

CHAPTER 15.12

SITE DEVELOPMENT AND TREE PROTECTION³

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Article I. General Provisions

15.12.010 Authority. The ordinance codified in this chapter is enacted pursuant to Section 7 of Article XI of the Constitution and the general laws of the state.

(Ord. 1988-230 § 1, 1988; Ord. 1984-201 § 1 (7100), 1984)

15.12.020 Applicability. The provisions of this chapter apply to all site development within the town; however, a permit shall be required only for those types of development set forth in Section 15.12.070.

(Ord. 1984-201 § 1 (7101), 1984)

15.12.030 Purpose. The ordinance codified in this chapter is adopted to promote public safety and the general public welfare, to protect property against loss from erosion, earth movement and flooding, to promote and enhance a superior community environment, to maintain the rural character, to maintain air quality and ecologic balance, to maintain property values, to preserve historical value, and to ensure the maximum preservation of the natural scenic character of major portions of the town by establishing minimum standards and requirements relating to land grading, excavations and fills, protection of trees, installation of driveways and procedures by which these standards and requirements may be enforced. It is intended that this chapter be administered with the foregoing purposes in mind and specifically so as to:

A. Ensure that the development of each site occurs in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement and similar hazards as well as visually unpleasant relationships;

B. Ensure that public lands and places, watercourses, streets and all other lands in the town are not subject to erosion and the hazard of earth movement or faulty drainage;

C. Ensure that the planning, design and construction of any project will be done in a manner which provides both maximum safety and human enjoyment, while making it as unobtrusive in the natural terrain as possible;

D. Ensure, insofar as practical in permitting reasonable development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion, earth movement and other similar hazards and to aid in preservation of natural scenic qualities of the town;

E. Protect significant trees in order to retain as many trees as possible consistent with the purposes set forth herein and also consistent with reasonable economic enjoyment of private property;

F. Ensure that the planning, design and construction of any project is consistent with the general plan, any specific plans and Title 18 of this code.

(Ord. 1994-276 § 1 (part), 1994; Ord. 1993-274 § 1 (part), 1993; Ord. 1984-201 § 1 (7102), 1984)

15.12.040 Interpretation. This chapter shall be interpreted and applied as follows:

A. The provisions of this chapter shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements. The chapter is not intended to impair or interfere with any private restrictions placed upon property by covenant or deed; provided, however, that where this chapter imposes higher standards or greater restrictions upon the development of land than are imposed or required by such private restrictions, the provisions of this chapter shall control.

B. Whenever any provision of this chapter and any other provision of law, whether set forth in this chapter or in any other law, ordinance or resolution of any kind, impose overlapping or contradictory regulations over the development of land, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

(Ord. 1984-201 § 1 (7103), 1984)

15.12.050 Hazards. Whenever the town engineer determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, endangers other property, or adversely affects the safety, use or stability of a public way or drainage channel, he shall notify the owners of such property or other person or agent in control of the property. Upon receipt of notice in writing from the town engineer or his authorized representative, the owner or agent shall within the period specified in the notice repair or eliminate such excavation or embankment so as to

eliminate the hazard and be in conformance with the requirements of this chapter.

In case of emergency, when a tree is hazardous or dangerous to life or property, it may be trimmed or removed by order of a member of a utility company, a member of a police or fire department, or town staff, all acting in official capacity.

(Ord. 1993-274 § 1 (part), 1993; Ord. 1984-201 § 1 (7104), 1984)

Article II. Definitions

15.12.060 Definitions. For the purposes of this chapter certain terms used herein are defined as set forth below:

1. "As graded" means the surface conditions extant on completion of grading.
2. "Bedrock" means in-place solid rock.
3. "Bench" means a relatively level step excavated into earth material on which fill is to be placed.
4. "Borrow" means earth material acquired from an off-site location for use in grading on a site.
5. "Building" means a roofed structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. When a structure is divided into separate parts by unpierced walls extending from the ground to the roof or when the parts of a structure are joined only by a breezeway, each such part is a separate building.
6. "Building permit" means a permit issued by the town for the construction, erection or alteration of a structure or building.
7. "Certify" or "certification" means that specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this chapter.
8. "Civil engineer" means a professional engineer registered in the state in the field of civil works.
9. "Compaction" means the densification of a fill by mechanical means.
10. "Cubic yards" means the amount of material in an excavation or fill or in both, measured by the method of "average end areas."

11. "Drip line" means a line on the surface of the ground occurring directly below the greatest horizontal limit of a tree's canopy of leaves and branches.

12. "Driveway" means a way or route for use by vehicular traffic leading from a parking area or from a house, garage or other structure, to the road or street.

13. "Earth material" means any rock, natural soil or fill or any combination thereof.

14. "Engineering geologist" means a person registered by the state as a certified engineering geologist.

15. "Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

16. "Erosion" means the wearing away of the ground surface as a result of the movement of wind, water or ice.

17. "Excavation" means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displayed, relocated or bulldozed, and includes the conditions resulting therefrom.

18. "Fill" means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and includes the conditions resulting therefrom.

19. "Grade" means the vertical location of the ground surface.

20. Grade, Existing. "Existing grade" means the grade prior to grading.

21. Grade, Finished. "Finished grade" means the final grade which conforms to the approved plan.

22. Grade, Rough. "Rough grade" means the stage at which the grade approximately conforms to the approved plan.

23. "Grading" means any excavating or filling or combination thereof.

24. "Key" means a designated compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

25. "Parcel" means all contiguous land held in one ownership as indicated on the records of the county recorder, except each lot of record which complies with one of the following provisions may be considered a separate parcel: (a) lots which are excepted from the area requirements of the zoning ordinance by Section 18.50.030 of this code; and (b) lots excepted from the merger requirements of the zoning ordinance by Section 18.50.070 of this code.

26. "Permittee" means any person to whom a site development permit is issued.

27. "Person" means any person, firm or corporation, public or private, the state and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

28. "Removal" means cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

28a. "Significant tree" means: a tree listed in the historic element of the general plan; or a tree native to the Portola Valley area which is listed below, having a trunk or multiple trunks with a total circumference (C) or diameter (D) greater than the size indicated, measured fifty-four inches above means natural grade.

	(C)	(D)
Coast Live Oak (<i>Quercus agrifolia</i>)	36"	11.5"
Black Oak (<i>Quercus kelloggii</i>)	36"	11.5"
Valley Oak (<i>Quercus lobata</i>)	36"	11.5"
Blue Oak (<i>Quercus douglasii</i>)	16"	5"
Coast Redwood (<i>Sequoia sempervirens</i>)	54"	17.2"
Douglas Fir (<i>Pseudotsuga menziesii</i>)	54"	17.2"
California Bay Laurel (<i>Umbellularia californica</i>)	36"	11.5"
(If multiple trunks, measurements pertain to largest trunk)		
Big Leaf Maple (<i>Acer macrophyllum</i>)	24"	7.6"
Madrone (<i>Arbutus menziesii</i>)	24"	7.6"

29. "Site" means a lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

30. "Site development" means altering terrain or vegetation or constructing driveways, or any combination of such activities.

31. "Site development committee" consists of the town engineer, town planner, town geologist, health officer, fire marshal, designated member of the architectural and site control commission, designated member of the conservation committee and designated member of the trails committee.

32. "Soil" is naturally occurring deposits overlying bedrock.

33. "Soil engineer" means a registered civil engineer of the state specializing in soil mechanics and foundation engineering, which sciences deal with the application of the principles of soil mechanics in the investigation and analysis of the engineering properties of earth material.

34. "Soil engineering" means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction of such civil works.

36. "Structure" means anything constructed or erected which requires location on the ground or which is attached to something having location on the ground, excluding vehicles designed and used only for the transportation of people or goods.

37. "Terrace" is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

38. "Vacant" means land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

(Ord. 2006-363, § 1, 2006; Ord. 1993-274 § 1 (part), 2, 1993; Ord. 1984-201 § 1 (7200), 1984)

Article III. Procedures

15.12.070 Permit—Required. No person shall commence or perform any grading, tree removal or modification or vegetation

removal in excess of the limits specified below without first obtaining a site development permit. A separate site development permit shall be required for each site on which grading is to be done, except that, if acceptable to the town engineer and authorized by all affected lot owners, site development involving two or more contiguous lots may be filed under one application. Whether or not a site development permit is required, all surfaces disturbed by excavation, filling, vegetation removal, or some combination shall be backfilled, recompacted and plated for erosion control as soon as possible after grading is completed. All such work shall be within the site development standards of this chapter. Failure to adhere to such standards shall be subject to the penalties of Section 15.12.410.

A. A site development permit shall be required in all cases where development comes under any one or more of the following provisions unless such work is exempted therefrom by subsection B of this section:

1. Excavation, fill or any combination thereof exceeds fifty cubic yards;
2. Fill will exceed three feet in vertical depth at its deepest point measured from the natural ground surface;
3. An excavation will exceed four feet in vertical depth at its deepest point;
4. An excavation, fill or combination thereof, will exceed an area of five thousand square feet;
5. Vegetation is to be removed from an area exceeding five thousand square feet on any vacant parcel of land or any parcel of land in excess of ten acres;
6. A significant tree is to be removed or would be affected by actions which would tend to injure, mutilate, destroy or kill the tree, including placing fill within the dripline or substantially reducing the tree in size.
6. Site development under an agreement with the town pursuant to requirements placed on the filing of a parcel map or final subdivision map.

7. Excavations for geologic investigations and drilling for geologic investigations, both to depths in excess of four feet.

8. Drilling for water wells.

9. Driveways in the public right-of-way that connect a parcel with the public road. (A site development permit is not needed if the driveway is approved as a part of site plan for a building permit.)

B. A site development permit shall not be required for the following unless a significant tree would be affected:

1. Excavations below finished grade for basements, footings of buildings, retaining walls, septic tanks, drainfields, swimming pools or other structures authorized by a valid building permit. This provision shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure;

2. Reserved;

3. Excavation or removal of vegetation in public utility easements by public utility companies for the purpose of installing underground utilities;

4. Removal of vegetation as part of the work authorized by an approved building permit;

5. Tilling of soil for agricultural or fire protection purposes;

6. Site development under an agreement with the town pursuant to requirements placed on the filing of a parcel map or final subdivision map. (Ord. 1993-274 § 1 (part), 1993; Ord. 1984-201 § 1 (7300), 1984; Ord. 2001-338 §§ 9, 10, (part), 2001)

15.12.080 Permit—Application. Each application for a site development permit shall be made by the owner of the property or the owner's authorized agent to the planning commission secretary on a form furnished for that purpose. Such application shall be accompanied by the following items unless the town engineer finds them unnecessary to ensure compliance with the provisions of this chapter. When grading, driveway construction or vegetation removal is proposed as a part of a building permit applica-

tion, the building permit application and site development permit application may be combined, and one plot plan, in the number of copies required by the planning commission, may be submitted showing building plans and site development plans. In such instances, a registered civil engineer shall certify as to the accuracy of the existing and proposed contour lines. Where an application pertains only to significant tree(s), the application materials may be restricted to those set forth in Section 15.12.080(C):

A. Plot plan drawn or approved by a registered civil engineer in ten copies showing the following:

1. Location of existing and proposed buildings and structures on the applicant's property and location of any buildings or structures within one hundred feet of the applicant's property that are on lands of adjacent property owners, whose properties share a common boundary line or point of boundary line intersection with the applicant's property,

2. Location of all existing and proposed streets, roadways, driveways, easements and rights-of-way,

3. The present contours of the site in dashed lines and the proposed contours in solid lines. Contour intervals shall be not less than two feet where slopes are predominately five percent or less, and five feet where slopes are predominately steeper than five percent. Ninety percent of all contours shall be accurate within two feet and all contours shall be accurate within four feet. The source of topographical information shall be indicated,

4. The location of all drainage to, from and across the site, the location of intermittent and permanent springs and culverts and other drainage structures,

5. Location of all existing single trees that have a trunk diameter of six inches or more, and multiple trunk trees that have one trunk of four inches or more; the diameter of each such tree at an elevation measured fifty-four inches above mean natural grade; the common name of each such tree, and a dotted line representing the actual drip line of each such tree. All such trees planned for removal shall be clearly labeled "to be removed,"

6. Estimated quantities of grading work involved,

7. Location of proposed or existing septic tank system drainfields within the project parcel and within adjacent parcels which are downslope,

8. Trail easements and conservation easements as shown on a current title report or recorded subdivision map for the project property,

9. The name and telephone number of person authorized to permit inspection of property,

10. Location and design of all temporary construction features including access routes and storage areas,

11. The location of any historic resources as identified in the historic element of general plan;

B. Additional information in three copies:

1. Details of all proposed drainage structures, cribbing,

terraces and surface protections, not including vegetative cover, required as a result of grading and required for the support of adjoining property,

2. Grading specifications,

3. Profiles and cross-sections: Sufficient cross-sections shall be provided to clearly show proposed grading and development, and the relationship of buildings and structures to existing and proposed contours,

4. Drainage calculations,

5. Soil engineering report and, unless waived by the town geologist, an engineering geology report as provided for below. Where appropriate, final soil engineering and engineering geology reports shall be provided pursuant to the provisions of Section 15.12.140 (B).

a. Soil engineering report: The soil engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the town engineer and town geologist shall be incorporated in the grading plans or specifications,

b. Engineering geology report: The engineering geology report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the town geologist shall be incorporated in the grading plans or specifications,

6. Statement of the estimated starting and completion dates for the grading work proposed and any landscape work that may be required,

7. Landscape plans and specifications for the site and, if appropriate, information relating to landscaping of adjacent or surrounding areas affected by the proposed development. Such plans and specifications shall be prepared by a licensed landscape architect. However, the conservation committee and the architectural and site control commission may waive the requirement that the preparer be a licensed landscape architect if plans are for landscaping of one single-family parcel, not in conjunction with development of any other parcel, and are found acceptable with respect to the landscaping standards of this chapter. Landscape plans and specifications shall show:

a. Distribution of plant material: Location, quantity and key number of each species of plant in each group; outline of all lawn areas, areas to be seeded, sodded and sprigged; existing trees, if any, to be preserved, transplanted or removed; relationship of plantings including height at maturity to solar access both on the permit property and adjoining building sites,

b. List of plant material giving standard botanical plant names and key number for each variety for reference to plan, and in addition, the size, quality or other pertinent description common to the trade. The types of plant materials, including trees, shrubs and erosion control plantings, generally deemed acceptable by the town for planting of disturbed areas, are identified in the list of approved plantings available from the town. The conservation committee shall review all proposed plantings against this list and determine whether the plantings are appropriate in their proposed locations and for the intended purposes. The focus of the conservation committee's attention shall be on planting of disturbed surfaces to control erosion; return graded slopes to a more natural appearance, and screen graded slopes and retaining structures from views from adjacent properties,

c. A specification describing the methods for planting the

areas to be landscaped with special emphasis on (i) soil preparation, fertilization, plant material and methods of planting, and (ii) initial maintenance of the plant material and slopes until a specified percentage of plant coverage is established uniformly on the cut and fill slopes,

d. A statement by the licensed landscape architect regarding (i) the length of time after planting, with the specified maintenance normally required to produce the specified percentage of plant coverage on the slopes in the slope control areas, and (ii) the additional length of time, without any special maintenance, normally required to produce a coverage of permanent planting which will control erosion,

e. Details of all items and features pertaining to site preservation and improvements such as retaining walls, and tree wells, and details not shown on other plans accompanying the application,

f. Such other and further details as may be specified and required by the town engineer or conservation committee to carry out the purposes of this chapter.

Unless waived by the conservation committee and architectural and site control commission, all such plans shall bear the name of a licensed landscape architect responsible therefor.

8. A copy of calculations and plans used to compute the total cubic yards of combined cut and fill required in Section 15.12.070,

9. A complete initial environmental study when required by the town's guidelines for implementing the California Environmental Quality Act, as amended,

10. Type of proposed irrigation, and if not a drip-type system, the actual location of and type of sprinkler heads proposed,

11. A plan showing the locations of stakes to be placed on the property which identify major boundaries and elevations of proposed graded areas. The stakes may be shown on the plot plan required by subsection A of this section in lieu of furnishing a separate map. The applicant shall place the stakes on the property so as to be visible for a period of at least ten days prior to consideration by the

architectural and site control commission or, if the matter is before the planning commission, at least ten days prior to that meeting. In addition, the applicant shall label the stakes and identify in the field all trees to be removed (as described in subdivision 5 of subsection A of this section),

12. Such other information as shall be required by the town engineer.

C. When an application involves work affecting a significant tree, the application shall include: site location of tree(s), proximity to structures, health and general condition, and necessity for removal or other anticipated action.

(Ord. 1994-276 § 1 (part), 1994; Ord. 1993-274 § 1 (part), 1993; Ord. 1984-201 § 1 (7301), 1984)

15.12.090 Permit — Consultants. Town officers administering this chapter may engage the services of soils engineers, foresters, landscape architects or other appropriate consultants as may be necessary to advise in the review of site development permit applications and may charge the cost of such services to the applicant in accordance with Section 15.12.370.

(Ord. 1984-201 § 1 (7302), 1984)

15.12.100 Permit — Application review. To further the specific purposes of this chapter as set forth in Section 15.12.030 the following procedures are established:

A. Grading Work Under One Hundred Cubic Yards. Where the aggregate volume of grading on any site or contiguous group of sites is in excess of fifty cubic yards but not over one hundred cubic yards, the planning coordinator shall process the application according to the appropriate alternate listed below:

1. When the application is attendant to a building permit, the application shall be referred to the town engineer, town geologist, town planner, and any other appropriate staff for review and report. The reports shall be submitted to the town planner for inclusion in

a report to the ASCC along with the building permit application. After review of the report, the ASCC may approve the permit with such reasonable conditions as it deems necessary to secure substantially the objectives of this chapter and direct that the permit be issued. The planning coordinator shall issue the permit in the form of a letter to the applicant.

2. When the application is not attendant to a building permit, the application shall be referred to the town engineer, town geologist, town planner, and any other appropriate staff for review and report. The planning coordinator shall compile the recommendations and submit them in a report to the town engineer. After review of the report, the town engineer may approve the permit with such reasonable conditions as he or she deems necessary to secure substantially the objectives of this chapter and direct that the permit be issued. The planning coordinator shall issue the permit in the form of a letter to the applicant. Alternatively, the town engineer may direct that the application be referred to the planning commission in the manner provided for in subsection C of this section. Any review costs resulting from such referral shall be paid for by the applicant.

B. Grading Work of At Least One Hundred Cubic Yards But Not Over One Thousand Cubic Yards, Or Where Cuts Or Fills Exceed Five Feet. Where the aggregate volume of grading on any site or contiguous group of sites amounts to at least one hundred cubic yards but is not over one thousand cubic yards, or where proposed cuts or fills exceed five feet at their maximum point, the application shall be referred to the town engineer, town geologist, town planner, and other appropriate members of the site development committee for review and report. The reports shall be submitted to the town planner for inclusion in a report to the ASCC. Notice of the ASCC meeting at which the application will be considered shall be given as required by Section 18.64.085 of this code. After review of the report, the ASCC may approve the permit with such reasonable conditions as it deems necessary to secure substantially the objectives of this chapter and direct that the permit be issued. The planning coordinator shall issue the permit in the form of a letter to the applicant.

C. Grading Work in Excess of One Thousand Cubic Yards or Removal of Vegetation or Both. Where the aggregate volume of grading on any site or contiguous group of sites is in excess of one thousand cubic yards, or where approval to remove vegetation is required by Section 15.12.070, the following procedures shall apply:

1. The application shall be referred to the site development committee for review. The designated members of the architectural and site control commission, the conservation committee and trails committee may in turn refer the application to their respective entire committees.

2. Following such review, site development committee members shall each provide written reports to the town planner who shall, based on these reports, prepare a final report with recommendations to be forwarded to the planning commission and the applicant. The report shall include or reference copies of all written reports submitted by site development committee members.

3. The planning commission shall hold a hearing on the application for the proposed site development permit, and, before holding such hearing, notices shall be sent to neighboring property owners as required by Section 18.70.040 of this code and to such other additional owners as, in the opinion of the town planner, may be substantially affected by such grading operation.

4. Upon completion of the required hearings and after consideration of the report and recommendations of the site development committee, the planning commission shall approve, approve with such reasonable conditions as it may deem necessary to secure substantially the objectives of this chapter, or disapprove the application for the site development permit. The planning coordinator shall issue the permit in the form of a letter to the applicant.

5. Failure of the planning commission to make a determination upon the approval, conditional approval or disapproval of the application for a site development permit within sixty days after receipt of all necessary information for such action will constitute an approval of the application unless such time is extended with the consent of the application.

D. Prohibition of Pregrading. No site development permit shall be issued for an intended building site unless:

1. Such permit is accompanied by or combined with a valid building permit issued by the town; provided, however, that the site development permit may be issued for those projects not requiring a building permit;

2. The proposed grading is coordinated with any overall grading plan previously approved by the town for the area in which the site is situated.

E. When an application pertains to a significant tree(s), the planning coordinator shall refer the application to a member of the conservation committee designated by the chairperson of the committee and may in addition refer the application to town staff. If the application pertains solely to a significant tree(s), the planning coordinator may issue the permit with appropriate conditions upon receipt of requested reports. If the application pertains to more than a significant tree(s), the planning coordinator shall submit recommendations to the approving authority for the permit.

(Ord. 2000-330 § 1, 2000; Ord. 1993-274 § 1 (part), 1993; Ord. 1984-201 § 1 (7303), 1984)

15.12.105 Permit – Effective date. Permits approved pursuant to Section 15.12.100 shall become effective sixteen days after approval unless the council elects to review the approval pursuant to Section 15.12.365, or unless the approval is appealed pursuant to Section 15.12.360. (Ord. 1989-245 § 1 (Exh. A) (part), 1989)

15.12.110 Permit – Denial. If, after receiving the final report of the site development committee, the approving authority, as established under Section 15.12.100, finds the work as proposed by the applicant is contrary to the purposes of this chapter, the site development permit shall be denied. The applicant may appeal such denial as provided in Section 15.12.360. Factors to be considered in the denial shall include, but not be limited to, possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surfacewaters that produce erosion, and silting of drainageways; subsurface conditions such as the rock strata and faults; nature and type of soil or rock that when disturbed by the proposed grading may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation. (Ord. 1984-201 § 1 (7304), 1984)

15.12.120 Responsibility for damages. The failure of town officials to observe or recognize any hazardous or ugly condition, or to recommend denial of the site development permit, or of the planning commission to deny such permit, shall not relieve the permittee of responsibility for the condition or damages resulting from the condition, and shall not result in the town, its officers or agents, being responsible for such condition or damages. (Ord. 1984-201 § 1 (7305), 1984)

15.12.130 Retention of plans. Plans, specifications and reports for all site development shall be retained in original form or on microfilm by the town.
(Ord. 1984-201 § 1 (7306), 1984)

15.12.140 Inspections. All grading inspections shall be made pursuant to the inspection requirements of Chapter 70 of the Uniform Building Code as currently adopted by the town, except that the town engineer and, where appropriate, the town geologist shall be responsible for inspection of grading operations requiring a site development permit. The town engineer or town geologist shall, when requested by the town clerk, other designated town staff members, or applicant, make the inspections required in this section and shall either approve that portion of the work completed or shall notify the permittee wherein such work fails to comply with this chapter. Where it is found by inspection that conditions are not substantially as stated or shown in the application for a site development permit, the town engineer or his designated representative may stop further work until approval is obtained for a revised grading plan conforming to the existing conditions.

A. Inspection by Town Engineer. Plans for grading work, bearing the stamp of approval of the town engineer, shall be maintained at the site during the progress of the grading. Until the final inspection is made, a letter issued by the town indicating permission to grade has been granted by the town and an approved set of plans shall be maintained on the premises. In order to obtain inspections in accordance with the following schedule, the permittee shall notify the town engineer and, when appropriate due to conditions of the site development permit, the town geologist at least two full working days before the inspection is to be made:

1. Initial inspection: Before commencement of grading operations, and after required construction stakes have been set;

2. Rough grading: When all rough grading has been completed;

3. Final inspection and approval: When all work, including installation of all drainage and other structures and required planting, has been completed. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion-control measures and required planting have been completed in accordance with the final approved grading plan and the final report required under subsection B of this section.

B. Final Reports. Upon completion of the rough grading work and at the final completion of the work the town engineer or town geologist may require the following reports and drawings and supplements thereto:

1. An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. He shall provide approval that the work was done in accordance with the final approved grading plan.

2. A soil grading report prepared by the soil engineer including locations and elevations of field density test, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. He shall provide approval as to the adequacy of the site for the intended use.

3. A geologic grading report prepared by the engineering geologist giving a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in

the approved grading plan. This report shall specifically list all inspections made by the engineering geologist during grading operations and the findings from such inspections. Further, the engineering geologist shall provide approval as to the adequacy of the site for the intended use as affected by geologic factors.

C. Inspection by Building Inspector. All structures required by this chapter and requiring building permits shall be inspected by the building inspector in accordance with procedure established by the Uniform Building Code; provided, however, that no building permit for such structures shall be issued until the town engineer has approved a site development permit for the building site and directed that the permit can be issued or has determined that a site development permit is not required by this chapter.

(Ord. 1984-201 § 1 (7307), 1984)

Article IV. Standards and Specific Requirements

15.12.150 Grading standards – Compliance required. All grading and grading operations shall comply with the requirements set forth in Sections 15.12.160 through 15.12.310 in addition to other requirements of this chapter.

(Ord. 1984-201 § 1 (7400), 1984)

15.12.160 Hours of operation. All grading operations shall be carried on only between the hours of eight a.m. and five-thirty p.m. Monday through Friday, unless the town engineer finds evidence that an emergency exists which would imperil the public safety, in which case he may permit the work to proceed during such other hours as may be necessary for the duration of the emergency.

(Ord. 1984-201 § 1 (7401), 1984)

15.12.170 Dust and dirt control. All graded surfaces of any nature shall be wetted or suitably contained to prevent nuisance from dust or spillage on town streets or adjacent properties. Equipment, materials and roadways on the site shall be used in a manner or treated so as to prevent excessive dust conditions. (Ord. 1984-201 § 1 (7402), 1984)

15.12.180 Slopes. The slope of cut or fill surfaces shall be not steeper than is safe for the intended use. Except as provided below or as otherwise recommended in the approved soil engineering or engineering geology report, cut and fill slopes shall be no steeper than two horizontal to one vertical. The town engineer may require that the slope of a cut or fill be made flatter if he finds the material being cut or the fill unusually subject to erosion, or if other conditions make such flatter slope necessary for stability. The town engineer may permit steeper slopes where the material being cut is unusually stable. (Ord. 1984-201 § 1 (7403), 1984)

15.12.190 Fill material. A. All fill shall be earth, rock or other inert materials free from organic material and free metal, except that topsoil spread on cut and fill surfaces may incorporate humus for desirable moisture-retention properties. Except as permitted by the town engineer, no rock or similar irreducible material with a maximum dimension greater than twelve inches shall be buried or placed in fills.

B. Exception: The town engineer may permit placement of larger rock when the soil engineer properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the site development permit, potential rock disposal areas shall be delineated on the grading plan.

15.12.200–15.12.220

2. Rock sizes greater than twelve inches in maximum dimension shall be ten feet or more below grade, measured vertically.

3. All voids around rocks are to be filled with properly compacted, approved fill material.

(Ord. 1984-201 § 1 (7404), 1984)

15.12.200 Fill location. Fill slopes shall not be constructed on natural slopes steeper than two to one.

(Ord. 1984-201 § 1 (7404.01), 1984)

15.12.210 Drainage. Adequate provision shall be made to prevent any surfacewaters from damaging the cut face of an excavation, or any portion of a fill. All drainageways and structures shall carry surfacewaters without producing erosion to the nearest practical street storm drain or natural watercourse approved by the town engineer as a safe place to deposit and receive such waters. The town engineer may require such drainage structures to be constructed, or installed, as are necessary to prevent erosion, or to prevent saturation of the fill or material behind cut slopes, or damage to septic tank drainfields adjacent to the grading project.

(Ord. 1984-201 § 1 (7405), 1984)

15.12.220 Finished cuts and slopes. The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded and, except when permitted by the town engineer, no such fill, slope, cut or inclined graded surface shall exceed a vertical height of thirty feet. If finished cuts or slopes in excess of thirty feet are permitted, intercepting drains or terraces are required. Such drains and terraces shall be provided in accordance with the provisions of Section 7012 of Chapter 70 of the Uniform Building Code to the satisfaction of the town engineer. All surfacewaters accumulated by such drains and terraces shall be conducted to an approved point of discharge.

Any such terrace or intercepting drain shall be designed to prevent overflow which may cause erosion. All exposed slopes of any cut or fill subject to erosion shall be protected by approved planting, crib walls or walls and planting, terracing, or a combination thereof. Graded surfaces exceeding an area of five thousand square feet shall be treated as provided in Section 15.12.260.

(Ord. 1984-201 § 1 (7406), 1984)

15.12.230 Backfilling. Any pipe trench or other trenching or excavation made in any slope of an excavated or filled site shall be backfilled to the level of the surrounding grade. Such backfill shall be compacted to the original density of the excavated materials, but in no case less than ninety percent of the maximum density achieved by AASHO Soil Compaction Test Method T99-57 or T180-57 or as selected by the town engineer. (Ord. 1984-201 § 1 (7407), 1984)

15.12.240 Compaction of fills. All fills intended to support buildings or structures, or where otherwise required to be compacted for stability of material, shall be compacted, inspected and tested in accordance with the following provisions:

A. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill, and where slopes are steeper than five to one and height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soil engineer or engineering geologist to the satisfaction of the town engineer and town geologist. The bench under the toe of a fill on a slope steeper than five to one shall be at least ten feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. Where fill is to be placed over a cut, the bench under the toe of fill shall be at least ten feet

wide, but the cut must be made before placing fill and approved by the applicant's soil engineer and engineering geologist as a suitable foundation for fills. Unsuitable soil is soil which, in the opinion of the town engineer or town geologist, is not competent to support other soil or fill, or to support structures or to satisfactorily perform the other functions for which the soil is intended.

B. Unless otherwise directed by the town engineer, the fill shall be spread in a series of layers, each not exceeding six inches in thickness, and shall be compacted by sheepsfoot roller or other approved method after each layer is spread.

C. The moisture content of the fill material shall be controlled at the time of spreading and compaction to obtain required maximum density.

D. The fill material after compaction shall have a minimum relative density of not less than ninety percent of maximum density in all portions of the fill requiring compaction, in accordance with the Uniform Building Code or an equivalent standard approved by the town engineer.

E. A written report of the compaction, showing location and depth of test holes, materials used, moisture conditions, recommended soil bearing pressures, and relative density obtained from all tests, prepared by a civil engineer or soil engineer licensed by the state, shall be submitted to the town engineer.

F. The town engineer may require additional tests or information if, in his opinion, the conditions or materials are such that additional information is necessary, and may modify or delete any of the requirements listed in this section that, in his opinion, are unnecessary to further the purpose of this chapter.

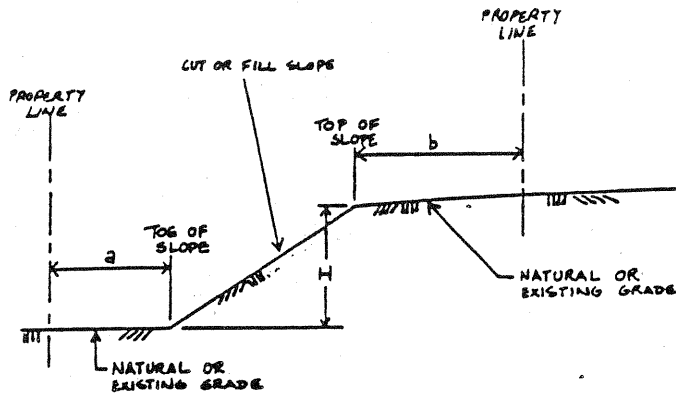
(Ord. 1984-201 § 1 (7408), 1984)

15.12.250 Setbacks. The setbacks and other restrictions specified by this section are minimum and may be increased by the approving authority if necessary for safety and stability or to prevent damage of adjoining properties from deposition or erosion or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when required by the approving authority. Where trail easements exist, they are not available for cut and fill slopes.

A. **Setbacks from Property Lines.** The tops of cuts and toes of fills shall be set back from the outer boundaries of the permit area, including slope right areas and easements in accordance with figure 1 (a).

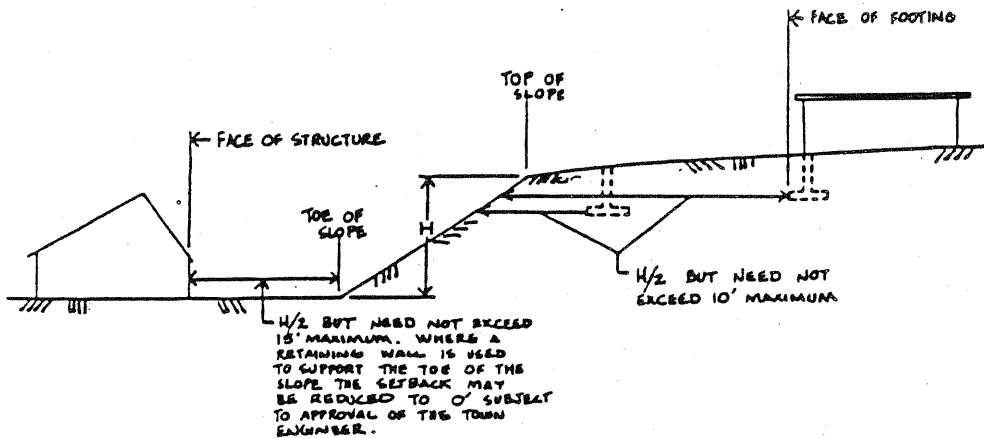
B. **Design Standards for Setbacks.** Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with figure 1 (b).

(Ord. 1984-201 § 1 (7408.01), 1984)



H	SETBACKS	
	a	b
Under 5'	0	1'
5-30'	H/2	H/5
Over 30'	15'	6'

a. Required Setbacks in Feet from Property Lines



b. Required Setbacks in Feet from Structures

Figure 1. Proposed Setbacks from Property Lines and Structures. Note: The tops of all slopes should be rounded to blend with the natural or existing grade to the maximum extent possible.

15.12.260 Erosion control and landscaping. All cut and fill surfaces created by grading and subject to erosion (except plowing or discing for agricultural or firebreak purposes) shall be planted with a ground cover that is compatible with the natural ground covers in the town and that will thrive with little or no maintenance once established. Topsoils are to be stockpiled during rough grading and used on cut and fill slopes. On slopes likely to be extensively disturbed by later construction, an interim ground cover may be planted to be supplemented by the permanent ground cover or shrubs and trees when the site is finally developed and landscaped. When slopes too steep to support continuous ground cover are permitted, screening shall be accomplished by placing vines and plantings in niches and ledges set in the slopes. Cuts and fills along public roads, roadside trails or paths, or trail easements may be required to be landscaped so as to blend into the natural surroundings. All plant materials and their placement shall be satisfactory to the conservation committee.

(Ord. 1984-201 § 1 (7409), 1984)

15.12.270 Tilling for agriculture or fire protection. Tilling of the ground for agricultural or fire protection purposes shall be by such practices as contour plowing which will prevent erosion and prevent damage to natural drainage channels.

(Ord. 1984-201 § 1 (7410), 1984)

15.12.275 Protection of significant trees. The following provisions shall be adhered to:

A. The following protections are the minimum required and the approving authority may require additional protection measures:

1. A fence shall be built around the dripline of the tree(s) prior to any work, and no construction activities shall be carried on within the dripline. Construction activities shall include but not be limited to storage of materials, dumping of waste materials and parking of vehicles,

2. Permits for construction within a dripline of any significant trees shall include: provisions for hand trenching within the dripline; construction of approved tree wells to protect against fill; prohibition of cuts or fills within four feet of a tree base; and review of any cutting or trimming,

3. Damage to significant trees shall be cared for by a licensed tree specialist familiar with local native trees and town regulations regarding same, with notice to the planning coordinator,

4. Posting of a bond or deposit to insure protection of significant trees during construction;

B. Use of measures to effect erosion control, soil and water retention and limitation of adverse environmental effects relating to shade, noise buffers, protection from wind, air pollution and historic features;

C. Replacement of trees removed with other trees on the native plant list, as near as possible to the original location, unless practical reasons preclude this option.

(Ord. 1993-274 § 1 (part), 1993)

15.12.280 Site development certificate. If, upon final inspection of any grading (as specified in Section 15.12.140(A)(3), it is found that the work authorized by the site development permit has been satisfactorily completed in accordance with the requirements of this chapter, and any other requirements imposed, a site development certificate covering such work, and stating that the work is approved, shall be issued to the permittee by the town engineer.

A. The town engineer shall have the power to revoke any site development certificate whenever he finds that the work covered by the certificate has been materially extended or altered, without a permit, or that any planting, retaining walls, cribbing, drainage structures, or other protective devices as shown on the approved plans and specifications submitted with the application for a permit have not been maintained in good order and repair.

B. Before such revocation, the town engineer shall first give written notice to the owner of the property involved, specifying the defective condition and stating that unless such defective condition is remedied satisfactorily, the site development certificate may be revoked. If the defective condition is remedied to the satisfaction of the town engineer, the certificate shall not be revoked.
(Ord. 1984-201 § 1 (7411), 1984)

15.12.290 Special precautions. A. If, at any stage of the grading, the town engineer determines by inspection that the nature of the formation is such that further work as authorized by an existing permit is likely to imperil any property, public way, watercourse or drainage structure, the town engineer may require, as a condition to allowing the work to be done, that such reasonable special precautions be taken as he considers advisable to avoid likelihood of such peril. "Special precautions" may include, but are not limited to, specifying a flatter exposed slope, construction of additional drainage facilities, berms, terracing, compaction, cribbing, installation of plant materials for erosion control, and reports of a registered soil engineer or registered engineering geologist whose recommendations may be made requirements for further work.

B. Where it appears that storm damage may result because the grading is not complete, work may be stopped and the permittee required to install temporary planting to control erosion,

install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large operations or where unusual site conditions prevail, the town engineer may specify the time of starting grading and time of completion or may require that the operation be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

C. Special precautions shall be taken when construction must occur in areas of public trails as follows:

1. No soil or construction materials should be stockpiled or toolsheds located on the trail or within the trail easement. If such interference cannot be avoided, a temporary and safe trail bypass shall be provided to the satisfaction of the trails committee chairman or his designated representative.

2. Any unavoidable trail disturbance shall only be for a minimum period of time, and after work is complete the trail shall be restored to its original condition. Plans shall clearly identify trail disturbance proposed, and a bond shall be posted for reestablishment of the trail after construction. (Ord. 1984-201 § 1 (7412), 1984)

15.12.300 Driveway design – Entrances. A. Driveways shall enter the fronting road or street as nearly at right angles (or a radial line, if on a curve) as physical features permit. Returns connecting the sides of a drive and road shall have a radius of ten feet.

B. Driveways shall be designed and constructed in such a manner that stormwater runoff originating on a roadway will not be concentrated to drain down the drive, and stormwater runoff originating on the private property will be properly conveyed to an established ditch or gutter and not concentrated onto a roadway surface. In addition, any concentration of stormwaters shall be conveyed away from septic tank system drainfields.

C. Where the driveway is in an embankment, culverts and embankment protectors shall be used to convey the runoff or other drainage to proper disposal channels.

D. Adequate and safe sight distance shall be provided for a design speed of fifteen miles per hour.

E. Standing space for motor vehicles, immediately adjacent to the driveway, shall be provided pursuant to applicable sections of Title 18 of this code.

F. Where a driveway crosses an existing or proposed trail or path, the driveway shall be designed so as not to impair the use and safety of such trail or path, and shall be constructed with a rough, nonslip texture in the area of the trail crossing to the satisfaction of the town engineer.

G. An encroachment permit shall be required for work to be done in the public right-of-way.

H. Horizontal alignment of the driveway shall be adequate for safe and convenient travel.

I. Driveways shall have a minimum grade of 0.5 percent and a maximum grade of fifteen percent unless in the opinion of the approving authority a steeper grade will result in a development more in keeping with the purposes of this chapter, in which case grades up to twenty percent may be permitted. All grade changes shall be connected with vertical curves long enough to prevent contact of car or fire truck undercarriage or bumper, and to give adequate riding comfort, and shall meet the standards of the town engineer.

J. Double-access, or "loop," driveways with two entrances to a road or street shall not be permitted unless determined necessary for reasons of safety by the traffic committee.

K. A common driveway may serve up to two building sites as long as it does not result in a conflict with the zoning and subdivision provisions of the town and is improved in conformance with the standards of this chapter. A single private access serving more than two building sites will be permitted

only when improved as a private road pursuant to road standards of Title 17 of this code, and only when it will not result in a conflict with the zoning and subdivision provisions of the town or other requirements of this chapter. (Ord. 1984-201 § 1 (7413), 1984)

15.12.310 Driveway width and surfacing. A. Driveways entering a road or street shall have a minimum paved width, asphalt, concrete or rocked, of twelve feet and a maximum paved width, asphalt, concrete or rocked, of twenty feet. The first twenty feet of driveway measured from the edge of pavement of the existing street or road shall be paved with asphalt or concrete, or treated with an oil penetration coat to the satisfaction of the town engineer. In addition, all driveways shall have a minimum vertical clearance of ten feet.

B. Driveways serving a single building site with a length measured from roadway to garage of less than one hundred fifty feet shall have a minimum paved width, asphalt or rocked, of twelve feet.

C. Driveways serving two building sites, or having a length of one hundred fifty feet or greater, shall have a minimum paved width, asphalt, concrete or rocked, of twelve feet and in addition, turnouts shall be provided at intervals not exceeding three hundred fifty feet or at such shorter distances as may be required because of limited sight distance due to the curvature of alignment. The total width at such turnouts shall be not less than eighteen feet. In addition to such turnouts, a turnaround or backaround shall be provided for fire apparatus at standards set by the fire marshal.

D. Crown or cross slope of driveway shall be from one percent to three percent.

E. Driveways shall have a minimum compacted thickness of untreated rock base of six inches. Compaction shall be ninety-five percent for a minimum depth of 0.5 feet below finish grade as determined by California Test Method No. 216 or approved equal.

F. Where centerline grade of any section of driveway exceeds eight percent and drains toward the street or road serving the parcel, the driveway shall be surfaced with an asphalt concrete

surface one and one-half inches thick, or be constructed of some combination of base and surface providing equal strength and durability. For grades over twelve percent to the maximum grade of twenty percent, asphalt concrete or portland cement concrete will be required unless waived by the town engineer.

G. Berms and drainage facilities shall be provided where required by the town engineer.

H. All culverts, bridges and other related structures shall be designed for an equivalent wheel load of six thousand pounds and H-20 loading criteria as adopted by the State of California, Department of Public Works, Division of Highways, to facilitate safe movement of emergency vehicles and firefighting equipment.

I. All rock driveways serving more than a single building site shall be treated with an oil penetration coat to the satisfaction of the town engineer.

J. In zoning districts requiring a parcel area of one acre or more, the width of driveways in the front setback and in the public right-of-way shall not exceed twelve feet unless a greater width is required for fire protection purposes, the setback is so small as to constrain access to a garage, or it has been demonstrated to the ASCC that for safety reasons a wider driveway is necessary. (Ord. 1984-201 § 1 (7414), 1984; Ord. 2001-338 § 11 (part), 2001)

Article V.

Fees, Deposits, Bonds, Appeals, Exceptions and Penalties

15.12.320 Exception—Application—Findings required. The planning commission may authorize exceptions to any of the requirements and regulations set forth in this chapter. Application for any exception shall be made by a verified petition of the applicant stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the site development permit application. In order

for the land referred to in the petition to come within the provisions of this section, it is necessary that the planning commission find all of the following facts with respect thereto:

A. That the land is of such shape or size, or is affected by such physical conditions, or is subject to such title limitations of record that it is impossible or impractical for the petitioner to comply with all of the regulations of this chapter;

B. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

C. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

(Ord. 1984-201 § 1 (7500), 1984)

15.12.330 Exception – Administrative recommendations.

Each proposed exception shall be referred to the officers or agencies involved and such officers or departments shall transmit to the planning commission their recommendations, which recommendations shall be reviewed prior to the granting of any exception.

(Ord. 1984-201 § 1 (7501), 1984)

15.12.340 Exception – Approval by planning commission. The planning commission after public hearing thereon may, by resolution, approve the site development permit application with the exceptions and conditions it deems necessary or it may disapprove such site development permit application and exception application or take such other action as is appropriate.

(Ord. 1984-201 § 1 (7502), 1984)

15.12.350 Permit revocation or suspension. A. Authority and Temporary Suspension. In the event any person holding a site development permit pursuant to this chapter violates the

terms of the permit, or conducts or carries on the site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing, or working in the neighborhood of the property of the permittee, or conducts or carries on the site development so that it is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the site development permit shall be revoked or suspended pursuant to the procedures described in this section. Whenever a violation or hazardous condition is identified, a temporary suspension may be made effective immediately upon a notification by the town engineer, his designated representative, the mayor or chairman of the planning commission.

B. Procedure for Permanently Revoking or Suspending Site Development Permit. No site development permit shall be permanently revoked or suspended until a hearing is held by the planning commission. Written notice of such hearing shall be served upon the permittee, either personally or by registered mail, and shall state:

1. The grounds for complaint or reasons for the revocation or suspension.
2. The time when, and the place where, such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least five days prior to the date set for the hearing. At any such hearing the permittee shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. Upon conclusion of such hearing the planning commission shall determine whether or not the permit shall be suspended or revoked. In the event the determination is to suspend or revoke the permit, the permittee may appeal the decision to the town council in the same manner provided in Section 15.12.360.
3. The planning commission shall hold the hearing to consider recommendations for revocation or suspension of permits

which have been temporarily suspended at the next regularly scheduled meeting of the planning commission at which all conditions of subdivision 2 of this subsection can be fulfilled.

(Ord. 1984-201 § 1 (7503), 1984)

15.12.360 Appeals. Any applicant or other party aggrieved by a determination of any administrative official may appeal such determination to the planning commission by filing a written notice of appeal with the planning commission secretary within fifteen days of the administrative official's determination. Any applicant or other party aggrieved by a determination of the planning commission may appeal such determination to the town council by filing a written notice of appeal with the town clerk within fifteen days of the planning commission determination. The town clerk shall then put the matter on the

next open agenda for hearing at a regularly scheduled town council meeting.

(Ord. 1989-245 § 1 (Exh. A) (part), 1989; Ord. 1984-201 § 1 (7504), 1984)

15.12.365 Review procedure by the council. Within ten days of the date of any approval pursuant to Section 15.12.100 C, or at the next meeting of the council, whichever is later, the council may review such action. Within fifteen days of the date of any approval pursuant to Section 15.12.100 A or B, the council may review such action. In its review, the council may affirm the approval based solely on the record transmitted to the council. If, from a review of the record, the council believes that new evidence or testimony are required, or should they determine not to affirm the approval, then the council shall set the matter for public hearing at a regularly scheduled council meeting.

(Ord. 1989-245 § 1 (Exh. A) (part), 1989)

15.12.370 Fees and deposits. Filing fees and deposits for services shall be as set forth in Sections 18.34.040 through 18.34.070.

(Ord. 1984-201 § 1 (7505), 1984)

15.12.380 Bonds. A. Bond Required. The applicant shall be required to file with the town clerk a faithful performance bond or other improvement security satisfactory to the town attorney in the amount deemed sufficient by the town engineer to ensure the completion of all improvements, landscaping, maintenance of landscaping for such periods as specified by the town, engineering, inspection fees and incidental expenses. The town engineer may waive the bond requirement if he finds that the proposed work is such that it does not have potential to interfere with any natural or otherwise established drainage,

endanger persons or public or private property, constitute a nuisance, or in any way be inconsistent or potentially inconsistent with the purposes of this chapter.

B. Conditions of Bond. Among other appropriate provisions, every bond shall include the following conditions to which the principal and surety shall each be bound:

1. To comply with all of the provisions of this chapter and all other applicable laws, ordinances, rules and regulations;

2. To comply with all of the terms and conditions of the site development permit to the satisfaction of the town engineer;

3. To complete all of the work contemplated under the site development permit within the time limit specified in the permit. (The town engineer may, for sufficient cause, extend the time specified in the permit, but no such extension shall release the surety upon the bond.);

4. To pay all reasonable costs incurred or expended by the town, including, but not limited to, court costs and attorney's fees, in doing or causing to be done any of the work set forth in the site development permit, any other work which in the judgment of the town engineer is required to be done as a result of any work or activity done under the permit, or any abatement of any nuisance created by any work or activity done under the permit, or in collecting money or damages in connection with any of the foregoing.

C. Term of Bond. The term of the bond shall begin on the date of its posting and shall end on the satisfactory completion of the terms and conditions of the site development permit. Evidence of completion shall be when the final inspection and approval, and final reports have been completed pursuant to Section 15.12.140 and documents verifying completion filed with the records of the permit.

D. Notice of Default. Whenever the town engineer finds that a default has occurred in the performance of any term

or condition of a site development permit, he shall give written notice thereof separately to the permit holder and to his surety. Such notice shall state the work or other things necessary to be done in order to cure the default, its estimated cost, if known, and the period of time deemed reasonably necessary by the town engineer to complete the work, and to do such other things which are necessary to be done in order to cure the default. The time period to cure the default normally shall be from thirty to sixty days, unless the town engineer determines a shorter, or longer, period is appropriate given the unique circumstances of the particular project. The notice of default shall be served personally or by deposit in the United States mail in a sealed envelope, with postage fully prepaid, addressed to the permit holder and to his surety at the mailing address, or, if there is no mailing address, the business address, shown in the application or in the bond.

E. Duty of Surety. Upon service of the notice of default the surety shall be obligated to have the work and other things done within the time specified in the notice.

F. Disposition of Cash Security. If cash money or its equivalent or an instrument of credit has been deposited to secure the bond, and if notice of default has been served upon the permit holder and he has failed to do the work and other things required to be done by the notice within the time specified in the notice, the town may use such deposit in order to have such work and other things done, by contract or other means at the discretion of the town. The balance, if any, shall be returned to the depositor after completion of the work and other things.

G. Right of Entry. In the event of any default in the performance of any term or condition of the site development permit the surety, if any, or any person employed or engaged on its behalf, or the town engineer or any other person employed or engaged on behalf of the town, shall have the right to go upon

the premises to complete the work and do the other things required by the permit. It is unlawful for any person in any way to hinder, obstruct, or prevent such entry. In furtherance of this provision, every application for site development permit shall be signed by the property owner and/or such other person legally empowered to act on behalf of the property owner. Signing of the site development permit application shall grant the license for the purposes of entry and completion of work specified in this chapter. Furthermore, site development permits, once approved, shall not be assignable without prior approval of the applicable town approving authority.

(Ord. 1984-201 § 1 (7506), 1984)

15.12.390 Expiration of permit. Every site development permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within one hundred eighty days, or is not completed within one year from date of issue; except, that the town engineer may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit.

(Ord. 1984-201 § 1 (7507), 1984)

15.12.400 Unauthorized activities. A. The provisions of this chapter shall not be construed as permitting the removal of top soil or trees and plants for resale, or of permitting quarrying of any nature within the limits of the town.

B. This chapter shall not be construed as authorizing any person to maintain a private or public nuisance upon his or her property, and compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance.

(Ord. 1984-201 § 1 (7508), 1984)

15.12.410 Violation — Penalty. No person, firm or corporation shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any provisions of this chapter.

A. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and each such person is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation such person is punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than one hundred eighty days, or by both such fine and imprisonment.

B. The town engineer, the town planner and the architectural and site control commission are empowered to investigate and make reports to the planning commission on any violations of this chapter. The planning commission, if it determines that a violation exists, may recommend that legal action be taken by the town council.

C. Any person violating provisions of this chapter with respect to the protection of trees, in addition to penalties set forth in Section 15.12.410(A), shall be required to replace any damaged or destroyed trees with new native trees of at least a fifteen-gallon size root ball and good forestry practices shall be observed.

(Ord. 1993-274 § 1 (part), 1993: Ord. 1984-201 § 1 (7509), 1984)

15.12.420 Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The council of the town of Portola Valley declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause and phrase of it, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases of the ordinance codified in this chapter be declared invalid or unconstitutional.

(Ord. 1984-201 § 1 (7510), 1984)

15.12.430

15.12.430 Short title. The ordinance codified in this chapter shall be known as the "Site Development Ordinance of the Town of Portola Valley."
(Ord. 1984-201 § 1 (7511), 1984)