

Chapter 12.20

GRADING

Sections:

- 12.20.010 Title.
- 12.20.020 Purpose.
- 12.20.030 Definitions.
- 12.20.040 Permits – Applications.
- 12.20.050 Permits--Required and subject to conditions.
- 12.20.060 Fees.
- 12.20.070 Exempted work.
- 12.20.080 Grading under building permit, sewage disposal permit, or well permit.
- 12.20.090 Permits-- Thresholds.
- 12.20.100 CEQA review required.
- 12.20.110 Enforcement responsibility.
- 12.20.120 Violation; enforcement.
- 12.20.130 Correction of no-permit violations.
- 12.20.140 Plans and specifications to accompany permit.
- 12.20.150 Information required in plans and specifications.
- 12.20.160 Soil engineering report.
- 12.20.170 Cuts--Generally.
- 12.20.180 Cuts--Slope.
- 12.20.190 Cuts--Drainage and terracing.
- 12.20.200 Fills--Generally.
- 12.20.210 Fills--Preparation of ground.
- 12.20.220 Fills-- Material.
- 12.20.230 Fills--Rock sizes.
- 12.20.240 Fills--Compaction.
- 12.20.250 Fills--Slope.
- 12.20.260 Fills--Drainage and terracing.
- 12.20.270 Setbacks--Generally.
- 12.20.280 Setbacks--From property lines.
- 12.20.290 Setbacks--Design standards.
- 12.20.300 Drainage and terracing--Generally.
- 12.20.310 Terraces.
- 12.20.320 Subsurface drainage.
- 12.20.330 Disposal of drainage.
- 12.20.340 Interceptor drains.
- 12.20.350 Erosion control--Slopes.
- 12.20.360 Erosion control--Other devices.
- 12.20.370 Dust control.
- 12.20.380 Hours of grading operations.
- 12.20.390 Stockpiling requirements.
- 12.20.400 Grading inspection.
- 12.20.410 Grading designation.
- 12.20.420 Grading requirements.
- 12.20.430 Qualified professional's responsibility.
- 12.20.440 Quality control review.
- 12.20.450 Notification of noncompliance.
- 12.20.460 Transfer of responsibility for approval.
- 12.20.470 Final reports.
- 12.20.480 Notification of completion.
- 12.20.490 Appeals.

12.20.010 Title. This chapter shall be known as the "Tuolumne County Grading Ordinance."

12.20.020 Purpose. The purpose of this chapter is to establish minimum standards and provide regulations for the construction and maintenance of

excavations, site reclamation, drainage control, stockpiling, as well as for protection of exposed soils surfaces, and cut and clearing of vegetation related to any or all of these practices in order to promote the safety, public health, convenience and general welfare of the community. This chapter is intended to fulfill the requirements for grading/stockpiling and erosion control as contained in Section 66411 of the Subdivision Map Act, establish the administrative procedure for issuance of permits, and provide for approval of plans and inspection of grading construction.

- 12.20.030 Definitions.** For the purpose of this chapter, the terms listed hereunder shall be construed as defined in this section. Any word or term not defined by this chapter shall be used within a meaning of common or standard utilization.
- A. "Agricultural use" means the use of a parcel or parcels of land for the production of food, feed, fiber, fuel crops, apiaries, or horticultural crops, together with any appurtenant structures and accessory uses.
 - B. "Agricultural practices" means any customary and generally accepted practice for the cultivation of land for the production of an agricultural commodity including, but not limited to, plowing, tilling, discing, ripping, harrowing, planting/seeding, land planing/leveling, ditching, and vegetation clearing.
 - C. "Architect" means a licensed architect registered in the state to practice architecture.
 - D. "Architecture" means the planning of sites and the design, in whole or in part, of buildings, or groups of buildings and structures.
 - E. "As-graded" means the surface conditions existing upon completion of grading.
 - F. "Bedrock" means in-place solid rock.
 - G. "Bench" means a relatively level step excavated into earth material on which fill is to be placed.
 - H. "Borrow" means earth material acquired from an off-site location for use in grading on a site.
 - I. "Civil engineer" means a professional engineer registered in the state to practice civil engineering.
 - J. "Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.
 - K. "Compaction" means the densification of a fill by mechanical means.
 - L. "Department" means the Department of Public Works.
 - M. "Director" means the Public Works Director.
 - N. "Earth material" means any rock, natural soil, fill or any combination thereof.
 - O. "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.
- P. "Engineering geologist" means a person experienced in the practice of and knowledgeable in engineering geology and certified in the state to do so.
- Q. "Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.
- R. "Erosion control permit" means a supplemental permit issued in conjunction with a grading or stockpiling permit for any grading or stockpiling to be done between October 15th and May 15th.
- S. "Excavation" means the mechanical removal of earth material.
- T. "Fill" means a deposit of earth material placed by artificial means.
- U. "Geotechnical engineer" means a civil engineer registered in the state as a geotechnical engineer.
- V. "Grade" means the vertical location of the ground surface (elevation).
 - 1. "Existing grade" means the grade prior to grading.
 - 2. "Rough grade" means the stage at which the grade approximately conforms to the approved plan.
 - 3. "Finish grade" means the final grade as built on the site which conforms to the approved plan. Finish grade is also referred to as "as built" or "as finished."
- W. "Grading" means any excavation or filling or combination thereof.
- X. "Home gardening" means the growing of fruits, vegetables, flowers or other plants as an accessory use to a residence on the same parcel primarily for consumption or use by the residents of the parcel. Home gardening includes community gardens, as approved by the Director.
- Y. "Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
- Z. "Landscaping" means the planting of vegetation, including trees, shrubs or ground covers, suitably designed, selected, installed and maintained so as to enhance a site.
- AA. "Qualified professional" means an architect, civil engineer or geotechnical engineer experienced and knowledgeable in the practice of soil engineering. The same individual can perform both soil engineering and civil engineering functions on a project, provided he/she is qualified in both.
- AB. "Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading or stockpiling is performed or permitted.
- AC. "Slope" means an inclined ground surface the

inclination of which is expressed as a ratio of vertical distance to horizontal distance (or percentage).

AD. "Soil" means naturally occurring surficial deposits overlying bedrock.

AE. "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 thereof.

AF. "Stockpiling" means the temporary storing of earth material on a site for future use.

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

AH. "Timber harvest" means the cutting or removal of timber for purposes of sale or profit for wood product purposes, such as lumber, biomass or fire wood, in conformance with the California Forest Practice Rules (Chapters 4, 4.5 and 10 of Division 1.5 of Title 14 of the California Code of Regulations).

AI. "Vegetation Removal" means the removal or clearing of any vegetation with either hand tools or mechanical equipment.

12.20.040 Permits - Applications. The following applies to all permit applications submitted to the Public Works Department:

A. A completed application form shall be submitted to the Engineering Development Division of the Department along with the information listed in Section 12.20.150 and the fee deposit as specified in Chapter 3.40 of this code.

B. A separate application shall be required for each site.

C. The Director may approve, conditionally approve, or deny permits. In granting a permit, the Director shall attach conditions that are reasonable and necessary to fulfill the intent and purposes of this chapter and Title 14 of this code. The conditions, approved plans and the proposal of the applicant as considered and approved by the Department shall be a part of such permit.

Issuance of a permit may require evidence that attached conditions are being or will be met.

D. The Department may require a financial security, as a condition of approval, in such form, and amount as may be deemed necessary to ensure that the work will be completed in accordance with the approved plans and specifications. The financial security may be a surety bond, cash deposit, instrument of credit, or security agreement as approved by the Department.

12.20.050 Permit - Required and subject to conditions.

A. No person shall perform any grading or stockpiling exceeding the thresholds set forth in Section 12.20.090(A) without first obtaining and complying with a permit or receiving an exemption pursuant to Section 12.20.070.

B. No person shall stockpile in excess of 100 cubic yards of earth material without first obtaining and complying with a stockpiling permit.

C. No person shall perform any grading or stockpiling nor allow any previous grading to remain unfinished between October 15th and May 15th without first obtaining and complying with an erosion control permit.

D. On land zoned C, CK, CS, M, MU, or BP, no person shall perform any grading, stockpiling or vegetation removal done with mechanical earth-moving equipment, involving more than 50 cubic yards or exceeding any of the thresholds set forth in Section 12.20.090(A), without first obtaining and complying with a grading or stockpiling permit.

1. Except as provided in paragraph 2, a permit for grading or stockpiling of more than ten percent of a parcel shall not be issued until a site development permit, site review permit, development agreement, planned unit development permit, conditional use permit, or building permit has been issued for a specific development project.

2. Notwithstanding paragraph 1, a grading permit may be issued under this subdivision for grading performed to correct an existing hazardous condition, as determined by the Director.

12.20.060 Fees. Fees, as set forth in Chapter 3.40 of this code, shall be paid to the Department, prior to the processing of any permit application.

12.20.070 Exempted Work. Except for grading described in Subdivision B, subsection 3, work for which a permit is not required by this section shall still conform to the standards set forth in this chapter.

A. Except as provided in Subdivision C, the following work does not require a permit or a grading exemption issued by the Department:

1. Cemetery graves;
2. Refuse disposal sites controlled by other regulations;
3. Excavation for a utility;
4. Exploratory excavations (i.e. test trenches, etc.) under the direction of a civil engineer; engineering geologist, or Registered Environmental Health Specialist, or qualified professional as defined in Section 14.04.360;
5. Grading or stockpiling done as part of a public works project by a government agency; or

6. Home gardening or landscaping which involves less than 50 cubic yards of grading or stockpiling and does not exceed any of the thresholds set forth in Section 12.20.090(A). Vegetation removal which disturbs no more than the top six inches of soil and which is not covered under Section 12.20.050(D) or Chapter 9.24 dealing with premature removal of native oak trees.

7. Agricultural practices.

8. Vegetation removal, timber operations, site preparation and regeneration operations, grading or stockpiling performed under a Timber Harvest Plan (14 CCR § 1031 et seq.), a Modified Timber Harvest Plan (14 CCR § 1051), an Emergency Notice (14 CCR § 1052), a Nonindustrial Timber Management Plan (14 CCR § 1090), a Program Timber Harvesting Plan (14 CCR § 1092), or an Exemption (14 CCR § 1038) issued by the California Department of Forestry and Fire Protection, including work done under a streambed alteration permit under Fish and Game Code section 1600 et seq., when such permit is in connection with a project listed in this paragraph.

B. Except as provided in Subdivision C, a grading exemption may be granted upon review by the Department and issuance of a written grading exemption notification by the Director for any of the following:

1. Landscaping which involves more than 50 cubic yards of grading or stockpiling.

2. Agricultural use of land, when such work is done for future building sites, public utilities, agricultural ponds in excess of 15 acre feet of storage, or for roads created on agricultural property to access portions of the property not conforming to the agricultural use.

3. Vegetation removal, grading or stockpiling performed under a Notice of Conversion Exemption Timber Operations (14 CCR § 1104.1) issued by the California Department of Forestry and Fire Protection where the purpose is to provide for single family home construction.

4. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay, including extensive exploratory excavations, which is operated in compliance with an approved reclamation plan issued under Chapter 8.20, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

C. The exemptions in Subdivisions A and B, above, shall not apply to any project which:

1. Requires a streambed alteration permit under Fish and Game Code section 1600 et seq. and is not listed in Subdivision A(8); or

2. Requires a permit under Section 10 and Section 404 of the Clean Water Act administered by

the Army Corps of Engineers; or

3. Diverts or blocks drainage to an adjacent parcel as determined by the Department.

12.20.080 Grading under building permit, sewage disposal permit, or well permit.

A. Except as provided in Subdivision E, a separate grading or stockpiling permit is not required for the following work:

1. Grading and stockpiling in conjunction with the installation or repair of a sewage disposal system including septic tank, disposal field and appurtenant improvements, which work is authorized by a separate sewage disposal permit issued by the Environmental Health Division and is conducted in accordance with this section.

2. Grading and stockpiling in conjunction with the installation or repair of a well, which work is authorized by a separate well permit issued by the Environmental Health Division and is conducted in accordance with this section.

3. Grading for construction of a private driveway and/or for a residential dwelling, garage, carport, shed, or an agricultural structure, which work is authorized by a separate building permit issued by the Community Development Department and is conducted in accordance with this section.

4. An excavation below finished grade for a basement or footing of a building, retaining wall or other structure, which work is authorized by a separate building permit issued by the Community Development Department and is conducted in accordance with this section.

B. For work listed in Subdivision A, the Department shall conduct a grading review upon the transfer of jurisdiction to the Department as provided by Subdivision D.

C. Exempt grading or stockpiling under a building permit, sewage disposal permit, or well permit shall be limited to grading or stockpiling as shown on the plot plan for the structure or structures being constructed, installed, repaired, replaced, or otherwise modified, as determined by the Department. Any grading or stockpiling that is determined by the Department to exceed these limits either at the time of plot plan review or during on-site inspections shall require a grading permit or stockpiling permit as provided in this chapter.

D. Exempt grading or stockpiling under a building permit, sewage disposal permit, or well permit shall comply with all of the regulations contained in this chapter relative to cuts, fills, slopes, drainage, terracing, compaction, setbacks, erosion control, dust control, stockpiling, hours of operation, and soil engineering. Responsibility for review of plans and inspections for grading or stockpiling under a building permit, sewage disposal permit, or well

permit shall be as follows:

1. The Department shall review all plot plans submitted in conjunction with a building permit, sewage disposal permit, or well permit for compliance with this chapter. The Department may require additional information in order to ascertain compliance with this chapter. The Department may conduct one or more site inspections to determine if the information provided on the plot plan accurately reflects the site conditions and to evaluate the proposed grading. Failure of the applicant to provide a plot plan that accurately depicts the site conditions or the proposed grading of the site may require the payment of additional fees as provided in Chapter 3.40 of this code for review of supplemental plans or information submitted to accurately show the site conditions and the proposed grading. No building permit, sewage disposal permit, or well permit shall be issued for work described in Subdivision A until the Department has determined that any proposed grading is in compliance with this chapter and issued a grading exemption notification. Any significant deviation from the approved plans during construction may be subject to a reevaluation by the Department under a building permit, sewage disposal permit, or well permit, or may be subject to a grading permit in accordance with this chapter.
2. For grading or stockpiling under a sewage disposal permit or well permit, the Environmental Health Division shall have jurisdiction and inspection authority only for the installation of a new sewage disposal system or well or repairs to or replacement of an existing sewage disposal system or well. The Department shall have jurisdiction for all other grading and stockpiling under a sewage disposal permit or well permit that exceeds the thresholds set forth in Section 12.20.090(A).
3. For grading or stockpiling under a building permit, the Division of Building and Safety shall have jurisdiction for all aspects of grading on a parcel that is less than or equal to three net acres. The Department shall have jurisdiction for all aspects of grading under a building permit on a parcel that is greater than three net acres. A blue tag for electrical service shall not be issued by the Division of Building and Safety without Department approval of all aspects of the grading on a parcel that is greater than three net acres.
4. For any grading or stockpiling under a building permit, the Division of Building and Safety may transfer jurisdiction for grading review to the Department when the thresholds set forth in Section

12.20.090(A) are exceeded or pursuant to the Chief Building Official's discretion authority to require a grading permit under the California Building Code.

5. Fees, as established in Chapter 3.40, shall be collected for any review or inspections conducted by the Department pursuant to this section for grading under a building permit, sewage disposal permit, or well permit. These fees shall be in addition to the fees for a building permit, sewage disposal permit, or well permit.

E. The exemptions in Subdivision A, above, shall not apply to any project which:

1. Requires a streambed alteration permit under Fish and Game Code section 1600 et seq.; or
2. Requires a permit under Section 10 and Section 404 of the Clean Water Act administered by the Army Corps of Engineers; or
3. Diverts or blocks drainage to an adjacent parcel as determined by the Department.

12.20.090 Permits - Thresholds.

A. A grading or stockpiling permit is not required for projects below the following thresholds:

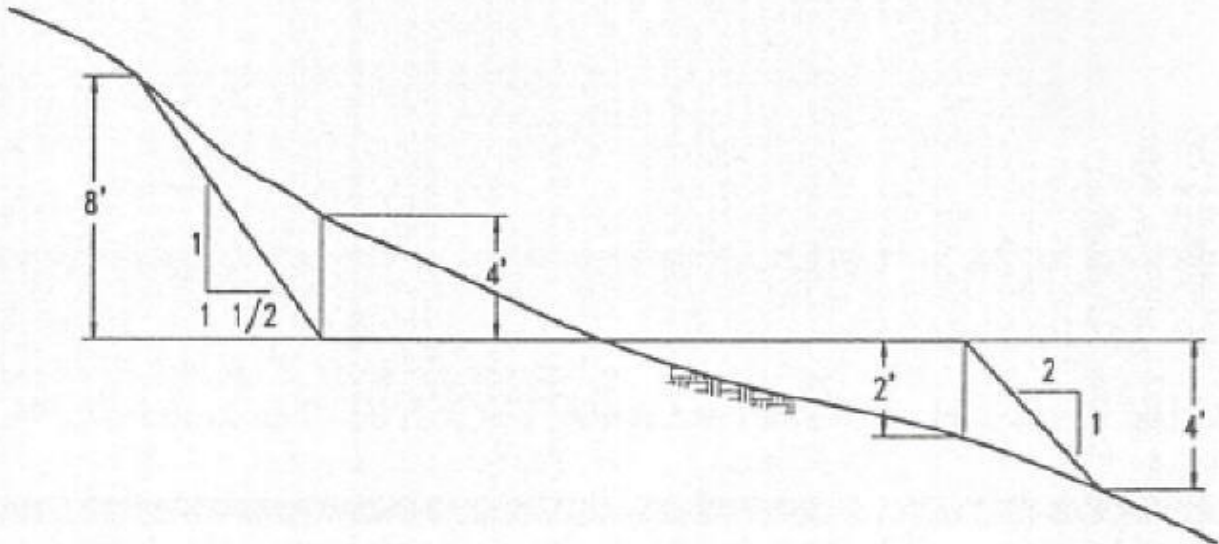
1. An excavation which does not exceed fifty (50) cubic yards on any one site and:
 - a. Is less than four feet in depth; or
 - b. Does not create a cut slope greater than eight (8) feet in height and steeper than one and one-half horizontal to one vertical. (See Detail #1, below)
2. A fill which does not exceed fifty (50) cubic yards on any one site and that:
 - a. Is less than two feet in depth and placed on natural terrain on a slope flatter than five horizontal to one vertical; or
 - b. Is less than four feet in depth and is not intended to support a structure or road (See Detail #1, below); or
 - c. Does not obstruct a drainage course.

B. The thresholds in Subdivision A, above, shall not apply to any project which:

1. Requires a streambed or lakebed alteration agreement under Fish and Game Code section 1600 et seq.; or
2. Requires a permit under Section 10 and Section 404 of the Clean Water Act administered by the Army Corps of Engineers; or
3. Diverts or blocks drainage to an adjacent parcel as determined by the Department.

See following page for diagram.

Detail #1



12.20.100 CEQA review required. A review pursuant to the California Environmental Quality Act (CEQA) shall be conducted prior to the approval or conditional approval of a grading or stockpiling permit. A review of the impacts of the proposal on cultural resources shall be conducted in compliance with Chapter 14.10 of this code to determine the appropriate conditions necessary to protect cultural resources.

12.20.110 Enforcement responsibility. The provisions of this chapter shall be enforced by the Director, except violations of the standards required by Section 12.20.080(C) shall be enforced by the Division of the Community Development Department. (Ord. 3432 § 2 (part), 2023)

12.20.120 Violation; enforcement. A violation of this chapter shall be enforced as provided for in Chapter 1.10 of the Tuolumne County Ordinance Code.

12.20.130 Correction of no-permit violations. A person found to be in violation of this chapter due to performing grading or stockpiling without first obtaining a required permit shall apply for a permit for the grading or stockpiling performed. An applicant for a permit to correct a no-permit violation of this chapter shall pay the permit fee as set forth in Chapter 3.40 of this code in addition to any penalties set forth in Chapter 1.10 of this code. (Ord. 3432 § 2 (part), 2023)

12.20.140 Plans and specifications to accompany permit application. Each application for a grading or stockpiling permit shall be accompanied by three sets of plans and specifications, and when required by the Department, supporting data consisting of a soil engineering report. When required by the Department, the plans and specifications shall be prepared and signed by a qualified professional. The plans shall be reviewed and approved by the Department.

12.20.150 Information required in plans and specifications.

Plans shall be drawn to scale upon substantial paper, vellum or other media approved by the Department and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and contain the County general notes.

The plans shall include the following information:

- A. The name, address and phone number of the owner and the person by whom they were prepared.
- B. General vicinity map of the proposed site.
- C. General site information as required by the Department, including, but not limited to, the Assessor's Parcel Number, parcel size, and zoning.
- D. Property limits and accurate contours of existing ground and details of terrain and area drainage.
- E. Limiting dimensions, elevations or finish contours to be achieved by the grading and proposed drainage channels, and related construction and estimated quantities of work involved, and cross section(s) of the graded area.
- F. Proposed purposes of the grading.
- G. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, berms, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
- H. An erosion control plan, showing the type and exact locations of measures to be taken, shall be supplied when determined necessary by the Department.
- I. Location of any buildings or structures on the project site where the work is to be performed and the location of any buildings, structures, utilities, edge of roadways, wells or septic systems on the project site or adjacent parcels which are within fifteen (15) feet of the property line or which may be affected by the proposed grading operations. Specifications shall contain information covering construction and material requirements. Potential rock disposal areas shall be delineated.
- J. Stockpiling plans shall show that the stockpile material will be placed in a manner that does not create a nuisance or a hazard to the general public. It shall show adequate erosion and dust control measures and state a time frame that the stockpile will be used, not to exceed one year with the possibility of up to a two-year extension as provided in Section 12.20.390.

12.20.160 Soil engineering report. The soil engineering report required by Section 12.20.140 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading. Where applicable in the opinion of the qualified professional, the report shall also include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the use of the sites to be developed by the proposed grading, as affected by geologic factors. Recommendations included in the report and approved by the Department shall be incorporated in the grading or stockpiling plans or specifications.

12.20.170 Cuts - Generally. Unless otherwise approved by the Department based on recommendations in the approved soil engineering report, cuts shall conform to the provisions of Sections 12.20.180 and 12.20.190.

12.20.180 Cuts - Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than one and one-half horizontal to one vertical, unless otherwise approved in a soil engineering report and accepted by the Director.

12.20.190 Cuts - Drainage and terracing. Drainage and terracing shall be provided as required by Sections 12.20.300 through 12.20.340.

12.20.200 Fills - Generally. Unless otherwise approved by the Department based on recommendations in the approved soil engineering report, fill(s) shall conform to the provisions of Sections 12.20.210 through 12.20.260. In the absence of an approved soil engineering report, these provisions may be waived for minor fills of less than fifty (50) cubic yards not intended to support structures.

12.20.210 Fills - Preparation of ground. 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 the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the qualified professional. 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 shall be made before placing fill and approved by the qualified professional as a suitable foundation for fill. Unsuitable soil is soil which, in the opinion of the Department or the qualified professional, is not competent to support other soil or fill, to support structures or to satisfactorily perform the other functions for which the soil is intended.

12.20.220 Fills - Material. Fill material shall be a suitable soil or soil-rock mixture which is free of organic matter, logs, stumps, trash or other deleterious material, and of such quality that it will compact thoroughly without the presence of excessive voids when watered and rolled.

12.20.230 Fills—Rock sizes. Fills which contain rocks larger than fifteen cubic feet shall be placed by a suitable method approved as a condition of the grading permit. The Department may require monitoring of placement of such fills by a qualified professional. The following conditions shall also apply:

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

B. In fills on which structures are to be placed, rock sizes greater than fifteen cubic feet in maximum dimensions shall be five feet or more below the grade of the fill measured vertically.

C. Rocks shall be placed so as to assure filling of all voids with fines.

12.20.240 Fills – Compaction. All fills on which structures are to be placed shall be compacted to a

minimum of ninety percent of maximum density as determined by ASTM D-1557-70. Field density shall be determined in accordance with ASTM procedures or equivalent as approved by the Department.

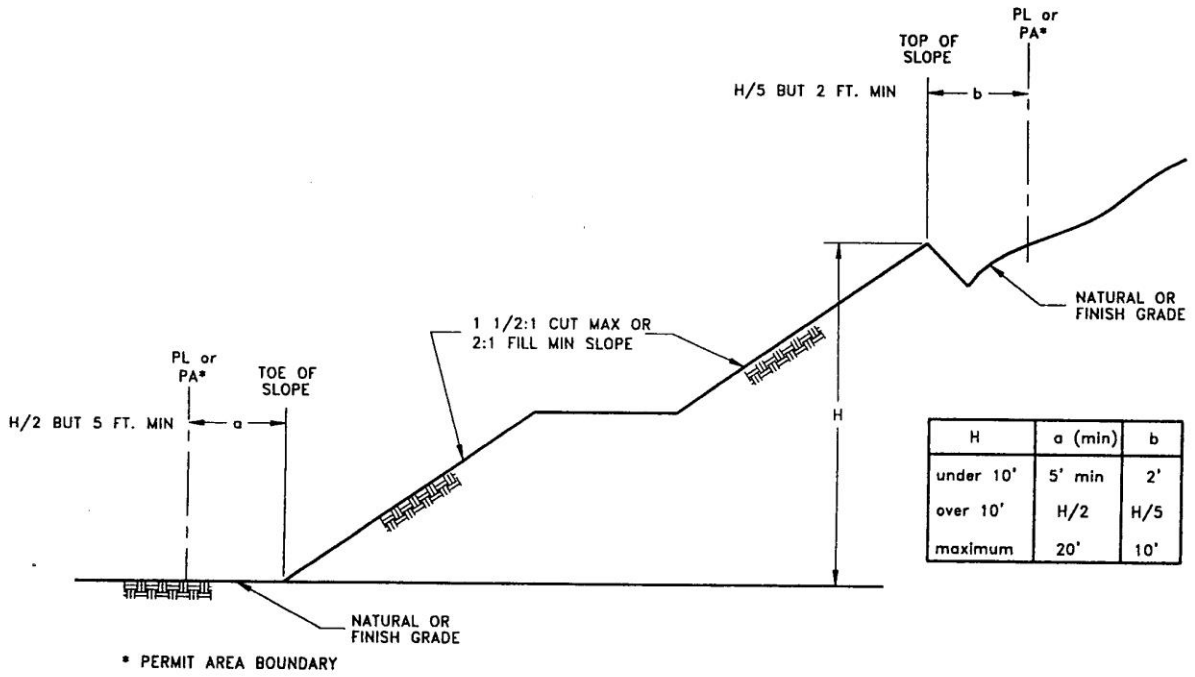
12.20.250 Fills - Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two horizontal to one vertical unit, unless otherwise approved in a soil engineering report and accepted by the Director.

12.20.260 Fills - Drainage and terracing. Drainage and terracing shall be provided, and the area above fill slopes and the surfaces of terraces shall be graded and paved as required by Sections 12.20.300 through 12.20.340.

12.20.270 Setbacks—Generally. The setbacks and other restrictions specified by this section and Sections 12.20.280 and 12.20.290 are minimum standards. They may be modified by the Department based on or by the recommendation of a qualified professional if necessary for safety and stability or to prevent damage of adjacent 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 approved by the Department.

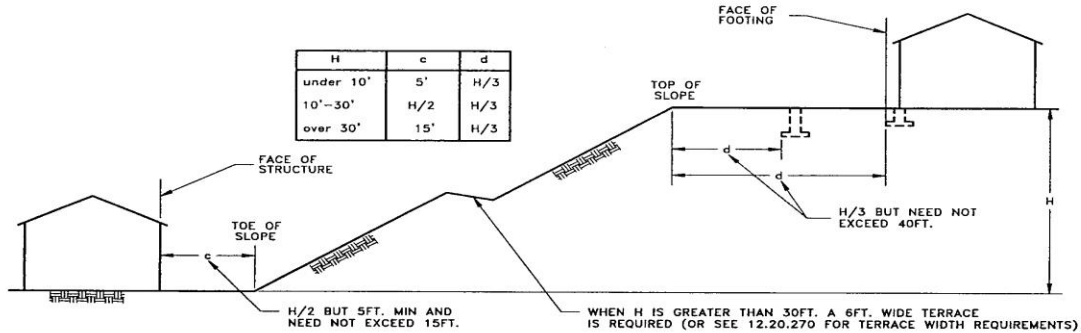
12.20.280 Setbacks - From property lines. The tops of cuts and toes of fill slopes shall be set back from the outer boundaries of the permit area, including slope right areas and easements. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. (See Detail #2.)

Detail #2



12.20.290 Setbacks - Design standards. Setbacks between graded slopes (cut or fill) and structures shall be provided. (See Detail #3.)

Detail #3



12.20.300 Drainage and terracing - Generally.

The drainage facilities and terracing restrictions specified by this section and Sections 12.20.310 through 12.20.340 are minimum standards. They may be modified by the Department based on or by the recommendation of a qualified professional if necessary for safety and stability or to prevent damage of adjacent properties from deposition or erosion.

12.20.310 Terraces.

A. Terraces at least six feet in width shall be established at not more than thirty-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than sixty feet and up to one-hundred twenty feet in vertical height, one terrace at approximately mid-height shall be twelve feet in width. Terrace widths and spacing for cut and fill slopes greater than one hundred twenty feet in height shall be designed by the civil engineer and approved by the Department. Suitable access shall be provided to permit proper cleaning and maintenance.

B. Swales or ditches on terraces shall have a minimum gradient of five percent. They shall have a minimum depth at the deepest point of one foot and a minimum width of five feet. Swales and ditches shall be protected against erosion by

paving, suitable plantings or other approved measures.

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

12.20.320 Subsurface drainage. Cut and fill slopes shall be provided with subsurface drainage as deemed necessary by the Department for stability.

12.20.330 Disposal of drainage.

A. All drainage facilities shall be designed to carry waters to the nearest practicable natural drainage way approved by the Department as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

B. Building pads shall have a drainage gradient of two-percent minimum toward approved drainage facilities unless waived by the Department.

C. Exception. The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than ten feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of ten feet.
3. No existing slope faces which have a slope face

steeper than ten horizontal to one vertical.

12.20.340 Interceptor drains. Interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than forty feet measured horizontally. The dimensions and slope of interceptor drains shall be approved by the Department. Interceptor drains shall be paved to protect against erosion by paving, concrete, gunite or other approved measures.

12.20.350 Erosion control - Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. If, in the opinion of the Department, the protection for the slopes is not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

12.20.360 Erosion control - Other devices. When necessary, check dams, cribbing, rip rap or other devices or methods shall be employed to control erosion and provide safety.

12.20.370 Dust control. Whenever required by the Department, the applicant for a grading permit or stockpiling permit shall submit a dust control plan. When the dust control plan is approved by the Department, it shall become a condition of the grading or stockpiling permit.

12.20.380 Hours of grading operations. Hours of grading operations on a project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Grading operations shall be prohibited on Sunday and County holidays, except as otherwise authorized by the Director. Grading operations necessary to address an emergency situation as determined by the Department shall be exempt from these hour restrictions.

12.20.390 Stockpiling requirements. Except as otherwise authorized by the Director, stockpiling shall conform to the following:

- A. The maximum amount of stockpiled material shall not exceed 20,000 cubic yards;
- B. A stockpile shall be placed on a slope that is no greater than 10% and shall be placed in a manner that does not create a nuisance or a hazard to the general public;
- C. Adequate erosion and dust control measures shall be provided for the stockpile as determined by the Department; and

D. A stockpile shall remain on a site for no more than one year from the date of issuance of a stockpiling permit. The Director may extend the timeframe for the stockpile to remain on the site for up to two additional years upon receipt of a written request by the property owner stating the reasons for the extension.

12.20.400 Grading inspection. All grading operations for which a grading permit, stockpiling permit or erosion control permit is required shall be subject to inspection by the Department. When required by the Department, special monitoring of grading operations and special testing shall be performed by a qualified professional retained by the applicant.

12.20.410 Grading designation. All grading shall be performed in accordance with the approved grading plan.

12.20.420 Grading requirements. It shall be the responsibility of the qualified professional who prepares the approved grading plan to incorporate all recommendations from the soil engineering reports into the grading plan. The qualified professional shall also be responsible for the professional monitoring and testing of the grading within his/her area of technical specialty. This responsibility shall include, but need not be limited to, monitoring the establishment of line, grade and drainage of the development area. The qualified professional shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the Department. The qualified professional shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work.

12.20.430 Qualified professional's responsibility. The qualified professional's area of responsibility shall include, but need not be limited to, professional opinions concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the design of buttress fills, where required, and the need for subdrains or other drainage devices.

12.20.440 Quality control review. The Department may inspect the project at the various stages of the work requiring approval and at any more frequent intervals as necessary to determine that adequate control is being exercised by the qualified professional or their representative. The inspector for the Department shall be authorized to reject work and require completion per Section

12.20.470(B) and the approved plan.

12.20.450 Notification of noncompliance. If, in the course of fulfilling their responsibility under this chapter, the qualified professional finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Department. Recommendations for corrective measures, if necessary, shall be submitted. All grading operations shall cease until a plan for corrective measures has been approved by the Department.

12.20.460 Transfer of responsibility for approval. If the qualified professional is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

12.20.470 Final reports. Upon completion of the rough grading work and at the final completion of the work, the Department may require the following reports and drawings and supplements thereto:

A. An as-graded grading plan prepared by the qualified professional including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The qualified professional shall provide an opinion that the work was done in accordance with the final approved grading plan.

B. A soil grading report prepared by the qualified professional including locations and elevations of field density tests, 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.

12.20.480 Notification of completion. The permittee or their agent shall notify the Department when the grading operation is ready for final inspection. Final certification shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, has been completed, in accordance with permit conditions and the final approved grading plan and the required reports have been submitted. Failure to obtain the required final certification will be subject to penalties per Section 1.10.100 of this code. No blue tag for electrical hookup shall be issued by the Community Development Department without Department

certification of compliance with all conditions of the grading permit.

12.20.490 Appeals. Appeals from decisions under this chapter, except the provisions of Section 12.20.120, may be made to the Board of Supervisors. The appeal shall set forth in writing the reasons for the appeal and shall be filed with the clerk of the Board, accompanied by the fee set forth in chapter 3.40, within ten days from the date of the decision. The clerk shall forward a copy of the appeal to the Department. The clerk shall schedule the matter for consideration by the Board within thirty days of the date of filing the appeal and give notice of the date to the appellant and the Department. Appeals not submitted in a timely manner will not be considered and will be returned. An appeal on any aspect of a decision submits the entire matter to comprehensive (de novo) review and the Board shall consider the public record, receive testimony, and make all findings and determinations necessary to approve, conditionally approve, or deny the application, or to uphold or reverse the decision, as applicable.
(Ord. 3144 § 1, 2010)