add more reasons after application was filed, which leads to inefficient responses for public hearings.
Section 14.09.030.070.A Common Procedures - Public Noticing	Added standard that requires a 400 ft. mailing radius for all staff-level projects.	Applicants were opposed to using a 600 ft. radius for smaller projects, such setback reductions for patio covers or swimming pools.
Section 14.09.200.020.D.2 General Site Regulations - Accessory Building and Structures	Clarified definition explaining rear wall plane is wall closest to the front wall plane for swimming pools.	Created issues for finding acceptable locations for installing swimming pools.
Section 14.09.060.050.A Residential Zoning Districts - Design Requirements for One- and Two-Unit Buildings	Added language to specify Director is the decision-maker, but projects requesting deviations as subject to Planning Commission.	Previous language created issues for Planners trying to process house plans that did not require exceptions.
Section 14.09.290.020 Design Review - Applicability	Added language to specify Director is the decision-maker for new house plans w/o exceptions, and Planning Commission for projects w/ exceptions.	Previous language created issues for Planners trying to process house plans that did not require exceptions.
Section 14.09.030.110 Common Procedures - Modifications to an Approved Project and/or Permit	Added required findings for Modifications.	Current Code creates issues for Planners trying to make findings required for approving modifications.
Section 14.09.090.030 Public and Semi-Public Zoning Districts - Development Regulations	Added height exceptions for accessory structures location on public facilities and public parks.	Current Code limits structure height, which prohibited the installation of field lights for sports fields used by community groups.
Section 14.09.200.050.A.2 General Site Regulations - Fences, Walls, and Hedges	Added language to specify maximum fence height for non-residential districts.	Current Code creates issues for confirming compliance of non-residential district with fence height standards.
Table 14.09.200.A General Site Regulations - Allowed Projections into Required Setbacks	Added language to specify patio cover location for side yards and increase setback from 3 ft. to 5 ft.	Current Code allows patio covers 3 feet from interior side yard, which conflicts with requirements from the Fire Department.
Section 14.09.260.080.B.1.b Permanent Signs - Commercial and Mixed-Use Districts	Changed sign square footage calculation to percentage calculation.	Current Code creates situations where building signage was not proportional to the façade height, which resulted in large signs on small facades.
Section 14.09.130.040 Historic Preservation Overlay District - Design Review Standards	Added new section that includes reference to the Downtown Specific Plan (DTSP).	Reference to DTSP helps Planners and public.
Section 14.09.310.020.A.3 Adjustments - Applicability	Removed restriction that specifies a rear yard setback is only for additions.	Planners were having difficulty determining whether patio covers were considered additions.
Section 14.09.270.170.D.3.a Standards fo Specific Uses and Activities - Telecommunication Facilities	Removed restriction that limits pole heights to no more than 10 feet above base district height.	Inconsistent with original Telecommunication Ordinance, creates issue with Radio Frequency Emissions with smaller structures, such as 2-story homes, and is inconsistent with industry standards for monopole heights.

**Exhibit C**

**2023 Annual Land Use and Development Code Update  
Administrative Zoning Text Amendments  
Categorical Exemption and Land Use and Development Code Amendments  
File No. 22-388**

<b>Code Section</b>	<b>Change</b>	<b>Reason</b>
<b>ADMINISTRATIVE AMENDMENTS</b>		
Section 14.09.220.030.D.1 Nonconforming Uses	Removed reference to Commercial Recreation (CR) zoning district.	CR district was repealed and replaced with the Parks and Recreation (PR) District.
Section 14.02.060.010.B Residential Uses - Family Day Care	Changed small facilities to seven or fewer and large facilities to eight-14 children.	Changed to be consistent with State Law.
Section 14.11.040.040 Tentative Parcel Maps - Findings Required for Action	Changed Code reference to correct section.	Changed to be consistent.
Section 14.09.200.050.A.3 General Site Regulations - Fences, Walls, and Hedges	Changed dimension from "length" to "height".	Section referenced incorrect units.
Section 14.09.250.060.C.2.h Tree Removal on Private Property - Review and Determination	Changed subsection reference to correct section.	Changed to be correct.
Section 14.09.260.080.B.2.c Permanent Signs - Commercial and Mixed-Use Districts	Changed dimension from "square feet" to "feet".	Section referenced incorrect units.

**ITEM J**

**2023 Annual Land Use and Development Code Update  
Land Use and Development Amendments  
Categorical Exemption and Land Use and Development Code Amendments  
File No. 22-388**

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**Division 14.26**

**URBAN STORM WATER QUALITY, MANAGEMENT AND DISCHARGE CONTROL**

Chapters:

- 14.26.010 General Provisions**
- 14.26.020 Discharge Prohibitions**
- 14.26.030 Regulations and Requirements**
- 14.26.040 Inspection and Monitoring**
- 14.26.050 Enforcement**

## Chapter 14.26.010

### General Provisions

Sections:

14.26.010.010	Title.
14.26.010.020	Purpose and Intent.
14.26.010.030	Definitions.
14.26.010.040	Applicability.
14.26.010.050	Responsibility for Administration.
14.26.010.060	Regulatory Consistency.
14.26.010.070	Ultimate Responsibility of Discharger.
14.26.010.080	Repeal of Conflicting Ordinances.

#### **14.26.010.010 Title.**

This division shall be known as the “Urban Storm Water Quality, Management and Discharge Control Ordinance” of the City of Vacaville and may be so cited.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

#### **14.26.010.020 Purpose and Intent.**

The purpose and intent of this division is to ensure the health, safety, and general welfare of the citizens of the City, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. 1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

#### **14.26.010.030 Definitions.**

The terms used in this division shall have the following meanings:

“Best management practices” means activities, practices, prohibition of practices, procedures, site design measures, design standards, and source control measures to prevent or reduce the discharge of pollutants and/or soil erosion directly or indirectly to the municipal storm drain system and waters of the United States. BMPs include but are not limited to: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices and procedures and such other provisions as are contained and/or specified in the State Water Resources Control Board NPDES Permit CAS000004 and any subsequent amendments thereto, and such other provisions as the City determines appropriate for the control of pollutants.

“City” means the City of Vacaville.

“Clean Water Act” means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

“Construction activities” means activities subject to National Pollutant Discharge Elimination System (NPDES) construction permits and the City’s municipal storm water NPDES permit. These include construction projects resulting in land disturbance of one or more acres or less than one acre if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

“Development” means construction, rehabilitation, redevelopment, or reconstruction of any public or private residential project, industrial, commercial, retail, transportation, institutional, or other nonresidential project including public agency projects.



“Development runoff requirements” means the provisions in the Phase II storm water permit that contain design standards or performance criteria to address both the construction and post-construction phase impacts of new projects and redeveloped projects on storm water quality and quantity.

“Discharge of a pollutant” means addition of any pollutant or combination of pollutants to waters of the United States from any point source within the jurisdiction of the City. The term includes addition of pollutants to waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. (See definition of “Pollutant.”)

“Erosion” means the physical detachment of soil due to wind or water. Often the detached fine soil fraction becomes a pollutant transported in storm water runoff.

“Erosion control” means BMPs used to minimize soil detachment.

“Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code Section 25117).

“Illicit connections” means either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

“Illicit or illegal discharge” means any nonpermitted or nonexempt discharge to the storm water conveyance system that violates this chapter or is prohibited under federal, state, or local statutes, ordinances, codes, laws, rules, or regulations, or which degrades the quality of receiving waters. The term “illicit discharge” includes all non-storm water discharges not composed entirely of storm water, except discharges that are identified as exceptions under Section 14.26.020.010 (as such section may be amended or renumbered from time to time). The term does not include discharges that are regulated by a NPDES permit (other than the NPDES permit for discharges from the MS4).

“Incidental irrigation runoff” means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the landscaped area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

“Industrial activities” means activities subject to NPDES industrial permits as defined in 40 CFR Section 122.26(b)(14).

“Low impact development (LID)” means sustainable practice that benefits water supply and contributes to water quality protection. LID uses site design and storm water management to maintain the site’s predevelopment runoff rates and volumes. The goal of LID is to mimic a site’s predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

“Maximum extent practicable (MEP)” means a standard for water quality that applies to all MS4 operators regulated under the NPDES program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the

maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the administrator or the state determines appropriate for the control of pollutants.

“Municipal separate storm sewer systems (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and/or operated by the City under Section 208 of the Clean Water Act designed or used for collecting or conveying storm water for discharge to waters of the United States and is not a combined sewer and/or part of a publicly owned treatment works (POTW) as defined at 40 CFR Section 122.2.

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits” means general, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The California Regional Water Quality Control Board, Central Valley Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the general construction activity permit, the general industrial activity permit and the general permit for storm water discharges from small municipal separate storm sewer systems under which the City has obtained coverage for its municipal storm water discharges.

“Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.

“Person” means any person, firm, corporation, business entity, or public agency, whether principal, agent, employee, or otherwise.

“Phase II storm water permit” means the NPDES general storm water permit applicable to the City, Water Quality Order No. 2013-0001-DWQ, General Permit No. CAS000004, and any subsequent amendment, reissuance or successor to this NPDES permit.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including, but not limited to, sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

“Pollution” means the human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code Section 13050).

“Porter-Cologne Act” means the Porter-Cologne Water Quality Control Act and any subsequent amendments thereto (California Water Code Section 13000 et seq.).

“Post-construction BMPs” means structural and nonstructural controls which detain, retain, or treat runoff to minimize the discharge of runoff and pollutants from a development site for the life of the project after final stabilization is attained.

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

“Storm drain system” means the publicly owned and maintained facilities operated by the City by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

“Storm water conveyance system” has the same meaning as storm drain system.

“Storm water facilities operation and maintenance plan” means a plan identifying the locations and characteristics of storm water management facilities on a newly developed or redeveloped site and describing maintenance activities, schedules, and responsibilities to ensure the ongoing proper operation of those facilities.

“Storm water management facility” means any device designated to detain, retain, filter, or infiltrate storm water.

“Storm water” or “storm runoff” means any surface flow, runoff, and drainage consisting entirely of water from rainstorm events.

“Urban runoff” means storm water runoff from an urbanized area, including streets and adjacent domestic and commercial properties that carry pollutants of various types into the storm drain system and watercourses.

“Urbanized area” means a densely settled core of census tracts and/or census blocks that have population of at least 50,000 people, along with adjacent territory containing nonresidential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core.

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, including, but not limited to, rivers, creeks, runs, and rivulets.

“Waters of the United States” means surface watercourses and water bodies as defined at 40 CFR Section 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

Any term(s) defined in the Clean Water Act and/or the implementing regulations thereto, and which are not specifically defined in this section, shall, when used in this division, have the same meaning as set forth in said act or regulation.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

#### **14.26.010.040 Applicability.**

This division shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying with the City, including any amendments or revisions thereto.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

#### **14.26.010.050 Responsibility for Administration.**

The ~~Director of Public Works and/or the Director of Utilities of the City~~ City Manager shall administer, implement, and enforce the provisions of this division. Any powers granted or duties imposed upon the ~~Director of Public Works and/or the Director of Utilities~~ City Manager may be delegated in writing ~~by the Director of Public Works~~ City Manager and/or the Director of Utilities to persons or entities acting in the beneficial interest of or in the employ of the City.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

#### **14.26.010.060 Regulatory Consistency.**

This division shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

#### **14.26.010.070 Ultimate Responsibility of Discharger.**

The standards set forth herein and promulgated pursuant to this division are minimum standards; therefore this division does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This division shall not create liability on the part of the City, or any officer, employee, board, commission or authority of the City, for any damages that result from any discharger’s reliance on this division or any administrative decision lawfully made thereunder.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.010.080 Repeal of Conflicting Ordinances.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

## Chapter 14.26.020

### Discharge Prohibitions

Sections:

- 14.26.020.010 Prohibition of Illegal Discharges.
- 14.26.020.020 Prohibition of Illicit Connections.
- 14.26.020.030 Waste Disposal Prohibitions.
- 14.26.020.040 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.

#### **14.26.020.010 Prohibition of Illegal Discharges.**

No person or property shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

A. Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this chapter:

1. Water line flushing;
2. Individual residential car washing;
3. Diverted stream flows;
4. Rising groundwater;
5. Uncontaminated groundwater infiltration to the separate storm sewer system;
6. Uncontaminated pumped groundwater;
7. Discharges from potable water sources; uncontaminated foundation drains; air conditioning condensation;
8. Springs;
9. Uncontaminated water from crawl space pumps;
10. Footing drains; flows from riparian habitats and wetlands;
11. Dechlorinated swimming pool discharges; and
12. Incidental irrigation runoff from landscaped areas provided the conditions in subsection C of this section are met.

B. The prohibition shall not apply to discharges or flows from fire-fighting activities or any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the state of California under the authority of Federal Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted by the City for any discharge to the storm drain system.

C. "Incidental runoff" is defined as unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

D. Irrigation systems shall be designed to conserve water and prevent water leaving the area of application. Persons responsible for controlling irrigation systems shall prevent excessive irrigation runoff by:

1. Detecting and correcting leaks from the irrigation system within 72 hours of discovering the leak;
2. Properly designing and aiming sprinkler heads to only irrigate the planned application area;
3. Not irrigating during precipitation events; and
4. Where recycled water is used for irrigation, designing and managing holding ponds to such that no discharge occurs unless it is the result of a 25-year, 24-hour or larger storm event. Any releases from holding ponds shall be reported to the Regional Board and the City within 24 hours of the discharge.

E. With the written concurrence of the Regional Board, the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system nor waters of the U.S.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.020.020 Prohibition of Illicit Connections.**

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made prior to the effective date of this division, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. Any person or property responsible for a discharge, spill, or pollutant release shall promptly cease and desist discharging and/or cleanup and abate such a discharge as directed by the authorized **enforcement official**.

D. The City may perform cleanup and abatement work as provided in Section 14.26.050.030 and recover its costs from the responsible person as provided in Section 14.26.050.040.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.020.030 Waste Disposal Prohibitions.**

No person or property shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee or proprietor of any premises in the City in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.020.040 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Manager or Delegated Dhis/her designee Director of Public Works and/or Director of Utilities prior to or as a

condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

## Chapter 14.26.030

### Regulations and Requirements

Sections:

14.26.030.010	Requirement to Prevent, Control, and Reduce Storm Water Pollution.
14.26.030.020	Best Management Practices for New Development and Redevelopment.
14.26.030.030	Best Management Practices for Existing Facilities.
14.26.030.040	Requirement to Eliminate Illegal Discharges.
14.26.030.050	Requirement to Eliminate or Secure Approval for Illicit Connections.
14.26.030.060	Watercourse Protection.
14.26.030.070	Requirement to Remediate.
14.26.030.080	Requirement to Monitor and Analyze.
14.26.030.090	Notification of Spills.

#### **14.26.030.010 Requirement to Prevent, Control, and Reduce Storm Water Pollution.**

A. Authorization to Adopt and Improve Best Management Practices (BMPs). The City is subject to and may enforce BMPs as specified in the State Water Resources Control Board NPDES Permit CAS000004 and will adopt further requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. Where BMP requirements have been or are promulgated by the City or any federal, state of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or waters of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

B. New Development and Redevelopment. The City may adopt requirements identifying appropriate post-construction BMPs consistent with California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment or equivalent. The purpose of the BMPs is to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects after construction as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this division.

C. Construction. The City may adopt requirements identifying appropriate construction BMPs consistent with the CASQA Stormwater BMP Handbook for Construction or equivalent. The purpose of the BMPs is to control the volume, rate, and potential pollutant load of storm water runoff during construction for new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this division, and the City's grading ordinance, Division 14.19.

D. Responsibility to Implement BMPs. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections A and B of this section, any person engaged in activities or operations, or owning facilities or property, which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement BMPs to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

Details of CASQA BMP Handbooks for New Development and Redevelopment and Construction required by the City for use under this division can be obtained from the Public Works Department and/or Community Development Department.



(Ord. 1972, Repealed and Replaced, 02/22/2022)

### Best Management Practices for Construction Activities

- A. Any Person performing construction activities that result in land disturbance in the City shall implement appropriate BMPs to prevent the discharge of construction waste or contaminants from construction materials, tools, and equipment from entering the storm drain system or watercourse. The City will require, as a condition of issuing a grading or building permit, the implementation of BMPs to ensure that the discharge of pollutants from a construction site will be effectively prohibited and will not cause or contribute to a condition of pollution or to an exceedance of water quality standards. The person who possesses the title of the real property or the leasehold interest of the premises on which a construction activity will occur within the City shall implement such BMPs approved by the City to ensure that discharges of pollutants are effectively prohibited and will not cause or contribute to an exceedance of water quality standards.
- B. Any Person doing work in the City must submit for review and approval a construction Erosion and Sediment Control Plan, as described in the City's Grading, Erosion, and Sediment Control Ordinance Division 14.19. No construction activity shall commence before the City issues written approval of the Erosion and Sediment Control Plan. A SWPPP developed pursuant to the construction general permit may substitute for the erosion and sediment control plan for projects where a SWPPP is developed. In such cases, the SWPPP must comply with this chapter and must be submitted to the City for review and approval. All construction projects performed in the City must comply with the following provisions:
1. Projects regulated under the State Construction General Permit shall present evidence of coverage under the State Construction General Permit.
  2. Projects not covered by the State Construction General Permit shall comply with the NPDES General Permit CAS000004 WDR for stormwater discharges from small municipal sperate storm sewer systems.
  3. The City shall conduct site inspections after BMPs have been put in place and prior to any ground disturbance. The City shall also conduct routine inspections during construction to verify that BMPs remain in place and are effective.
  4. Upon completion of a construction Project the City will inspect the site to ensure that all disturbed areas are stable and that all temporary erosion and sediment control measures no longer needed have been removed.
- C. When any work is being performed contrary to the provisions of this section, the City may order the work stopped by notice in writing served on any Persons engaged in doing or causing the work to be done. Such work shall stop until the authorized enforcement official authorizes the work to proceed. This remedy is in addition to and does not supersede or limit any and all other remedies, both civil and criminal provided in the City Municipal Code.
- D. Cost Recovery. The applicant for a development project subject to the requirements of this chapter shall pay all costs and expenses incurred by the City in the review of project plans and inspection of construction sites for compliance with this chapter in accordance with the latest master fee schedule adopted by the City Council.

### **14.26.030.020 Best Management Practices for New Development and Redevelopment.**

A. Post-Construction Best Management Practices. New development and redevelopment projects are required to implement post-construction BMPs to control the volume, rate, and potential pollutant load of storm water runoff, including, but not limited to, requirements to minimize the generation, transport, and discharge of pollutants.

B. Maintenance of Storm Water Management Facilities. New development and redevelopment shall be required to maintain storm water management facilities installed as part of the post-construction BMPs requirements and as a condition of a land use entitlement. Failure to maintain such facilities shall be subject to enforcement in accordance with Chapter 14.26.050 of this code and/or is deemed a public nuisance in accordance with Chapter 8.10 of this code.

C. Implementation of a post-construction BMP design plan which includes a storm water facilities operation and maintenance plan by the applicant shall be a condition precedent to the issuance of a building permit or a construction permit for a project subject to this section.

D. Post-Construction BMP Design Plan Requirements.

1. Development and redevelopment projects must be planned, designed and constructed consistent with the post-construction standards in the City's NPDES General Permit CAS000004 WDRs for storm water discharges from small municipal separate storm sewer systems and in accordance with the City's Stormwater Quality Design Manual. The post-construction standards and requirements include, but are not limited to, the use of source control, low impact development, and hydromodification measures, as applicable. Details of the Stormwater Quality Design Manual required by the City for use under this division can be obtained from the Public Works Department and/or Community Development Department.

2. For each new development and redevelopment project subject to the development runoff requirements, or where required by the nature and extent of a proposed project and where deemed appropriate by the City, the applicant shall submit a post-construction BMP design plan which shall consist of measures that reduce storm water pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, storm water treatment measures, hydromodification management measures or equivalent measures. ~~Increases in runoff shall be managed in accordance with the NPDES General Permit CAS000004 WDRs for storm water discharges from small municipal separate storm sewer systems.~~

2.3. The post-construction BMP design plan shall include a storm water management facilities operation and maintenance plan (O&M plan) in accordance with the NPDES General Permit CAS000004 WDR and the City's Stormwater Quality Design Manual. The person(s) or organization(s) responsible for maintenance shall be designated in the O&M plan. All storm water management facilities shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Unless a different time period is provided for in the O&M plan, those responsible for maintenance shall inspect the storm water management facility at least annually. The O&M plan shall also describe how the maintenance costs will be funded. Upon the failure of a responsible person to maintain a storm water management facility in accordance with this chapter or the O&M plan, the City may perform the maintenance and recover its costs from the responsible person as provided in Section 14.26.050.040.

4. Replacement of stormwater control measures. Once a stormwater control measure reaches the end of its life cycle or has been damaged and can no longer operate as designed, the stormwater control measure shall be replaced by the landowner at the landowner's expense. Replacement stormwater control measures replaced in kind or with different technologies shall, at a minimum, meet the requirements of the then current Stormwater Quality Design Manual and the requirements prescribed in this chapter.

5. Records of installation and maintenance. Persons responsible for the operation and maintenance of stormwater control measures shall retain records of the initial installation of the stormwater control measures and records of all maintenance and repairs. All such records shall be retained for at least five (5) years. These records shall be made available to the eCity during inspection of the stormwater control measures and at other reasonable times upon request.

6. Unlawful to tamper with stormwater control measures. It shall be unlawful to tamper with or knowingly render inoperable any stormwater control measure.

E. Self certification reports and inspections.

1. All person(s) or organization(s) responsible for storm water management facilities shall annually submit to the City Manager or ~~Delegated Dhis/her~~ designee a self certification report demonstrating compliance with the approved O&M Plan. The self certification report shall verify that the operating condition of the stormwater control measures are in good working order and that the stormwater maintenance plan has been executed to ensure that stormwater control measures continue to perform adequately. The City may conduct inspections of the stormwater control measures to confirm the information filed in the self certification report. It shall be unlawful to make any false statement or representation in a self certification report submitted to the City.

2. If person(s) or organization(s) responsible for storm water management facilities fail to submit the required self certification report, the City Manager or ~~Delegated Dhis/her~~ designee may conduct an inspection of the stormwater control measures to verify compliance with the approved stormwater maintenance plan. If the City Manager or ~~Delegated Dhis/her~~ designee determines the stormwater management permittee is not in compliance with the stormwater maintenance plan, or the stormwater control measures are not in good working order, the City Manager or ~~Delegated Dhis/her~~ designee may issue a compliance order pursuant to Section 14.26.050.010 setting forth a schedule for compliance. The City Manager or ~~Delegated Dhis/her~~ designee shall perform a follow-up reinspection at the conclusion of the schedule for compliance. Each time a reinspection is required beyond the initial follow-up reinspection for the compliance order, a reinspection fee will be charged to the permittee, until such time that the permittee comes into compliance. The amount of the reinspection fee shall be established by city council resolution. Any unpaid costs owed by the permittee may be charged as a lien against the property.

**EF.** Authorization to Review. The City has the authority to review designs and proposals for new development and redevelopment projects to determine whether adequate post-construction BMPs will be installed, implemented, and maintained after construction and final stabilization.

**FG.** Authorization to Inspect. For each new development and redevelopment project subject to the development runoff requirements, or where deemed appropriate by the permitting agency, City staff shall be provided access to storm water management facilities for inspections, as provided in Section 14.26.040.010, and through such means as may be appropriate, including, but not limited to, legal agreements, recorded covenants or easements, shall be provided by the property owner.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.030.030 Best Management Practices for Existing Facilities.**

A. Every person undertaking any activity or use of a premises that may cause or contribute to storm water pollution or contamination, illicit discharges, or non-storm water discharges, such as, but not limited to, construction activities, landscaping, landscaping maintenance, shall: (1) comply with best management practices guidelines or pollution control requirements established or imposed by **the authorized enforcement official**; (2) implement appropriate BMPs to prevent the discharge of wastes or contaminants from materials, tools and equipment from entering the storm drain system; and (3) properly operate and maintain any treatment control device or other measures utilized on the premises to prevent or reduce, to the maximum extent practicable, storm water pollution or contamination, illicit discharges or non-storm water discharges, as required by the authorized **enforcement official**.

B. Persons owning or operating a parking lot, gas station, areas of pavement or similar facility shall clean the same as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City's storm drain system.

C. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

D. Maintenance Agreement. The City may require owners of existing commercial and industrial facilities to enter into an agreement with the City for the maintenance of BMPs.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.030.040 Requirement to Eliminate Illegal Discharges.**

Notwithstanding the requirements of Section 14.26.040.010, the ~~Director of Public Works and/or the Director~~City Manager or Delegated Dhis/her designee of Utilities may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.030.050 Requirement to Eliminate or Secure Approval for Illicit Connections.**

A. The ~~City Manager or Delegated Dhis/her designee Director of Public Works and/or the Director of Utilities~~ may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this division to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this division.

B. If, subsequent to eliminating a connection found to be in violation of this division, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.030.060 Watercourse Protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property in accordance with any required state or federal permits.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.030.070 Requirement to Remediate.**

Whenever the ~~City Manager or Delegated Dhis/her designee Director of Public Works and/or the Director of Utilities~~ finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or waters of the U.S., the ~~City Manager or Delegated Dhis/her designee Director of Public Works and/or the Director of Utilities~~ may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected properties restored within a specified time pursuant to the provisions of Sections 14.26.050.010 through 14.26.050.040.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.030.080 Requirement to Monitor and Analyze.**

The ~~City Manager or Delegated Dhis/her designee Director of Public Works and/or the Director of Utilities~~ may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the U.S. to undertake at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this division.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.030.090 Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material, said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of nonhazardous materials, said person shall notify the City's Public Works Department in person or by phone ~~or facsimile~~ no later than five p.m. on the date of the occurrence, ~~or, if after hours, by the end of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Public Works Department, Attention: Director of Public Works, within three business days of the phone notice.~~ If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

## Chapter 14.26.040

### Inspection and Monitoring

Sections:

14.26.040.010 Authority to Inspect.

14.26.040.020 Authority to Sample, Establish Sampling Devices, and Test.

#### **14.26.040.010 Authority to Inspect.**

Whenever necessary to make an inspection to investigate the implementation of any provision of this division or to enforce any provision of this division, or whenever the City Manager or Delegated Dhis/her designee ~~Director of Public Works~~ has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Division, the City Manager or Delegated Dhis/her designee ~~Director of Public Works~~ may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water control measure implementation and compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

#### **14.26.040.020 Authority to Sample, Establish Sampling Devices, and Test.**

During any inspection as provided herein, the City Manager or Delegated Dhis/her designee ~~Public Works Director~~ may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

## Chapter 14.26.050

### Enforcement

Sections:

- 14.26.050.010 Notice of Violation.
- 14.26.050.020 Appeal.
- 14.26.050.030 Abatement by City.
- 14.26.050.040 Charging Cost of Abatement/Liens.
- 14.26.050.050 Urgency Abatement.
- 14.26.050.060 Violations.
- 14.26.050.070 Compensatory Action.
- 14.26.050.080 Violations Deemed a Public Nuisance.
- 14.26.050.090 Acts Potentially Resulting in a Violation of the Clean Water Act and/or Porter-Cologne Act.

#### **14.26.050.010 Notice of Violation.**

Whenever the City Manager or Delegated-Dhis/her designee ~~Public Works Director~~ finds that a person has violated a prohibition or failed to meet a requirement of this division, or state or federal regulations, the City Manager or Delegated-Ddesignee ~~Public Works Director~~ may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Payment of a fine to cover administrative and remediation costs; and
- F. The implementation, maintenance and documentation of source control or treatment BMPs.
- G. Compliance with stormwater maintenance plans, SWPPP or City approved action plan.
- H. The maintenance, repair or replacement of stormwater control measures.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration shall be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Manager or his/her Delegated-Ddesignee ~~Public Works Director~~ pursuant to Section 14.26.050.030 and the expense thereof shall be charged to the violator pursuant to Section 14.26.050.040.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

#### **14.26.050.020 Appeal.**

Notwithstanding the provisions of Section 14.26.050.050, any person receiving a notice of violation under Section 14.26.050.010 may appeal the determination of the City Manager or Delegated-Dhis/her designee ~~Public Works Director to the City Manager~~. The notice of appeal shall be received by the City Manager within five calendar days from the date of service of the notice of violation. Hearing on the appeal before the City Manager shall take place within 15 calendar days from the date of City's receipt of the notice of appeal. The decision of the City Manager or designee shall be final.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.050.030 Abatement by City.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal under Section 14.26.050.020, within 10 calendar days of the decision of the City Manager upholding the **decision of the Public Works Director**, then the City or a contractor designated by the City Manager or Delegated Dhis/her designee Public Works Director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.050.040 Charging Cost of Abatement/Liens.**

Within 30 calendar days after abatement of the nuisance by City, the City Manager or Delegated Dhis/her designee Public Works Director shall notify the owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 calendar days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be set forth by resolution and shall be final.

If the amount due is not paid within 10 calendar days of the decision of the City Council or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.050.050 Urgency Abatement.**

The City Manager or Delegated Dhis/her designee Public Works Director is authorized to require immediate abatement of any violation of this division that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the City Manager or Delegated Dhis/her designee Public Works Director, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent City from seeking other and further relief authorized under this chapter.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.050.060 Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this division. A violation of or failure to comply with any of the requirements of this division shall constitute a misdemeanor and shall be punished as set forth in Chapter 1.16 of this code.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.050.070 Compensatory Action.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this division, the City Manager or Delegated Dhis/her designee Public Works Director may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.050.080 Violations Deemed a Public Nuisance.**

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this division is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.



(Ord. 1972, Repealed and Replaced, 02/22/2022)

**14.26.050.090 Acts Potentially Resulting in a Violation of the Clean Water Act and/or Porter-Cologne Act.**

Any person who violates any provision of this division or any provision of any requirement issued pursuant to this division may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those Acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

(Ord. 1972, Repealed and Replaced, 02/22/2022)

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**ITEM J**

**2023 Annual Land Use and Development Code Update  
Land Use and Development Amendments  
Categorical Exemption and Land Use and Development Code Amendments  
File No. 22-388**

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**Division 14.19**

**GRADING**

Chapters:

- 14.19.240 Administration**
- 14.19.242 Permit and Procedures**
- 14.19.244 Standards**

## Chapter 14.19.240

### Administration

Sections:

- 14.19.240.010 Title.
- 14.19.240.020 Purpose and Scope.
- 14.19.240.030 Definitions.
- 14.19.240.040 Hazards.

#### **14.19.240.010 Title.**

This division shall be known as the “Grading, Erosion, and Sediment Control Ordinance” of the City of Vacaville, and may be so cited.

(Ord. 1720, Amended, 09/13/2004)

#### **14.19.240.020 Purpose and Scope.**

This division is enacted to regulate grading on property within the City limits of the City of Vacaville in order to accomplish the following purposes:

A. To safeguard life, limb, health, property, environment, and natural resources and to promote the public welfare; however, this division is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its terms;

B. To ensure that the intended use of the graded site is consistent with the policies of the Land Use and Safety Elements of the General Plan and all applicable City ordinances and regulations;

C. To establish uniform engineering standards and procedures for grading, soil stabilization, erosion control protection, excavation and earthwork construction, including fills and embankments, and to allow reasonable deviations from these standards;

D. To establish administrative procedures for the issuance of permits and provide for the approval of plans, specifications, and the inspection of grading construction;

E. To supplement the grading regulations within the Uniform Building Code;

F. To avoid the disruption of natural or City authorized drainage flows caused by the activities of clearing and grubbing, grading, filling and excavation of land;

G. To avoid the degradation or pollution of watercourses with nutrients, sediments, or other materials and/or pollutants generated by new development and redevelopment;

H. To minimize increases in storm water runoff from development and redevelopment in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion, and to maintain the integrity of stream channels;

I. To meet the requirements of state and federal law and the City’s NPDES General Permit CAS000004 WDRs for storm water discharges from small municipal separate storm sewer systems.

Scope. This division sets forth rules and regulations to control land disturbances, landfill, soil storage, pollution, and erosion and sedimentation resulting from new development and redevelopment, and establishes procedures for the issuance, administration and enforcement of permits for such activities. Except as exempted in Section 14.19.242.010 of this division, any grading within the City limits of the City of Vacaville as defined herein shall conform to the provisions of this division and other applicable provisions of the City’s Land Use and Development Code.

(Ord. 1883, Amended, 06/23/2015; Ord. 1720, Amended, 09/13/2004)

**14.19.240.030 Definitions.**

To the extent not inconsistent with the Clean Water Act and/or the implementing regulations thereto, the words used in this division in reference to grading actions or policy, erosion or sediment control, unless otherwise defined herein, shall have the meanings assigned to them in the California Building Code as currently adopted. Other general terminology shall have the definitions assigned to them in Division 14.02, Definitions, of this title. Defined below are the terms used most frequently throughout this division.

“Applicant” means any person seeking or receiving a grading permit pursuant to this division;

“Best management practices (BMPs)” means activities, practices, prohibition of practices, procedures, site design measures, design standards, and source control measures to prevent or reduce the discharge of pollutants and/or soil erosion directly or indirectly to the municipal storm drain system and waters of the United States. BMPs include but are not limited to: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices and procedures and such other provisions as are contained and or specified in the State Water Resources Control Board NPDES Permit CAS000004 and any subsequent amendments thereto, and such other provisions as the City determines appropriate for the control of pollutants;

“City” means the City of Vacaville;

“City Council” means the City Council of the City of Vacaville;

“Civil engineer” means a professional engineer registered and certified by the state of California;

“Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and any subsequent amendments thereto;

“Compaction” means the increase of density of a soil or rock fill by mechanical means;

“Construction activity” means activities subject to National Pollutant Discharge Elimination System (NPDES) construction permits and/or the City’s municipal storm water NPDES permit. These include construction projects resulting in land disturbance of one or more acres, or from construction activity disturbing less than one acre if that activity is part of a larger common plan of development or sale that would disturb one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition;

“Cut (excavation)” means the removal of naturally occurring materials by manual or mechanical means, and the conditions resulting therefrom;

“Development” means the building or placement of any structure or portion thereof, including, but not limited to, excavation and grading;

“Earth material” means any rock, natural soil or fill and/or any combination thereof;

“Embankment (fill)” means the deposit of soil, rock or other materials placed by artificial means and the conditions resulting therefrom;

“Emergency grading” means grading that is a response to an occurrence or a situation that involves a clear and imminent danger, requiring immediate action to prevent or reduce the loss or damage to life, health, property or essential public services;

“Engineered grading” means grading with mechanical equipment in excess of 5,000 cubic yards, and all grading for permanent soil stabilization of a landslide, rockslide, mud flow, debris flow, or other failure of earth or rock, and not of an emergency or maintenance nature;

“Engineering geologist” shall mean an engineering geologist registered and certified by the state of California;

“Erosion” means the transport of the ground surface or soil as a result of the movement of wind, water or ice;

“Erosion and sediment control plan (ESC plan)” means a set of best management practices or equivalent measures designed to control surface runoff and erosion, retain sediment on a particular site, and prevent pollution of site runoff during the period in which preconstruction and construction related grading and/or soil storage occur, and before final improvements or permanent structures are completed;

“Erosion control” means measures that prevent erosion, including, but not limited to, seeding, mulching, vegetative buffer strips, sod, plastic covering, burlap covering, watering and other measures which control the movement of the ground surface or soil;

“Excavation (cut)” means the removal of naturally occurring materials by manual or mechanical means, and the conditions resulting therefrom;

“Exploratory grading” means grading for the purpose of determining conditions on a site;

“Export” means the hauling of natural earth materials from the site;

“Fill (embankment)” means the deposit of soil, rock or other materials placed by artificial means and the conditions resulting therefrom;

“Finished grade” means the final elevation of the site which conforms to the approved grading plan. This includes the finished pad elevation of all buildings, and the final elevations of building access, non-building structures, paving and landscaping associated with a project;

“Geologic hazards” shall mean any condition in earth, whether naturally occurring or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to movement, failure, or shifting of earth. For the purposes of this division, soil conditions which endanger or potentially endanger life, limb, or property, or natural resources, which, in the opinion of the Building Official, City Engineer, or Director of Public Works, may lead to structural defects in structures located on or adjacent to soils having such conditions, shall be considered geologic hazards. Such geologic hazards include, but need not be limited to, faults, landslides, mud slides, and rockfalls; erosion and sedimentation; subsidence or settlement, and weak, expansive, or creeping soil;

“Grade” means the elevation of the ground surface as measured from a known vertical control;

“Grading” means the act or result of digging, excavation, transporting, spreading, deposition, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations performed by or controlled by human activity involving the physical movement of rock or soil;

“Import” means the hauling of natural earth materials to the site;

“National Pollutant Discharge Elimination System (NPDES) storm water discharge permits” means general, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The California Regional Water Quality Control Board, Central Valley Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the general construction activity permit, the general industrial activity permit and the general permit for storm water discharges from small municipal separate storm sewer systems under which the City has obtained coverage for its municipal storm water discharges;

“Pad elevation, graded” means the finished grade elevation of the building pad area for a residential or non-residential structure and does not include areas for parking, landscaping, or other non-building structure uses;

“Person” means any person, firm, corporation, business entity, or public agency, whether principal, agent, employee, or otherwise;

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and

residues that result from constructing a building or structure (including, but not limited to, sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind;

“Post-construction BMPs” means structural and nonstructural controls which detain, retain, or treat runoff to minimize the discharge of runoff and pollutants from a development site for the life of the project after final stabilization is attained;

“Post-construction erosion and sediment control plan (PC plan)” means a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site after all final structures and permanent improvements have been erected or installed;

“Property owner” means the legal owner of the property where the grading work is to be done, as shown on the latest equalized assessment roll in the office of the Solano County assessor;

“Regular grading” means grading involving 5,000 cubic yards or less or grading of an emergency or maintenance nature and not for permanent correction of a landslide, rockslide, mud flow, debris flow, or other failure of earth or rock;

“Rough grading” means the stage at which the grade approximately conforms to the approved plans, and structure foundation areas are at plan or sub-base foundation grade, or an interim grading stage;

“Runoff” means surface runoff and drainage related to storm events, snow melt, street wash waters related to street cleaning or maintenance, and other waters associated with new development and redevelopment which are or may be introduced into the storm drain system;

“Sediment” means any material transported or deposited by water, including, but not limited to, soil debris or other foreign matter;

“Sediment control” means measures that prevent eroded sediment from leaving the site, including, but not limited to, dikes, sediment detention traps, sediment detention basins, filters, fences, barriers, swales, berms, drains, check dams, and other measures;

“Site” means a parcel or parcels of real property owned by one or more than one person on which activity regulated by this division is occurring or is proposed to occur;

“Slope” means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance;

“Soil” means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment;

“Soils Engineer” means an engineer registered in the state of California as being qualified to practice soils and geotechnical engineering;

“Soils engineering” means the application of the principles of soil mechanics in the investigation, evaluation, design, and construction of civil works involving the use of earth materials and the inspection and testing of the construction thereof;

“Storm drain system” means the publicly owned facilities operated by the City by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2;

“Storm water” means any surface flow, runoff, and drainage consisting entirely of water from rain storm events;

“Verification” shall mean a written document prepared by the civil engineer, soils engineer or engineering geologist, as appropriate, attesting to completion of the work as shown on the approved plans and/or as described in a soils or geotechnical report;

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, including, but not limited to, rivers, creeks, runs, swales and rivulates.

(Ord. 1883, Amended, 06/23/2015; Ord. 1800, Amended, 05/13/2008; Ord. 1720, Amended, 09/13/2004)

**14.19.240.040 Hazards.**

Whenever the Building Official, City Engineer, Director of Public Works, or their designees, determine that any existing excavation, embankment, or fill on private property constitutes a condition which could endanger persons or property, or an overhead or underground utility, or any public way, watercourse or drainage channel or swale, or could adversely affect the water quality of any water bodies or watercourses, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice from the Building Official, Director of Public Works or the City Engineer, shall, within the period specified therein, repair, clean up, protect or eliminate such condition so as to eliminate the hazard and be in conformance with the requirements of this division or any State or Federal requirements. The Building Official, Director of Public Works or the City Engineer may require the submission of plans, soil or geological reports, detailed construction recommendation, drainage study or other engineering data prior to and in connection with any work or activity proposed or required to correct such condition.

(Ord. 1720, Amended, 09/13/2004)



**Chapter 14.19.242**  
**Permit and Procedures**

Sections:

14.19.242.010	Permit Required.
14.19.242.020	Grading Permit Application.
14.19.242.030	Bonds.
14.19.242.040	Inspection.
14.19.242.050	Modification of Permits After Issuance.
14.19.242.060	Notification of Noncompliance.
14.19.242.070	Suspension or Revocation.
14.19.242.080	Stop Work.
14.19.242.090	Remedial Work.
14.19.242.100	Transfer of Responsibility.
14.19.242.110	Completion of Work.

**14.19.242.010 Permit Required.**

No person shall conduct grading within the City of Vacaville until a grading permit has been issued as specified in this section. The Building Official and the City Engineer are authorized to issue grading permits as follows:

**A. Building Official Authority:**

1. Residential grading where the total volume of earth moved is 5,000 cubic yards, or less;
2. Non-residential grading where the total volume of earth moved is 5,000 cubic yards, or less;
3. Any grading that would effect the foundation of a proposed or existing structure except for grading exempted by sub-section (C) of this section.

**B. City Engineer Authority:**

1. Residential, commercial and industrial grading where the cut or fill vertical elevation difference is greater than five feet from existing ground, or the total volume is more than 5,000 cubic yards;
2. Any grading where the total volume is more than 5,000 cubic yards;
3. Grading for all subdivisions.

**C. Exceptions.** Except as may be required for construction projects resulting in land disturbance of one (1) or more acres, or from construction activity disturbing less than one acre if that activity is part of a larger common plan of development or sale that would disturb one acre or more, no permit shall be required for grading as follows:

1. Grading, when approved by the Building Official or City Engineer, in an isolated, self-contained area if there is no danger to private or public property, provided that such grading does not:
  - a. Exceed 50 cubic yards;
  - b. Occur within a hillside area; and
  - c. Involve areas with special land forms.

An exception to subsections (a), (b) and (c) may be granted by the Building Official or City Engineer for emergency grading, as defined in Section 14.19.240.030.

2. An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, or other structure authorized by a valid building permit. This shall not exempt any fill made with the

material from such excavation or exempt any excavation having an unsupported height greater than five feet after the completion of such structure;

3. An excavation which is less than two feet in depth, or which does not create a cut slope greater than five feet in height and steeper than one and one half horizontal to one vertical, provided that such grading does not exceed 50 cubic yards;
4. A fill less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course;
5. Public improvement projects or grading within public rights-of-way or on City owned property under the direction of the Director of Public Works or the Director of Community Development. Such grading is, however, subject to all Grading Standards established in this division with compliance to the standards to be determined by the Director of Public Works;
6. Exploratory excavations under the direction of soil engineers or engineering geologists, provided all excavations are properly backfilled;
7. Excavations and backfill for installation of underground utilities by public utilities or companies within public rights-of-way and operating under the authority of a franchise or an encroachment permit;
8. Maintenance of existing firebreaks and roads to keep firebreak or road substantially in its original condition;
9. Excavating, processing, stockpiling of soil, rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property;
10. Agricultural grading in cases where the Building Official or City Engineer, as appropriate, determines that the proposed grading will not conflict with the purposes and intent of this division provided that the grading does not exceed one foot in vertical height and does not involve hillside areas or any special land forms;
11. Cemetery plots.

Exemptions from the permit requirements of this division shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this division or any other laws or ordinances of this City. (Ord. 1558, §16, 1996; Ord. 1555, §11, 1996)

(Ord. 1720, Amended, 09/13/2004)

**14.19.242.020 Grading Permit Application.**

An application for a grading permit shall be submitted to the Building Official or City Engineer as appropriate.

A. Application. An application shall be submitted on a form specified by the Building Official or the City Engineer, as appropriate, and shall include, but not be limited to, the following:

1. The plan check fee as specified by resolution of the City Council;
2. Authorization from the property owner for the work to be performed on the owner's property;
3. Proof of development approval pursuant to the subdivision or zoning ordinances within the Vacaville Municipal Code, for any site where the existing slope or proposed graded slope is 10 percent or greater with a minimum vertical change of 25 feet or more, or where the grading involves or abuts any creek or drainage way;
4. Plans and specifications as required by the Building Official or City Engineer;
5. A soils engineering report or engineering geology report if required by the Building Official or City Engineer;

6. In the case of construction activity subject to NPDES permitting requirements where construction activity results in land disturbance ~~of greater than or equal to one acre, or disturbs less than one acre if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more,~~ an erosion and sediment control plan (ESC plan) which shall include sufficient engineering analysis to show that the proposed erosion and sediment control measures during the period when preconstruction and construction related grading activities are to occur are capable of controlling surface runoff and erosion, retaining sediment on the project site, and preventing pollution of site runoff in compliance with the Clean Water Act, this division, and best management practices as specified the City's NPDES General Permit CAS000004 WDRs for storm water discharges from small municipal separate storm sewer systems and in standards and specifications as may be adopted by the City pursuant to Section 14.26.030.010.B **need to reference new section on Construction once numbered**. The ESC plan shall include, but is not limited to:

- a. A natural resources map identifying the location of on-site and surrounding watercourses and wetlands, existing and proposed drainage systems, and drainage boundaries and acreages. Additional hydrologic analysis shall be as required by the Building Official or City Engineer as set forth in the City of Vacaville Standard Specifications;
- b. A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation;
- c. All erosion and sediment control measures necessary to meet the objectives of this division throughout all phases of construction, including, but not limited to, the location, implementation and maintenance schedule of all erosion control measures and sediment control measures to be implemented or constructed prior to, during or immediately after construction. Depending on the complexity of the project, the drafting of intermediate plans may be required at the close of each season;
- d. Where construction will occur between October 1st and April 30th, a certification that the project applicant is prepared for an event which will stop construction, such as rain or snow, that all ESC plan best management practices shall be in place and operating correctly, that housekeeping practices shall be maintained and that the site can be left or abandoned safely for an extended period of time during the rainy season without causing any erosion or sediment control problems. If such a certification is required and has not been submitted and approved prior to September 16th, approval of the grading permit shall be suspended until the certification is submitted and approval thereof obtained;
- e. Within the discretion of the Building Official or City Engineer, the applicant may be required to submit revised plans, and periodic progress and inspection reports on specified calendar dates and at the commencement and completion of specified grading and erosion and sediment control operations, documenting the applicant's compliance with the ESC plan as approved;

7. In the case of construction activity subject to NPDES permitting requirements where construction activity results in land disturbance ~~of greater than or equal to one acre, or construction activity that disturbs less than one acre if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more,~~ a post-construction erosion and sediment control plan (PC plan) shall be required to include sufficient engineering analysis to show that the proposed post-construction storm water measures are capable of controlling runoff from the site in compliance with the Clean Water Act, this division, and such best management practices as specified in the City's NPDES General Permit CAS000004 WDRs for storm water discharges from small municipal separate storm sewer systems and in standards and specifications as may be adopted by the City pursuant to **Section 14.26.030.010.B**. The PC plan shall include, but is not limited to:

- a. A statement of the proposed post-construction measures to be used to secure the project after completion;
- b. Provisions for installation of appropriate storm water management facilities, maintenance of all permanent storm water management facilities, including, but not limited to, a description of the parts or

components of the facility that need to be maintained; the equipment and/or skills or training necessary for such maintenance; an estimate of the cost(s) of maintenance; and any necessary easements, maintenance agreements and/or other legal instruments to ensure access to such facilities on a permanent basis;

c. An erosion control/landscaping plan for management of vegetation at the site after construction is completed, including, but not limited to, the name and address of the person who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved on a permanent basis;

d. A statement of the ways in which impervious area is being minimized in the project;

e. A statement of how the project will control pollutants by eliminating or reducing potential new sources;

f. A statement of whether the project proponent will participate in the funding of regional/municipal level best management practices;

8. Any other data or supporting documents as required by the Building Official or City Engineer.

**B. Technical Peer Review.** In special or unique cases, such as in hillside areas, the Building Official or City Engineer may require a technical peer review of the grading plans and related reports. The review shall be conducted by a professional engineer with a technical specialty in civil engineering, soils engineering, or geotechnical engineering, as determined by the Building Official or City Engineer. The review shall be under contract to the City and the applicant shall pay all costs associated with the peer review.

**C. Referral of Application.** The Building Official or City Engineer may refer an application to other interested public agencies for their recommendations on the proposed grading.

**D. Issuance of Grading Permit.** The issuance of the grading permit is a ministerial action and shall be issued upon payment of an inspection fee, as specified by City Council resolution; provided, that the Building Official or City Engineer, as appropriate, makes the following determinations before issuing the permit:

1. A determination that the proposed grading complies with the provisions of this division, including, but not limited to, standards established in Section 14.19.244.010;

2. That the grading complies with the applicable provisions of the other divisions of this title, including, but not limited to:

a. The tree preservation ordinance of the Municipal Code, including the necessary tree removal permit for removing any tree over 31 inches in circumference;

b. The floodplain management ordinance of the Municipal Code; and

c. The urban storm water quality management and discharge control ordinance of the Municipal Code;

3. That the grading complies with the applicable provisions of the other local, state, or federal regulations, including but not limited to streambed alteration permits, wetland delineations, and storm water discharge permits;

4. A determination that the proposed grading is in conformance with any conditions of approval resulting from a prior development approval through the entitlement process under the City's subdivision or zoning ordinances, for situations where the grading permit being requested is based upon a project that has received such prior approval.

For help in making the appropriate determinations where the grading permit being requested is not based upon a prior development approval, as noted in Subsection D.(4) of this section, the Building Official or City Engineer should consult with the appropriate City staff members with expertise in the regulations noted above in Subsections D.(1) through D.(3) of this section.

E. Approved Plans in Lieu of Grading Permit. The grading plans contained within the stamped and approved building permit plans or the subdivision improvement plans shall function as the grading permit. A separate grading permit does not need to be issued unless it is determined by the Building Official or City Engineer that a separate permit is needed due to unique or unusual circumstances.

F. Issuance of Grading Permit Withheld. The permit shall not be issued by the Building Official or City Engineer if in their judgment the proposed grading does not comply with the provisions of this division. The applicant shall be notified in writing the reasons that the application was disapproved.

G. Expiration of Permit. All work shall be performed and completed within the time limit specified in the approved grading permit. If the work cannot be completed within the time specified, a request for an extension of time setting forth the reasons for the requested extension shall be presented in writing to the Building Official or City Engineer, as appropriate, prior to the expiration of the grading permit. The Building Official or City Engineer, as appropriate, may grant additional time for the work.

If the grading permit expires, no further grading shall be done without renewing the permit. Any costs associated for reviewing and renewing the permit shall be at the applicant's expense.

H. Approved Plans. The approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official or City Engineer, pursuant to Section 14.19.242.050, and all work shall be done in accordance with the approved plans.

I. Validity. The issuance of a grading permit will not revoke or suspend the requirements of any other permit, final map, or parcel map, improvement plans or improvement contract, or the authority of any other agency or regulatory body having jurisdiction over the use or development of the land to be graded.

J. Liability. Neither the issuance of a grading permit under this division nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the City, or any officer, employee, board, commission or authority of the City, for any damage to any person or property.

K. Scope of Approval. The issuance of a grading permit hereunder shall not be construed as an approval of any action or condition constituting a violation of this division, or of any other applicable laws, ordinances, rules or regulations.

L. Transfer of Approval. No approval or permit issued hereunder may be transferred or assigned in any manner whatsoever without the express written consent of the Building Official or City Engineer, as appropriate. (Ord. 1558, §16, 1996; Ord. 1555, §11, 1996)

(Ord. 1883, Amended, 06/23/2015; Ord. 1720, Amended, 09/13/2004)

#### **14.19.242.030 Bonds.**

In conjunction with grading permits and grading activity, bonds shall be posted in accordance with the following procedures to ensure that the work, if not completed in accordance with approved plans and specifications, will be corrected to eliminate hazardous conditions and repair any damages that may occur:

##### **A. Requirement for Bonds.**

1. The Building Official may require a cash bond up to twenty thousand dollars (\$20,000.00). The bond is to be used at the discretion of the Building Official, as necessary, to repair erosion control mitigations measures, ensure that lots properly drain per approved plans, or clean up material on private and public streets or walkways of construction debris, dirt, mud, or aggregate. The permittee is required to replenish the cash bond up to the original cash bond amount if any amount is used to repair erosion control measures or clean public and private streets or walkways from construction debris, dirt, mud, or aggregate. Once the final inspection for grading has been approved by the Building Official, the remaining amount of the cash bond shall be refunded;

2. The City Engineer shall require bonds in such forms and amount to assure that the work is completed. The amount of the Performance and Maintenance bonds shall be 100 percent and 10% of the engineer's construction grading cost estimate respectively. The estimate shall include, but not be limited to, the following:

- a. The cost of cubic yards moved based on the volume of mass grading;
- b. The cost of grading individual lots just prior to occupancy based on the volume of finished grading;
- c. The cost of all drainage structures, systems and devices;
- d. The cost of all materials and labor associated with the installation and maintenance of the erosion control plan;
- e. The cost of any construction required by the soils or geologic reports;

3. In conjunction with a grading permit the City Engineer shall require the posting of an emergency clean up deposit in an amount specified by a schedule established by resolution of the City Council, for all grading operations;

4. In addition to the bonds and deposits required above, the City Engineer may require the deposit of maintenance security in any amount deemed sufficient by him or her to guarantee the maintenance of the grading work performed, the proper functioning of drainage systems, and the adequate maintenance of post-construction erosion and sediment control measures. Said maintenance security shall be in a form acceptable to the City and shall remain in effect for a period of two years after the acceptance of the public improvements or upon the final Building Permit approval, whichever is later, or such other periods of time as may be required by the City Engineer;

5. At the discretion of the City Engineer/or Building Official, the requirement for bonds under this division may be included with any other surety bond otherwise required by the City;

6. Bonds need not be required for grading by, or under contract to, a public agency that assumes full responsibility for the work.

7. Upon failure to complete the work, failure to comply with all of the terms of this division, or failure of the completed site to function properly to provide proper drainage or erosion and sediment control as required hereunder, the City may do the required work, or cause it to be done and collect from the applicant or surety all costs incurred thereto, including administrative and inspection costs.

(Ord. 1800, Amended, 05/13/2008; Ord. 1720, Amended, 09/13/2004)

**14.19.242.040 Inspection.**

Inspection of grading to ensure that grading is consistent with the approved plans shall occur as follows:

A. Inspection Responsibility. The responsibility for the inspection of the grading is shared between the City and the professional engineers hired by the permittee.

1. City's Responsibility. The City will be responsible for general inspection of the grading work.

a. The responsibility for the general inspection of the grading shall be as follows:

- i. The Building Official shall be responsible for the general inspection of grading for which a permit is approved by the Building Official;
- ii. The Director of Public Works shall be responsible for the general inspection of grading for which a permit is approved by the City Engineer.

b. General inspection under the authority of the Building Official shall be in accordance with the provisions of the Uniform Building Code;

- c. General inspection under the authority of the City Engineer shall include:
- i. Initial pre-job conference and inspection of the site prior to construction;
  - ii. Visits, as needed during the grading operation to observe conditions, answer questions, and periodically verify grades;
  - iii. Inspection of the installation of drainage facilities such as pipes, inlets, manholes, swales, etc., to satisfy the inspector that those facilities are being installed at the proper locations and elevations. The developer is responsible for providing the needed staking;
  - iv. Final inspection: The permittee shall notify the Public Works Inspector when the site is ready for final inspection. Prior to inspection, the permittee shall provide survey stakes adequate for field verification by the inspector. Grade-check staking shall be provided to the extent necessary for assuring substantial compliance with the plans, and to assure that the site drains properly. No paving or other material shall be brought onto the site until a written clearance has been given by the inspector.
- d. The City's grading inspection responsibility does not include checking compaction or any aspect of the paving work except to verify that any paving is placed such that the site drainage is in accordance with the approved plans;
- e. The Building Official, City Engineer, or Director of Public Works may require additional inspections as needed, including those noted in Section 14.19.242.040 (B)(2).

2. Permittee's Professional Engineers. The permittee shall be responsible for coordinating all aspects of the work of the professional engineers for the project, including, but not limited to, field inspections, staking, compaction tests, and inspection reports. The permittee shall be responsible for arranging and directly paying for any inspections above and beyond those noted in subsection (a)(i) of this section.

#### B. Other Inspections.

1. In approving a grading permit for hillside developments, the City Engineer may require that a soils engineer or engineering geologist be on site to verify that the grading work of the hillside areas is in accordance with the approved grading plans and soils engineer's recommendations. The permittee shall pay all costs associated with the soil engineer's or engineering geologist's inspection;
2. The Director of Public Works or the Building Official may require additional professional engineers to be hired by the permittee at his/her expense to inspect the grading work as follows:
  - a. An engineering geologist may be required to inspect the work for geological matters including, but not limited to, the adequacy of the natural ground for receiving fills, the stability of cut slopes, and the need for subdrains or other groundwater drainage devices;
  - b. A soils engineer may be required to inspect the work for elements including, but not limited to, the preparation of the ground to receive fills, the adequacy of testing for required compactions, the stability of all finished slopes, and the design of buttress fills, incorporating, where required, criteria supplied by the engineering geologist.

The permittee shall pay all costs associated with the inspections by the engineering specialists.

3. The Director of Public Works or the Building Official may require that a testing agency be hired to test and inspect the work for matters including, but not limited to, the adequacy of cleared areas and benches to receive fill, and the compaction of fills. The permittee shall pay all costs associated with the testing agency;
4. The City Engineer, Building Official, or the Director of Public Works may require that special inspections be performed by professionals hired by the permittee at his/her expense for the protection and preservation of special site conditions, including, but not limited to, archeological and biological resources, and wetlands or vernal pools.

C. Adjustments in the Field.

Field adjustments will only be permitted as follows:

1. No field adjustments by the inspectors will be permitted for work on a grading permit issued by the City Engineer. If changes are necessary, the revised plans shall be submitted for review and approval pursuant to Section 14.19.242.050 of this division.

The City Engineer may require that the approved plans or specifications be modified prior to re-starting any grading work;

2. No field adjustments by the inspectors will be permitted for work on a grading permit issued by the Building Official. If changes are necessary, the revised plans shall be submitted for review and approval pursuant to Section 14.19.242.050 of this division.

(Ord. 1720, Amended, 09/13/2004)

**14.19.242.050 Modification of Permits After Issuance.**

The Building Official or City Engineer, as appropriate, may allow modifications to the terms or specifications of the grading permit or the approved grading plans, so long as any such modification would have been within the authority of the Building Official or City Engineer, pursuant to the provisions of this division. The Building Official or City Engineer shall have the same authority to require reports and supplemental data, and to impose any other requirement or condition, which they would possess in connection with the original processing of the application for a grading permit under this division.

(Ord. 1720, Amended, 09/13/2004)

**14.19.242.060 Notification of Noncompliance.**

If, in the course of fulfilling their responsibility under this division, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformance with this division, the Uniform Building Code, or the approved grading plans and specifications, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the permittee, Building Official, the City Engineer, or the Director of Public Works, as appropriate. Recommendations for corrective measures, if necessary, shall also be submitted.

(Ord. 1720, Amended, 09/13/2004)

**14.19.242.070 Suspension or Revocation.**

If it is determined that an approval was issued in error on the basis of incorrect information supplied, or in violation of any law, ordinance, or any of the provisions of this division, or the work being performed does not comply with the permit, then the Building Official, the City Engineer, or the Director of Public Works as appropriate, may, in writing, suspend or revoke the approval.

(Ord. 1720, Amended, 09/13/2004)

**14.19.242.080 Stop Work.**

An order to stop work may be issued by either the Building Official, City Engineer, or the Director of Public Works, as appropriate, and further work on the construction site shall be prohibited if a determination is made in accordance with Section 14.19.242.070 of this division, or that dust and blowing debris are adversely affecting property adjacent to or downwind of the construction site.

(Ord. 1720, Amended, 09/13/2004)

**14.19.242.090 Remedial Work.**

If, after giving notice to the permittee that corrective measures are needed and the corrections are not accomplished, the City may take appropriate action, at the permittee's expense, to remedy the problem.

(Ord. 1720, Amended, 09/13/2004)



**14.19.242.100 Transfer of Responsibility.**

If, during the course of the work, the civil engineer, the soil engineer, the engineering geologist, or the testing agency that was specified in the grading permit application is changed, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of its technical competence for verification of the work performed as specified in Section 14.19.242.110.

(Ord. 1720, Amended, 09/13/2004)

**14.19.242.110 Completion of Work.**

The following shall be submitted upon the completion of the grading if so required by the Building Official, City Engineer, or Director of Public Works:

A. Verification of Grading. Upon completion of work and prior to the release of any bonds, the civil engineer, or the soils or geotechnical engineer, as appropriate, for the grading project shall provide written verification in a form approved by the Building Official or City Engineer, as appropriate, that the grading was substantially completed in accordance with the approved plans.

B. Certification of Graded Pad Elevations. For graded areas within the boundaries designated as the 100-year flood zone on the most recent edition of Flood Insurance Rate Maps (FIRM) or any amendments to FIRMs designated by the Federal Emergency Management Agency (FEMA), the civil engineer or licensed land surveyor for the grading project shall provide pad elevation certifications to the City Engineer upon completion of work and prior to the release of any bonds. The certifications shall specify that graded pad elevations are above water surface elevations in accordance with the provisions of the Flood Damage Prevention Ordinance of the Vacaville Municipal Code.

C. Certification of Pad Compaction. In conjunction with the filing of an application for a building permit, the Building Official may require that the applicant provide certification from a civil engineer that the building pad has been compacted in accordance with Appendix J of the California Building Code.

D. Final Reports. Upon completion of work and prior to the release of any bonds, the Building Official, City Engineer, or Director of Public Works may require the permittee to submit a final report. This final report shall conform to the format established by the Building Official, City Engineer, or Director of Public Works, as appropriate.

(Ord. 1800, Amended, 05/13/2008; Ord. 1720, Amended, 09/13/2004)

## Chapter 14.19.244

### Standards

Sections:

14.19.244.010 Grading Standards.

**14.19.244.010 Grading Standards.**

All grading shall be subject to the standards contained in the California Building Code and in Appendix J of said code and the following additional standards:

A. Cuts and Fills. All fills shall be compacted according to the recommendations of the soils report if a soils report has been prepared. The compaction test method and the required relative compaction shall be indicated on the plans and/or in the specifications.

The slope of cut or fill surfaces shall not be steeper than two to one, except as specifically approved by the Building Official, City Engineer, or Director of Public Works.

B. Drainage and Terracing. Unless otherwise specifically approved by the Building Official or the City Engineer, drainage facilities and terracing shall conform to the grading regulations of Appendix J of the California Building Code.

C. Setbacks. The tops and toes of cut and fill slopes shall be set back from existing or proposed property lines and existing or proposed structures as far as necessary to avoid impacting the neighboring properties, and to provide for adequate foundation support, required swales, berms and drainage facilities, contour grading, and applicable subdivision or zoning requirements.

The minimum setbacks shall be in accordance with Appendix J of the California Building Code; however, the setbacks shown are minimum requirements and may be increased by the Building Official or City Engineer when it is determined that such additional requirement is necessary for stability of the site, for safety, or to prevent future damage from water, soil, or debris.

D. Erosion Control Measures. All grading shall be subject to erosion control measures as required by the Building Official, the City Engineer, or the Director of Public Works as appropriate. Erosion control measure shall include the following:

1. Filter Materials. Filter materials shall be provided to prevent any debris and dirt from the construction activity from flowing into the City storm drain system;
2. Disturbed Areas. The faces of cut and fill slopes which accept overland or sheet flow or any cut or fill slope of erodible material over three feet in height shall have approved erosion control installed immediately following rough or finished grading between October 1 and April 30. Slopes graded between April 30 and October 1 shall have erosion control installed no later than October 1. The Building Official, the City Engineer, or the Director of Public Works, as appropriate, may require that moneys be deposited to ensure that the erosion control measures are installed by October 1. An approved erosion control plan or ESC plan may include effective planting or other erosion control devices and may require maintenance in a manner satisfactory to the City by means of contracts, deed restrictions, or other instruments approved by the City;
3. Other Devices. Check dams, sedimentation basins, cribbing, riprap, hydroseeding, or other devices or methods to control erosion and sediments shall be employed when necessary to provide safety and protect water quality;
4. Exceptions. Where cut and fill slopes are not subject to erosion due to the erosion-resistant character of the materials, the requirement for protection specified under subsections (2) and (3) above may be deleted by the City Engineer.

E. All grading shall be subject to appropriate post-construction erosion and sediment control measures as described in a Post-Construction Erosion and Sediment Control Plan (PC plan) acceptable to the City as more fully set forth in Section 14.19.242.020.A.7.

F. Dust and Debris Control Measures. It shall be the responsibility of any person who engages in any grading to take adequate measures to prevent wind blown debris, including, but not limited to, cardboard, paper, soil, and any other construction materials capable of being carried by the wind, from being blown off the construction site.

G. Developments in Hillside Areas. Grading related to hillside development shall be subject to the following standards:

1. The grading design shall use rounded or contoured graded slopes to provide a more naturalized appearance to graded areas;
2. Grading on slopes of 25 percent or greater shall be prohibited unless specifically approved by the Director of Community Development and the City Engineer;
3. Cut and fill slopes may be required to be landscaped and irrigated. The plans for the landscaping and irrigation of all required landscaped areas shall be subject to the approval of the Director of Community Development;
4. Drainage ditches shall be made of concrete, unless specifically authorized by the Building Official, City Engineer or the Director of Public Works, and shall conform to the standards established by the appropriate official;
5. Retaining walls shall be used to minimize the height of cut and fill slopes. The design, height, and appearance of the retaining walls shall conform to the standards established by the Building Official or City Engineer, as appropriate;
6. Fire access roads and firebreaks shall conform to the standards approved by the Fire Chief;
7. Compliance with the provisions of the Hillside Development Guidelines as adopted by resolution of the City Council.

H. Designated Routes. Any grading application where the design volume of either the export or import of earth material exceeds 5,000 cubic yards, shall include proposed travel routes for the transport of equipment and materials. For such approvals, the City Engineer, in consultation with the City Traffic Engineer, shall review, determine, and designate those routes which will be allowable for trucks or other equipment of applicant or its contractors or subcontractors, agents, or employees doing work under the grading permit, traveling between the construction site and/or the excavation, landfill, or quarry sites. The use of these designated routes shall be a requirement of such a grading permit. The use of routes other than the designated routes by applicant or its contractors or subcontractors, agents, or employees doing work under such a grading approval shall be cause for the City Engineer or the Director of Public Works to revoke or suspend the grading approval.

I. Water Obstruction. No person shall do or permit to be done any grading which may obstruct, impede, or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions, natural drainage ways, unimproved channels, watercourses, improved ditches, channels or conduits, in such a manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws, including, but not limited to, the provisions of this division.

J. Levee work. No person shall excavate or remove any material from or otherwise alter any levee adjacent to any river, creek, bay, or local drainage control channel, without prior approval of the governmental agency or agencies responsible for the operation and/or maintenance of the levee.

K. Division Not Retroactive. The provisions of this division shall not apply to grading activities for which all previously necessary permits and approvals were obtained prior to the effective date hereof.

L. Enforcement of Division. In addition to the provisions set forth at Section 14.19.240.040 and Sections 14.19.242.060 through 14.19.242.090 hereof, the enforcement of this division shall be governed by Sections 14.26.050.010 through 14.26.050.090 of this Title. This division may be enforced by the Building Official, the Director of Public Works, or the City Engineer as appropriate.

M. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

(Ord. 1800, Amended, 05/13/2008)

Ordinance History

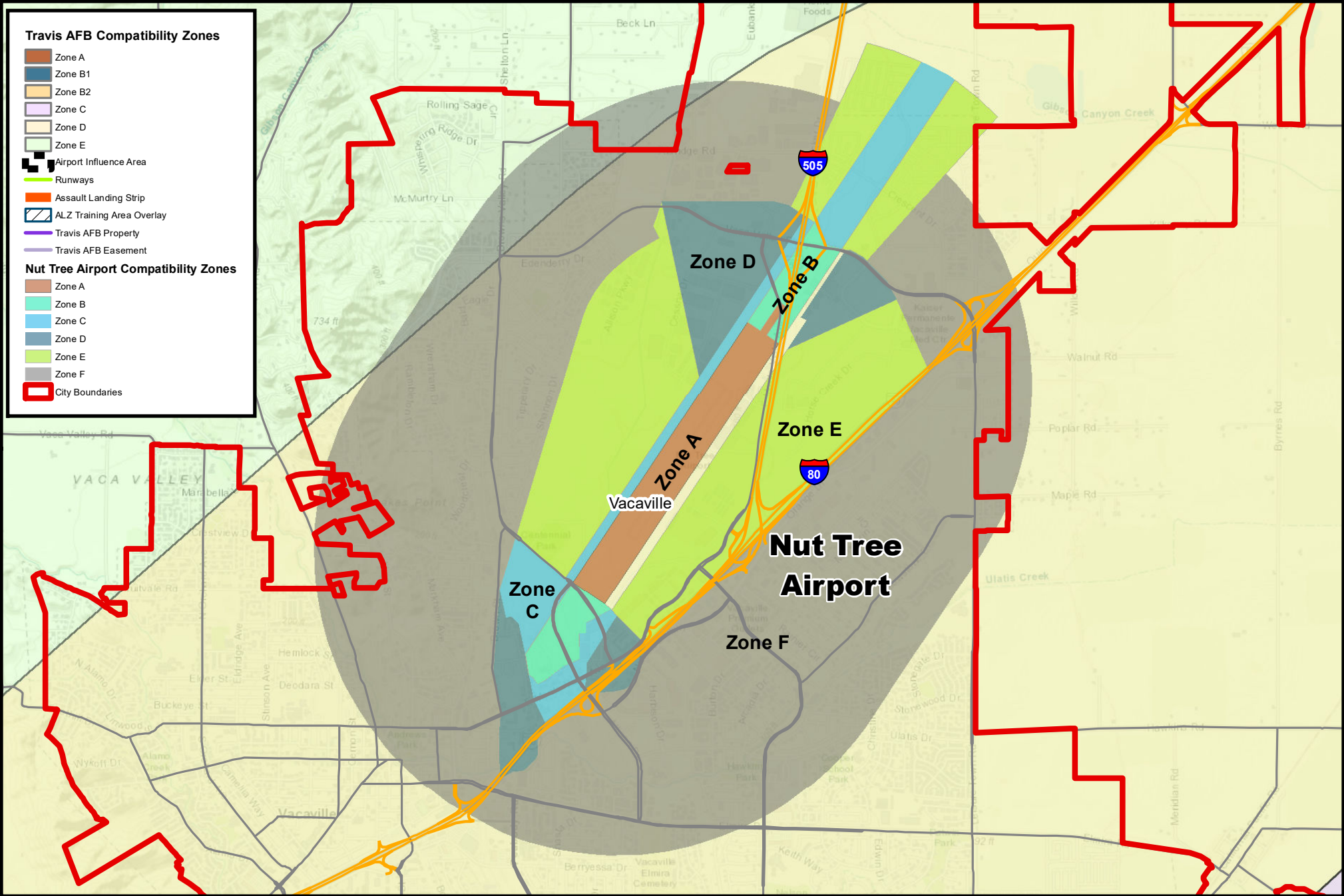
Division 14.19, Grading

Ord. 1558, §16, 1996

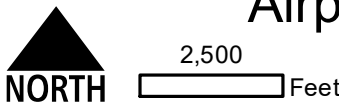
Ord. 1555, §11, 1996

Ord. 1540, §3, 1995, adopted Division 14.19

(Ord. 1720, Amended, 09/13/2004)



Airport Compatibility Zones & and Travis AFB Influence Area



## Solano County Airport Land Use Commission

675 Texas Street, Suite 5500  
Fairfield, CA 94533  
Tel 707.784.6765  
Fax 707.784.4805

### LAND USE COMPATIBILITY DETERMINATION: APPLICATION FORM

TO BE COMPLETED BY STAFF		
APPLICATION NUMBER: ALUC 23-07	FILING FEE:	
DATE FILED:	RECEIPT NUMBER:	
JURISDICTION:	RECEIVED BY:	
PROJECT APN(S): 0132-320-170		
TO BE COMPLETED BY THE APPLICANT		
<b>I. GENERAL INFORMATION</b>		
NAME OF AGENCY: City of Vacaville Community Development Department Planning Division	APPLICATION SUBMITTED: April 26, 2023	
ADDRESS: City Hall 650 Merchant Street Vacaville, CA 95688		
DOCUMENT PREPARER: Albert Enault Senior Planner	ADDRESS: 650 Merchant Street Vacaville, CA 95688	PHONE: (707) 449-5364 FAX: (707) 449-5423 EMAIL: <a href="mailto:albert.enault@cityofvacaville.com">albert.enault@cityofvacaville.com</a>
NAME OF PROPERTY OWNER: City of Vacaville	ADDRESS: See attached maps.	PHONE: (707) 449-5364 EMAIL: <a href="mailto:albert.enault@cityofvacaville.com">albert.enault@cityofvacaville.com</a>
NAME OF APPLICANT: Albert Enault Senior Planner	ADDRESS: 650 Merchant Street Vacaville, CA 95688	PHONE: (707) 449-5364 EMAIL: <a href="mailto:albert.enault@cityofvacaville.com">albert.enault@cityofvacaville.com</a>
NAME OF PROJECT: 2023 Annual Land Use and Development Code Update	VACAVILLE PROJECT NO: File No. 22-388	
PROJECT LOCATION: No specific location, the project consists of textual changes to the Vacaville Municipal Code.	LOT SIZE: Not applicable.	
STREET ADDRESS: Not applicable.	ASSESSOR'S PARCEL NO.: Not applicable.	

**PLEASE CALL THE APPOINTMENT DESK AT (707) 784-6765 FOR AN APPLICATION APPOINTMENT.**

**TO BE COMPLETED BY THE APPLICANT**

**II. DESCRIPTION OF PROJECT**

The Community Development Department is proposing amendments to the City's Land Use and Development Code (LUDC) that will affect Division 14.09, Division 14.26 and Division 14.19 of the Vacaville Municipal Code. In 2022, the Vacaville City Council adopted a comprehensive update to the LUDC, which created a flexible, user-friendly Code to serve as an effective tool for implementing the community's vision for the future. Since the 2022 update, the City has found various areas of the LUDC that need to be amended to address minor inconsistencies and/or errors. Addressing these revisions will further improve standards or procedures, and enhance enforcement procedures for stormwater management and discharge, and grading. The proposed text amendments consist of minor and administrative changes to zoning standards and procedures, minor changes to enforcement procedures for stormwater management and discharge control, and minor changes to grading procedures that support stormwater management requirements.

Division 14.09 (Zoning) – Proposed Changes

Division 14.09 was adopted to protect and promote the public health, safety, and general welfare of the City and to implement the Vacaville General Plan. The Zoning Ordinance provides standards for the orderly growth and development of the City, and guides or controls the use of land to provide a safe, harmonious, attractive, and sustainable community. The Vacaville Community Development Department is responsible for implementing Division 14.09, with decision-making authority assigned to the Director of Community Development, Planning Commission and City Council for various discretionary or legislative actions. The Community Development Department has implemented the adopted 2022 Code by applying procedures and standards in a variety of practices including, but not limited to counter inquiries, residential development review, commercial development, industrial development, and capital improvement projects. However, since the last Code update in 2022, Staff has identified areas of the Code that should be amended to address minor inconsistencies or errors that will further improve standards or procedures.

1. Minor Change: These changes would improve procedures for appeals, add findings for Modification entitlements, and revise various development standards for residential and non-residential districts, and public facility districts. These changes are depicted under Item J.
2. Administrative Change: These changes are needed to correct errors referencing State law or other areas of the Municipal Code that need to be corrected. These changes are depicted under Item J.

Division 14.26 (Urban Storm Water Quality Management and Discharge Control) – Proposed Changes

Division 14.26 encompasses policies, procedures, and standards for implementing the City's Urban Storm Water Quality Management and Discharge Control Ordinance. Repealed and replaced in February 2022, the purpose and intent of the ordinance is to ensure the health, safety, and general welfare of the citizens of the City, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. 1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system. The Vacaville Utilities Department and Community Development Department are responsible for implementing Division 14.26. The City has encountered issues with enforcement procedures for stormwater discharge and post-construction best management practices with new construction. The City is proposed to amend Division 14.26 to provide stronger enforcement procedures for complying with the stormwater management and discharge during construction and operational phases of development. These changes are depicted under Item J.

**PLEASE CALL THE APPOINTMENT DESK AT (707) 784-6765 FOR AN APPLICATION APPOINTMENT.**

**TO BE COMPLETED BY THE APPLICANT**

**II. DESCRIPTION OF PROJECT (CONTINUED)**

Division 14.19 (Grading) – Proposed Changes

Division 14.19 was enacted to set forth rules and regulations for controlling land disturbances, landfill, soil storage, pollution, and erosion and sedimentation resulting from new development and redevelopment, and establish procedures for the issuance, administration and enforcement of permits for such activities on property within City limits. Last amended in 2004 and 2008, the purpose and intent of the ordinance is to safeguard life, limb, health, property, environment, and natural resources and promote the public welfare by ensuring that the intended use of the graded site is consistent with the policies of the Land Use and Safety Elements of the General Plan and all applicable City ordinances and regulations. The Vacaville Public Works Department, Utilities Department and Community Development Department are responsible for implementing Division 14.19. Division 14.19 establishes standards and requirements for complying with state and federal law and the City's National Pollutant Discharge Elimination System (NPDES) General Permit CAS000004 Waste Discharge Requirements (WDRs) for storm water discharges from small municipal separate storm sewer systems. Staff are recommending amendments to the Grading Ordinance to be consistent with other amendments under Division 14.26. The proposed changes are intended to strengthen the City's enforcement procedures for construction activities resulting in land disturbance. These changes are depicted under Item J.

California Environmental Quality Act

Pursuant to Section 15061(b)(3) (Review for Exemption) of the California Environmental Quality Act (CEQA), the ordinance amendments are covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the proposed amendments, it can be seen with certainty that there is no possibility that the activity in question, the amendments, may have a significant effect on the environment. This certainty stems from the fact that the proposed amendments do not establish CEQA determinations, and projects in the City continue to be subject to a CEQA determination regardless of the proposed amendments. Therefore, the proposed amendments are not subject to CEQA, and no environmental review is required.

Compatibility Plans

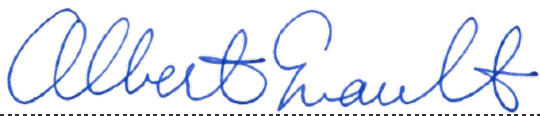
The City of Vacaville has two airport influence areas that overlap the City limits: (1) The Nut Tree Airport; and (2) The Travis Air Force Base Compatibility Plans. Development standards and restrictions are codified in the Vacaville Municipal Code under Chapter 14.09.110 (Airport Environs Overlay District). The proposed Land Use and Development Code amendments will not change any standards within this Chapter. Please refer to the attached map for reference of the compatibility plan zones.

Submittal Item N Statement

The Project is: (1) not located within 1,000 feet of a military installation; (2) not beneath a low-level flight path; (3) not within special use airspace as defined in Section 21098 of the Public Resources Code; or (4) is within an urbanized area as defined in Government Code section 65944. Notification is not required to be given to the U.S. Armed Forces.

**PLEASE CALL THE APPOINTMENT DESK AT (707) 784-6765 FOR AN APPLICATION APPOINTMENT.**



TO BE COMPLETED BY THE APPLICANT	
<b>II. DESCRIPTION OF PROJECT (CONT'D)</b>	
POTENTIAL PROJECT EMISSIONS: (i.e. smoke, steam, glare, radio, signals): The project is not expected to emit significant sources of smoke, steam, glare, radio or other signals that would interfere with airport operations.	
AIRPORT LAND USE COMPATIBILITY PLAN: (1) Nut Tree Airport Compatibility Plan (2) Travis Air Force Base Compatibility Plan	COMPATIBILITY ZONE: (1) Nut Tree Airport Plan: Zones A-F (2) Travis Air Force Base Plan: Zone D
PERCENTAGE OF LAND COVERAGE: No new structures.	MAXIMUM DWELLING PER ACRE: No proposed density with project.
THE FOLLOWING INFORMATION MUST BE SUBMITTED AS A MINIMUM REQUIREMENT:	
<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> JURISDICTION REFERRAL LETTER: <b>See attachment.</b></li> <li><input checked="" type="checkbox"/> ENVIRONMENTAL DOCUMENTATION: <b>Categorically Exempt from CEQA.</b></li> <li><input checked="" type="checkbox"/> LOCATION MAP: <b>See attachment.</b></li> <li><input checked="" type="checkbox"/> ASSESSOR'S PARCEL MAP, with subject property marked in red: <b>See attachment.</b></li> <li><input checked="" type="checkbox"/> PROJECT DOCUMENTS, drawn to scale and fully dimensioned including topographical information, and 8.5 x 11 inch reduction(s): <b>See attachment.</b></li> <li><input type="checkbox"/> ELEVATIONS, if located in APZ, clear zones and A, B, C compatibility zones or over 200 ft. in height, plus 8.5 x 11 inch reduction(s): <b>Not applicable.</b></li> <li><input type="checkbox"/> WIND TURBINE STUDY, including cumulative impact studies. Such studies shall include an analysis of (1) the individual effects of the proposed project, and (2) as required by law, an analysis of the cumulative effects of the proposed project considered in connection with the effects of past projects, the effects of other current projects and proposed projects, and the effects of probable future projects, including (i) the probable build out for wind energy development of the remaining vacant parcels within the wind resource areas described in the Solano County General Plan and (ii) any probable replacement of existing turbines or meteorological towers with structures having different dimensions: <b>Not applicable.</b></li> <li><input checked="" type="checkbox"/> SUPPLEMENTAL INFORMATION:</li> <li><input checked="" type="checkbox"/> FEES: \$200.00</li> <li><input checked="" type="checkbox"/> ELECTRONIC COPIES OF ALL APPLICATION MATERIALS ON A CD: <b>See attachment.</b></li> </ul>	
X  APPLICANT SIGNATURE:	April 26, 2023 DATE:
DOES THE PROJECT PROPOSE THE DEMOLITION OR ALTERATION OF ANY EXISTING STRUCTURES ON THE PROJECT SITE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO    If yes, describe below:	

**PLEASE CALL THE APPOINTMENT DESK AT (707) 784-6765 FOR AN APPLICATION APPOINTMENT**



**CITY OF VACAVILLE**  
COMMUNITY DEVELOPMENT DEPARTMENT

ATTACHMENT D  
File #AC 23-023

650 Merchant Street • Vacaville, CA 95688 • CityofVacaville.gov • 707.449.5140

April 26, 2023

Ms. Nedzlene Ferrario  
Solano County Resource Management Department  
675 Texas Street, Suite 550  
Fairfield, CA 94533  
[NNFerrario@solanocounty.com](mailto:NNFerrario@solanocounty.com)

**SUBJECT: LOCAL AGENCY REFERRAL FOR ALUC REVIEW**  
**2023 Annual Land Use and Development Code Update**  
**Categorical Exemption & Land Use and Development Code Amendments**  
**(File No. 22-388)**

Dear Nedzlene:

Please accept this letter as the Local Agency Referral acknowledging the submittal of the 2023 Annual Land Use and Development Code Update for a compatibility determination by the Solano County Airport Land Use Commission (ALUC) in accordance with Section 21676(b) of the California Public Utilities Code. The Community Development Department is proposing amendments to the City's Land Use and Development Code (LUDC) that will affect Division 14.09, Division 14.26 and Division 14.19 of the Vacaville Municipal Code.

In 2022, the Vacaville City Council adopted a comprehensive update to the LUDC, which created a flexible, user-friendly Code to serve as an effective tool for implementing the community's vision for the future. Since the 2022 update, the City has found various areas of the LUDC that need to be amended to address minor inconsistencies and/or errors. Addressing these revisions will further improve standards or procedures, and enhance enforcement procedures for stormwater management and discharge, and grading. The proposed text amendments consist of minor and administrative changes to zoning standards and procedures, minor changes to enforcement procedures for stormwater management and discharge control, and minor changes to grading procedures that support stormwater management requirements. These changes are included as an attachment to the application.

City staff have prepared the required materials listed in the County's instructions for an application. Please let me know if you see anything missing that is either required for the review or that would be helpful for the County staff or for the ALUC members as part of the consistency review. If you have any questions, please feel free to contact me by phone at (707) 449-5364 or by email at [albert.enault@cityofvacaville.com](mailto:albert.enault@cityofvacaville.com).

Sincerely,

ALBERT ENAULT  
Senior Planner

**SOLANO COUNTY AIRPORT LAND USE COMMISSION  
RESOLUTION NO. 23-\_\_**

**RESOLUTION REGARDING CONSISTENCY WITH  
AIRPORT LAND USE COMPATIBILITY PLANS  
(Vacaville Development Code Update – City of Vacaville)**

**WHEREAS**, pursuant to California Public Utilities Code section 21675 the Solano County Airport Land Use Commission (“**Commission**”) has the responsibility to prepare and adopt airport land use plans for any public and military airports within Solano County and to amend any such adopted plan as necessary; and

**WHEREAS**, pursuant to such authority, the Commission has adopted airport land use compatibility plans for Travis Air Force Base, Rio Vista Municipal Airport, and the Nut Tree Airport, and the Solano County Airport Land Use Compatibility Review Procedures (the “**Compatibility Plans**”); and

**WHEREAS**, in enacting the sections within the State Aeronautics Act (the “**Act**”) that provide for airport land use commissions, the California Legislature has declared that the purposes of the legislation include: (1) to provide for the orderly development of each public use airport in this state; (2) to provide for the orderly development of the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards; (3) to provide for the orderly development of the area surrounding these airports so as to prevent the creation of new noise and safety problems; (4) to protect the public health, safety, and welfare by ensuring the orderly expansion of airports; and (5) to protect the public health, safety, and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses (Pub. Util. Code, § 21670, subd. (a)); and

**WHEREAS**, the Act provides that an airport land use commission's powers and duties include: (a) to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses; (b) to coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare; (c) to prepare and adopt an airport land use compatibility plan pursuant to Public Utilities Code section 21675; and (d) to review the plans, regulations, and other actions of local agencies and airport operators pursuant to Public Utilities Code section 21676 (Pub. Util. Code, § 21674); and

**WHEREAS**, the Act provides that the purpose of compatibility plans is to provide for the orderly growth of the airports and the area surrounding the airports, and to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general (Pub. Util. Code, § 21675, subd. (a)); and

**WHEREAS**, Public Utilities Code section 21675, subdivision (a), authorizes the Commission, in formulating a compatibility plan, to develop height restrictions on buildings, specify the use of land, and determine building standards, including sound-proofing adjacent to airports; and

**WHEREAS**, Public Utilities Code section 21675, subdivision (b), directs the Commission to prepare a compatibility plan for areas surrounding military airports, and the Legislature's intent in enacting subdivision (b) was to protect the continued viability of military installations in California,

to protect the operations of military airports from encroachment by development, and to encourage land use policies that reflect the contributions military bases make to their communities, as well as their vital importance in the state's economy and in the defense of our nation; and

**WHEREAS**, pursuant to such authorities, the Compatibility Plans set forth criteria to be applied by the Commission when evaluating local land use plans and specific development proposals; and

**WHEREAS**, Public Utilities Code section 21676, subdivision (b), requires that prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Commission, local agencies within Solano County are required to first refer the proposed action to the Commission for a consistency determination; and

**WHEREAS**, the City of Vacaville ("**Local Agency**") is considering approving the following project (the "**Project**"), as set forth in greater detail in the Staff Report and its Attachments concerning "Item AC 23-023" of the Commission's June 8, 2023 Regular Meeting ("**Staff Report**"): "Determine that Application ALUC-23-07 (Vacaville Development Code Update) located within Travis Air Force Base (AFB) Compatibility Zones C and D, and within the Nut Tree Airport Compatibility Plan is consistent with the applicable Airport Compatibility Plans," and

**WHEREAS**, the Commission has duly considered the Project, at a noticed public meeting, in order to ensure consistency of the Project with the Compatibility Plans.

**RESOLVED**, that after due consideration and based upon the administrative record, the Commission does adopt and incorporate by this reference as its findings and determinations the analysis, conclusions, and recommended findings of the Staff Report.

**RESOLVED**, that after due consideration and based upon the administrative record, the Commission does find and determine that the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan and the Nut Tree Airport Land Use Compatibility Plan..

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**RESOLVED**, that after adoption of this Resolution Staff is authorized to correct any clerical errors in this Resolution or the Staff Report.

I certify that the foregoing resolution was adopted at a regular meeting of the Solano County Airport Land Use Commission on June 8, 2023 by the following vote:

AYES: Commissioners \_\_\_\_\_  
\_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

ABSTAIN: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

By \_\_\_\_\_  
Ross Sagun, Chair  
Solano County Airport Land Use Commission

Attest:

By: \_\_\_\_\_  
Terry Schmidtbauer, Secretary to the Commission