

## Chapter 15.36

### GRADING EROSION AND SEDIMENT CONTROL

#### Sections:

##### Article I. Purpose and Definitions

- 15.36.010 Title.
- 15.36.020 Purpose.
- 15.36.030 Definitions.

##### Article II. General Requirements

- 15.36.040 Grading permit required.
- 15.36.050 Exemptions.
- 15.36.060 Discharge and erosion.
- 15.36.070 Obstruction of stormwater.
- 15.36.080 Safeguarding of watercourses and flood control facilities.
- 15.36.090 Levee work.
- 15.36.100 Construction in public rights-of-ways and on district property.
- 15.36.110 Hazards.
- 15.36.120 Not retroactive.
- 15.36.130 Administration.

##### Article III. Procedures

- 15.36.140 Filing.
- 15.36.150 Compliance with CEQA and other environmental reviews.
- 15.36.160 Referral to other public agencies.
- 15.36.170 Permit conditions.
- 15.36.180 Permission of other agencies or owners.
- 15.36.190 Location of property lines.
- 15.36.200 Time limits.
- 15.36.210 Validity.
- 15.36.220 Appeals.

##### Article IV. Plans and Specifications

- 15.36.230 Application- Plans.
- 15.36.240 Preliminary grading plans.
- 15.36.250 Final grading plans- Engineer required.
- 15.36.260 Final grading plans- Engineer not required.
- 15.36.270 Modification of approved plans.
- 15.36.280 Seasonal requirements.
- 15.36.290 Distribution and use of approved plans.

##### Article V. Permit Requirements

- 15.36.300 General.
- 15.36.310 Permit Fees.
- 15.36.320 Geotechnical/geologic investigation required.
- 15.36.330 Geotechnical/geologic investigations.
- 15.36.340 Geotechnical/geologic reports- General.
- 15.36.350 Geotechnical/geologic investigation report.
- 15.36.360 Final report.
- 15.36.370 Changed conditions.
- 15.36.380 Special inspection.

- 15.36.390 Noncompliance notification by private geotechnical engineer, geologist, or engineering geologist.
- 15.36.400 Period progress reports by private geotechnical engineer, geologist, or engineering geologist.
- 15.36.410 Progress report by permittee.
- 15.36.420 Submit “as-built” plan.
- 15.36.430 Performance of work- Inspection.
- 15.36.440 Other responsibilities of permittee.
- 15.36.450 Transfer of permit.

#### Article VI. Design Standards

- 15.36.460 Excavation.
- 15.36.470 Excavation slope.
- 15.36.480 Fill placement.
- 15.36.490 Fill compaction.
- 15.36.500 Ground preparation for fill placement.
- 15.36.510 Fill slopes.
- 15.36.520 Adjacent structures protection.
- 15.36.522 Protection of utilities.
- 15.36.530 Setbacks- General.
- 15.36.540 Drainage- General.
- 15.36.550 Drainage- Disposal requirements.
- 15.36.560 Drainage- Water accumulation.
- 15.36.570 Drainage protection of adjoining property.
- 15.36.580 Slope protection.
- 15.36.590 Subsurface drainage.
- 15.36.600 Erosion and sediment control.
- 15.36.610 Emergency conditions.
- 15.36.620 Erosion and sediment control plans.
- 15.36.630 Vehicular ways- General.
- 15.36.640 Vehicular ways- Cut slopes.
- 15.36.650 Vehicular ways- Drainage.
- 15.36.652 Floodplains

#### Article VII. Improvement Security

- 15.36.660 Security required.

#### Article VIII. Enforcement

- 15.36.670 Suspension and revocation of permit.
- 15.36.672 Violations constituting misdemeanors or administrative penalties.
- 15.36.674 Penalty for violation.
- 15.36.676 Continuing violation.
- 15.36.678 Concealment.
- 15.36.680 Violations deemed a public nuisance.
- 15.36.682 California Code of Civil Procedure Section 1094.6.
- 15.36.684 Administrative enforcement powers.
- 15.36.686 Appeals from administrative enforcement fees and fines.
- 15.36.690 Civil actions.
- 15.36.700 Nonexclusive remedies.

#### Article IX. Additional Provisions

- 15.36.710 Enforcement officer.

- 15.36.720 Right of entry.
- 15.36.730 Stop work orders.
- 15.36.740 Liability and indemnification.
- 15.36.750 Denial of other permits.
- 15.36.760 Notification of pending grading.
- 15.36.770 Investigations of unpermitted work.

## **Article I. Purpose and Definitions**

### **15.36.010 Title.**

This chapter shall be known as the grading ordinance of Alameda County.

### **15.36.020 Purpose.**

This chapter is enacted for the purpose of regulating grading work on private property within the unincorporated area of the county in order to safeguard life, limb, health, property, and public welfare; to protect creeks, watercourses, and other drainage facilities from illicit discharges of surface runoff generated in or draining through the permit work area; and to ensure that the construction and eventual use of a graded site is in accordance with the county general plan, any applicable specific plan, and all applicable county ordinances, including the stormwater management and discharge ordinance (chapter 13.08 of the general ordinance code) and the zoning ordinance (title 17 of the general ordinance code).

### **15.36.030 Definitions.**

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

“Agricultural operation” means any land related activity for the purpose of cultivating or raising plants, fish, or animals; or conserving or protecting lands for such purposes when conducted on agriculturally zoned lands; and is not surface mining or borrow pit operations, nor preparation for construction or construction of any structure for human occupancy.

“Authorized enforcement officer” means the director of public works, or his/her designated representative. See Section 15.36.710 of this chapter.

“Bedrock” means the relatively solid undisturbed rock in place either at the ground surface or beneath superficial deposits of alluvium, colluvium, or soil.

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

“Certified engineering geologist (CEG); see “Engineering geologist.”

“Civil engineer” means a professional engineer registered as a civil engineer by the state.

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

“Construction general permit” means the current version of the General Permit for Discharges of Storm Water Associated with Construction Activity, as issued by the State of California Water Resources Control Board.

“County stormdrain system” means any facilities owned and maintained by the county or the “district,” or under the jurisdiction of the county, by which stormwater is conveyed to the waters of the United States.

“Creek” means any conduit, channel, swale, or other facility or topographic feature through which stormwater runoff and/or riverine or estuarine water flows continuously or intermittently in a definite direction and course, or that is used for the holding, delay, or storage of such runoff or water. See “Flood control facilities” and “Watercourse.”

“Cut;” see “Excavation.”

“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 public works” is the Director of Public Works of Alameda County, acting either directly or through his/her authorized deputies.

“District” means the Alameda County Flood Control and Water Conservation District. See “Zone 7.”

“District permit ordinance” means Ordinance 0-2000-37 of the district, and any amendments or revisions thereto.

“Embankment;” see “Fill.”

“Encroachment permit” means a written permit authorizing certain work within a publicly maintained roadway or flood control right-of-way.

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

“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 transporting 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 that exhibits significant expansive properties as determined by a geotechnical engineer, an engineering geologist, or the director of public works. For the purpose of determining whether a geotechnical/geologic investigation is required in order to determine if the existing natural soil on the premises is expansive, “expansive soil” means any soil with a shrink-swell rating of .5 or greater in the NRCS web soil survey; see Section 15.36.320B of this chapter.

“Fill” (embankment) is 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 that conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

“Flood control facility” means any access feature, access roadway, bank, conduit, dam, fence, inlet, measurement gauge, outfall, pump, structure, waterway, well or any other appurtenance that is located on property that is under the jurisdiction of the district or that is considered part of the district right-of-way.

“General ordinance code” means the General Ordinance Code of the County of Alameda.

“Geologic hazard” means any condition in naturally occurring earth materials that may endanger life, health or property. Geologic hazards include, but are not limited to: faults; existing or potential landslides, mudslides, or rock falls; weak, expansive, or creeping soil; subsidence; earthquake induced shaking, ground movement, ground failure, or liquefaction; and seiche or tsunami inundation.

“Geologist” means a professional geologist registered as a professional geologist by the state.

“Geotechnical engineer” means a civil engineer registered by the state who is recognized by the state as being qualified in the field of soil mechanics and soil engineering.

“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.

“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 chapter showing grading and related work.

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

“Illicit discharge” means any discharge to the county stormdrain system that is not entirely stormwater or is not exempted by the provisions of Section 13.08.070(B) of Chapter 13.08 of the general ordinance code.

“Keyway” means a special backfilled excavation that 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.

“Lot;” see “Parcel.”

“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.

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

“Permit” means either a written grading permit issued pursuant to this chapter authorizing certain grading work, or another permit issued pursuant to other applicable permit ordinances of the county, as the context requires.

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

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

“Preliminary grading plan” means a plan that shows the proposed grading work in relation to the existing site prepared and submitted with the application for a grading permit.

“Rainy season” means the period of the year during which there is a substantial risk of rainfall. For the purpose of this chapter, the rainy season is defined as from October 1st to April 30th, inclusive.

“Rough grade” means the stage at which the grade approximately conforms to the approved plan. It is also the subgrade required for construction of a roadway or other paved surface.

“Sediment” is any material transported or deposited by water, including soil and 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.

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

“Soil engineer,” or “soils engineer;” see “Geotechnical engineer.”

“Stormwater” means stormwater runoff and surface drainage.

“Stormwater management and discharge control ordinance” means chapter 13.08 of the general ordinance code.

“Stormwater pollution and prevention plan (SWPPP)” means a formal plan prepared and implemented in accordance with the provisions of the State Water Resources Control Board General Construction Permit, in order to control the pollution of stormwater discharge during construction.

“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.

“Watercourse;” see Section 13.12.030 of chapter 13.12 of the general ordinance code.

“Watercourse protection ordinance” means chapter 13.12 of the general ordinance code.

“Work;” see “Grading work.”

“Zone 7” means the Zone 7 Water Agency.

## **Article II. General Requirements**

### **15.36.040 Grading permit required.**

Except for the specific exceptions listed hereinafter, no person shall do or permit to be done any grading on any site in the unincorporated area of this county without a valid permit obtained from the director of public works.

### **15.36.050 Exemptions.**

The following grading may be done without obtaining a permit:

A. An excavation that removes less than one hundred fifty (150) cubic yards of material and that complies with one (1) of the following conditions:

1. Is less than two (2) feet in depth below natural grade; or
2. Will not create a cut slope that is unstable, potentially erodible to the extent of causing an illicit discharge, more than five (5) feet in height (as measured vertically), and steeper than two (2) units horizontal to one (1) unit vertical (50 percent slope);

B. A fill that is not intended to support a structure, will not obstruct a drainage course, is not located within a floodplain (as defined in chapter 15.40 of this title), will not create a surface that is unstable or that would be potentially erodible to the extent of causing an illicit discharge, and that complies with one (1) of the following conditions:

1. Less than two (2) feet in depth and is placed on natural terrain that is sloped less than five (5) units horizontal to one (1) unit vertical (20 percent slope); or
2. Less than three (3) feet in depth at its deepest point (as measured vertically), creates a stable fill slope no steeper than two (2) units horizontal to one (1) unit vertical (50 percent slope), and is less than one hundred fifty (150) cubic yards of material; or
3. Less than five (5) feet in depth at its deepest point (as measured vertically), creates a fill slope no steeper than two (2) units horizontal to one (1) unit vertical (50 percent slope), and is less than fifty (50) cubic yards of material;

C. Grading done by or under the supervision or construction control of a public agency, including the county, that assumes full responsibility for the work in conformance with the design and documentation provisions of this chapter;

D. Excavations and fills in connection with the construction of building foundations, building crawl spaces, building basements, swimming pools, retaining walls, or other structures subject to regulation by the county building ordinance (chapter 15.08 of this title);

E. Excavations and fills in connection with the construction of vegetated swales, bioretention basins, detention basins, or other stormwater protection facilities subject to regulation by the county stormwater management and discharge control ordinance (chapter 13.08 of the general ordinance code);

F. Any of the following activities conducted on property that is zoned as agricultural in accordance with the provisions of Title 17 of the general ordinance code, provided that any such activity will not result in a cut or fill the failure of which could endanger any structure intended for human or animal occupancy or any public or shared access roadway, or that could obstruct, damage, or cause an illicit discharge to any watercourse or other drainage facility, and provided that such activity is being performed in accordance with all applicable laws, regulations, and ordinances of the county:

1. Grading associated with agricultural operations; or
2. The temporary stockpiling of soil or other material; or
3. Grading associated with private recreational use, such as the construction or maintenance of dirt bike or equestrian trails;

G. Trenching and grading incidental to the construction or installation of approved underground pipe lines, on-site wastewater treatment systems, conduits, electrical or communication facilities, and drilling or excavation for approved wells or post holes, except that the installation of

stormdrain facilities such as field inlets, conductors, and temporary outfall structures associated with the required protection of rough grading cuts and fills or subgrades may be considered grading work, subject to the permit requirements of this chapter. Any exempted trenching shall be backfilled and the surface restored to its original condition, including reseeding or otherwise restoring vegetation on all disturbed earth surfaces if slopes exceed two (2) percent, as soon as possible after such utility installation work is completed;

H. Excavations for soil or geological investigations by a geotechnical engineer, geologist, or engineering geologist. Such work shall be backfilled and shaped to the original contour of the land under the direction of the geotechnical engineer, geologist, or engineering geologist as soon as possible after the investigation;

I. Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan, or sanitary landfill;

J. Maintenance of existing firebreaks and roadways to keep the firebreak or roadway substantially in its original condition;

K. Routine cemetery excavations and fills;

L. Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person performing such emergency work shall notify the director of public works promptly of the problem and work required and shall apply for a permit therefor within ten (10) calendar days after commencing said work.

Exemption from the requirement of a permit shall not be deemed to be permission to violate any provision of this chapter or any other laws, regulations, or ordinances of the county, including the requirement to obtain a building, electrical, plumbing, mechanical, stormwater, or well permit whenever so required under the provisions of the applicable permit ordinance.

#### **15.36.060 Discharge and erosion.**

Notwithstanding the exemptions listed in Section 15.36.050 of this chapter, no person shall do or allow 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 discharged into a watercourse, a flood control facility, or other drainage system by the forces of nature, or could be so washed, eroded, or discharged onto, within, or from the site.

#### **15.36.070 Obstruction of stormwater.**

No person shall do or allow to be done any grading that obstructs, impedes, or interferes with the natural flow of stormwater, or could so obstruct, impede, or interfere, 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, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition, cause accelerated erosion, or result in an illicit discharge, except where said grading is in accordance with all applicable laws, ordinances, and regulations of the county, including but not limited to the requirement to obtain a permit or permits where so specified.

#### **15.36.080 Safeguarding of watercourses and flood control facilities.**

Any proposed grading work that could impinge upon, restrict access to, or result in the discharging of stormwater or the depositing of soil or other material into or the modification of the flow of a watercourse or a flood control facility may, at the discretion of the director of public works, require a separate permit issued by the director under the provisions of the county watercourse protection ordinance or the district permit ordinance. Any grading associated with the construction of landscaped-based stormwater control facilities intended to control the discharge of stormwater into the watercourses or flood control facilities must be authorized by a separate permit issued under the provisions of the county stormwater management and discharge control ordinance.

**15.36.090 Levee work.**

No person shall excavate or remove any material from or otherwise alter any levee maintained by the county or the district without prior approval of the director of public works.

**15.36.100 Construction in public rights-of-way and on district property.**

Any grading within the right-of-way of a public roadway must be authorized by an encroachment permit issued by the director of public works or by the State Department of Transportation (CalTrans), as applicable. Any grading on district property must be authorized by an encroachment permit issued by the director of public works or by Zone 7, as applicable.

**15.36.110 Hazards.**

Notwithstanding the provisions of Section 15.36.050 of this chapter, whenever the director of public works determines that any grading on private property constitutes a condition that is a hazard to public safety, endangers that property, adversely affects the safety, use or stability of adjacent property, or an overhead or underground utility, or a public roadway, watercourse, or flood control facility, or could cause an illicit discharge, the owner of the property upon which the condition is located, or other person or agent in control of said property, upon receipt of notice in writing from the director of public works shall, within the period specified therein, abate such condition and render the grading in conformance with the requirements of this chapter. The director of public works may require the submission of plans or soil or geological reports, detailed construction recommendations, or other engineering data prior to and in connection with any corrective or proposed work or activity, and shall have the authority to require that the said person or agent obtain a remedial permit or permits in accordance with the provisions of this chapter.

**15.36.120 Not retroactive.**

This chapter shall be prospective in operation only. The provisions of this chapter shall not apply to existing construction for which all previously necessary permits were obtained. Said provisions shall also not apply to a project or development not yet constructed provided that an appropriate permit has been obtained and said permit bears a date prior to the effective date of this chapter.

**15.36.130 Administration.**

This chapter shall be administered for this county by the county flood control and water conservation district.

**Article III.  
Procedures**

**15.36.140 Filing.**

Applications for permits shall be filed with the director of public works on forms furnished by his/her office. Each application shall include a plan checking fee and other fees as required, preliminary or final grading plans, a pollution prevention plan, 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 at one time. The director of public works shall determine whether the application is complete in accordance with provisions of Article IV herein and may require additional information from the applicant before accepting the application as complete.

**15.36.150 Compliance with CEQA and other environmental reviews.**

The California Environmental Quality Act (CEQA) and other environmental review requirements may require the preparation and review of environmental documents concerning a proposed grading project. In such event, this county, acting through the Community Development Agency (CDA), will be a responsible agency or may function as the lead agency.

**15.36.160 Referral to other public agencies.**

A. The director of public works shall refer those permit applications falling within the following categories to the listed county or other public agencies for approval prior to issuance of the permit:

1. Any proposal for grading work associated with a development that is subject to the provisions of Title 16 or Title 17 of the general ordinance code shall be referred to the Community Development Agency (CDA).

2. Any proposal for grading work associated with the construction or reconstruction of a fire access roadway or a fire break shall be referred to the responsible fire protection agency.

3. Any proposal for grading work associated with a development that involves the construction or reconstruction of an on-site wastewater disposal system shall be referred to the Department of Environmental Health of the Health Care Services Agency.

4. Any proposal for grading work that will disturb more than one (1) acre of soil or that is associated with a larger common plan of development that will disturb more than one (1) acre shall be referred to the regional Water Quality Control Board for review of a Storm Water Pollution Prevention Plan (SWPPP).

B. The director may refer an application to other interested public agencies for their recommendations.

**15.36.170 Permit conditions.**

A. No permit shall be granted until the director of public works verifies compliance with the provisions of Section 15.36.160 of this chapter.

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

1. Mitigation of adverse environmental impacts;

2. Improvement of any existing grading to comply with the standards of this chapter;

3. Requirements for fencing or other protection of grading that would otherwise be hazardous;

4. Requirements for dust, pollution prevention, and noise control, hours of operation and season of work, weather conditions, sequence of work, access roadways, and haul routes;

5. Requirements for safeguarding watercourses and flood control facilities from excessive deposition of sediment or debris in quantities exceeding natural levels, and from illicit discharges, including those protective measures specified by the pollution prevention plan;

6. 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 seismic activity or flooding can be eliminated or adequately reduced.

7. Assurance that the proposed grading work will not damage adjacent properties, including any adjacent public rights-of-way or district property, or obstruct access thereto.

8. Assurance that the proposed grading will be compatible with all other approved developments on the property, including the construction of landscaped-based stormwater treatment and detention facilities, on-site stormdrain systems, on-site wastewater disposal fields, etc.

**15.36.180 Permission of other agencies or owners.**

A. 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.

B. The director of public works shall be responsible for verifying that any applicant requesting a grading permit that would result in the disturbance of one (1) or more acres of land has filed a Notice of Intent with the State under the provisions of the State construction general permit.

**15.36.190 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 resolution of title all at the expense of the applicant may be required by the director of public works.

**15.36.200 Time limits.**

A. The permittee shall perform and complete all the work required by the permit within the time limit 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 director of public works no later than thirty (30) days prior to the expiration of the permit. The director of public works may grant additional time for the work by amending the permit to extend the expiration date.

B. If all the permit work required is not completed within the time limit specified in Subsection A of this Section 15.36.200, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the director of public works who may require a new application and fees depending on the time between the expiration date and the renewal request, revisions in county regulations, or changed circumstances in the immediate area. Any revised plan shall be submitted to the director of public works for review, and any costs thereof shall be at the applicant's expense.

C. In the event that a request for extension as described in Subsection A of this Section 15.36.200 or a request for renewal as described in Subsection B of this Section may result in the performance of grading work in the rainy season where such rainy season work was not previously authorized, the director of public works shall have the authority to require the submittal of detailed erosion and sedimentation control plans as a prerequisite to any such extension or renewal.

**15.36.210 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 chapter or of any other applicable laws, ordinances, rules or regulations; and shall not prevent the director of public works from thereafter requiring the correction of errors in said plans and specifications or from preventing work being carried on thereunder in violation of this chapter, or any other applicable law, ordinance, rule or regulation.

**15.36.220 Appeals.**

Any person aggrieved by the decisions described in Sections 15.36.300 or 15.36.760 of this chapter, or other decision made pursuant to this chapter except for the levying of administrative fines, may appeal that decision within ten (10) working days following the effective date of that decision, by requesting a review in a written letter addressed to the Director of Public Works at 399 Elmhurst St., Hayward, CA 94544. Upon the receipt of such a request, the director shall request a staff report and recommendations and shall schedule a hearing on the matter at the earliest practical date. At that hearing, the director may hear additional evidence, and may reject, affirm, or modify the earlier decision. The decision of the director at the hearing may be appealed to the board of supervisors by submitting a written statement, setting forth the grounds for the appeal of the director's decision, addressed to Clerk of the Board of Supervisors at 1221 Oak St., Ste. 536, Oakland, CA 94612. Such appeal to the board must be received by the clerk of the board within ten (10) working days of the date of the final agency decision by the director. Upon receipt of the appeal, the board shall take one of the following actions:

1. Affirm the action of the director without further hearing or review; or
2. Refer the matter back to the director for further review, with or without instructions; or

3. Set the matter for a public hearing before the board, in which case the board shall set a time and place for the said hearing and shall provide notice to the person filing the appeal at least five (5) days prior to the date set for the hearing.

In the event of an appeal to the board, the board shall render its decision without consideration of any argument or evidence of any kind other than the record provided by the director, unless the board is itself conducting a public hearing on the matter. The decision of the board shall be final.

#### **Article IV. Plans and Specifications**

##### **15.36.230 Application--Plans.**

Two or more complete sets of plans, as determined by the director of public works, including but not limited to profiles, cross sections, topographic maps and specifications shall be submitted to the director of public works with each application for a grading permit, or when otherwise required by the director of public works for enforcement of any provisions of this chapter. At the time of application, the applicant may provide preliminary grading plans. Prior to the issuance of a grading permit the applicant must furnish final grading plans. Preliminary grading plans with appropriate changes and additions thereto may be accepted as final grading plans. When the final grading plans and other required documents, including a final pollution prevention plan, have been approved, a grading permit will be issued by the director of public works. The work shall be done in strict compliance with the approved plans and specifications which shall not be changed or altered except in accordance with the provisions of this article.

##### **15.36.240 Preliminary grading plans.**

Preliminary grading plans provide for review and determination of grading permit requirements prior to approval of final plans and issuance of a grading permit. Precise design at this stage is not required. The plans shall be clearly and legibly drawn and entitled "preliminary grading plans," shall contain a statement of the purpose of the proposed grading, and shall include the following, unless waived by the director of public works:

- A. On a map of appropriate scale, but not smaller than one inch equals one hundred (100) feet:
  1. A plan entitled "preliminary grading plan" and the name and signature of preparer and date of preparation,
  2. A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roadways, lakes, watercourses, and flood control facilities in the area,
  3. A site plan indicating the site of the work and any proposed divisions of land,
  4. The complete site boundaries and locations of any easements and rights-of-way traversing and adjacent to the property, appropriately labeled and dimensioned,
  5. The location of all existing and proposed roadways, buildings, wells, pipelines, watercourses, flood control facilities, bridges, on-site wastewater treatment systems, stormwater treatment and detention facilities, and other structures, facilities, and features of the site, and the location of all improvements on adjacent land within fifty (50) feet of the proposed work,
  6. Location and nature of known or suspected soil or geologic hazard areas, including earthquake fault zone and seismic hazard boundaries as depicted on the maps published by the California Geologic Survey,
  7. Contour lines of the existing terrain and proposed approximate finished grade at intervals not greater than five (5) feet, showing all topographic features and drainage patterns throughout the area where proposed grading is to occur. The contour lines 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 roadway rights-of-way,
  8. Approximate location of cut and fill lines and the limits of grading for all the proposed grading work including borrow and stockpile areas. A written description of offsite locations of said areas will suffice,

9. Location, width, direction of flow and approximate location of tops and toes of banks of any watercourses and open-channel flood control facilities, along with any associated riparian habitat zones,
10. The boundaries of any floodplains, as designated in accordance with the provisions of chapter 15.40 of this title,
11. Proposed provisions for stormwater drainage control in the vicinity of the grading,
12. A conceptual plan for erosion and sediment control including both temporary facilities and long-term site stabilization features such as planting or seeding for the area affected by the proposed grading. This requirement may be waived by the director of public works for sites having no slopes greater than five (5) percent unless the large size of the site, its proximity to sensitive areas or other conditions make an erosion or sediment discharge hazard possible,
13. North arrow and scale,
14. General location and character of vegetation covering the site and the locations of trees with a trunk diameter of twelve (12) inches or more, measured at a point three (3) feet above average ground level, within the area to be disturbed by the proposed grading. The plans shall indicate which trees are proposed to remain and how they are to be protected;
  - B. Typical cross sections (not less than two) of all existing and proposed graded areas taken at intervals not exceeding two hundred (200) feet and at locations of maximum cuts and fills;
  - C. An estimate of the quantities of excavation and fill, including quantities to be moved both on- and off-site;
  - D. The estimated starting and completion dates of grading;
  - E. Such supplemental information as required for processing and approval of the design concept and the application as required by the director of public works.

**15.36.250 Final grading plans--Engineer required.**

Final grading plans and specifications shall be prepared and signed by a civil engineer, except as otherwise provided herein, on sheets at least twenty-four (24) inches by thirty-six (36) inches. The plans shall include the following, in addition to all requirements for preliminary grading plans, unless waived by the director of public works:

- A. 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;
- B. Accurate contour lines at intervals not greater than five (5) feet, showing topographic features and drainage patterns and the configuration of the ground before and after grading, relative to a bench mark established on-site;
- C. Location, extent and finished surface slopes of all proposed grading and final cut and fill lines;
- D. Cross sections, profiles, elevations, dimensions and construction details based on accurate field data;
- E. Construction details for roadways, driveways, watercourses, culverts, and drainage devices, retaining walls, cribbing, dams, and other improvements to be constructed as part of the permit, together with supporting calculations and maps as required;
- F. Complete construction specifications;
- G. A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities, when required by the director of public works;
- H. A landscaping plan, when required by the director of public works, including temporary erosion control plantings, permanent slope plantings, replacement of temporary groundcover, and irrigation facilities;
- I. An estimate of the quantities of excavation and fill, adjusted for anticipated swell or shrinkage;
- J. The locations of any borrow site and any site intended for disposal of surplus material;
- K. A projected schedule of operations, including, as a minimum, the dates of:

1. Commencement of work,
2. Start and finish of rough grading,
3. Completion of drainage facilities,
4. Completion of work in any watercourse or flood control facility,
5. Completion of erosion and sediment control facilities,
6. Completion of hydromulching and other landscaping.

If rough grading is proposed between October 1st and April 15th, a more detailed schedule of grading activities and use of erosion and sediment control facilities may be required;

L. Itemized cost estimate of the proposed grading and related work;

M. Reference callouts, as necessary, for other proposed improvements, including buildings, structures, walls, bridges, on-site wastewater treatment facilities, stormwater treatment and detention facilities, fire hydrants, landscaping, pavement, etc.

N. Other information as may be required by the director of public works.

#### **15.36.260 Final grading plans--Engineer not required.**

All plans and specifications shall be prepared and signed by a civil engineer except that the director of public works may waive this requirement if the grading is minor in nature; would not endanger the public health, safety or welfare as determined by the director of public works; and would not involve or require any of the following:

A. Cuts and fills with a combined total of one thousand five hundred (1,500) cubic yards or more;

B. An access road serving three (3) or more existing or potential residences;

C. A cut or fill that is intended to support structures;

D. A cut or fill that is located so as to cause unduly increased pressure upon or reduced support of any adjacent structure or property;

E. The construction of any extensive drainage or sediment control structures, culverts, or facilities or the alteration of any existing drainage course;

F. The creation or aggravation of an unstable slope condition.

G. The construction of significant improvements, such as large retaining walls or major landscaped-based stormwater treatment facilities, that are authorized by other permits but that could affect the final grading design.

#### **15.36.270 Modification of approved plans.**

A. Proposed modifications of an approved final plan shall be submitted to the director of public works for his 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.

#### **15.36.280 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.

#### **15.36.290 Distribution and use of approved plans.**

Two sets of approved plans and specifications shall be retained by the director of public works and one or more sets of approved and dated plans and specifications shall be provided to the applicant or his engineer. One set of approved plans and permit shall be retained on the site at all times during the work.

## **Article V.**

### **Permit Requirements**

#### **15.36.300 General.**

The director of public works may deny the issuance of a grading permit if final grading plans fail to satisfy the provisions of this chapter or any of the conditions imposed. The director of public works shall identify the provisions, requirement or condition which has not been met or performed by the applicant.

#### **15.36.310 Permit Fees.**

A. The schedule of permit fees and costs shall be those established and adopted by the board from time to time by resolution. Before a permit is issued, the applicant shall deposit with the director of public works cash or equivalent, 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 the said schedule.

B. No application fee shall be required of public agencies or public utilities.

C. Public or private utilities may, at the option of the director of public works, make payment for the above charges as billed by the director of public works instead of by advance deposit as required above.

D. If, upon completion of any work under a permit there remains any excess of deposit or of fees or charges, the director of public works shall certify the same to the auditor for refund to the permittee or refund the same from any trust fund established under his jurisdiction for such purposes.

E. If, upon completion of any work under a permit there is an insufficient deposit to cover the cost of the work, the director of public works may require the permittee to reimburse the amount equal to the cost deficit.

F. If grading work is done in violation of this chapter or such work is not done in accordance with an approved permit, the director of public works shall have the authority to charge remedial fees in accordance with the provisions of Section 15.36.674 of this chapter.

#### **15.36.320 Geotechnical/geologic investigation required.**

A geotechnical (soil) or geologic investigation report shall accompany the permit application in any of the following circumstances:

A. When the proposed grading includes a cut or fill exceeding five (5) feet in depth at any point and the slope of the natural ground within thirty (30) feet of the cut or fill exceeds ten (10) percent; however, for vehicular ways, a geotechnical/geologic investigation shall not be required unless the grading includes a proposed cut or fill that exceeds ten (10) feet in depth;

B. When the shrink-swell rating of the soil in the area of the proposed grading work is greater than .5, as shown in the "Building Site Development" ratings in the "Web Soil Survey Soil Data Explorer" interactive maps published by the United States Department of Agriculture Natural Resources Conservation Service at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, or when there are other reasons to suspect that highly expansive soils are present;

C. When the property is located within an earthquake fault zone or a seismic hazard zone, as delineated on the official maps published for that purpose by the California Geologic Survey, or when such hazards are otherwise known or suspected on the site.

The director may require additional or supplemental geotechnical/geologic investigations and reports in conjunction with the design and construction of other structures and facilities subject to separate permits, such as foundations, on-site wastewater treatment systems, stormwater infiltration devices, etc.

**15.36.330 Geotechnical/geologic investigations.**

Those portions of the geotechnical/geologic investigation, as described in Section 15.36.320 of this chapter, that constitute "civil engineering" as defined by Section 6731 of the Business and Professions Code of the state shall be conducted by a geotechnical 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 shall be conducted by an engineering geologist or geologist.

The investigations shall be based on observation and tests of the material exposed by exploratory borings or excavations and other 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, percolation rates, groundwater levels, and other factors.

**15.36.340 Geotechnical/geologic reports--General.**

Any geotechnical/geologic investigation report shall be subject to the approval of, and supplemental reports and data may be required by, the director of public works. Recommendations included in the reports and approved by the director of public works shall be incorporated in the final plans and specifications.

**15.36.350 Geotechnical/geologic investigation report.**

The geotechnical/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 showing 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 the 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 depth of each soil or rock strata;
- I. An evaluation of the stability of pertinent natural slopes and any proposed cut and fill slopes;
- 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 drainage and erosion control;
- M. Recommendations for mitigation of geologic hazards;
- N. Recommendations for the design of any associated stormwater treatment/detention systems, particularly those systems that are intended to provide treatment by means of infiltration.

**15.36.360 Final report.**

Upon completion of rough grading work, the director of public works may require a final geotechnical/geologic 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, engineering geologist, or geologist, in the format required by the director of public works, that all work was done in substantial accordance with the recommendations contained in the geotechnical/geologic investigation reports as approved and in accordance with the approved plans and specifications.

**15.36.370 Changed conditions.**

Where geotechnical or geologic conditions encountered in the grading operation deviate from that anticipated in the geotechnical/geologic investigation reports or where such conditions warrant changes to the recommendations contained in the original investigation, a revised geotechnical/geologic report shall be submitted for the approval of the director of public works.

**15.36.380 Special inspection.**

A. The director of public works may require the permittee to provide a private geotechnical engineer, geologist, or engineering geologist, as appropriate, to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he/she has inspected the work and that in his professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his/her own contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a geotechnical engineer, geologist, or engineering geologist 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 (5) feet in depth on slopes which exceed ten (10) percent and during the placing of such fills; however, for vehicular accessways, 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 and during the placement of such fill which is intended to support any building or structure;
3. During the installation of subsurface drainage facilities;
4. Such other inspections as may be required by the director of public works.

B. Reports filed by the private geotechnical engineer, geologist, or engineering geologist regarding special inspection shall state in writing that from his/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, geologist, or engineering geologist for inspections shall not preclude the director of public works from conducting inspections using his or other authorized inspectors as may be necessary.

**15.36.390 Noncompliance notification by private geotechnical engineer, geologist, or engineering geologist.**

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, geologist, or engineering geologist finds that the work is not being done substantially in accordance with the approved plans and specifications, he/she shall immediately notify the person in charge of the work and the director of public works of the nonconformity and the corrective measures to be taken. When changes in the plans are required, he/she shall prepare such proposed changes and submit them to the director of public works for approval.

**15.36.400 Period progress reports by private geotechnical engineer, geologist, or engineering geologist.**

Periodic progress reports shall be rendered by the private geotechnical engineer, geologist, or engineering geologist as required by the director of public works including, but not limited to laboratory tests, slope stability, placement of materials, retaining walls, drainage, utilities and any special permit or plan requirements.

**15.36.410 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 director of public works in the permit.

**15.36.420 Submit "as-built" plan.**

Permittee shall submit to the director of public works an "as-built" grading plan following completion of grading operations.

**15.36.430 Performance of work--Inspection.**

The director of public works may inspect any work done pursuant to a permit under this chapter. In addition, inspections by a private geotechnical engineer, geologist, or engineering geologist may be required in accordance with the provisions of Section 15.36.380 of this chapter.

The director of public works will determine the scope of the necessary inspections on a case-by-case basis, but the following inspection points are typical:

A. Preconstruction meeting with permittee and all project consultants, including the special inspector if applicable.

B. Pre-fill. The site has been cleared and grubbed, undocumented fill has been removed, and any required benches or keyways are cut and ready for fill.

C. Rough grading. Roadway subgrades, drainage swales, and slope terraces are constructed; approximate final elevations are established; and drainage systems sufficient to protect the building sites are installed.

D. Final. Grading is complete. Drainage systems, including any required stormwater protection facilities, are installed.

The director of public works may require reinspections at any point if he/she determines that the grading work is either not ready for inspection or is being performed in violation of this chapter; see Section 15.36.674 of this chapter for possible penalties associated with failed inspections. The director of public works shall also have the authority to inspect grading work that has been or is being performed without a permit in order to determine the extent of possible remediation, including the imposition of penalties per Section 15.36.674.

The director of public works shall have the authority to oversee, inspect, and require compliance with the pollution prevention plan throughout the period of any permit.

No permittee shall be deemed to have complied with this chapter until the final inspection of the work has been made by the director of public works and he/she has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit, and when required, a final geotechnical/geologic report and as-built plans have been filed with the director of public works.

The permittee shall provide adequate access to the site for inspection by the director of public works during the performance of all work and for a minimum period of one year after acceptance by the director of public works of all improvements pursuant to Section 15.36.660B and C of this chapter.

**15.36.440 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 or private utilities or services.

B. Protection of Adjacent Property. The person doing or causing the grading is responsible for the prevention of damage to adjacent property. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public roadway right-of-way, district property, or other

public or private property, without supporting and protecting such property from damage that might result.

C. Advance Notice. The permittee shall notify the director of public works at least twenty-four (24) hours prior to the start of work.

D. Construction Site Control. It shall be the responsibility of the permittee to implement seasonally appropriate best management practices for the control of erosion, the control of stormwater run-on and runoff, the control of sediment, good site management, the control of non-stormwater discharges from the site, and where necessary, active treatment of discharges, all in accordance with a pollution prevention plan and with an erosion and sediment control plan approved by the director of public works.

**15.36.450 Transfer of permit.**

No permit issued under this chapter may be transferred or assigned in any manner whatsoever, voluntarily or by operation of law, without the express consent of the director of public works.

**Article VI.  
Design Standards**

**15.36.460 Excavation.**

Excavations shall be constructed or protected so that they do not endanger life or property.

**15.36.470 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 roundings described herein. Steeper slopes may be permitted in competent bedrock provided such slope inclinations are in accordance with recommendations contained in the geotechnical or geological report. The bedding 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. The director of public works may require the excavation to be made with a cut face flatter in slope than two horizontal to one vertical if necessary for stability and safety. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground.

**15.36.480 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 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 six inches.

**15.36.490 Fill compaction.**

All fills shall be compacted throughout their full extent to a minimum of ninety (90) percent of maximum density as determined by appropriate ASTM standard method or other alternate methods approved by the director of public works. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two (2) 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 (1) 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. Additional tests may be required throughout the fill as determined by the inspector for the director of public works. 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 (6) inches of the slope surface when such surface material is placed and compacted by a method acceptable to the director of public works for the planting of the slopes. Compaction of temporary storage fills, to be used for a period of not greater than six (6) months, shall not be required, except where the director of public works determines that compaction is necessary as a safety measure to aid in preventing saturation, sliding, or erosion of the fill. Where compaction is required, it shall be done as specified by the director of public works.

**15.36.500 Ground preparation for fill placement.**

The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying or undocumented fill, top soil, and other unsuitable material, and where slopes are five (5) horizontal to one (1) vertical or steeper, by benching into competent material in a manner recommended by a geotechnical engineer or engineering geologist and approved by the director of public works. If a bench or keyway is required under the toe of a fill slope, the said bench or keyway shall be at least ten (10) feet wide, unless otherwise recommended by the geotechnical engineer or engineering geologist.

**15.36.510 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. The director of public works 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 deems necessary for stability and safety. Fill slopes shall be rounded into existing terrain to produce a contoured transition from fill face to natural ground or to abutting cut or fill surfaces where conditions permit.

**15.36.520 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.

**15.36.522 Protection of utilities.**

Existing utility service lines and other facilities on the premises shall be protected against settlement and lateral movement as necessary.

**15.36.530 Setbacks- General.**

Unless otherwise recommended in a geotechnical/ geologic investigation report, or as otherwise specified by the director of public works, the required setbacks of constructed slopes shall be as follows:

A. The setback of an ascending slope from the face of any building or structure, and the setback of a descending slope from the face of any footing or foundation, shall be in accordance with the requirements of Section 1805.3 of the California Building Code.

B. The setback of an ascending slope from a property line shall be equal to at least one-half (1/2) the vertical height of the slope, but need not be more than fifteen (15) feet.

C. The setback of a descending slope from a property line shall be equal to at least one-fifth (1/5) the vertical height of the slope, but need not be more than forty (40) feet.

**15.36.540 Drainage--General.**

The drainage structures and devices required by this chapter shall be designed and constructed in accordance with standards and criteria authorized by the director of public works.

**15.36.550 Drainage--Disposal requirements.**

All drainage facilities shall be designed to carry surface and subsurface waters to the county stormdrain system or other juncture, subject to the approval of the director of public works and in accordance with the approved pollution prevention plan. Drainage areas shall conform to patterns established by the director of public works.

**15.36.560 Drainage--Water accumulation.**

Unless otherwise specified by the director of public works, all areas shall be graded and drained so that water will not pond or accumulate. Drainage shall be effected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

**15.36.570 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.

**15.36.580 Slope protection.**

Terraces at least eight (8) 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 (1) 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 must be connected by means of down-drains to drainage outlets or other discharge points.

Berms, interceptor drains, swales, or other protective devices shall be installed at the top of cut and fill slopes to protect the face of the slope from erosion caused by surface runoff.

The design of all such terrace drains, swales, ditches, down-drains, outlets, discharge points, berms, and other protective devices shall be subject to approval by the director of public works.

**15.36.590 Subsurface drainage.**

Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

**15.36.600 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.

B. No grading operations shall be conducted during the rainy season except upon a clear demonstration, to the satisfaction of the director of public works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. In the event that rainy season grading is planned, the director shall have the authority to require the submittal of detailed erosion and sediment control plans covering each stage of the work.

C. Should grading be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized.

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

E. Permanent vegetation and structures for erosion and sediment control shall be installed as soon as possible after the completion of grading or construction activities.

F. Adequate provision shall be made for long-term maintenance of permanent erosion and sediment control structures and vegetation.

G. No topsoil shall be removed from the site unless otherwise directed or approved by the director of public works. Topsoil overburden shall be stockpiled and redistributed 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. Long-term post-grading stormwater runoff from the site may be subject to formal erosion and sedimentation control or other discharge controls in accordance with the provisions of chapter 13.08 of the general ordinance code. In any case, post construction runoff shall not be discharged from the site in quantities or at velocities greater than the pre-grading volume or flow rate except into drainage facilities that are designed and constructed to receive such increased runoff, as approved by the director of public works.

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

J. The permittee shall ensure that erosion and sediment control best management practices (BMPs) as specified in the pollution prevention plan are applied throughout the project in order to control contamination of stormwater runoff and to capture any soil that is eroded.

#### **15.36.610 Emergency conditions.**

Should increased sediment discharge occur or become imminent, permittee shall take all necessary steps to control such illicit 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 requested pursuant to this chapter. Permittee shall take prompt action to resolve emergency problems. In the event that the permittee fails to respond, or the response is deemed inadequate, the director of public works shall have the authority to institute abatement proceedings or to take other enforcement actions in accordance with the provisions of Section 15.36.680 of this chapter.

#### **15.36.620 Erosion and sediment control plans.**

Erosion and sediment control plans prepared pursuant to this chapter 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 or included in the pollution prevention plan without obscuring the clarity of any of the plans.

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 five (5) percent; or

2. 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; or

3. Grading will occur within the watercourse setback, as defined in Section 13.12.320 of chapter 13.12 of the general ordinance code; or

4. Grading will occur in proximity to the property line(s) in a location where there is a potential erosion or sediment discharge hazard to the adjacent property; or

5. The applicant is required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the provisions of the State Construction General Permit.

6. The director of public works determines that the grading will or may pose a significant erosion or sediment discharge hazard because of the erosion potential of the particular soil type, the sensitivity of the receiving waterbody, the proximity of the receiving waterbody, the slope of the site, or for any other relevant reason.

C. The applicant shall submit, with his erosion and sediment control plans, a detailed cost estimate covering this work.

D. Erosion and sediment control plans shall include an effective revegetation program to stabilize all disturbed areas that will not be otherwise protected. All such areas where grading has been completed between May 1st and September 15th shall be planted by October 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.

E. 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. Permanent post-grading control of erosion and sedimentation may also be required in accordance with the provisions of chapter 13.08 of the general ordinance code. If grading occurs in distinct phases, or if the site will remain unstable through more than one rainy season, the plan must specifically cover each stage of the development. Plans shall indicate the implementation period and the corresponding state of construction where applicable.

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

G. 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 shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.

H. Erosion and sediment control plans shall be designed with sufficient flexibility to meet unanticipated field conditions.

I. 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.

J. Erosion and sediment control plans shall comply with any and all standards and specifications adopted by the director of public works for the control of erosion and sedimentation on grading sites.

K. Erosion and sediment control plans prepared in conjunction with a formal stormwater pollution prevention plan (SWPPP) shall include detailed cross-reference to each element of the SWPPP, including the planned best management practices (BMP's) and descriptions of the required monitoring programs.

The director of public works may waive the requirement for a formal erosion and sediment control plan if, in his/her opinion, no significant erosion or sediment discharge hazard exists; however, all grading projects shall be required as a minimum to provide site and seasonally relevant erosion and sediment control best management practices (BMPs) as part of the pollution prevention plan required by the provisions of Section 15.36.230 of this chapter 15.36.

#### **15.36.630 Vehicular ways--General.**

A. Except as otherwise allowed under the provisions of Section 15.36.640 of this chapter, the grading of vehicular ways shall conform to the general grading requirements of this chapter.

B. All vehicular ways shall be graded in conformance with the slope, width, and turn radii limitations imposed by the county fire department or by the applicable fire district.

#### **15.36.640 Vehicular ways--Cut slopes.**

The director of public works may approve grading for a vehicular way where an adjacent cut slope is steeper than two (2) horizontal units to one (1) vertical units (50% slope) if all of the following are met:

A. The daylight line of a plane sloping at two (2) horizontal units to one (1) vertical unit from the toe of the said slope is more than twenty (20) feet from any property line and from the face of any building or structure; and

B. The steeper slope is necessary to avoid excessive grading; and

C. The proposed vehicular way and adjacent cut slopes are located outside of any designated landslide hazard zone, or they are deemed safe following a geotechnical/geologic investigation by a geotechnical engineer or an engineering geologist.; and

D. If required by the director of public works, the owner executes and records a hold harmless agreement, in a form approved by the director, relieving the county from any liability for this exception.

**15.36.650 Vehicular ways--Drainage.**

Vehicular ways shall be graded and drained in such a manner that the stormwater runoff from the finished construction will not cause erosion, endanger the stability of any adjacent slope, or damage any buildings, structures, or adjacent property. Moreover, the discharge of runoff from a vehicular way may be subject to the stormwater quality and flow/volume limitations imposed by chapter 13.08 of the general ordinance code.

**15.36.652 Floodplains.**

Grading work shall not be permitted within any area designated as a floodplain in accordance with the provisions of chapter 15.40 of this title, except as approved by the director of public works in accordance with the provisions of that chapter.

**Article VII.  
Improvement Security**

**15.36.660 Security required.**

A. As a condition for the issuance of a permit, the director of public works shall have the authority to require the deposit of an improvement security in an amount deemed necessary by him/her to assure faithful performance of the work or the cost of removing the work or otherwise reconstructing or restoring a site to conditions existing prior to such work, in the event of default by the permittee or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. The said security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the permittee and a corporate surety authorized to do business in this state.

B. In the case of subdivisions authorized by a final map, unless otherwise authorized by the director of public works, the improvement security shall remain in effect until final inspections have been made, all grading work and subdivision improvements have been accepted by the director of public works, and all other requirements of the subdivision contract have been satisfied. For subdivisions authorized by a parcel map, the required effectivity period of the improvement security shall be determined on a case-by-case basis by the director of public works.

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 accepted by the director of public works.

D. In addition to the improvement security, the director of public works may also require the deposit of a maintenance security in an amount deemed necessary by him/her to guarantee and maintain the grading work, to assure the proper functioning of the drainage systems, and to support the implementation of adequate erosion and sedimentation control. The said maintenance security shall be in the form of cash or a certified or cashier's check. If the director elects to require the said security, he/she shall have the further authority to require that this security remain in effect through the end of the rainy season following the completion of the grading work.

E. Upon satisfaction of the applicable provisions of this chapter, any improvement and maintenance security deposits or bonds submitted in support of the permit will be released or refunded to the permittee by the director of public works. 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 director shall

determine the scope of work necessary to mitigate any hazardous or unsafe conditions, including illicit discharges from the site, and shall have the authority to cause that work to be done and to collect from the permittee or the surety all costs incurred thereto, including administrative and inspection costs. In the event of such collection, any unused portion of a deposit or bond shall be refunded to the permittee or surety after deduction by the county of the cost of the work.

## **Article VIII. Enforcement**

### **15.36.670 Suspension and revocation of permit.**

The director of public works may suspend or revoke a permit for good cause, subject to appeal in accordance with the provisions of Section 15.36.220 of this chapter. In the event of such appeal, no work shall be performed pending the resolution of said appeal except as authorized or directed by the director of public works.

### **15.36.672 Violations constituting misdemeanors or administrative penalties.**

Unless otherwise specified, the violation of any provision of this chapter, or the failure to comply with any of the mandatory requirements of this chapter, shall constitute a misdemeanor; except that notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, at the discretion of the authorized enforcement officer, be charged and prosecuted as an administrative violation in accordance with the provisions of Section 15.36.684 of this chapter or, if appropriate, may be declared a public nuisance and abated in accordance with the provisions of Section 15.36.680 of this chapter. Administrative violations may be subject to an enforcement fee in accordance with the provisions of Section 15.36.684C and/or an administrative penalty or penalties in accordance with the provisions of Section 15.36.674 of this chapter.

### **15.36.674 Penalty for violation.**

A. Misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine or imprisonment.

B. Administrative Violation. A person in administrative violation of this chapter may be subject to the payment of fines and/or fees in accordance with the following schedule, at the discretion of the authorized enforcement officer, except that the authorized enforcement officer shall also have the authority to declare a violation as a hazard, subject to summary abatement in accordance with the provisions of Section 15.36.680 of this chapter; in the event of such a hazard declaration, the fines and/or fees may be levied in addition to the penalties described in Section 15.36.680, at the discretion of the authorized enforcement officer:

Fines and Fees for Administrative Violations	
<u>Unpermitted grading work</u>	
• Investigation fee, per Section 15.36.770:	• \$250.00.  The director of public works shall have the authority to waive this fee.
• Fine for failure to comply with the directions of the director of public works following his/her investigation.	• \$1000.00 • Additional \$1000.00 for each failure to comply with subsequent direction of the director of public works, except that following the third overall failure to comply, the director shall have the authority to levy a \$1000.00 per day fine in accordance with the provisions of Section 15.36.676 of this chapter.
• Fee for review of construction plans:	• Actual cost.

• Permit fee	• See Section 15.36.310 of this chapter.
<u>Permitted grading work</u>	
• Fine for violating the conditions of a permit:	<ul style="list-style-type: none"> <li>• \$250.00 for initial violation.</li> <li>• Additional \$1000.00 for each subsequent failed reinspection, except that following the third failed reinspection, the director shall have the authority to levy a \$1000.00 per day fine in accordance with the provisions of Section 15.36.676 of this chapter.</li> </ul>
<u>All grading work (permitted and unpermitted)</u>	
• Fee for administrative hearing per Sections 15.36.220 and 15.36.686 of this chapter:	<ul style="list-style-type: none"> <li>• \$50.00</li> </ul> <p>The hearing officer shall have the authority to waive this fee.</p>
• Fee for processing appeals to the board of supervisors:	<ul style="list-style-type: none"> <li>• \$25.00</li> </ul>
• Fee for processing abatement per Section 15.36.680 of this chapter:	<ul style="list-style-type: none"> <li>• See Section 15.36.680.</li> </ul>
• Fee for other enforcement actions, per Section 15.36.684 of this chapter:	<ul style="list-style-type: none"> <li>• See Section 15.36.684.</li> </ul>
• Fee for civil proceedings, per Section 15.36.690 of this chapter:	<ul style="list-style-type: none"> <li>• See Section 15.36.690.</li> </ul>

The director of public works shall notify, in writing, any person subject to the imposition of a fine in accordance with this Section 15.36.674, and, if appropriate, shall provide that person with a reasonable opportunity to correct the violation prior to the levy; any person receiving such a notice may appeal the fine in accordance with the provisions of Section 15.36.686 of this chapter.

Unless otherwise specified by law, the invoice for any fine levied in accordance with this Section 15.36.674 not paid to the county within sixty (60) days of such levy may be sent to county collections for action. In the event that such an invoice is not paid promptly to county collections, the director of public works shall have the authority to place a lien upon and against the property involved in the violation.

#### **15.36.676 Continuing violation.**

Any person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or allowed by such person and verified by the authorized enforcement officer, and may, at the discretion of the officer, be subject to the specified penalties accordingly, except that the officer shall provide any person responsible for a continuing violation with a reasonable period of time to correct, eliminate, or otherwise remedy that violation prior to the imposition of an administrative penalty or penalties, provided that the said violation does not constitute an immediate danger to health or safety.

#### **15.36.678 Concealment.**

Causing, allowing, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

#### **15.36.680 Violations deemed a public nuisance.**

A. In addition to the penalties described in Section 15.36.674 of this chapter, any condition caused or allowed to exist in violation of any of the provisions of this chapter, including any violation of the orders or notices issued pursuant to Section 15.36.684 of this chapter, may be determined by the director of public works to be a threat to the public health, safety, and welfare, and as such, may be declared and deemed by him/her to be a public nuisance, and may be summarily abated and/or

restored by any authorized enforcement officer pursuant to the provisions of Chapter 15.28 of this title, including the exception provided by Section 15.28.050E of that chapter wherein the normal notice and hearing requirements for abatements may be waived when the said conditions are determined, by the director, to constitute an immediate hazard to health or property.

B. If any violation of this chapter is determined by the director of public works to constitute a recurrent public nuisance, the director shall so declare. Following any appropriate required notice and hearing pursuant to chapter 15.28 of this title, thereafter such declared recurrent public nuisance shall be abated in accordance with chapter 15.28 without the necessity of any further hearing.

C. The county may recover any and all costs and expenses associated with any actions taken pursuant to the provisions of subsections 15.36.680A and 15.36.680B of this chapter, in accordance with the provisions of chapter 15.28 of this title.

D. In addition to any action taken by the authorized enforcement officer pursuant to subsection 15.36.680A of this chapter, county counsel may initiate an action to abate, enjoin, or otherwise compel the cessation of any condition declared to be a public nuisance by the director of public works. In any civil proceeding under this Section 15.36.680 in which the county prevails, the county shall be awarded all costs of investigation, inspection, monitoring, and/or survey that led to the establishment of the violation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, costs of suit, and reasonable attorney fees.

#### **15.36.682 California Code of Civil Procedure Section 1094.6.**

The provisions of Section 1094.6 of the California Code of Civil Procedure are applicable to judicial review of the county decisions pursuant to this chapter.

#### **15.36.684 Administrative enforcement powers.**

In addition to the other enforcement powers and remedies established by this chapter, an authorized enforcement officer shall have the authority to undertake the following administrative actions:

A. Notice to Appear. When the authorized enforcement officer finds that a violation of this chapter has taken place or is likely to take place, he/she may post a warning notice on the property requesting that the resident or owner appear at the offices of the public works agency to review and resolve that violation.

B. Stop Work Notices. See Section 15.36.730 of this chapter.

C. Enforcement Fees. The cost of enforcement, including the current pay rate of the authorized enforcement officer (including benefits and overhead) to achieve final resolution of any non-compliance of this Section 15.36.684 shall be borne by the owner of the property involved and the cost thereof shall be invoiced to the owner of that property. The payment of these fees shall be in addition to any fines levied in accordance with the provisions of Section 15.36.674 of this chapter, and upon collection shall be deposited into a special fund to be used to offset the costs of possible future abatement of violations of this chapter in accordance with the provisions of Section 15.36.680 of this chapter.

All notices or orders issued by the authorized enforcement officer must state the specific nature of the violation, including a reference to the particular provision of this chapter that is being violated.

#### **15.36.686 Appeals from administrative enforcement fees and fines.**

Any person receiving notice of an administrative enforcement fee or fine from an authorized enforcement officer in accordance with the provisions of Section 15.36.674 of this chapter may appeal such action to the director of public works by submitting a letter contesting that fee or fine to the director at the address listed on the notice; however, the letter contesting the fee or fine must be postmarked no later than ten (10) days after the date of the notice of violation. Upon receipt of such a request, the director of public works shall request a report and recommendation from the authorized enforcement officer, and shall set the matter for hearing at the earliest practical date. At such hearing, the director of public works may hear additional evidence, and may reject, affirm, or

modify the administrative fee or fine imposed. The director may designate a public works employee to conduct the hearing. The decision of the director of public works, or of his/her designee conducting the hearing shall be final.

**15.36.690 Civil actions.**

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the county. In any such action, the county may seek, and the court may grant, as appropriate, any or all of the following remedies:

A. A temporary and/or permanent injunction requiring any person not complying with this chapter to comply forthwith;

B. Assessment of the violator for the costs of any investigation, inspection, monitoring and/or survey that led to the establishment of the violation, including administrative overhead and out-of-pocket expenses, and for the reasonable costs of preparing and bringing legal action under this section, including attorney fees;

C. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation; and/or

D. Compensatory damages for loss to or destruction of wildlife habitat, including watercourse riparian corridors.

**15.36.700 Nonexclusive remedies.**

The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law for violation of this chapter.

**Article IX.  
Additional Provisions**

**15.36.710 Enforcement officer.**

The director of public works shall enforce the provisions of this chapter. In accordance with prescribed procedures, the director of public works may appoint such number of technical officers, inspectors, and other employees as required to perform the tasks described in this chapter. The director shall have the authority to designate such officers, inspectors, or employees as may be necessary to enforce the regulations, requirements, and other provisions of this chapter; officers, inspectors, or employees so designated shall have the authority to impose administrative fines and/or fees in accordance with the provisions of Section 15.36.674B of this chapter.

**15.36.720 Right of entry.**

A. Whenever necessary to make an inspection in conjunction with the enforcement of the provisions of this chapter, or when an authorized enforcement officer has reasonable cause to believe that there exists on the premises any condition that could constitute a violation of this chapter, the officer may enter the premises at all reasonable times to perform the said inspection or any other duty imposed by this chapter, provided that the following conditions are met:

1. If such premises be occupied, the authorized enforcement officer shall first present proper credentials and request entry; and

2. If such premises be unoccupied, the authorized enforcement officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and request entry.

B. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may only be made upon issuance of an inspection warrant pursuant to Code of Civil Procedure, Section 1822.50, by a duly authorized magistrate. In the event that the owner or occupant refuses entry after such request has been made, the authorized enforcement officer is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**15.36.730 Stop work orders.**

A. Whenever any grading work is being done contrary to the provisions of this chapter, an authorized enforcement officer shall have the authority to order the work stopped by serving written notice to that effect on any persons engaged in, doing, or causing such work to be done. If there are no such persons on the premises, the enforcement officer shall post the stop work notice in a conspicuous place thereupon.

B. Any person responsible for the performance of grading work having received a stop work notice from an authorized enforcement officer shall forthwith stop that work and immediately proceed to secure the work site, pending further direction from the enforcement officer. Under no circumstance shall the work be resumed except under the express direction of the enforcement officer.

**15.36.740 Liability and indemnification.**

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions imposed or administrative decisions made by the director of public works in conjunction with 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.

To the fullest extent permitted by law, any permittee shall indemnify, defend, and hold harmless the county, the district, and their boards, officers, employees, and agents (collectively "indemnitees") from and against all claims, losses, damages, liabilities, or expenses, including reasonable attorney fees incurred in the defense thereof, for the death of or injury to any person or persons (including the permittee's or the county's or district's employees) or damage to any property and/or business loss or economic harm that arises out of or is in any way connected with the issuance of the permit or with grading work performed by permittee or permittee's contractors, consultants, or agents under this permit (collectively "liabilities"). The only exceptions to this duty to indemnify, defend, and hold harmless is for those liabilities caused solely by the negligence or willful misconduct of any indemnitees.

**15.36.750 Denial of other permits.**

No building, electrical, mechanical, plumbing, stormwater, on-site wastewater treatment permit, or any other permit shall be issued by the county to any person for any premises or portion thereof that is in violation of this chapter and which violation is not corrected or approved for correction by the director of public works.

**15.36.760 Notice of pending grading.**

A. Upon the filing of an application for a permit where the proposed scope of grading work involves the movement of fifteen hundred (1500) cubic yards or more of material and the associated project has not been previously subject to notification in accordance with the provisions of chapter 17.54 of the general ordinance code, the director of public works shall notify by mail the owners of property abutting the site, as shown on the latest equalized assessment roll, that an application for a grading permit has been submitted pursuant to this chapter. A similar notice shall be posted by the director of public works on every public roadway within three hundred (300) feet of the affected property.

B. The notice of pending grading work shall indicate that any person may comment to the director of public works at any stage of the permitting procedure, and that any decision made by the director of public works in conjunction with the review and approval of the application may be appealed by any person in accordance with the provisions of Section 15.36.220 of this chapter.

**15.36.770      Investigations of unpermitted work.**

The director of public works shall have the authority to issue stop work notices or notices to appear, in accordance with the provisions of Section 15.36.684 of this chapter, following the investigation of reports of grading work being performed or having been performed without a permit. Moreover, the director may collect fees, in accordance with the provisions of Section 15.36.684C, to offset the costs of any such investigation. In the event that the director determines that a permit is required to safely complete the works or to secure the site, the said enforcement fee shall be in addition to the costs of obtaining a permit.

In the event that the director determines that the work at a particular site could require the approval of any other agency having jurisdiction, he/she shall have the authority to issue or post a notice directing the property owner to obtain such approval or release from that agency, and that pending such approval or release, authority to direct that the work be suspended and the site secured.