

Article 15.48

GRADING, EROSION AND SEDIMENT CONTROL*

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* Prior code history: Prior code Sections 29.100 through 29.675, 29.700 through 29.1050 and 29.1070.

Part 1. Purpose and Definitions

15.48.010 Title.

This article shall be known as the grading and erosion prevention ordinance of Placer County. (Ord. 5056-B (part), 2000)

15.48.020 Purpose.

The ordinance codified in this article is enacted for the purpose of regulating grading on property within the unincorporated area of Placer County to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses with hazardous materials, nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended use of a graded site is consistent with the Placer County general plan, any specific plans adopted thereto and applicable Placer County ordinances including the zoning ordinance, flood damage prevention ordinance, (Article 15.52) environmental review ordinance (Chapter 18 Placer County Code) and applicable chapters of the California Building Code. In the event of conflict between applicable chapters and this article, the most restrictive shall prevail. (Ord. 5056-B (part), 2000)

15.48.030 Definitions.

Unless the particular provision or the context otherwise requires, wherever the following terms are used in this article, they shall have the meaning ascribed to them in this section:

“Agency director” means the head of the community development resource agency of Placer County.

“Agricultural operation” means any land related activity for the purpose of cultivating or raising plants grown in the ground or raising animals or conserving or protecting lands for such purposes when conducted on agriculturally zoned lands and is not surface mining or borrow pit operations.

“Bedding plane” means a nearly flat surface, which may have been tilted up or folded by tectonic forces, separating two beds (or layers or strata) of sedimentary rock. Each bedding plane marks the end of one deposit and the beginning of another having different characteristics (also known as strata, or beds).

“Bedrock” is the solid undisturbed rock in place either exposed at the ground surface or beneath surficial deposits of loose rock or soil.

“Bench” means a relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

“Board” is the board of supervisors of the county of Placer.

“Civil engineer” is a professional engineer registered as a civil engineer by the state of California.

“Community development resource agency” means the agency which provides planning and direction over those county functions that provide land use planning, management of natural resources, building, inspection and code enforcement services, and other permit and land use services to the citizens of Placer County. The agency includes the departments of planning and building and land development core functions such as infrastructure planning, surveying and mapping, permits and construction.

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

Cut. See “Excavation.”

“Days” means calendar days, except that such time limits shall extend to the following working day where the last of the specified number of days falls on a Saturday, Sunday or any county holiday.

“Depth of fill” means the vertical dimension from the exposed fill surface to the original ground surface.

“Depth of excavation (cut)” means the vertical dimension from the exposed cut surface to the original ground surface.

“Director of environmental health” means the director of the department of health and human services, Placer County, California acting either directly or through authorized deputies.

“Director of public works” means the director of public works of Placer County, California, acting either directly or through authorized deputies.

“Drainage way” means a depression in the earth’s surface such as swales, ravines, gullies, draws, hollows or ditches in which surface waters collect for drainage, but which otherwise are destitute of water.

Embankment. See “Fill.”

“Engineering geologist” means a registered geologist certified as an engineering geologist by the state of California.

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

“Erosion” means the wearing away and transportation of earth material as a result of the movement of wind, water, or ice.

“Excavation (cut)” means the removal of naturally occurring earth materials by mechanical means, and includes the conditions resulting therefrom.

“Existing grade” means the elevation of the ground surface at a given point prior to excavating or filling.

“Expansive soil” means any soil, which exhibits significant expansive properties as determined by a geotechnical engineer or civil engineer and approved by community development resource agency.

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

“Finish grade” means the final grade of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

“Foliation plane” means a linear plane formed in metamorphic rock caused by heat and pressure. The planes in the Sierra foothills usually trend north-south and are tilted at a steep slope with folds and intrusions.

“Geologic hazard” means any condition in naturally occurring earth materials, which may endanger life, health or property.

“Geotechnical engineer” means a civil engineer registered by the state of California who is qualified in the field of soil mechanics and soil engineering and has the authority to use the title “soil engineer.”

“Geotechnical 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 may include the inspection, testing and construction thereof.

“Grade” means the vertical location of the ground surface.

Grade, existing. “Existing grade” means the grade prior to grading.

Grade, rough. “Rough grade” means the stage at which the grade approximately conforms to the approved plan.

“Grading” means any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative groundcover.

“Grading plan” means a plan prepared in accordance with this article showing grading and related work.

“Grading work” is grading and related work, such as, but not limited to, drainage improvements and erosion and sediment control.

“Hazardous materials” is as defined in Health and Safety Code Sections 25501 et seq.

“Joint” means a fracture in rock that is produced by expansion, contraction, and tectonic forces, and along which there has been no movement.

“Keyway” means a special backfilled excavation, which is constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

“Landscape architect” means a landscape architect registered by the state of California.

“Level, land leveling operation” means the physical movement of rock or soil which results in a change in the topography of the land, which results in the land being more level than before.

Lot. See “Parcel.”

“NPDES” means the National Pollutant Discharge Elimination System, a federal program regulating stormwater discharges pursuant to Sections 307, 402, 318 and 405 of the Clean Water Act (33 U.S.C. Section 1251 et seq.), as such Act may be amended from time to time.

“Owner” means the person shown as the legal owner of the property on the latest equalized assessment roll in the office of the county assessor.

“Overland flow” means and includes flow over planar surfaces, including but not limited to roofs, streets, lawns, parking lots and fields.

“Parcel (lot)” means land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a subdivision map or parcel map on file in the county recorder’s office.

“Permit” means an approved grading permit issued pursuant to this article authorizing certain grading work.

“Permittee” means any person to whom a permit is issued pursuant to this article.

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

“Planning director” means the director of the planning department of Placer County, California, acting directly or through his or her authorized agents.

“Rainy season” means the period of the year during which there is a substantial risk of rainfall. For the purpose of this article, the rainy season is defined as from October 15 to May 1, inclusive.

“Record drawings” means drawings for improvements or grading that show changes made during construction.

“Retaining wall” means any constructed wall that holds back earth (or a liquid), and where there is an abrupt change in elevation.

“Sediment” means any material transported or deposited by water, including soil debris or other foreign matter.

“Site” means any lot or parcel of land or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy where grading is to be performed or has been performed.

“Slope” means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance or as the ratio of vertical distance per one hundred (100) feet horizontal distance when given as a percent.

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

“Stormwater runoff” means water runoff due to storms, (rain, snow melt, etc.).

“Stream environment zone” means perennial, intermittent, and ephemeral streams, meadows and marshes, and other areas of near-surface water influence.

“Structure” means that which is built or constructed or any piece of work artificially built up or composed of parts joined in some definite manner.

“Surcharge” means the additional loading acting above and behind a retaining wall other than from the normal active soil pressures; examples of surcharges include but are not limited to vehicles, buildings, snow, sloped backfill, stockpiles, construction staging areas and equipment.

“Tahoe Basin” means the unincorporated area of Placer County, which is adjacent to and drains into Lake Tahoe.

“Terrace” means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance, or other purposes.

“Vehicular way” means a private roadway or driveway.

“Vegetation” means plant life or total plant cover of an area.

“Watercourse” means any natural or artificial channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store stormwater runoff.

At the discretion of the community development resource agency, the definition of natural channel may be limited to those channels having a watershed area of fifty (50) acres or more, and this definition will be commonly used in connection with the administration of this article except for those cases in which the agency director determines that the definition must be extended to a natural channel with a watershed smaller than fifty (50) acres in order to prevent a condition which could possibly endanger property; be a hazard to public safety; adversely affect the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water bodies or watercourses.

Work. See “Grading work.”

(Ord. 5407-B § 1, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

Part 2. General Requirements

15.48.040 Grading.

No person shall do or permit to be done any grading in such a manner that quantities of dirt, soil, rock, debris or other material substantially in excess of natural levels are washed, eroded or otherwise moved from the site, except as specifically provided for by a permit. In no event shall grading activities cause or contribute to the violation of provisions of any applicable NPDES stormwater discharge permit. (Ord. 5407-B § 2, 2006; Ord. 5056-B (part), 2000)

15.48.050 Water obstruction.

No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of stormwaters, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion. This section applies whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits. (Ord. 5056-B (part), 2000)

15.48.060 Grading permit required.

A. Except for the specific exemptions listed in Section 15.48.070 of this article, no person shall do or permit to be done any grading on any site in the unincorporated areas of Placer County without a valid grading permit obtained from the community development resource agency.

A permit shall also be required for the following:

1. Retaining walls which are over four feet in height, as measured from bottom of footing to top of the retained soil;
 2. Any retaining walls that are subject to surcharge;
 3. Private vehicular bridge;
 4. Swimming pool fill operations whereby depth of fill for swimming pool construction exceeds four feet.
- B. A grading permit is required for any grading and/or other construction activity with ground disturbance of one acre or more. (Ord. 5407-B § 3, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.070 Exemptions.

Unless in conflict with provisions of adopted general and/or specific plans, or provisions applicable to the Tahoe Basin as described in Section 15.48.120 of this article, the following grading may be done without obtaining a permit. Exemption from the requirement of a permit shall not be deemed permission to violate any provision of this article:

- A. Minor projects which have cuts or fills, each of which is less than four feet in vertical depth at its deepest point measured from the existing ground surface, and which meet all of the following criteria:
1. Less than two hundred fifty (250) cubic yards of graded material in a single area, within a two-year period. In calculating the graded material quantity, excavation material used as fill material will not be counted twice. (For example: one hundred twenty-five (125) cubic yards [C.Y.] of excavation material that is also placed as fill material would be calculated as one hundred twenty-five (125) cubic yards, not as 125 C.Y. + 125 C.Y. = 250 C.Y.,
 2. The removal, plowing under or burial of less than ten thousand (10,000) square feet of vegetation on slopes ten (10) percent or greater or any amount of vegetation on slopes less than ten (10) percent on areas of land less than one acre within a two-year period,
 3. Does not create unstable or erodible slopes,
 4. Does not encroach onto sewage disposal systems including leach field areas,
 5. Does not encroach into the areas designated as Zone A as shown on the Flood Insurance Rate Maps,
 6. Does not obstruct any watercourse, disturb, or negatively impact any drainage way, wetland, stream environment zone, or water body,
 7. Does not divert or obstruct overland flow, or negatively affect other adjacent properties,
 8. Includes provisions to effectively prevent discharges of pollutants from the site, and
 9. Provides for completion of soil disturbing activities within a continuous period of forty-five (45) days, and revegetation of all disturbed areas immediately thereafter.
- B. Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work;
- C. Excavations, (but not fill operations) in connection with a swimming pool authorized by a valid building permit. Any swimming pool fill operation must comply with Section 15.48.060(A)(4) of this article to be exempt;
- D. Retaining walls less than four feet in height, as measured from bottom of footing to the top of the wall, and not subject to surcharge;
- E. Grading necessary for agricultural operations, unless such grading will create a cut or fill whose failure could endanger any structure intended for human or animal occupancy or any public road, or could obstruct any watercourse or drainage conduit;
- F. Trenching and grading incidental to the construction or installation of approved underground pipe lines, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for post holes or approved wells;
- G. Excavations less than two hundred fifty (250) cubic yards for soil or geological investigations by a geotechnical engineer, civil engineer, or engineering geologist;
- H. Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan, or sanitary landfill or environmental remediation project or petroleum product tank removal and installation where governed by other state or county ordinance;

- I. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition;
- J. Routine cemetery excavations and fills;
- K. Performance of emergency work necessary to protect life or property when an urgent necessity arises. The person performing such emergency work shall notify the community development resource agency promptly of the problem and work required and shall apply for a permit within ten (10) calendar days after commencing such work;
- L. An excavation below finished grade for basements and footings of a building authorized by a valid building permit;
- M. Timber harvest operation conducted under valid state or federal permit, stream alteration permits, dams under state jurisdiction, etc. (Ord. 5407-B § 4, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.080 Fees.

- A. The schedule of fees and costs shall be those established and adopted by the board from time to time by resolution or ordinance. Before a permit is issued, the applicant shall deposit with the community development resource agency cash or a check, in a sufficient sum to cover the fee for issuance of the permit, charges for review of plans, specifications and reports, other engineering services, field investigations, necessary inspection or other work and routine laboratory tests of materials and compaction, all in accordance with schedules established and adopted by the board.
- B. No fee shall be required of public agencies.
- C. Public utilities may, at the option of the community development resource agency, make payment for the charges in subsection A of this section as billed instead of by advance deposit as required in subsection A of this section.
- D. If grading work is done in violation of this article or such work is not done in accordance with an approved permit, a fee covering investigation of any violation and inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs. (Ord. 5407-B § 5, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.090 Levee work.

No person shall excavate or remove any material from or otherwise alter any levee required for river, creek, bay, or local drainage control channel, without prior approval of the local governmental agency responsible for the maintenance of the levee. (Ord. 5056-B (part), 2000)

15.48.100 Construction in public rights-of-way.

No person shall perform any grading work within the right-of-way of a public road or street, or within a public easement, without prior written approval of the agency director. (Ord. 5407-B § 6, 2006; Ord. 5056-B (part), 2000)

15.48.110 Hazards.

If the community development resource agency director determines that any grading on private or public property constitutes a hazard to public safety; endangers property; adversely affects the safety, use or stability of adjacent property, an overhead or underground utility, or a public way, watercourse or drainage channel; or could adversely affect the water quality of any water bodies or watercourses, the director may issue a stop work notice to the owner of the property upon which the condition is located, or other person or agent in control of such property. Upon receipt of such stop work notice, the recipient shall, within the period specified therein, stop all work, obtain a grading permit and conform to the conditions of such permit. The community development resource agency may require the submission of plans or soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any corrective or proposed work or activity. (Ord. 5407-B § 7, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.120 Tahoe Basin area special restrictions and exemptions.

A. Provisions of this section apply to the unincorporated area of Placer County within that area defined as "TRPA region" in the Tahoe Regional Planning Agency Compact. This area is the Tahoe Basin and that additional and adjacent part of the county of Placer outside of the Tahoe Basin in the state of California which lies southward and eastward of a line starting at the intersection of the basin crestline and

the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to township 15 north, range 16 east, M.D.B. and M.

B. Grading and soil disturbance shall be prohibited during the period from October 15th through May 1st unless otherwise approved, in writing, by the agency director and by the Tahoe Regional Planning Agency and Lahontan Regional Water Quality Control Board. Complete winterization of the site is required by October 15th, if work is not complete and permanent revegetation is not established.

C. All work shall be in conformity with any grading restriction required by other federal, state, or local agencies.

D. A permit for grading on residential property issued by the Tahoe Regional Planning Agency will be evidence of conformity to provisions of this section. All other grading in the region, unless otherwise exempt as provided herein, is subject to review and approval by the community development resource agency.

E. Areas of the site not approved for grading, vegetation removal, or construction shall be fenced or otherwise marked to limit access. These fences shall be inspected, maintained, and repaired as necessary.

F. Prior to initiation of grading or construction-related activity, temporary erosion control measures shall be installed to prevent transport of earthen materials and other wastes off of the site.

G. All other provisions of this article shall apply, but a permit shall not be required if the work complies with all the following conditions:

1. The excavation does not exceed four feet in vertical depth at its deepest point measured from the original ground surface, does not exceed two hundred (200) square feet in area, and does not exceed three cubic yards per site;

2. The fill does not exceed three feet in vertical depth at its deepest point measured from the original ground surface, the fill material does not cover more than two hundred (200) square feet, and does not exceed three cubic yards per site;

3. The clearing of vegetation does not exceed one thousand (1,000) square feet in area. (Ord. 5407-B § 8, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.130 Transfer of permit.

No permit issued under this article may be transferred or assigned in any manner whatsoever, without the express written consent of the community development resource agency. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.140 Right of entry.

As a condition of the permit, the property owner shall grant the county a right of entry for the duration of the permit until after final inspection. Whenever necessary to enforce the provisions of this article the agency director or designee may enter the premises to perform any duty imposed by this article. (Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.150 Liability.

Neither issuance of a permit under the provisions of this article nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the county for damage to any person or property. (Ord. 5056-B (part), 2000)

15.48.160 Denial of other permits.

No building permit, septic, water, sewer, electrical permit, or any other permit shall be issued by the county to any person for any premises or portion thereof which is in violation of this article. (Ord. 5056-B (part), 2000)

15.48.170 Grading prior to approval of improvement plans.

Property owners who submit applications for permits for grading for projects that have an approved tentative map or the intended use has an approved discretionary zoning permit, (Chapter 17, Zoning) or is in compliance with the design review process (Section 17.52.070) must comply with the following requirements:

A. A separate grading plan shall be submitted for review and approval by the community development resource agency. This plan shall conform to the requirements of this grading ordinance and any applicable conditions placed on the project as a result of any formal discretionary permit process. The applicant shall acknowledge that any additional grading or revisions to work necessitated by conflicts discovered during the improvement plan check or subsequent construction will be corrected at the applicant's expense.

B. The property owner shall submit a revegetation and winterization plan for review and approval. This plan shall include a performance agreement with Placer County which includes a specific schedule for performance of the subject grading, an engineer's estimate of cost for implementing the plan, and cash or other approved form of security to insure the timely performance of the plan.

C. Plan check and inspection fee deposit shall be required in the amount of the full plan check fee applicable at the time of submittal and a deposit of twenty-five (25) percent of the full inspection fee at time of grading permit approval.

D. A drainage report shall be required as per the requirements of this grading ordinance and the Placer County land development manual. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.180 Not retroactive.

The provisions of this article shall not apply to construction for which all previously necessary permits were obtained, before the effective date of the ordinance codified in this article or any subsequent amendments. (Ord. 5056-B (part), 2000)

15.48.190 Severability.

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this article; and the board declares that this article and each section, subsection, paragraph, subparagraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that one or more of such section, subsection, paragraph, subparagraph, sentence, clause or phrase be declared invalid or unconstitutional. (Ord. 5056-B (part), 2000)

Part 3. Procedures

15.48.200 Filing.

Applications for permits shall be filed with the community development resource agency on forms furnished by the department. Each application shall include a plan-checking fee and other fees as required, grading plans and a statement of the intended use of the site. Only one application and permit is allowed for grading work to be done on a site. The community development resource agency shall determine whether the application is complete or whether additional information is required from the applicant. The applicant shall be notified within ten (10) working days, and provided outstanding requirements in writing if the application is deemed incomplete. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.210 Compliance with CEQA.

The California Environmental Quality Act (CEQA) and the Placer County environmental review ordinance may require the preparation of environmental documents concerning a proposed grading project. Any required environmental review must be completed before the grading permit application will be deemed complete. (Ord. 5056-B (part), 2000)

15.48.220 Notice to adjacent utility owners.

Applicant shall provide, with the application, documentation that he or she shall have notified by mail the owners of utilities on or abutting the site that an application for a grading permit has been submitted to the county. The notice shall state that the utilities must provide comments to Placer County within thirty (30) calendar days of the date the notice is received by the utility. No permit shall be issued until the utility has either approved the application or the thirty (30) day period has expired. This section

may be waived by the agency director in his or her sole discretion. (Ord. 5407-B § 9, 2006; Ord. 5056-B (part), 2000)

15.48.230 Referral to other public agencies.

The community development resource agency may refer an application to other interested public agencies for their recommendations. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.240 Permit conditions.

A. No permit shall be granted unless the project conforms to the Placer County general plan, any community or specific plans adopted thereto and applicable Placer County ordinances including the zoning ordinance.

B. Where a proposed grading project requires the filing of a tentative map or the intended use requires approval of a discretionary zoning permit, no grading permit shall be granted prior to approval by the applicable planning authority.

C. The permit shall be limited to work shown on the grading plans as approved by the community development resource agency. In granting a permit, the community development resource agency may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, prevent erosion and to assure proper completion of the grading, including but not limited to:

1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings. This includes the proper disposal of any hazardous material identified in the initial planning phase. The director of health and human services will approve hazardous materials management;
2. Improvement of any existing grading to comply with the standards of this article;
3. Requirements for fencing or other protecting of grading which would otherwise be hazardous;
4. Requirements for dust, erosion, sediment and noise control, and hours of operation and season of work, weather conditions, sequence of work, access roads and haul routes;
5. Requirements for safeguarding watercourses, whether natural or man-made, from excessive deposition of sediment or debris in quantities exceeding natural levels;
6. Requirements for safeguarding areas reserved for on-site sewage disposal;
7. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of flooding can be eliminated or adequately reduced;
8. Requirements for safeguarding existing water wells.

D. All grading activities east of the Sierra crest (excluding the "TRPA region" as specified in Section 15.48.120 of this article) are prohibited between October 15th and May 1st without written approval of the agency director and the Lahontan Regional Water Quality Control Board. (Ord. 5407-B (part), § 10, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.250 Permission of other agencies or owners.

No permit shall relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or agency of the county, or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. Proof of issuance of applicable public agency permits may be required before the issuance of a grading permit. (Ord. 5056-B (part), 2000)

15.48.260 Location of property lines.

Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, a survey by a licensed land surveyor or civil engineer or resolution of title, all at the expense of the applicant, may be required by the community development resource agency. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.270 Time limits.

A. The permittee shall perform and complete all the work required by the permit within time limits specified in the permit. If the work cannot be completed within the specified time, a request for an extension of time setting forth the reasons for the requested extension shall be presented in writing to the

community development resource agency no later than thirty (30) days prior to the expiration of the permit. The community development resource agency may grant additional time for the permitted work to be completed.

B. If all of the permit work required is not completed within the time limit specified in subsection A of this section, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the agency director who may require a new application and fees depending upon the time between the expiration date and the renewal request, revisions in county regulations, and/or changed circumstances in the immediate area. Any revised plan shall be submitted to the community development resource agency for review, and any costs thereof shall be at the applicant's expense. (Ord. 5407-B § 11, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.280 Validity.

The issuance of a permit or approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this article or of any other applicable laws, ordinances, rules or regulations. (Ord. 5056-B (part), 2000)

15.48.290 Appeals.

Appeals on decisions pursuant to this article shall be made to the planning commission in writing, setting forth the specific grounds thereto within ten (10) calendar days from the date of such decision. The written appeal shall be accompanied by an appeal fee as set from time to time by the board of supervisors. The planning commission shall consider the appeal per the requirements of Section 17.60.110(D)(4)(C) after receiving the written appeal. The appeal hearing may be continued from time to time at the request of the appellant or by a majority vote of the membership of the planning commission. (Ord. 5056-B (part), 2000)

Part 4. Plans and Specifications

15.48.300 Application—Plans.

A. Each application for a grading permit shall include the following:

1. A completed application form;
2. Two complete sets of grading plans;
3. Profiles, cross sections, and specifications as required;
4. A complete drainage report as required by the community development resource agency;
5. The application fee as determined by the board of supervisors;
6. Where applicable, evidence of coverage, or application for coverage, under an NPDES general construction permit.

B. The plans and other documents will be reviewed by the community development resource agency. The applicant and/or project engineer will be notified of any necessary changes to the plans. When the plans and other documents have been approved by the community development resource agency, a grading permit will be issued for the project. All work must be done in strict conformance with the approved plans and documents. The approved plans shall not be changed or altered except in accordance with the provisions of this article. (Ord. 5407-B § 12, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.310 Grading plans—Engineer required.

A. All plans and specifications shall be prepared and signed by a civil engineer except that the community development resource agency may waive this requirement if the proposed grading does not:

1. Endanger the public health, safety and welfare;
2. Require cuts and fills involving a combined total of one thousand five hundred (1,500) cubic yards of dirt or more, or where depth of fill exceeds ten (10) feet;
3. Include an access road serving five or more existing or potential residences;
4. Require a cut or fill that is situated so as to cause unduly increased soil pressure or reduce earth support upon adjacent structure or property;
5. Include the construction of any drainage or sediment control structures, culverts, or facilities or substantial alteration of any existing drainage course;
6. Include the creation or aggravation of an unstable slope condition;
7. Require construction of any retaining wall over four feet in height;

8. Include the construction of a vehicular bridge.
(Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.320 Requirements for engineered grading plans.

Grading plans and specifications shall be prepared and signed by a civil engineer, as provided herein.

- A. The plans shall include the following:
 - 1. All plans shall be on twenty-four (24) inch by thirty-six (36) inch sheets unless otherwise approved, and shall be drawn at a scale no less than one inch equals one hundred (100) feet;
 - 2. A title block. Plans shall be entitled "grading plan" and state the purpose of the proposed grading and the name of the engineer or firm by whom this plan is prepared, owner's name and address, and site address;
 - 3. A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roads, lakes and watercourses in the area;
 - 4. North arrow and scale;
 - 5. A site plan indicating the extent of the work and any proposed divisions of land;
 - 6. The complete site boundaries and locations of any easements and rights-of-way traversing or adjacent to the property;
 - 7. The location of all existing or proposed roads, buildings, wells, pipelines, watercourses, septic systems or areas reserved for on-site sewage disposal, and any other structures, facilities, and features of the site, as well as the location of all improvements on lots within fifty (50) feet of the proposed work;
 - 8. Location and nature of known or suspected soil or geologic hazard areas, including but not limited to serpentine rock areas, landslides, etc.;
 - 9. Accurate contour lines of the existing terrain and proposed finished grade at intervals not greater than five feet, or spot elevations twenty-five (25) feet on center showing all topographic features and drainage patterns throughout the area where the proposed grading is to occur relative to a bench mark established on site. The contour lines/spot elevations shall be extended to a minimum of fifty (50) feet beyond the affected area, and further, if needed, to define intercepted drainage, and shall be extended a minimum of one hundred (100) feet outside of any future road right-of-way;
 - 10. Approximate location of cut and fill lines extent and finished slopes of all proposed grading and the limits of grading for all proposed grading work, including borrow and stockpile areas;
 - 11. Location, width, direction of flow and approximate location of any watercourses including tops and toes of banks;
 - 12. Approximate boundaries of any areas with histories of flooding;
 - 13. Cross sections, profiles, elevations, dimensions, and construction details based on accurate field data as may be required after initial review of plans;
 - 14. Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps as may be required after initial review of plans;
 - 15. Proposed provisions for storm drainage control and any existing or proposed flood control facilities or septic tank disposal fields or areas reserved for on-site sewage disposal near the grading;
 - 16. A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities;
 - 17. A revegetation plan, including temporary erosion control plantings, permanent slope plantings, replacement of temporary groundcover, and irrigation facilities.
- B. Additional supporting information which may be required includes, but is not necessarily limited to:
 - 1. An estimate of the quantities of excavation and fill;
 - 2. The location of any borrow site or location for disposal of surplus material;
 - 3. A projected schedule of operations, including, as a minimum, the dates of:
 - a. Commencement of work,
 - b. Start and finish of rough grading,
 - c. Completion of drainage facilities,
 - d. Completion of work in any watercourse,

- e. Completion of erosion and sediment control facilities,
 - f. Completion of hydromulching and other landscaping. If rough grading is proposed between October 15th and May 1st, a more detailed schedule of grading activities and use of erosion and sediment control facilities may be required;
 - 4. Itemized cost estimate of the proposed grading and related work;
 - 5. A complete drainage study in conformance with the Placer County flood control and water conservation district's stormwater management manual (latest edition);
 - 6. Geotechnical investigation report and recommendations addressing the proposed work.
- (Ord. 5056-B (part), 2000)

15.48.330 Retention of approved plans.

Three sets of approved plans and specifications shall be retained by the community development resource agency. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.340 Modification of approved plans.

A. Proposed modifications of an approved final plan shall be submitted to the community development resource agency for written approval.

B. All necessary soils and geological information and design details shall accompany any proposed modification.

C. The modification shall be compatible with any subdivision map or land use requirements. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.350 Seasonal requirements.

Implementation of erosion and sediment control plans shall be based on the season of the year and the stage of construction at forecasted periods of rainfall and heavy storms. Erosion and sediment control plans shall allow for possible changes in construction scheduling, unanticipated field conditions, and relatively minor changes in grading. Modifications to plans may be required after initial plan approval. (Ord. 5056-B (part), 2000)

**Part 5. Geotechnical Investigations
and Inspections**

15.48.360 Geotechnical investigation required.

A soil or geologic investigation report shall accompany the application in any of the following circumstances when required by the agency director:

A. When the proposed grading includes a cut or fill exceeding ten (10) feet in depth at any point; however, for vehicular ways, a soil investigation shall not be required unless the grading includes a proposed cut or fill that exceeds ten (10) feet in depth and the slope of the natural ground exceeds thirty (30) percent;

B. When highly expansive soils are present;

C. In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking. (Ord. 5407-B § 13, 2006; Ord. 5056-B (part), 2000)

15.48.370 Investigations.

Those portions of the soil or geologic investigation that constitutes "civil engineering" as defined by Section 6734 of the Business and Professions Code of the state of California shall be conducted by or under the direct supervision of a geotechnical engineer or civil engineer. Those portions of the investigation that involve the practice of "geology" as defined by Section 7802 of the Business and Professions Code of the state of California shall be conducted by an engineering geologist.

The investigations shall be based on observations and tests of the material exposed by exploratory borings or excavations and inspections made at appropriate locations. Additional studies may be necessary to evaluate soil and rock strength, the effect of moisture variation on soil, bearing capacity, compressibility, expansiveness, stability, keying, subdrainage benching and other factors. Grading factors such as moisture variability, ability to compact the material when wet, etc., should be evaluated. (Ord. 5056-B (part), 2000)

15.48.380 Reports—General.

Any soil or geologic investigation report shall be subject to the approval of the community development resource agency who may require supplemental reports and data. Recommendations included in the reports and approved by the community development resource agency shall be incorporated in the final plans and specifications. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.390 Soil/geologic investigation report.

The soil or geologic investigation report shall contain all of the following, as they may be applicable to the subject site:

- A. An index map showing the regional setting of the site;
- B. A site map which shows the topographic features of the site and locations of all soil borings and test excavations;
- C. A classification of the soil types (unified soil classification), pertinent laboratory test data and consequent evaluation regarding the nature, distribution, and strength of existing soils;
- D. A description of the geology of the site and geology of the adjacent areas when pertinent to the site;
- E. A suitably scaled map and cross sections showing all identified areas of land slippage;
- F. A description of any encountered groundwater or excessive moisture conditions;
- G. A description of the soil and geological investigative techniques employed;
- H. A log for each soil boring and test excavation showing elevation at ground level and the depth of each soil or rock strata;
- I. An evaluation of the stability of pertinent natural slopes and recommendations regarding maximum cut and fill slopes of proposed work;
- J. An evaluation of settlement associated with the placement of any fill;
- K. Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill;
- L. Recommendations regarding surface and subsurface drainage and erosion control;
- M. Recommendations for mitigation of geologic hazards. (Ord. 5056-B (part), 2000)

15.48.400 Final report.

Upon completion of rough grading work, in the event a complete record of the work is desired or necessary, the community development resource agency may require a final geotechnical report that includes, but is not necessarily limited to the following:

- A. A complete record of all field and laboratory tests including location and elevation of all field tests;
- B. A professional opinion regarding slope stability, soil bearing capacity, and any other pertinent information;
- C. Recommendations regarding foundation design, including soil bearing potential and building restrictions or setbacks from the top or toe of slopes;
- D. A declaration by the geotechnical engineer, civil engineer or engineering geologist in the format required by the community development resource agency that all work was done in substantial conformance with the recommendations contained in the soil or geologic investigation reports as approved and in accordance with the approved plans and specification. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.410 Changed conditions.

Where soil or geologic conditions encountered in the grading operation deviate from that anticipated in the soil and geologic investigation reports or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for the approval of the community development resource agency. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.420 Special inspection.

- A. As a condition of the permit, the community development resource agency may require the permittee to retain a private geotechnical engineer or civil engineer to directly supervise or perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging

that he or she has inspected the work and that in his or her professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his or her own contractual arrangements for such services and shall be responsible for payment of all costs. Continuous inspection by a geotechnical engineer or civil engineer shall include, but not be limited to, the following situations:

1. During the preparation of a site for the placement of fills which exceed five feet in depth on slopes which exceed ten (10) percent and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten (10) feet in height;
2. During the preparation of a site for the placement of any fill which is intended to support any building or structure when the fill exceeds three feet in depth;
3. During the installation of subsurface drainage facilities.

B. Reports filed by the private geotechnical engineer or civil engineer regarding special inspection shall state in writing that from his or her personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

C. The use of a private geotechnical engineer or civil engineer for inspections shall not preclude the community development resource agency from conducting personal inspections or from authorizing inspections by other qualified inspectors as may be necessary. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.430 Noncompliance notification by private geotechnical engineer or civil engineer.

The permittee shall cause the work to be done in accordance with the approved plans. If during the course of construction the private geotechnical engineer or civil engineer finds that the work is not being done substantially in accordance with the approved plans and specifications, he or she shall immediately notify the person in charge of the work and the community development resource agency of the nonconformity and the corrective measures to be taken. When changes in the plans are required, he or she shall prepare or cause to be prepared such proposed changes and submit them to the community development resource agency for approval. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.440 Periodic progress reports by private geotechnical engineer or civil engineer.

As a condition of the report, periodic progress reports shall be rendered by the private geotechnical engineer or civil engineer as required by the community development resource agency including, but not limited to, laboratory tests, slope stability, placement of materials, retaining walls, drainage, utilities and any special permit or plan requirements. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.450 Progress report by permittee.

Periodic progress reports shall be rendered by permittee on specified calendar dates and at commencement and completion of major key grading and erosion and sediment control operations. The dates of operations upon which such reports are required and their content shall be as required by the community development resource agency in the permit. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.460 Record drawings.

Permittee shall submit to the community development resource agency a record drawing of the grading plan following completion of the work. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.470 Performance of work—Inspection/certification.

The community development resource agency may inspect any work or require certification by private engineer of any work done under a grading permit. No permittee shall be deemed to have complied with this article unless one of the following has occurred:

- A. A final inspection approval has been issued by the community development resource agency; or

B. Submittal of certification of completion by the civil engineer, or the geotechnical engineer of record, has been accepted by the community development resource agency; or

C. The final inspection has been waived in writing by the community development resource agency.

The permittee shall provide adequate access to the site for inspection by the community development resource agency during the performance of all work and for a minimum period of one year after completion of the work.

If the engineer of record is changed during the grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the agency director in writing of such change prior to the recommencement of such grading. (Ord. 5407-B § 14, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.480 Other responsibilities of permittee.

The permittee shall also be responsible for the following:

A. Protection of Utilities. The permittee shall be responsible for the prevention of damage to any public utilities or services.

B. Protection of Adjacent Property. The property owner is responsible for the prevention of damage to adjacent property. No person(s) shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property, or easement, without supporting and protecting such property from damage which might result.

C. Advance Notice. The permittee shall notify the community development resource agency at least twenty-four (24) hours prior to the start of work.

D. Erosion and Sediment Control. It shall be the responsibility of the permittee to control discharge of sediment from the site to any watercourse, drainage system, or adjacent property and to protect watercourses and adjacent properties from damage by erosion, flooding or deposition which may result from the permitted grading.

E. Hazardous Materials Control. It shall be the responsibility of the permittee to prevent discharge of hazardous materials from the site to any watercourse, drainage system, or adjacent property, and to protect watercourses and adjacent properties by hazardous materials, which may result from, permitted grading. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

Part 6. Design Standards

15.48.490 Excavation.

Excavations shall be constructed or protected so that they do not endanger life or property. (Ord. 5056-B (part), 2000)

15.48.500 Excavation slope.

The slope of cut surfaces of permanent excavations shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of rounding described herein. Steeper slopes will be permitted in competent bedrock provided such slope inclinations are in accordance with recommendations contained in the geotechnical or geological report. The bedding planes, foliation planes or principal joint sets in any formation when dipping towards the cut face shall not be daylighted by the cut slope unless the soils and geologic investigations contain recommendations for steeper cut slopes. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground. (Ord. 5056-B (part), 2000)

15.48.510 Fill placement.

Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed eight inches. Completed fills shall be stable masses of well-integrated material bonded to adjacent materials and to the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the plans. Proper surface and subsurface drainage and other appropriate measures shall be taken to ensure the continuing integrity of fills. Earth materials shall be used which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches. Larger material may

be used with the approval of the community development resource agency and the geotechnical engineer. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.520 Fill compaction.

All fills shall be compacted throughout their full extent to a minimum of ninety (90) percent of maximum density as determined by the appropriate Caltrans standard method or other alternate methods approved by the community development resource agency. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two-foot vertical lift of the fill but not less than one test for each one thousand (1,000) cubic yards of material placed. Additional density tests at a point approximately one foot below the fill slope surface shall be made on the basis of not less than one test for each one thousand (1,000) square feet in slope surface but not less than one test for each ten (10) foot vertical increase of slope height. All tests shall be reasonably uniformly distributed within the fill or fill slope surface. Results of such testing and location of tests shall be presented in the periodic and final reports. Compaction may be less than ninety (90) percent of maximum density, as determined by the above test, within six inches of the slope surface when such surface material is placed and compacted by a method acceptable to the community development resource agency for the planting of the slopes. Compaction of temporary stockpile fills, to be used for a period of not greater than six months, shall not be required, except where the community development resource agency determines that compaction is necessary as a safety measure to aid in preventing saturation, sliding, or erosion of the fill. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.530 Ground preparation for fill placement.

The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, and other unsuitable material, and where slopes are six horizontal to one vertical or steeper, by benching into competent material in a manner acceptable to the community development resource agency. The keyway under the toe, if specified, shall be at least fifteen (15) feet wide. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.540 Fill slopes.

The slope of permanent fills shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of roundings described herein, unless a soils report supports a steeper slope, but shall not exceed one and one-half horizontal to one vertical unless the fill is reinforced as recommended by the geotechnical engineer. The community development resource agency may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical or may require such other measures as he or she deems necessary for stability and safety. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.550 Adjacent structures protection.

Footings which may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. The rights of coterminous owners shall be as set forth in Section 832 of the Civil Code of the state of California. (Ord. 5056-B (part), 2000)

15.48.560 Setbacks—General.

Unless otherwise recommended in a soil or geologic investigation report, Appendix 33 of the latest county adopted version of the Uniform Building Code shall be used for establishing setbacks for property boundaries, buildings and structures other than fences and retaining walls. (Ord. 5407-B § 15, 2006; Ord. 5056-B (part), 2000)

15.48.570 Drainage—General.

Any drainage structure(s) or device(s) carrying surface water runoff required by this article shall be designed and constructed in accordance with standards herein, the current Placer County flood control and water conservation district stormwater management manual and criteria authorized by the agency director. (Ord. 5407-B § 16, 2006; Ord. 5056-B (part), 2000)

15.48.580 Drainage discharge requirements.

All drainage facilities shall be designed and engineered to carry surface and subsurface waters to the nearest adequate street, storm drain, natural watercourse, or other juncture. (Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.590 Drainage—Water accumulation.

All areas shall be graded and drained so that drainage will not cause erosion or endanger the stability of any cut or fill slope or any building or structure. (Ord. 5056-B (part), 2000)

15.48.600 Drainage protection of adjoining property.

When surface drainage is discharged onto any adjoining property, it shall be discharged in such a manner that it will not cause erosion or endanger any cut or fill slope or any building or structure. (Ord. 5056-B (part), 2000)

15.48.610 Terrace drainage.

Terraces at least eight feet in width shall be established at not more than twenty-five (25) feet in height intervals for all cut and fill slopes exceeding thirty (30) feet in height. Where only one terrace is required, it shall be at approximately mid-height. Suitable access shall be provided to permit proper cleaning and maintenance of terraces and terrace drains. Swales or ditches on terraces shall have a minimum depth of one foot, a minimum longitudinal grade of four percent, a maximum longitudinal grade of twelve (12) percent. Down-drains or drainage outlets shall be provided at approximately three hundred (300) foot intervals along the drainage terrace. Down-drains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal. If the drainage discharges onto natural ground, adequate erosion protection shall be provided. (Ord. 5056-B (part), 2000)

15.48.620 Subsurface drainage.

Cut and fill slopes shall be provided with surface and/or subsurface drainage as necessary for stability. (Ord. 5056-B (part), 2000)

15.48.630 Erosion and sediment control.

The following shall apply to the control of erosion and sediment from grading operations:

A. Grading plans shall be designed with long-term erosion and sediment control as a primary consideration. Erosion prevention and source control are to be emphasized over sediment controls and treatment.

B. Grading operations shall provide erosion and sediment control measures, except upon a clear demonstration, to the satisfaction of the community development resource agency that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. Temporary mulch, revegetation, or other stabilization methods shall be applied to areas where permanent revegetation or landscaping cannot be immediately implemented. Unless otherwise exempted in this article, grading activity must be scheduled to ensure completion or winterization by October 15th of each year.

C. Grading activity shall be conducted such that the smallest practicable area of erodible land is exposed at any one time during grading operations and the time of exposure is minimized. Land disturbance shall be limited to the minimum area necessary for construction.

D. Natural features, including vegetation, terrain, watercourses and similar resources shall be protected and preserved wherever possible. Units of grading shall be clearly defined and marked to prevent damage by construction equipment.

E. Permanent vegetation and structures for erosion and sediment control shall be installed as soon as possible.

F. Adequate provision shall be made for effective maintenance of temporary and permanent erosion and sediment control structures and vegetation. Sediment and other construction-related wastes shall be retained and properly managed on the site or properly disposed of off-site.

G. No topsoil shall be removed from the site unless otherwise directed or approved by the community development resource agency. Topsoil overburden shall be stockpiled and redistributed where appropriate within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water.

H. Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before grading except into drainage facilities, whose design has been specifically approved by the community development resource agency.

I. The permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs.

J. All cut and fill slopes shall be adequately stabilized to prevent erosion and failure through temporary and permanent means.

K. Control measures shall be employed to prevent transport of dust off the project site or into any drainage course or water body. (Ord. 5407-B § 17, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.640 Emergency conditions.

Should increased sediment discharge occur or become imminent, the permittee shall take all necessary steps to control or reduce such discharge. Such steps may include construction of additional facilities or removal or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately required pursuant to this article. The permittee shall take prompt action to resolve emergency problems; otherwise the community development resource agency may institute abatement proceedings pursuant to provisions of Section 15.48.700(B) of this article. (Ord. 5407-B § 18, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.650 Erosion and sediment control plans.

Erosion and sediment control plans prepared pursuant to this article shall comply with all of the following:

A. The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan.

B. An erosion and sediment control plan shall be required whenever:

1. The graded portion of the site includes more than ten thousand (10,000) square feet of area having a slope greater than ten (10) percent;

2. Clearing and grubbing of areas of one acre or more regardless of slope;

3. There is a significant risk that more than two thousand five hundred (2,500) square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season;

4. Grading will occur within fifty (50) feet of any watercourse;

5. The community development resource agency determines that the grading will or may pose a significant erosion, or sediment discharge hazard for any reason; or

6. The site is located within the Tahoe Basin.

C. Except as provided in Section 15.48.120 of this article, sediment and erosion control measures must be in place or be capable of being placed within twenty-four (24) hours, in the opinion of the agency director, by October 15th. The agency director may require suspension of any and all grading activities between October 15 and May 1 without prior notice.

D. The applicant shall submit with the erosion and sediment control plans a detailed cost estimate covering this work.

E. Erosion and sediment control plans shall include an effective revegetation program to stabilize all disturbed areas, which will not be otherwise protected. All such areas where grading has been completed between April 1 and October 15 shall be planted by November 1st. Graded areas completed at other times of the year shall be planted within fifteen (15) days. If revegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds two thousand five hundred (2,500) square feet, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge.

F. Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and development from initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable.

G. Erosion and sediment control plans shall comply with the recommendations of the responsible civil engineer, geotechnical engineer, engineering geologist, or landscape architect involved in preparation of the grading plans.

H. The structural and hydraulic adequacy of all stormwater containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a civil engineer, and he or she shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.

I. Erosion and sediment control plans shall be designed to meet anticipated field conditions.

J. Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day during the rainy season and for specific sediment cleanout and vegetation maintenance criteria.

K. Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation on grading sites. These standards and specifications shall be in general compliance with the current Erosion and Sediment Control Guidelines for Developing Areas of the Sierras, published by the High Sierra Resource Conservation District. (Ord. 5407-B § 19, 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.660 Vehicular ways—General.

Vehicular ways shall conform to the grading requirements of this article. (Ord. 5056-B (part), 2000)

15.48.670 Vehicular ways—Drainage.

Vehicular ways shall be graded and drained in such a manner that will not allow erosion or endanger the stability of any adjacent slope. Surface discharge onto adjoining property shall be controlled in such a manner that it does not cause erosion or endanger existing improvements. Bridges and culverts installed in watercourses may be reviewed by the Placer County Flood Control and Water Conservation district and must be approved by the agency director and any other required permitting agency. (Ord. 5407-B § 20, 2006; Ord. 5056-B (part), 2000)

Part 7. Improvement Security

15.48.680 Security required.

A. As a condition for the issuance of a permit, the community development resource agency may require the deposit of improvement security in sufficient amount deemed necessary to assure performance of the work in the event of default on the part of permittee or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. Such security shall be in a form acceptable to Placer County.

B. In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made of all grading work and the board of supervisors of Placer County has accepted the subdivision improvements.

C. For projects other than subdivisions, the improvement security shall remain in effect until final inspections have been made and all grading work has been approved by the community development resource agency.

D. In addition to the improvement security, the community development resource agency may also require the deposit of maintenance security in sufficient amount deemed necessary to guarantee and maintain the grading work and to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Such maintenance security shall be in a form acceptable to Placer County and shall remain in effect for a period of one year after the date of acceptance of the improvements as designated in subsections B and C of this section.

E. Any deposit required by the community development resource agency pursuant to this article shall be payable to the Placer County community development resource agency.

F. Upon satisfaction of applicable provisions of this article, the improvement and maintenance security deposits will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the county may do the required work, or cause it to be done and collect from the permittee or surety all costs incurred thereto, including administrative, inspection and legal costs. (Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

Part 8. Enforcement

15.48.690 Violations.

Failure to comply with the following shall constitute a violation of this article:

A. All orders issued by the community development resource agency pursuant to the provisions of this article;

B. All conditions placed on grading permits;

C. All rules and regulations of Placer County.

(Ord. 5407-B (part), 2006; Ord. 5373-B (part), 2005; Ord. 5056-B (part), 2000)

15.48.700 Nuisance.

A. Established Nuisances Per Se. The board of supervisors of Placer County ordains that the following violations of this article constitute public nuisances:

1. A violation has altered natural drainage patterns and has or will cause flooding to adjacent property; or

2. A violation has created a threat to public health, safety or welfare.

B. Nuisance Abatement Procedure. In accordance with California Government Code Section 25845, the Placer County board of supervisors establishes the procedure for abatement of a nuisance.

Upon the discovery of a nuisance, county staff shall comply with the following procedures:

1. Upon discovery of a nuisance, the owner of the parcel, and anyone known to be in possession of the parcel shall be given notice of the nuisance abatement proceeding. The notice shall provide for an opportunity to appear and be heard before the board of supervisors prior to the abatement of the nuisance by county.

2. Notwithstanding the foregoing, nothing in this article shall prohibit the summary abatement of a nuisance upon order of the board of supervisors, or upon order of any other county officer authorized by law to summarily abate nuisances, if the board or officer determines that the nuisance constitutes an immediate threat to public health or safety.

3. In any action to abate a nuisance, whether by administrative proceedings, judicial proceedings or summary abatement, the owner of the parcel upon which the nuisance is found to exist shall be liable for all costs of abatement incurred by the county, including, but not limited to, administrative costs, and any and all costs incurred in abatement of nuisance. Recovery of costs pursuant to this subsection shall be in addition to and shall not limit any prevailing party's right to recover costs pursuant to Sections 1032 and 1033.5 of the Code of Civil Procedure or any other provision of law. A prevailing party may also recover attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance, if the county elects at the initiation of the individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the county in the action or proceeding.

4. If the property owner fails to pay the costs of the abatement upon demand by the county, the board of supervisors may order the cost of the abatement to be specially assessed against the parcel. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes shall be applicable to this special assessment.

5. If the board of supervisors specially assesses the cost of the abatement against the parcel, the board also may cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the nuisance was ordered by the board of supervisors and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost.

However, if the board of supervisors does not cause the recordation of a notice of abatement lien pursuant to subsection (B)(5) of this section, and any real property to which the costs of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or a lien on a bona fide encumbrance for value has been created and attaches to that property, prior to the date on which the first installment of

county taxes would become delinquent, then the cost of abatement shall be transferred to the unsecured roll for collection.

6. Recordation of a notice of abatement lien pursuant to subsection (B)(5) of this section, has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released. Upon order of the board of supervisors, or any other county officer authorized by the board of supervisors to act upon its behalf, an abatement lien created under this section may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

7. The board of supervisors may delegate the hearing required by subsection (B)(1) of this section prior to abatement of a public nuisance, to a hearing board designated by the board of supervisors. The hearing board shall make a written recommendation to the board of supervisors. The board of supervisors may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the board of supervisors.

8. The board of supervisors may, by ordinance, delegate to a hearing officer appointed pursuant to Government Code Section 27720 the powers and duties specified by this section.

C. Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this article enacted pursuant to California Government Code Section 25845, except for conditions abated pursuant to Section 17980 of the health and safety code, the court may order the owner to pay treble the costs of the abatement. (Ord. 5056-B (part), 2000)

15.48.710 Stop work orders.

A. Whenever any person is performing work in violation of the provisions of this article, the agency director may issue a written order to the responsible party to stop work on the portion of the work where the violation has occurred or upon which the danger exists. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation.

B. Upon receipt of such stop work order, the person performing the work shall:

1. Stop work immediately; and

2. Within twenty-four (24) hours, provide the agency director with a list of remedies which can be immediately undertaken to bring the work into compliance with this article; and

3. Within twenty-four (24) hours after approval of a remedy by the agency director, undertake, at the violator's sole expense, such action as is necessary to bring the work into compliance with this article.

C. If the responsible party fails to comply with the stop work order served pursuant to this section, the county may use any and all remedies available to it under this article, in law, or in equity, including but not limited to: shutting down all work on the site, performing the corrective work either with county crews or by contract, or arresting the responsible party for violation of this article. (Ord. 5407-B § 20, 2006: Ord. 5056-B (part), 2000)

15.48.720 Misdemeanor violation.

Notwithstanding any other provisions of this code, any person violating any provisions of this article shall be guilty and punishable as provided in Section 1.24.010 of a misdemeanor. Each such person shall be charged with a separate offense for each and every day or portion thereof during which any violation of this article is committed, continued or permitted. Upon conviction of any such violation such person shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. (Ord. 5056-B (part), 2000)

15.48.730 Investigation fees/work without a permit.

Whenever any work for which a permit is required by this article has been commenced without first obtaining the permit, the agency director shall require an investigation before issuing a permit for such work. In this case, the violator shall be charged for the department's labor and costs incurred during the investigation, in addition to the regular permit fees. (Ord. 5407-B § 22, 2006: Ord. 5056-B (part), 2000)

15.48.740 Community development resource agency director delegation.

The agency director shall be authorized to delegate any of his or her duties under this article to other county officer(s). (Ord. 5407-B § 23, 2006)