COUNTY OF SANTA CLARA  
GRADING AND DRAINAGE ORDINANCE  

Chapter III of Division C12  
County of Santa Clara Ordinance Code  

Adopted by the Board of Supervisors  
Effective May 9, 2013  

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CHAPTER III. GRADING AND DRAINAGE

ARTICLE 1. GENERAL PROVISIONS

Section C12-400. Purpose.

This chapter is enacted to establish minimum requirements for all grading and drainage alteration work; to establish the procedures by which these requirements may be enforced; and to protect surface water quality, adjacent and neighboring properties and the environment by prevention of soil erosion and the transport of soil sediments, which result from improper grading and drainage alteration work.

Section C12-401. Citation.

This chapter may be cited as the “Santa Clara County Grading and Drainage Ordinance.”
ARTICLE 2. DEFINITIONS

Section C12-405. Definitions.

Unless otherwise expressly stated, the following definitions are applicable to this chapter.

**Abatement** is the action to put an end to a grading or drainage alteration violation.

**Applicant** is a person, authorized by the property owner, who applies for conditional approvals or permits for grading work. The applicant may include the property owner.

**Approval authority** is the person or entity authorized by ordinance to either issue conditional approvals or permits for work. The Planning Official is the approval authority for the Planning Office and the Grading Official is the approval authority for the Development Services Office.

**Average slope** is the natural slope of the land within the proposed developed area, based upon an engineered site plan. The average slope is determined by the formula $S = (I \times L / A) \times 100$, where $S$ is the average slope of the area in percent; $I$ is the contour interval in feet; $L$ is the combined length of contour lines in feet; and $A$ is the area within the proposed developed area, in square feet.

**Bedrock** is the solid undisturbed rock in place either at the ground surface or beneath surficial deposits of loose rock, soil, sand or gravel.

**Bench** is a relatively level step excavated into sloping natural ground on which fill is to be placed.

**Certificate of Occupancy** is the final approval of the Building Inspection Office on the building permit inspection card.

**Civil engineer** is a professional engineer registered as a civil engineer by the State of California.

**Compaction** is the densification of soil or rock fill by mechanical means.

**Cut** is the excavation of natural earth materials by artificial means.

**Design engineer** or design civil engineer is a California registered civil engineer.

**Depth of embankment (fill)** is the vertical dimension of the exposed fill surface.

**Depth of excavation (cut)** is the vertical dimension of the exposed cut surface.

**Embankment** is a bank of fill material placed on sloping or level ground, for the purpose of support, slope modification, or enclosure.
**Encroachment permit** is a written permit, issued either by the Santa Clara County Roads & Airports Department or other public agency responsible for the operation and maintenance of public rights-of-way, authorizing certain work within a publicly maintained right-of-way.

**Engineering geologist** is a registered geologist certified as an engineering geologist by the State of California.

**Engineering geology** is the application of geological data and principles to engineering problems dealing with rock and soil.

**Erosion** is the wearing away of earth materials as a result of the movement of water, wind or ice.

**Erosion prevention measures** are the design features of a project that are intended to prevent soil, rock, or other material from being dislodged and moved down slope by water, wind or ice.

**Excavation (cut)** is the removal of natural earth materials by artificial means, and includes the conditions resulting from such removal.

**Existing grade** is the elevation of the ground surface at a given point prior to excavating or filling.

**Existing drainage pattern** means the existing path and flow of storm water runoff.

**Expansive soil** is any soil that expands under certain environmental conditions, including water saturation.

**Fill** is the deposit of natural earth materials by artificial means.

**Flood, flooding, or floodwater** is a temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows).

**Flood Hazard Boundary Map (FHBM)** is based on approximate data and identifies, in general, the Special Flood Hazard Area within a community. It is used in the National Flood Insurance Program’s Emergency Program for floodplain management and insurance purposes.

**Floodplain or flood-prone area** is any land area susceptible to being inundated by water from any source.

**Floodway** is the channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
**Geologic hazard** is any condition in naturally occurring earth materials that endangers life, health or property, including but not limited to faults, existing or potential landslides, mudslides, rock falls, and weak, expansive or creeping soil; earthquake-induced ground movement or ground failure, ground shaking, seiche or tsunami inundation, subsidence, or earth liquefaction.

**Grade** is the vertical elevation of the ground surface.

**Grade, existing** is the grade prior to grading.

**Grade, finish** is the vertical elevation of ground surface at the conclusion of all grading efforts.

**Grade, rough** is the stage at which the constructed elevation of the ground surface approximately conforms to the approved plan, and any structure foundation areas that are at the plan or sub-base foundation elevation.

**Grade stake inspection** is the first County inspection called for by the owner after Grading Permit issuance, to demonstrate that the survey stakes for the proposed grading work have been placed according to the approved plan.

**Grading** is any excavation or fill or combination thereof, and includes the ground surface in its excavated or filled condition.

**Grading Agreement** is a written contract between the owner and the County that ensures that the approved and permitted work is completed.

**Grading Official** is the Manager of the Development Services Office of the County of Santa Clara or his/her designated representative.

**Grading plan, final** is a plan prepared by a civil engineer that is approved in accordance with this chapter, showing the proposed grading and all related work, including proposed erosion prevention and sediment control measures.

**Grading plan, preliminary** is a plan that shows proposed grading work, and proposed erosion prevention and sediment control measures, in relation to the existing site, prepared and submitted with the application for a Grading Approval, as described in this chapter.

**Grading work (or work)** is any surficial excavation or construction of a surface with earth or stones, or combination thereof, and includes related work, such as, but not limited to, drainage improvements, retaining walls, erosion prevention and sediment control measures, and other requirements of the County.

**Hazardous condition** is an earthen surface that exhibits potentially very dangerous characteristics (i.e., slumping, sliding, eroding, and/or raveling) or consequences (i.e. threatening
to disrupt or erode a roadbed or structure foundation) to people, animals, public or private property, or sensitive natural resources.

**Impervious area** is an area of development that is not penetrable by storm water runoff and that would cause rainfall falling onto the surface to run off.

**Improvement security** is a form of financial security or assurance between the permittee and the County, including but not limited to bonds, sureties, letters of credit, certificates of deposit, and cash, that ensures that the site be mitigated of hazardous conditions should the project be abandoned prior to finalization.

**Inspection** is an examination of site improvements during construction by the Grading Official to judge or evaluate whether the improvements meet the plans and specifications stated or shown in the approved project plans.

**Key** is compacted fill placed in a trench excavated in natural earth material beneath the toe of a proposed fill slope for the purpose of increasing shearing resistance.

**Landscape architect** is a landscape architect licensed by the State of California.

**Natural drainage swale** is any course of concentrated drainage that has formed over the course of time by natural forces.

**Owner** is the legal owner of the property as shown in the official records of the Office of the County Recorder.

**Parcel** is land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a subdivision map or parcel map on file in the County Recorder’s office.

**Permittee** is any person to whom a permit is issued, including the property owner or the property owners authorized agent, pursuant to this chapter.

**Person** is any person, firm, agency, or corporation whether principal, agent, employee, or otherwise, and includes public and private entities.

**Planning Official** is the Planning Manager of the County of Santa Clara or his/her designated representative.

**Project plans** are the construction documents that specifically detail all work to be constructed, specify all materials required for construction, and estimated quantities of materials, approved by the approval authority, for distribution to the owner and the owner’s contractor for construction and inspection purposes.
**Proposed developed area** is the area within the limits of the work plan that encompasses the improvements subject to the proposed grading, plus 25 feet on the subject parcel surrounding these areas.

**Retaining wall** is a structure built to keep earth or water from sliding or moving.

**Sediment control measures** is the design features of a project that are intended to halt or reduce the movement or transport of soil sediments by storm water flow.

**Sediment control facility** is a storm water or drainage detention pond, or other device that serves the purpose of collecting water-borne sediment and debris, and is designed to be cleaned out periodically.

**Site** is any lot or parcel of land or combination of contiguous lots or parcels where grading is to be performed or has been performed.

**Site grading** is excavation and embankment of a property excluding that directly underneath a house and other buildings constructed with a valid building permit.

**Slope** is an inclined ground surface, the inclination of which is expressed as ratio of horizontal distance to vertical distance.

**Soil** is 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 amendment** is any material (such as topsoil, compost, sand, loam or other soil conditioner) added to a soil to provide nutrients to the soil, improve soil quality, its physical properties (such as water retention, permeability, drainage, aeration and structure) and plant growth. Excess cut material from a development project is not considered a soil amendment.

**Soil engineer** (also known as a geotechnical engineer) is a civil engineer registered by the State of California who is qualified in the field of soil mechanics and soils engineering.

**Soils engineering** is 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.

**Storm water** is drainage that has originated as rainfall, which then flows over land.

**Subsurface drainage** means any flow of surface storm water drainage that has been routed underground by way of an underground pipe or conduit.
Surcharge is additional loads applied to structures from, but not limited to, graded slopes steeper than 2:1, retaining walls, roads, driveways and any other structures (as defined by building code).

Surface drainage is the flow of runoff across and/or over ground whether due to natural drainage patterns or drainage patterns resulting from development.

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

Unstable condition is an earthen surface that exhibits one, some, or all of the following characteristics: not firm, solid, or fixed; likely to fall, collapse, slide or sway; apt to change.

Watercourse is a body of water that flows at least periodically or intermittently through a bed or channel having banks, as defined in Guidelines and Standards for Land Use near Streams, adopted by the Board of Supervisors on May 22, 2007.

Where words are not defined in this chapter and are defined in other sections of the County’s Ordinance Code, such words will have the meaning ascribed to them in those ordinances. If a word in this chapter conflicts with words in other sections of the County Ordinance Code, the words in this chapter will apply. Where words are otherwise not defined in this chapter or the County Ordinance Code, such words will have ordinarily accepted meanings such as the context implies.

ARTICLE 3. PERMIT REQUIREMENTS

Section C12-406. Grading requiring a permit.

No person shall do any grading that results in a hazardous condition, public nuisance or endangers adjacent property. No person shall do any grading, or cause or allow the same to be done, on any real property, without obtaining a Grading Permit for the following:

(a) Cuts and fills greater than 150 cubic yards; or

(b) Cut or fill that is greater than five (5) feet in vertical depth at its deepest point when measured from the natural ground surface; or

(c) Work that alters, diverts, or impairs the flow of water in the watercourse.

The volume and height specified in this section are cumulative and not annual amounts.
Section C12-407. Grading exempt from a permit.

The following grading that is in excess of the thresholds established in Section C12-406 may be performed without obtaining a Grading Permit, provided the grading meets the land use requirements of this division, meets the applicable exemption requirements as listed below, and does not create a hazardous condition, endanger adjacent property or cause a public nuisance. Any grading that is done without a permit in excess of the thresholds established in Section C12-406 and that does not conform to Section C12-407 is a violation of this chapter and subject to penalties and grading abatement procedures provided in this chapter.

(a) **Governmental Agency**. Grading performed by or under the supervision or construction control of a governmental agency, including the County of Santa Clara, where that agency has provided written confirmation from an authorized representative of that agency assuming full responsibility for the work; or by a public utility on property owned by the public utility or within recorded public utility easements where the work is under the exclusive jurisdiction of the State of California Public Utilities Commission and the public utility has provided written confirmation from an authorized representative that the public utility assumes full responsibility for the work in writing.

(b) **Valid building permit**. Grading associated with excavation of a foundation for a building or structure that is authorized by a valid building permit. Includes grading within five (5) feet of the perimeter foundation of the building or structure and grading necessary for the installation of a swimming pool, or a retaining wall that is connected to a building. All such grading shall be shown on building plans and inspected by the County as part of building inspection.

Said grading is not exempt if it is located within a watercourse or results in an unsupported cut or fill that is greater than five (5) feet in vertical depth following completion of the building or structure.

This exemption does not apply to the deposit of excess soil onsite, such as soil excavated from under the foundation of a building or structure.

(c) **Agriculture**. Grading related solely to agriculture, which takes place on land designated on the County’s General Plan and Zoning maps as permitting agriculture use, or where there exists a documented, continuous historical agricultural use. This includes routine leveling, plowing, harrowing, diskimg, ridging, listing, cultivating, on-site drainage ditches, brush removal, preparation of ranch roads related solely for the purpose of accessing agricultural fields, creation of stock ponds and similar operations necessary for the preparation and maintenance of field crops. The grading shall not be located within a landslide hazard area, on areas with an average slope greater than 20% or within a watercourse.
Agricultural grading does not include any grading on such lands connected with the construction of roads to new dwellings, driveways, building sites for which a building permit is required, the creation of any dam or berm requiring engineering or any grading that is not directly related to agriculture.

(d) **Miscellaneous.** Trenching, water well drilling, post hole drilling, and grading incidental to the construction or installation of underground irrigation or water supply pipelines, sanitary sewer pipelines, septic tanks and drain fields, conduits, electrical or communication facilities, provided such work shall be backfilled, compacted to 90% and shaped to the original contour of the land immediately after the completion of the work or within forty-five (45) days after the start of the work, whichever is sooner. Excess material deposited on-site is not included in this exemption.

(e) **Geotechnical or geological investigations.** Excavations for soils or geological investigations by a soils engineer or engineering geologist is exempt from a Grading Permit provided such work is backfilled, compacted to 90% and shaped to the original contour of the land under the direction of the soils engineer or engineering geologist immediately after the investigation, or within forty-five (45) days after the start of the work, whichever is sooner. Disturbed areas shall have adequate erosion prevention measures.

(f) **Temporary access.** Grading necessary for the temporary access to a site for geotechnical engineering, geologic investigation, septic investigation, or the installation of temporary water tanks or story poles is not subject to a Grading Permit. This exemption shall allow up to three hundred cubic yards (300 cy) of material on any site, and no cuts or fills shall create slopes greater than five (5) feet in vertical depth at their deepest points measured from the natural ground surface or affect a watercourse. Written notice of the beginning of work shall be provided to the Grading Official at least forty-eight (48) hours prior to the beginning of the work. Disturbed area shall have adequate erosion prevention measures.

Restoration shall include a keyway into the natural ground, backfill, compacted to 90% relative density, and shape to the original contour of the land under the direction of a soils engineer. Restoration work shall take place within forty-five (45) days after the start of the work, unless additional time is approved by the Grading Official, with the submittal of photo documentation, or other materials acceptable to the Grading Official, demonstrating completion of the restoration work.

(g) **Cemeteries.** Excavation or deposition of materials for a grave.
(h) **Timber harvesting.** Grading performed pursuant to a valid timber harvesting permit or other land use approval.

(i) **Landfills, mines, and quarries.** Grading within the site of a sanitary landfill, quarry or plant for excavating and the processing and stockpiling of rock, sand, gravel, aggregate or clay provided that such grading or other activities are established and operated in accordance with all applicable laws and permits.

(j) **Soil amendment.** Soil amendments added to a site in such a manner that the relative topography of the land will remain unchanged and the increase in elevation will not exceed six (6) inches.

(k) **Maintenance of existing firebreaks and roads.** Grading for the routine maintenance of existing firebreaks and roads, including clearing of materials or routine scraping to maintain an existing roadbed. This exemption does not apply to any grading done to widen existing roads or create new roads.

**Section C12-408. Drainage alteration work requiring a permit.**

A Drainage Permit is required for the following activities:

(a) Any activity that would result in the creation of additional impervious area.

(b) Any activity that results in the alteration of an existing drainage pattern, including, but not limited to, modifying an existing drainage pattern or natural drainage swale by grading, channeling or redirecting surface drainage or subsurface drainage.

(c) The construction of any improvements that have a volume of 75 cubic yards or greater within a floodplain. This volume includes fill materials or building area, in association with a building, structure or retaining wall.

(d) Any work within a floodway.

The procedural and substantive requirements for Drainage Permits are the same as those applicable to Grading Permits as provided in this chapter. Drainage alteration work conducted pursuant to a Grading Permit is not required to obtain a Drainage Permit. The permit process for Drainage Permits is set forth in Article 6.

The enforcement provisions in Article 7 of this chapter apply to violations of this section.
Section C12-409. Drainage alteration work exempt from a permit.

The following drainage alteration activities are exempt from the requirement to obtain a Drainage Permit. The exemptions in this section are not intended to alter, supplement or create additional exemptions from the Grading Permit requirements in Section C12-407.

(a) **Minor projects.** The addition of less than 2,000 square feet of additional impervious area per parcel that does not occur in a floodway or have the potential to cause or exacerbate existing flood conditions, endanger adjacent property, divert or impair the flow of water in a watercourse, or cause a public nuisance. This area is cumulative and not an annual amount.

(b) **Emergency access.** The addition of impervious area to comply with emergency access requirements imposed in writing by the County or other public entity. This exemption is limited to the minimum impervious area that is needed to comply with the emergency access requirements.

(c) **Valid Grading Permit.** The addition of impervious area or drainage alterations approved pursuant to a Grading Permit issued by the County. To qualify for this exemption, all impervious areas and drainage alterations must be shown on the approved plans and must be inspected and approved by the Grading Official.

(d) **Master Drainage Plan / Other Permits.** The addition of impervious area or drainage alterations that are within the scope of a master drainage plan or another land use or development permit that was previously approved by the County, if the Grading Official has determined that the master drainage plan or other permit provides a sufficient basis for this exemption. This exemption does not apply if the additional impervious area or drainage alterations are inconsistent with the master drainage plan or other permit, and the Grading Official may rescind the previous determination that the master drainage plan or other permit provides a sufficient basis for this exemption if work is performed pursuant to this exemption that is inconsistent with the previously approved master drainage plan or other permit.

(e) **Governmental Agency.** The addition of impervious area or drainage alterations by, or under the supervision or construction control of a governmental agency including the County of Santa Clara, where that agency has provided written confirmation from an authorized representative of that agency assuming full responsibility for the work, or by a public utility on property owned by the public utility or within recorded public utility easements where the work is under the exclusive jurisdiction of the State of California Public Utilities Commission and the public utility has provided written confirmation from an authorized representative that the public utility assumes full responsibility for the work in writing.
(f) **Surface mining.** Work performed in compliance with a reclamation plan approved pursuant to the Surface Mining and Reclamation Act, Public Resources Code § 2710 et seq. and any other permits applicable to the surface mining operation.

(g) **Maintenance of** existing roads, emergency access ways, and firebreaks. The maintenance of existing roads and firebreaks provided there is no net increase in impervious area or alteration of any existing drainage pattern.

**ARTICLE 4. TYPES OF APPROVALS AND DECISION MAKING AUTHORITY**

**Section C12-415. Types of approvals and permits.**

The types of approvals, permits, and inspections issued by the County are as follows:

(a) **Abatement Approval** is a written approval, with conditions, issued by the Planning Official, establishing the approval of the plan to abate a grading or drainage alteration violation and authorizing the preparation of construction plans, specifications, and estimates associated with the authorized grading or drainage work. The scope of the Abatement Approval shall include abatement of the grading or drainage alteration violation, may include legalization of some or all of the work that was done in violation and may include additional work as proposed. An Abatement Permit is required following the issuance of an Abatement Approval to authorize the start of construction.

(b) **Abatement Order** is a written order, issued by the Grading Official, authorizing certain types of abatement work without issuance of an Abatement Approval or Abatement Permit.

(c) **Abatement Permit** is a written permit, issued by the Grading Official authorizing certain work to abate a grading or drainage alteration violation. The Abatement Permit is issued following the Abatement Approval, and the scope of work must be in compliance with the conditions of approval established under the Abatement Approval.

(d) **Drainage Permit** is a permit issued by the Grading Official authorizing the alteration of existing drainage patterns and/or the addition of impervious area.

(e) **Emergency Grading Permit** is a permit, issued by the Grading Official, authorizing certain work on a private property where an immediate danger to the public health or safety is exists, resulting from a landslide, flood, earthquake or other natural calamity, and has been confirmed or determined by the Grading Official.
(f) **Grading Approval** is a written approval, with conditions, issued by the Planning Official, establishing the approval of certain grading work. A Grading Permit is required following the issuance of a Grading Approval in order to authorize the start of construction, and requires preparation of final construction plans, specifications, and estimates.

(g) **Grading Permit** is a permit issued by the Grading Official, substantially conforming to the Grading Approval, authorizing site and grading work. The Grading Permit is issued following the Grading Approval, and the scope of all work must be in compliance with the conditions of approval established under the Grading Approval.

(h) **Grading Permit, Small** is a permit issued by the Grading Official for a scope of work meeting specific limits as outlined under Section C12-443, shown on the final grading plans.

**Section C12-416. Decision-making authority.**

The decision-making bodies and appeal bodies for grading approvals and permits authorized under this Grading Ordinance are as follows:

**TABLE 5.10-1.**

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Decision Maker</th>
<th>Appeal to</th>
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<tr>
<td>Abatement Approval</td>
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<tr>
<td>Abatement Order</td>
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<tr>
<td>Abatement Permit</td>
<td>GO</td>
<td>PC, BoS</td>
</tr>
<tr>
<td>Drainage Permit</td>
<td>GO</td>
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<tr>
<td>Emergency Grading Permit</td>
<td>GO</td>
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<tr>
<td>Grading Approval</td>
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<td>PC, BoS</td>
</tr>
<tr>
<td>Grading Permit</td>
<td>GO</td>
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<tr>
<td>Grading Permit, Small</td>
<td>GO</td>
<td>PC, BoS</td>
</tr>
</tbody>
</table>

PO = Planning Official, GO = Grading Official, PC = Planning Commission, BoS – Board of Supervisors

**Section C12-417. Concurrent land use permits.**

When a proposed Grading or Abatement Approval is concurrently subject to one or more discretionary land use permits or approvals, the review and appeal processes may be combined and the highest approval and appeal authority for any approvals sought shall be designated as the approval and appeal authority.
ARTICLE 5. GRADING APPROVAL


Section C12-421. Purpose.

This article sets forth the process for obtaining Grading and Abatement Approvals in unincorporated areas of Santa Clara County. It applies to all approvals regulated in this chapter. The following sections are organized to represent a step-by-step description of the Grading and Abatement Approval process. Use of the term “Grading Approval” in this chapter includes both a Grading Approval or an Abatement Approval and the term “Preliminary Grading Plans” references plans submitted for either a Grading Approval or an Abatement Approval.

Issuance of a Grading Approval is required prior to the issuance of a Grading Permit and issuance of an Abatement Approval is required prior to issuance of an Abatement Permit.

Part 2. Application, Fees and Submittal Requirements

Section C12-422. Application and fees.

All applications for Grading Approvals and modifications to a Grading Approval shall be filed with the Planning Office. A filing fee in an amount established by resolution of the Board of Supervisors shall accompany all applications. The County will not process any application until all fees are paid in full; provided, however, that where the application fee is an initial deposit plus an hourly rate, the initial deposit may be submitted with the application and work on the application will be suspended if, at any time, the deposit fees are exhausted.

Applications shall be signed by the owner of the property that is the subject of the application, or by persons having the owner’s designated representative. Applications involving more than one lot must be signed by owners of all involved lots. If the proposed grading work encompasses more than one parcel, only one grading application shall be submitted that includes the proposed work on all parcels.

Section C12-423. Plans.

Complete sets of preliminary plans, including profiles, cross-sections, specifications, and erosion prevention and sediment control measures, shall be submitted to the County Planning Office with each application for a Grading Permit, and when otherwise required by the Grading Official, for the enforcement of any provisions of this chapter. Prior to the issuance of a Grading Permit, the applicant shall furnish final grading plans. When the final plans have been approved and ordinance requirements have been met, a Grading Permit will be issued by the Grading Official. The work shall be performed according to the approved plans and specifications, which shall not be modified except as provided in Section C12-499 or C12-524.
Section C12-424. Preliminary grading plan.

Preliminary grading plans provide for land use review and determination of conditions of approval prior to the review of final plans and issuance of a Grading Permit. Precise design is not required for preliminary grading plans. A Grading Permit will not be issued based solely on preliminary plans. The plans shall comply with the following requirements:

(a) The preliminary plans shall be clearly and legibly drawn and entitled “Preliminary Grading Plan.” The name of preparer and date of preparation shall also be included.

(b) Each sheet shall be twenty-four (24) inches by thirty-six (36) inches in a standard engineering scale not smaller than one (1) inch equals one hundred (100) feet.

(c) North arrow and scale.

(d) A vicinity sketch indicating the location of the site relative to the principle roads in the area.

(e) A statement explaining the purpose for the proposed grading and quantities.

(f) An estimate of the quantities of cut and fill, and import and export of materials in cubic yards.

(g) A table of proposed quantities for each proposed improvement (e.g. underneath the residence, driveway, access road, landscape areas, cut and fill slopes outside the building footprint, etc.).

(h) A site plan indicating the site of the work and any proposed buildings, structures, subdivision and/or improvements.

(i) The complete site boundaries and locations of any easements and rights-of-way traversing and adjacent to the property, appropriately labeled and dimensioned.

(j) The locations of any existing and proposed roads, buildings, wells, pipelines, watercourses, private sewage disposal systems, and other structures, facilities, and features on the site and the locations of any improvements on adjacent land within twenty-five (25) feet of the proposed work (e.g. septic systems, pipelines, wells, retaining walls, etc.).

(k) Typical cross-sections (at least two (2) sections) of all graded areas, existing and proposed widths and maximum cuts and fills at intervals not exceeding five hundred
(500) feet. The cross-sections shall depict topographic conditions not less than twenty-five (25) feet beyond the daylight lines and the future rights-of-way. Show the vertical dimensions of cuts and fills on each section.

(l) Location of known landslides, fault zones, liquefaction zones and other soil or geologic hazard areas.

(m) Contour lines of the existing terrain at appropriate intervals shall be provided throughout the area where the proposed grading will occur. The contour lines shall be extended a minimum of fifty (50) feet on either side of the affected area.

(n) Location of cut, fill, and daylight and slope transition lines for all the proposed grading work and limits of the work.

(o) Location, width, direction of flow of swales, creeks, drainage channels, ponds or other bodies of water, and location of high banks of any watercourses.

(p) Boundaries of any floodplain or floodway areas within the Federal Emergency Management Agency’s Flood Hazard Zones and any existing and/or proposed flood control facilities.

(q) Proposed provisions for storm drainage control and storm water quality control measures required by the current National Pollutant Discharge Elimination System permit issued by the State of California.

(r) Planting and/or seeding for the area affected by the proposed grading.

(s) Location, type, size and drip line of all trees with a trunk diameter of twelve (12) inches or more, measured at a point four and five-tenths (4.5) feet above average ground level, within the development area or where the drip line of the tree is disturbed or affected by the proposed grading. If the site or a portion of the site is located within a Historic Preservation Combining District, all trees with a trunk diameter of six (6) inches or more shall be included. The plans shall indicate which trees are proposed to be removed and those that are proposed to remain.

Section C12-425. Other required application materials.

In addition to the preliminary grading plans, other information is required to be submitted with the application, including items listed on the Planning Office Checklist of Required Application Materials. Depending on the location of the project site, the scope of the grading, and applicability of other county ordinances and policies, additional reports and information may be required (for example, a geologic report, soils report, archaeological report, etc.).
Part 3. Application review and processing

Section C12-430. Referral of the preliminary grading plans.

The Planning Office may refer the application for comments to any city in accordance with current County referral procedures, and to any other interested public agency. The decision maker may impose conditions in order to comply with the land development and land use requirements herein, other county ordinances, and for the health, safety and welfare of the public.

Section C12-431. Determination of application completeness.

All applications submitted to the Planning Office will be processed to determine their completeness with this chapter and other county ordinances and policies. The review will occur within the 30-day period following the date of application filing. The review will be conducted by County departments and other interested public agencies to identify if additional information is needed to process the application.

(a) Notification of applicant. Within 30 days after the application is submitted, the applicant will be informed in writing if the application is incomplete. If the application is deemed incomplete, the letter will include reasons why the application is incomplete and include a list of plans, reports or other information required. The requested plans, information and/or materials must be submitted within twelve months of the date of the incomplete letter, or the application will be deemed abandoned and no further submittal shall be accepted.

(b) Resubmittal of materials. Within 30 days of a resubmittal, the applicant will be informed in writing if the application is incomplete. If the resubmittal is incomplete, the letter will include reasons why the resubmittal is incomplete and include a list of plans, reports or other information that are required.

If the requested materials have not been submitted within six (6) months of the date of any incomplete letter, an additional fee, as prescribed by resolution of the Board of Supervisors is required to continue processing the application. If the required materials have not been submitted within twelve (12) months of any incomplete letter, the application will be deemed abandoned, no further processing or action will be taken on the application, and the application fees will not be refunded.

(c) Complete application. The applicant will be informed in writing once the application has been deemed complete, and will be provided with the preliminary conditions of approval or a notification that an Environmental assessment will be prepared for the project with a projected time frame for completion of the Environmental assessment.
(d) **Additional Information for Environmental Review.** After an application has been deemed complete, the Planning Office may require the submittal of additional information to determine the environmental impacts of the project, or to assess feasible alternatives or mitigation measures for such impacts as required by the California Environmental Quality Act.

(e) **Time Periods.** If the application is filed to abate a violation, the applicant may be required to resubmit materials sooner than the above stated time limits. The Grading Official reserves the right to require the resubmittal of materials for applications to abate a violation sooner than the time limits in this section based on an evaluation of a threat to public health, safety, and welfare.

**Section C12-432. Environmental assessment.**

(a) All Grading Approvals are subject to the requirements of the California Environmental Quality Act (CEQA) unless otherwise exempt. Determination as to whether a project is subject to or exempt from CEQA will be made by the Planning Official.

(b) If a Grading Approval is subject to CEQA, an environmental assessment (EA), undertaken by or under contract to the Planning Office at the applicant’s expense, will be prepared to determine the impact of the project on the surrounding environment. Once the EA has been published an approval or hearing date will be set or noticed for the Grading Approval.

(c) An approval or hearing date may be set in cases where the purpose is to determine whether the project should be denied without completing the EA.

(d) A final Grading Approval shall not be made until the EA has been adopted as required by CEQA. Adoption of the EA and the final decision on the project can be made at the same hearing or at the same time.

**Section C12-433. Findings of the preliminary grading plans.**

Grading approval may be granted if all of the following findings are made:

(a) The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property.

(b) The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right of way, or impair any spring or existing watercourse.

(c) Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.
(d) For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.

(e) Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible, and should not create a significant visual scar.

(f) Grading conforms with any applicable general plan or specific plan policies; and

(g) Grading substantially conforms with the adopted “Guidelines for Grading and Hillside Development” and other applicable guidelines adopted by the County.

**Section C12-434. Action on application.**

The decision-making body shall take action on the application in accordance with the time requirements provided in California Government Code § 65950 unless extended by mutual written agreement of the applicant and the County.

**Section C12-435. Conditions of approval.**

Based on recommendations from the referral agencies, the Planning Office will establish conditions of approval for the project. An approval may include reasonable conditions that are commensurate with the nature and magnitude of the project. Conditions will accomplish the following:

(a) Avoid or mitigate adverse impacts;

(b) Preserve the integrity and character of the zoning district;

(c) Implement General Plan policies and other adopted ordinances, policies and laws related to land development and public infrastructure;

(d) Protect basic health, safety and welfare; and,

(e) Prevent a nuisance or hazard to public or private property.

Conditions shall be completed according to the time requirements specified in the approval.

**Section C12-436. Permits from other agencies.**

No Grading Approval shall relieve the applicant of responsibility for securing any permits or approvals required for work which is regulated by any other ordinance, code, department, or
agency of the County, State or Federal Government, or for obtaining any easements or authorization for grading on property not owned by the applicant.

Section C12-437. Modification or withdrawal of application.

(a) The applicant may file an application to modify the Grading Approval application at any time during the application process. Any prior finding of application completeness may be voided by submittal of a request for modification or withdrawal. Depending on the type of the modification, the modified application may be distributed again for completeness review and may require payment of supplemental application fees.

(b) An applicant may withdraw an application at any time. The withdrawal will be without prejudice to the application.

Section C12-438. Notice of preliminary approval.

At least 10 days prior to approval by the decision-making body, a notice of preliminary approval will be mailed or delivered to the individuals and agencies listed below. The notice will include the date of the final action, a description of the project to be considered, and a general description of the property location.

(a) The applicant, at the address shown on the application, and all owners of the subject property(s) at their addresses as shown on the application;

(b) Any person who has filed a written request for notice on the particular application with either the Planning Office or Clerk of the Board of Supervisors;

(c) The owners of all real property located adjacent to the subject property. This includes property that has a contiguous border with the subject property or is located directly across a public or private street from the subject property boundaries at their addresses as shown on the most current property tax roll of Santa Clara County, or of a neighboring county.

(d) Additional notice. The County may, in its discretion, provide additional notice beyond that specified in this section.

Failure to comply with the notice requirements in this section, in whole or in part, will not invalidate any action taken on the matter.
Section C12-439. Denial due to existing violation.

The decision-making body may deny an application for approval if there are any zoning, grading, building code, housing code, County Ordinance code, or other land use violations on the property.

Section C12-440. Notice of approval or denial.

Upon the approval or denial of an application the decision-making body will prepare and deliver to the applicant a written notice of the action. The notice will contain a statement of conditions applicable to the approval or reasons for denial. The decision will not become final until the appeal period has elapsed without an appeal having been filed or a final decision on appeal has been made by the Board of Supervisors.

Section C12-441. Acceptance of conditions of approval.

After the final decision-making body has issued an approval or denial, any person who objects to the decision, conditions or mitigation measures imposed on the approval may file an appeal with the Planning Office within 15 calendar days after the decision is rendered, in accordance with the procedures described under Part 4. The failure to file an appeal within this time constitutes acceptance of and agreement to all of the conditions of approval.

Section C12-442. Time limitation of an approval; request for an extension.

The Grading Approval will remain valid for twenty-four (24) months from the final action date of the original approval. During this period, all applicable conditions of approval must be completed and a Grading Permit issued, or the approval will be deemed expired. The approval term may be lengthened by the Planning Official to match the original approval term of a concurrent, related land use application (e.g., building site approval) on the subject property.

Section C12-443. Extension of time to obtain Grading Permit.

An applicant may request additional time to complete the applicable conditions of approval and obtain a Grading Permit per the time limits provided in Section C12-441. One extension of time may be granted, if requested in writing prior to the expiration date of the Grading Approval, accompanied by an application form, explanation of the circumstances necessitating the extension request, and the filing fee as established by the Board of Supervisors.

An extension of time shall be for no more than twenty four (24) months, to commence upon the expiration date of the initial Grading Approval. No additional extensions of time are permitted.
Part 4. Appeals

Section C12-447. Purpose.

Any person dissatisfied with the decision of the decision making body relating to a Grading Approval, Grading Permit, or Grading Abatement Approval may file an appeal within 15 calendar days after such decision. Each appeal shall be filed with the Planning Office and must be accompanied by a filing fee in an amount established by the Board of Supervisors. Each appeal application must be accompanied by a separate application and fee. The application shall clearly identify the appellant(s) and all grounds for the appeal. The Planning Commission will hear the matter de novo and approve or deny the application, with or without modification to the conditions of approval.

Any person dissatisfied with the decision of the Planning Commission may file an appeal within 15 calendar days after the decision of the Planning Commission. Appeals must be filed with the Planning Office and must include a filing fee in an amount established by the Board of Supervisors. The Board of Supervisors will hear the matter de novo and approve or deny the application, with or without modification to the conditions of approval. The decision of the Board of Supervisors on appeal is final.

Section C12-448. Administrative appeal.

An administrative appeal is an appeal filed by the Planning Official, Grading Official or Director of the Department of Planning and Development within 15 calendar days after any decision of the Planning Commission. The Planning Official will notify the chair of the Planning Commissioners prior to filing of such appeal and will notify the Planning Commission at the next meeting of the Planning Commission. The Board of Supervisors will hear the matter de novo and approve or deny the application, with or without modification to the conditions of approval. There is no fee for an administrative appeal.

Section C12-449. Noticing of appeal.

The required public notice of the appeal hearing will be provided at least 10 days prior to the scheduled hearing, in accordance with all applicable State laws. The notice will include the date, time and place of the hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description (text or diagram) of the property location. Notice will be provided to the individuals and agencies listed in Section C12-438(a)-(d).

Section C12-450. Scope of review.

Regardless of the basis for appeal, the appeal authority’s scope of review is de novo, and it may consider the entire scope of the application under consideration, including the proceedings and
conclusions of the original decision-making body. All maps, records, papers and files concerning the application, which constitute the record in the action being appealed, will be transmitted to the appeal authority.


Appeal authorities for the various types of approvals are indicated in Section C12-416. The appeal authority may approve, conditionally approve, modify or deny the application, which is the subject of the appeal. Decisions regarding appeals will be subject to all applicable findings for the approval or permit subject to the appeal. The decision of the Board of Supervisors upon appeal is final.

Section C12-452. Withdrawal of appellant.

An appellant may request that an appeal application be withdrawn by submitting a written statement to the Planning Office prior to the scheduled hearing date. If more than one appellant is joined in a single appeal application, the application will not be considered withdrawn unless all appellants of the application consent to the withdrawal. A withdrawal of an appeal does not entitle the withdrawing appellant to a refund of the appeal fee.

Part 5. Small Grading Permit Process.

Section C12-456. Small grading work.

An application for grading work which consists of cut and fill each of which is 500 cubic yards or less in volume, or cut and fill each of which is 1,000 cubic yards or less in volume where the average slope of the proposed developed area is 15% and less, and the land use associated with the proposed grading does not require a new land use approval (e.g., building site approval, use permit, etc.) may use the Small Grading Permit process.

Section C12-457. Application review and processing.

For small grading projects, final grading plans, prepared in compliance with Section C12-465, shall be submitted to the Planning Office and processed in accordance with the procedures listed under Article 4. The Grading Official will be responsible for project review, permit issuance and inspections of small grading projects. The following processes and requirements will apply to small grading projects:

(a) The application may be referred for comments to any city in accordance with current County referral procedures, and to any other interested public agency.
(b) The Planning Official will determine whether an environmental assessment of the project is required. If an environmental assessment is required, the application will not be eligible for the Small Grading Permit process, and will be processed pursuant to Section C12-422.

(c) Applications for permits submitted under this category are not exempt from other provisions of this chapter, including time limits.

(d) Applications for grading abatements will not be processed through the Small Grading Permit process.

(e) A Small Grading Permit may not be issued within twenty four (24) months of the issuance of a prior Small Grading Permit.

(f) All grading work must be completed within twenty four (24) months of permit issuance.

ARTICLE 6. GRADING PERMITS


Section C12-460. Intent/Purpose.

(a) This article describes the submittal requirements and procedures used for the review, issuance and inspection of Grading Permits, Grading Abatement Permits, Small Grading Permits, and Drainage Permits

(b) As described under Article 5, a Grading Approval and Grading Abatement Approval must be issued prior to the issuance of a Grading Permit and Grading Abatement Permit, respectively.

(c) Use of the term “Grading Permit”, “Grading Work”, and “Grading and Drainage Plans” in this Article also include permits, work, and plans associated with a Grading Permit, Grading Abatement Permit, Small Grading Permit, and Drainage Permit.

Section C12-461. Filing.

(a) Applications for Grading Permits shall be filed with Land Development Engineering on the forms provided. Applications shall include final plans as required by the Grading Official, and a plan check fee in an amount established by the Board of Supervisors. The fee will be waived if the application is for the maintenance of existing firebreaks or roads as provided in section C12-407(11).
(b) Only one permit is required for grading work to be performed on each site at one time. If work occurs prior to obtaining a permit, the property owner and the person doing or causing the work will be subject to the penalties and abatement procedures stated herein.

(c) Plan check submittals must include required grading and drainage plans, drainage calculations, engineer’s estimate of probable costs, soils reports (as required), and any other requirements in the conditions of approval.

Section C12-462. Time for filing final grading plans.

For Grading Permits that require a Grading or Grading Abatement Approval, the final grading plans shall be filed with Land Development Engineering not less than eight (8) weeks prior to expiration of the approval.

Section C12-463. Emergency grading authorization.

Whenever the Grading Official has determined that there is an immediate danger to the public health or safety resulting from a landslide, flood, earthquake or other natural calamity, the Grading Official may authorize correction of the condition creating the danger without compliance with all provisions of this chapter; provided, the Grading Official may condition the authorization in any manner deemed necessary to protect the public health and safety and environment.

Part 2. Plans and Reports

Section C12-465. Final grading and drainage plans.

Final plans and specifications shall be prepared and signed by a registered civil engineer, on sheets twenty-four (24) inches by thirty-six (36) inches. The plans shall include the following, in addition to requirements for preliminary grading and drainage plans, unless waived by the Grading Official:

(a) A title block. Plans shall be entitled “Grading and Drainage Plan” and state the purpose of the proposed grading and drainage improvements, the name of the party for whom the plan is prepared, and the name of the engineer or firm by whom this plan is prepared.

(b) Accurate contour lines at appropriate intervals showing the configuration of the ground before and after grading relative to a bench mark established on site. Should
the grading be located in a FEMA floodplain or floodway, the benchmark shall be tied into the datum associated with the flood maps.

(c) Location, extent and finished surface slopes of all proposed grading and final cut and fill lines.

(d) Specifications, cross-sections, profiles, elevations, dimensions and construction details based on accurate field data.

(e) Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, cribbing, dams, erosion prevention, and sediment control measures and other improvements existing or to be constructed. Where water quantity is a design factor, the plans shall be accompanied by a plat showing the drainage area of land tributary to the site, the run-off computations for the area, and calculations of the carrying capacity of watercourses, in accordance with the County Drainage manual. Where water quality is a design requirement, the plans shall include storm water quality improvements.

(f) Temporary and permanent erosion prevention and sediment control measures where appropriate for sediment control during the construction period and until such time as this temporary ground cover has become established.

(g) A landscaping plan, when required by the County, and a schedule of permanent slope plantings to replace the temporary ground cover and watering facilities, as needed.

(h) Location of property corner monuments and property lines.

(i) An estimate of the quantity of excavation and fill adjusted for anticipated swell or shrinkage. Show the locations of any borrow sites or locations for disposal of surplus material.

(j) Other information as required.

Section C12-468. Reports, Supplemental Reports and Data.

All reports, supplemental reports, and data shall be subject to the review and approval of the Grading Official. Recommendations included in the reports and approved by the Grading Official shall be incorporated into the grading plans and specifications.
Section C12-469. County Geologist review.

The Grading Official may request the County Geologist to review the submitted material, in order to provide his/her recommendations and/or comments to the Grading Official.

Section C12-470. Hydrology and hydraulic report.

The Grading Official may require a hydrology and/or hydraulic report based upon the grading and drainage plan. The report shall include calculations showing the increase in runoff from the development and mitigation measures required to detain the increases per the Santa Clara County Drainage manual.

Section C12-471. Soils engineering investigations and reports.

The Grading Official may require a soil engineering investigation and report based on the most recent grading and drainage plan. Such report shall include laboratory tests and data regarding the nature, distribution, and strength of existing soils; conclusions and recommendations for grading procedures; and design criteria for corrective measures to ensure that all soil and geologic conditions have been adequately considered. The report shall be prepared by a registered civil engineer, licensed by the State of California. The Grading Official may require addendum’s to the soils report to provide supplemental information.

Section C12-472. Engineering geologic report.

The Grading Official may require an engineering geologic investigation prior to issuing the permit, based on the proposed grading and land use plan(s) and the official County Geologic Hazard maps. The engineering geologic report, when required, shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions on the proposed grading and land use. The report shall be prepared by a certified engineering geologist licensed by the State of California.

Part 3. Fees and Securities

Section C12-475. Plan check and construction inspection.

(a) At the time of submittal of final grading plans as provided in section C12-465, the applicant shall pay a minimum nonrefundable plan check fee in an amount prescribed by resolution of the Board of Supervisors. Prior to issuance of a Grading Permit, the applicant shall pay a minimum nonrefundable inspection fee and any additional plan check fee based on either project valuation based upon the engineer’s estimate of probable cost or staff hours spent on the project, in an amount prescribed by resolution of the Board of Supervisors.
(b) In situations where a private civil engineer is authorized by the Grading Official to perform the inspection work (per this chapter), the inspection fee to be paid to Land Development Engineering shall be twenty (20) percent of the amount of the inspection fees which would have been due for County inspection of the grading.

(c) At the time that the applicant submits a final grading plan, the applicant may request that the Grading Official estimate the time required to check the grading plan based on the current workload and staffing level. If the applicant desires faster checking of the final grading plan, the applicant may request Grading Official contract or employ a private entity or persons on a temporary basis to perform the plan checking services. However, the Grading Official need not enter into such a contract or employ such persons if the Grading Official determines either that (1) no such entities or persons are available or qualified to perform such services, or (2) the Grading Official would be able to perform services in a more rapid fashion than would any available and qualified persons or entities. Such entities or persons employed by the Grading Official may, pursuant to an agreement with the Grading Official, perform all functions necessary to check the grading plans and to comply with other requirements imposed pursuant to this chapter, except those functions reserved by this chapter to the Grading Official or legislative body. The applicant shall pay a special plan checking fee in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section. The special plan checking fee is in addition to the standard plan check fee established in this part and shall be in the amount prescribed by resolution of the Board of Supervisors.

Section C12-476. Improvement security required.

The Grading Official will require an improvement security to mitigate any potential hazardous conditions resulting from any grading work. A grading or Drainage Permit will not be issued for work with any potential to create a hazardous condition during construction unless the permittee first posts an improvement security in an amount of the total project work to mitigate any potential hazardous conditions. The Grading Official may reduce the initial improvement security amount based on the severity of any potential hazardous conditions.

Each improvement security will remain effective until completion of the work satisfactory to the Grading Official. Upon failure to complete the work or failure to comply with all of the terms of the permit, the County may do the required work to mitigate any potential hazardous conditions or cause it to be done, and collect from the permittee or surety company all costs, including administrative costs, incurred for completing the work. Any unused portion of a cash security will be refunded after deduction by the County of the total cost of said work.
Section C12-477. Cash security.

For sites of extraordinary environmental significance and grading work that may result in an extremely hazardous condition, the Grading Official may require improvement security amount attributable to mitigation of any potential hazardous conditions be provided by cash or check, to allow for a rapid response, to implement necessary remedial measures.

Section C12-478. Escalation of improvement securities.

If construction of the project is not completed within three (3) years after issuance of the permit, the Grading Official may require an additional estimate of the remaining work to increase the improvement security amount to cover the additional mitigation costs of any potential hazardous conditions.

Section C12-479. Improvement security releases.

The improvement security amount may be reduced by the Grading Official as project work progresses, depending on the severity of any potential hazardous conditions. Improvement security reductions may be granted in increments of twenty five (25) percent of the total project work unless it is the final release of improvement security.

The Grading Official may allow one final reduction of the remaining twenty five (25) percent if the costs to mitigate the remaining potential hazardous conditions are less than the securities being held. The final reduction will not exceed one-half of the remaining improvement security. A written request for the final reduction shall be submitted to the Grading Official.

Part 4. Permit Issuance and Permit Denial

Section C12-482. Approval of plans.

When ordinance requirements and conditions of approval are met and the final plans are approved, a grading or Drainage Permit will be approved and issued by the Grading Official. The work shall be performed according to the approved plans and specifications, which shall not be modified except as provided in Section C12-499 or Section C12-514.

Section C12-483. Distribution and use of approved plans.

One (1) set of approved and dated plans and specifications will be returned to the applicant, or the engineer along with permit instructions and an inspection card. The applicant shall supply reproductions of approved, dated plans for use by the project work crew. One (1) or more sets of approved plans shall be retained on the site at all times during the work.
Section C12-484. Permit denial.

The Grading Official will deny the issuance of a grading or Drainage Permit for failure to satisfy any of the conditions of grading approval imposed, and will notify the applicant in writing, identifying the requirements or conditions which have not been met or performed, which are the basis for the denial.

Part 5. Permit Limitations

Section C12-488. General.

The issuance of a Grading Permit will be limited to work which substantially conforms to the Grading Approval, if applicable. In granting any permit, the Grading Official may attach requirements deemed necessary to prevent creation of a nuisance or hazard to public or private property and to assure completion of the grading, including but not limited to:

(a) Improvement of any existing grading to bring it up to the standards of this chapter or the recommendations of the civil engineer.

(b) Requirements for fencing or protection of grading which would otherwise be hazardous.

(c) Dust control, noise control, hours of operation, sequence of work, weather condition requirements, and haul routes.

(d) Implementation of erosion prevention and sediment control measures, and water quality improvements.

Section C12-489. Permission of other agencies or owners.

No permit will relieve the applicant of responsibility for securing any permits or approvals required for work which is regulated by any other ordinance, code, department, or agency of the County, State or Federal Government, or for obtaining any easements or authorization for grading on property not owned by the permittee. The Grading Official will require submittal of a notarized written authorization for performance of work on adjacent property not owned by the permittee. If the proposed grading work is within the jurisdiction of any other public agency, the applicant shall submit verification of all required permits, other approvals, or waivers of such requirements to the Grading Official prior to issuance of the Grading Permit.
Section C12-490. Time limits.

The permittee shall perform and complete all work required by the permit within the specified time. If no time limit is specified, the work shall be completed within one hundred and eighty (180) days of permit issuance unless an extension is granted by the Grading Official.

Section C12-491. Extensions of time.

When the initial time limit for the Grading Permit has expired, the applicant may file for an extension of time of the Grading Permit with the Grading Official to complete the work and pay a fee in the amount prescribed by the Board of Supervisors.

Part 6. Construction Requirements and Procedures

Section C12-494. General.

The permittee is required to construct all improvements shown on the plans approved by the Grading Official. Construction inspection is required and all inspections on the approved inspection card shall be completed prior to final inspection and approval and release of the improvement security.

Section C12-495. Construction inspection.

The Grading Official will assume full jurisdiction over the inspection of the approved grading after the permittee’s engineer has set alignment and grade stakes in accordance with accepted engineering practices.

Section C12-496. Authorization of private civil engineer to inspect the work.

(a) Upon request, the Grading Official may authorize a private registered civil engineer to perform the inspection work, and certify compliance with the approved plans and render any required reports. The permittee shall make his or her own contractual arrangements for such engineering services and be responsible for payment of all costs. Upon authorization for such services, the inspection fee set forth will be reduced as outlined in section C12-475.

(b) The permittee shall cause the work to be performed in accordance with the approved plans. If, during the course of construction, the engineer finds that the work is not being performed in accordance with the approved plans and specifications, the inspector will immediately notify the person in charge of the work and the Grading Official of the nonconformity and the corrective measures to be taken. When changes
in the plans are required, the inspector will prepare such proposed changes and submit them to Grading Official for plan checking and approval.

Section C12-497. Location of property lines.

Whenever the location of a property line or easement, or the title thereto, is disputed as the result of the application or during a grading operation, a survey by a licensed land surveyor or registered civil engineer, or resolution of title, may be required by the Grading Official, at the applicant’s expense.

Section C12-498. Periodic progress reports.

Periodic progress reports shall be rendered by the private civil engineer as required by the Grading Official, including, but not limited to, laboratory tests, slope stability, placement of materials, retaining walls, subdrains, drainage, utilities, and any special permit or plan requirements. Upon completion of the work the engineer shall submit to the Grading Official an “as-built” plan, a final construction observation report, and certification of completion in accordance with the approved plans and conditions.

Section C12-499. Modification of approved plans.

If field conditions identified during the course of construction show that the grading is not properly designed for field conditions, or does not substantially conform to the approved plans or County standards, the property applicant may propose to modify the approved plan or the Grading Official may require modification of the approved plans.

Section C12-500. Stop work notice.

If the Grading Official finds that the work is not being performed in substantial conformance with the approved plans, specifications, or permit conditions, the Grading Official may order the work to be stopped and require revised plans to be submitted. Notice will be posted on site and mailed to the applicant and property owner. No further grading work shall be performed until the necessary corrective measures have been determined and revised plans have been submitted to, and approved by the Grading Official.

Section C12-501. Termination of services by private civil engineer.

If the private civil engineer authorized by the Grading Official to perform the inspection work terminates his duties for any cause prior to completion, he shall notify the Grading Official in writing within forty-eight (48) hours of such termination, and describe the status of the work at his last inspection. The Grading Official will immediately suspend the work until either a new civil engineer acceptable to the Grading Official is retained by the permittee, or the County takes over the inspections and additional inspection fees are paid.
Section C12-502. Final reports.

The Grading Official may require final reports including, but not limited to, certification of slope stability and soil bearing capacity, summaries of field and laboratory tests, locations of tests, recommendations, setbacks, and other information determined to be necessary by the Grading Official. The final soils report or engineering geologic report shall be based on the as-built grading plan as affected by soils or geologic factors. A revised geologic map and cross-sections may be required.

Section C12-503. Notification of work completion.

(a) When the grading work has been completed, the Grading Official shall be notified. Final approval and release of improvement security will not be granted until all the work has been completed and the as-built grading plan and any required reports have been submitted and approved by the Grading Official.

(b) If the design engineer finds that the work is not being done in conformance with this chapter, the permit, the approved plans, or accepted practices, he shall immediately notify the person in charge of the grading work, the permittee, and the Grading Official in writing, including recommendation of necessary corrective measures.

Section C12-504. Certificate of compliance.

A private civil engineer authorized by the Grading Official to perform the inspection work shall certify that all grading was completed in compliance with the permit and approved plans, and shall furnish as-built grading plans.

Part 7. Responsibility of the Permittee

Section C12-508. Compliance with permit requirements and plans.

The permittee shall be responsible for compliance with the requirements of this chapter and related laws.

Section C12-509. Protection of utilities.

The permittee shall be responsible for the prevention of damage to any public utilities or services.
Section C12-510. Protection of adjacent property, public health, safety.

The permittee and any person(s) doing, causing or directing the grading are responsible for the prevention of damage to any other property, and protection of public health, and safety. No person shall grade, fill, or excavate on any land so as to endanger any public or private street, sidewalk, alley, or any other public or private property, or public health or safety without supporting and protecting such property and persons from damage.

Section C12-511. Environmental protection.

The permittee and the person(s) doing or causing or directing the grading are responsible for protecting environmentally sensitive areas on or near the site, such as creeks, streams, wetlands, lakes, springs, trees, and riparian habitat that could be affected by the grading. The grading shall be conducted in a manner which avoids and minimizes environmental damage.

Section C12-512. Start of work notice.

The permittee shall be responsible for scheduling with the Grading Official, and any retained private registered civil engineer, whether retained by the County or by the permittee for a pre-construction meeting to review the approved plans. The property owner shall also notify the Grading Official and any retained private registered civil engineer at least twenty-four (24) hours prior to the start of work.

Section C12-513. Temporary erosion control.

The permittee and any person(s) doing, causing or directing the grading shall install and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by erosion, flooding, or deposition of mud or debris originating from the site. Precautionary measures must include provisions of properly designed erosion prevention and sediment control measures, so that downstream properties are not affected by upstream erosion or sediment transport by storm water.

Section C12-514. Hazard from grading.

Whenever the Grading Official determines that any grading creates a hazardous condition, the Grading Official will provide written notice to the property owner specifying corrections required to eliminate the hazardous condition and a schedule for corrective work. The Grading Official may order the permitted work to stop until the hazardous condition is eliminated. If a permit has been issued and a hazardous condition develops, the Grading Official may suspend, modify or revoke the permit.
ARTICLE 7. ENFORCEMENT

Section C12-518. Purpose.

This article defines the situations considered to be violations of the Grading Ordinances and describes the County’s process for identifying and addressing such violations.

Section C12-519. Conformance with law.

Any approval issued pursuant to this Chapter that is in conflict with the provisions of any County Ordinance or State law or issued as a result of fraud or willful misrepresentation by the applicant or applicant’s agent will be invalid.

Section C12-520. Public nuisance.

Any violation of this chapter is considered unlawful and declared a public nuisance. The County may, upon discovery of a public nuisance, seek to abate the nuisance pursuant to Chapter III of Division A1 of Title A of the Ordinance Code or any other method allowed by law or equity.

Section C12-521. Right of entry.

Construction inspectors are authorized to make such inspections as necessary to enforce County ordinances. Whenever the Grading Official or his/her authorized representative has reasonable cause to believe a violation of any County ordinance exists in or on a premises, the inspector will ask permission of the occupant, or the owner or custodian thereof if the premises are unoccupied, for permission to inspect the property. If permission is denied, the Grading Official may obtain an inspection warrant. Entry will not be secured by a grant of authority beyond that otherwise allowed by law.

Section C12-522. Inspection warrant.

The Grading Official may request an inspection warrant when access to the property has been denied by the owner or other person controlling the property.

Section C12-523. Liability of construction inspectors.

Construction inspectors, acting in good faith and without malice in the discharge of their duties, shall not be personally liable for any damage resulting from any act or omission in the discharge of their duties. Legal action taken against a construction investigator because of any act or omission occurring during the course and scope of their enforcement activities shall be defended by legal counsel provided by the County until final termination of such proceedings.
Section C12-524. Hazardous conditions.

When the Grading Official determines that any grading creates a hazardous condition, the Grading Official will notice the owner of the property or agent in control or possession of said property to eliminate the hazard within the period specified therein. If the grading presents an immediate hazard, the Grading Official may eliminate the hazard without giving the notice provided for herein above. Whenever the Grading Official eliminates a hazard as authorized herein, the person responsible for the hazard shall pay the County for the costs thereof. When such hazard exists on private property, it shall be deemed a nuisance.

Section C12-525. Stop work order.

If the Grading Official finds any grading work for which a permit is required but not issued, or the grading is in substantial noncompliance with a permit issued to the property owner or the plans and specifications relating thereto, the Grading Official may order the work stopped by posting a notice on the site and providing written notice to the property owner.

Section C12-526. Suspension and revocation of permit.

Grading must comply with the permit issued and the plans and specifications approved. The Grading Official may suspend or revoke any grading, drainage or construction permit for good cause, including but not limited to: performing grading work on adjacent property without written permission, failure to follow approved plans, failure to call for inspections, failure to implement required erosion prevention and sediment control measures, grading that creates a hazardous condition, and performing grading work without obtaining required permits or clearances from State and/or Federal agencies.

Section C12-527. Written notices.

Unless otherwise provided herein, service of a written notice shall be accomplished by personal service or by mailing a copy of said noticed by regular mail to the owner of the property at the address shown on the latest equalized assessment roll and to any other person, firm or corporation responsible for the grading work, at any address known to the Grading Official, and notice shall be deemed received on receipt of said notice, if personally served, or on the third day after the notice was deposited in the United States mail, if mailed.

Section C12-528. Notice of grading violation.

Whenever the Grading Official determines that grading work violates this chapter, he or she will notify the property owner of the grading violation and intent to record a notice of a grading violation. Notice will be provided to the property owner and if applicable, any other involved parties by mail at the address shown on the latest assessment roll and any other address of the involved parties. The notice of violation will state that within thirty (30) days of the date of the
notice, the property owner or permittee may request a meeting with the Grading Official to present evidence that a violation does not exist.

The Grading Official, at his or her discretion, may allow additional time to meet with the property owner or consider evidence submitted.

If, within 30 days of the date of the notice the property owner or other involved party does not request a meeting or after considering the evidence presented by the property owner or other involved party at the meeting, the Grading Official determines that a grading violation exists, the Grading Official may record a notice of violation against the property with the County Recorder’s office and will notify the property owner with appeal rights, per Section C12-529.

The notice of violation will also include a notice to abate the violation that requires the property owner and, if applicable any other involved parties to abate the violation be either obtaining an abatement order from the Grading Official or a Grading Abatement Approval from Planning and subsequent Grading Permit.

**Section C12-529. Appeals.**

If the property owner or other responsible party disputes the Grading Official’s decision to record a Grading Violation, this decision may be appealed to the Planning Commission in the manner provided in this chapter. The appeal to the Planning Commission must be filed within fifteen (15) calendar days from the date of the decision of the Grading Official regarding the grading violation. The appeal to the Board of Supervisors must be filed within fifteen (15) days after the decision of the Planning Commission. Written appeals shall be filed with the Planning Office and must be accompanied by a fee prescribed by resolution of the Board of Supervisors.

**Section C12-530. Required correction.**

The property owner is required to correct the grading violation by either obtaining an abatement order issued by the Grading Official or a Grading Abatement Approval with the Planning Office and subsequent Grading Permit.

(a) Abatement order. In lieu of a Grading Abatement Approval and permit, the property owner may request an abatement order from the Grading Official. At the discretion of the Grading Official, an abatement order may be issued to abate the grading violation. If no abatement order is issued, the applicant is required to abate the grading violation by applying for a Grading Abatement Approval with the Planning Office. The abatement order may include requirements to eliminate any nuisance or hazard to public or private property and requirements for remediation of environmental damage caused by the illegal grading, and may prevent the owner of the property or person doing the illegal grading from obtaining the benefit of the grading until compliance with this chapter is achieved. All work shall be performed in accordance herewith, employing generally accepted engineering principles and designs specified or
approved by the Grading Official. Inspection of all grading work to abate the grading violation will be performed by the Grading Official.

(b) Grading Abatement Approval. The property owner shall apply with the Planning Office for a Grading Abatement Approval pursuant to Section C12-422. The scope of the Abatement Approval shall include fully restoring the site to pre-violation conditions, or legalization of some or all of the grading work that was done in violation.

Section C12-531. Noncompliance with abatement order.

If the Grading Official finds the grading work is in noncompliance with the abatement order, the Grading Official may revise the requirements or revoke the abatement order. If the Grading Official revokes the abatement order, the Grading Official will notice the property owner of revocation of the abatement order. The notice will also require the property owner to apply for a Grading Abatement Approval with the Planning Office. The Grading Official may record a grading violation against the property for noncompliance with the abatement order.

Section C12-532. Violation fees.

If grading work is done in violation of this chapter, the applicant shall pay all required fees. The following may apply in addition to permit application fees:

(a) Violation investigation fee. In addition to any other fees prescribed elsewhere in this chapter, a violation investigation fee as prescribed by resolution of the Board of Supervisors will be assessed for any grading work in violation of this chapter. Payment of such fee will not relieve any person from any other liability hereunder. The fee prescribed by this section is to cover the expense of enforcement of this chapter. Enforcement includes but is not limited to investigating complaints and the recordation of the grading violation.

(b) Violation coordination fee. In addition to any other fees prescribed elsewhere in this chapter, a violation coordination fee as prescribed by resolution of the Board of Supervisors will be assessed. The fee prescribed by this section is to defray the expense including, but not limited to the coordination and meetings with County staff regarding different options to resolve the grading violation of this chapter.

(c) Grading abatement order fee. In addition to any other fees prescribed elsewhere in this chapter, a grading abatement order fee as prescribed by resolution of the Board of Supervisors will be assessed. The fee prescribed by this section is to defray the expense including, but not limited to the issuance of the abatement order and inspection of the work.
(d) Plan check and construction inspection fee. The applicant shall pay a minimum plan check and inspection fee and any additional plan check fee based on staff hours spent on the project, in an amount prescribed by resolution of the Board of Supervisors.

(e) The property owner or applicant shall pay all fees required for recording the notice of expungement.

Section C12-533. Notice of expungement.

A notice of expungement of the notice of violation will be recorded with the County Recorder when:

(a) Upon appeal per Section C12-529, an appellate authority determines that a grading violation does not exist; or

(b) The grading violation has been abated and all remedial work has been completed and approved by the Grading Official and all required violation fees have been paid.

Section C12-534. Criminal penalties.

Notwithstanding Section C1-72, any person, entity, organization, firm or corporation, whether as principal, agent, employee, contractor or otherwise, violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine of not more than $1,000.00, or by imprisonment in the County jail for a period not exceeding six months or both fine and imprisonment. Each such person, firm or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or permitted by such person, and shall be punished for each separate offense.

Section C12-535. Citation authority.

Pursuant to section 836.5 of the California Penal Code, the Grading Official and his/her deputies are hereby authorized to enforce the provisions of this chapter and to issue citations for violations thereof. There shall be no civil liability on the part of, and no cause of action shall arise against, the Grading Official or his/her deputies acting pursuant to this section and within the scope of his/her authority.

Section C12-536. Additional Remedies.

(a) Any violation of this chapter or the codes adopted hereunder is hereby declared to be unlawful and a public nuisance.

(b) If this chapter is violated or there is noncompliance with the abatement order provided for, the Grading Official may request the County Counsel and/or the district attorney to initiate legal action.
(c) The remedies provided herein are not exclusive, and shall be in addition to any other remedy or penalty provided by law for violation of this chapter.

ARTICLE 8. DESIGN STANDARDS

Part 1. General

Section C12-538. Minimum standards.

In the absence of supported recommendations by the design registered civil engineer, or as excepted by the Grading Official, the following minimum standards will apply.

The Grading Official may require that the developer’s soil engineer prepare an addendum to the soils report to provide the missing supported recommendations.

Section C12-539 – C12-541. Reserved.

Part 2. Cuts

Section C12-542. Maximum slope.

(a) Cuts shall not be steeper in slope than two (2) horizontal to one (1) vertical, unless a soils engineering and/or an engineering geology report is filed certifying that the site has been investigated and indication that the proposed steeper slope will be stable and will not endanger any private or public property, or result in the harmful deposition of debris on any public way or interfere with any existing drainage course.

(b) The Grading Official may require the excavation to be made with a cut face flatter in slope than two (2) horizontal to one (1) 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.

Section C12-543. Drainage terraces (cuts).

Cut slopes exceeding thirty (30) feet in vertical height shall have drainage terraces at vertical intervals not exceeding twenty-five (25) feet except that where only one terrace is required, it shall be at approximately mid-height, unless some other location is approved by the Grading Official. The design and construction of the drainage terraces shall conform to the requirements of this chapter.
Section C12-544. Expansive soils.

If during the grading operation expansive soil is found within two (2) feet of the finished lot grade of any area intended or designed as the location for a building, the permittee shall cause such expansive soil to be removed from such building area to depth specified by the soils engineer, and replaced with non-expansive soil properly compacted; provided, however, the Grading Official may, upon receipt of a report by a soils engineer certifying that he has investigated the property and recommends a design of footings or floor slab or other procedure that in his opinion will alleviate any problem created by such expansive soil, waive the requirement. (See figure 2)

![Figure 2 – Benching and Setbacks](image)

Section C12-545 – C12-547. Reserved.

Part 3. Fills

Section C12-548. General.

Fill shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed eight (8) inches. Completed fills shall be stable masses of well integrated materials 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.
Section C12-549. Compaction.

All fills shall be compacted throughout their full extent to a minimum of ninety (90) percent of maximum density as determined by Test Method No. Calif. 216-G, or other alternate methods approved by the Grading Official. Sufficient tests shall be made for reasonable assurance of compliance with the provisions of this chapter.

EXCEPTIONS:

(a) 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 Grading Official for the planting of the slopes.

(a) Fills not intended to support structures or roads need not be compacted to these standards if the applicant’s civil engineer determines that such compaction is unnecessary for stability, safety and the purpose of the grading, and the Grading Official concurs.

The Grading Official may require that an investigation be made by soils laboratory to establish the characteristics of the soil, the amount of settlement to be expected, and the susceptibility of the soil to erosion or slippage.

Section C12-550. Preparation of ground to receive fill.

The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, or other incompetent material, and where slopes are five (5) horizontal to one vertical, or steeper, by keying into competent material. The lowermost key shall be at least six (6) feet wide, except where recommended by the civil engineer as not being necessary. Subdrains shall be provided under all fills placed in natural water courses and in other locations where seepage is evident. Such subdrainage systems shall be of a material and design approved by the soils engineer and acceptable to Grading Official. The location of the subdrains shall be shown in plan and elevation views on the plan.

Section C12-551. Fill slopes.

No fill shall be made which creates an exposed surface steeper in average slope than two (2) horizontal to one (1) vertical, exclusive of benches and exclusive of surroundings described herein, unless permitted by the Grading Official after receipt of a report by a soils engineer, based on appropriate laboratory tests, certifying such steeper slope will be stable and support erosion control plantings. The Grading Official may require that the fill be constructed with an exposed surface flatter than two (2) horizontal to one (1) 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 and abutting cut or fill surfaces where conditions permit.
Section C12-552. Fill material.

No organic material shall be permitted in fills. Rock or similar irreducible material with a maximum dimension greater than eight (8) inches shall not be buried or placed in fills within two (2) feet of finished grade. When such greater size material is placed in fills it shall be done in accordance with recommendations of the soils engineer, and must be approved by the Grading Official.

Section C12-553. Drainage terraces (fills).

Fill slopes exceeding thirty (30) feet in vertical height shall have drainage terraces at vertical intervals not exceeding twenty-five (25) feet, except that where only one terrace is required, it shall be at approximately mid-height unless some other location is approved by the Grading Official. Such drainage terraces shall be at least six (6) feet wide and shall be designed and constructed so as to provide a swale or ditch having a minimal depth of one foot and a longitudinal grade of not less than four (4) percent nor more than twelve (12) percent. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope debris will remain in suspension on the reduced grade. Down drains or drainage outlets shall be provided at approximately three hundred (300) foot intervals along the drainage terrace or an equivalent location. Down drains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal. The terrace, including the swale or ditch, shall be protected from erosion and the flow discharges into a safe disposal area. If the drainage discharges onto natural ground, adequate erosion prevention measures shall be provided.

Section C12-554. Slopes to receive fill.

Fill placed on the top of an existing or proposed cut or natural slope shall be set back a minimum distance of six (5) feet measured horizontally from the property line. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two-foot vertical lift of the fill, but not less than one test for each one thousand (1,000) cubic yards of material placed. Additional density test at a point approximately one foot below the fill slope surface shall be made on the basis of not less than one test for each one thousand (1,000) square feet in slope surface, but not less than one test for each ten-foot vertical of slope height. Additional tests may be required throughout the fill as determined by the inspector for the County surveyor. 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.

Section C12-555. Expansive soils.

In areas intended or designed to support buildings, expansive soil shall not be placed within two (2) feet of the finish grade in such building areas unless recommended by a civil engineer based
on laboratory tests and certifying that a design of footings or floor slab or other procedure will alleviate problems created by placing the expansive soil within such building areas.

Part 4. Setbacks

Section C12-558. General.

Cuts and fills shall be set back from property lines and from existing buildings as shown in Figure 2. The Grading Official may increase these dimensions based on information that he has showing that the dimensions do not provide adequate safety or comply with other county ordinance requirements. The Grading Official may also decrease these dimensions by the use of retaining walls or other structures approved by the Grading Official that will provide adequate safety of development and nearby properties.

Part 5. Drainage

Section C12-562. General.

The drainage structures and devices required by this division shall be designed and constructed in accordance with the adopted Santa Clara County Drainage manual and adopted Standards.

Section C12-563. Storm water and subsurface water disposal requirements.

All drainage facilities shall be designed to surface and subsurface waters overland to the nearest practical street, storm drain or natural watercourse. Adequate provisions shall be made to avoid damage to adjacent and downstream properties. The following additional restrictions also shall apply:

(a) Water shall not be allowed to pond above cut or fill slopes or on drainage terraces. Adequate drainage facilities shall be provided to prevent such ponding.

(b) Areas designed for buildings shall be graded to provide at least one percent grade, away from the building.

(c) All discharge points from storm drains shall have energy dissipaters to slow and spread flow overland.
Part 6. Erosion Control

Section C12-568. Erosion prevention and sediment control measures.

All grading plans shall include the retained registered civil engineer’s and/or landscape architect’s recommendations for erosion prevention and sediment control measures.

Erosion control measures are required on-site year round. All planned erosion prevention and sediment control measures shall be installed by the time of the initial “grade stake” inspection. Approval for phased erosion control measure installation can be requested of and granted by the Grading Official prior to grading or construction permit issuance.

Grading projects that are started but not completed by October 1st of each year are to be “winterized” by installation of planned erosion prevention and sediment control measures, which shall be maintained in good repair at the satisfaction of the County grading inspector through the April 15th following, and until the project is completed.

Section C12-569. Disturbed areas.

Adequate erosion and sediment controls shall be installed to minimize damage to all disturbed areas during construction.

Section C12-570. Slope protection.

Adequate provision shall be made to minimize damage to the face of cuts and fills. Down slopes shall be protected from surface water runoff from above by dikes, swales or cut-off ditches, or other measures, as needed.

Section C12-571. Dikes, swales and ditches.

Dikes, swales and ditches, when required, shall be designed and constructed to control runoff and erosion from graded areas. Where concentrated drainage discharges onto natural ground, effective measures shall be taken to dissipate the energy and, where practical, release the accumulated waters as sheet flow, unless the discharge is into a storm sewer or natural water course.

Part 7. Planting of Slopes

Section C12-574. General.

The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and/or trees. Such
plantings shall provide for rapid, short-term coverage. A plan by a landscape architect may be required by the Planning Office. Where permanent landscaping or construction will not provide a timely ground cover, interim plantings may be required by the Grading Official.

Section C12-575. Minimum requirements for slopes over 15 feet in vertical height.

In addition to planting with grass and/or ground cover, slopes in excess of fifteen (15) feet in vertical height shall be planted with shrubs in two and one-fourth (2.25) inch pots, or larger, spaced at intervals not to exceed ten (10) feet on centers, or trees having a one gallon minimum size at twenty-foot intervals, or a combination of shrubs and trees at equivalent spacing appropriate to the species. The plants selected and the planting methods to be used shall be suitable for the soil and climate conditions of the site. A landscaping plan and planting and maintenance instructions prepared by a landscape architect may be required.

Section C12-576. Timing of planting.

The planting shall be completed as soon as practical, and not more than ninety (90) days after completion of the grading, or of a portion thereof on phased projects.

Section C12-577. Vegetation removal.

If the project is abandoned after vegetation removal has taken place, the area shall be planted as provided herein. If the work is suspended for an extended period, the Grading Official shall require erosion and sediment control measures be installed.

Section C12-578. Establishment of planting.

The planting required by this section shall be installed as soon as practical after rough grading. Prior to final approval of grading and before the release of the total grading bond, the planting shall be well established.

Section C12-579. Other standards.

The Grading Official may adopt supplementary engineering standard details as may be appropriate for the carrying out of the provisions of this chapter. Such standards will be published and filed in the Grading Official’s office and the Office of the Clerk of the Board of Supervisors.

SECTION 2. SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid such decision must not affect the validity of the ordinance as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid.