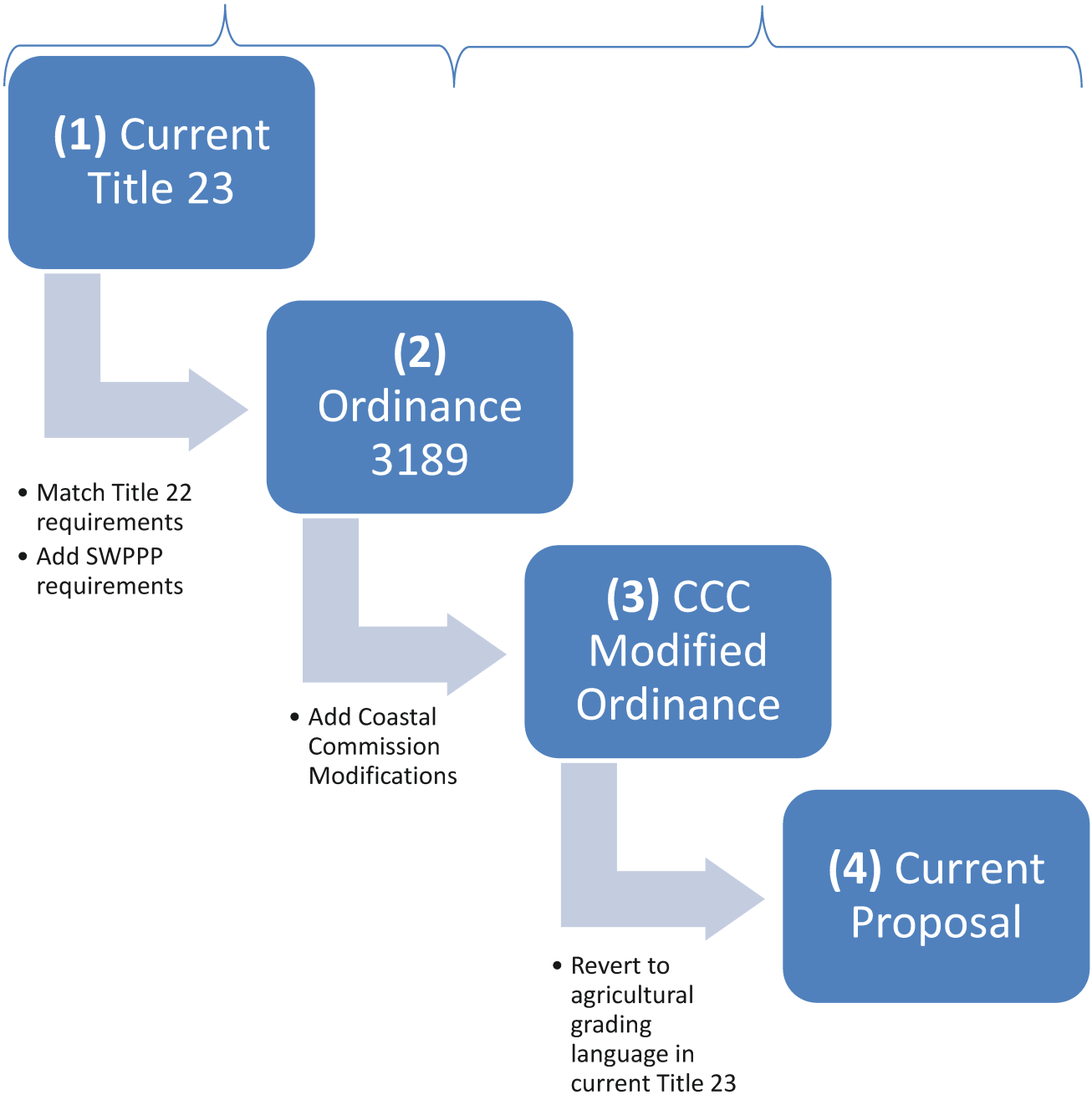
ATTACHMENT B-12
SUMMARY OF CHANGES TO THE
COASTAL ZONE GRADING ORDINANCE

[redacted] → [redacted]
Change Between Current Title 23 and Ordinance 3189 (adopted April 2010)

[redacted] → [redacted]
Change between Ordinance 3189 and the Current Proposal



Proposed Section Number	(1) → (2) Change Between Current Title 23 and Ordinance 3189 (April 2010)	(2) → (4) Change Between Ordinance 3189 and Current Proposal
23.05.020 **Purpose and Intent**	**Change #1** Replaces former Section 23.05.020.	*No change.*
23.05.022 **Responsibility of the Landowner**	**[New Section]**	*No change.*
23.05.024 **Scope**	**[New Section]**	*No change.* *Coastal Commission recommended changes have not been applied.*
23.05.026 **Administrative Procedures**	**Change #2A** Replaces former Section 23.05.022.	**Change #2B** Removed reference to the LID Manual (Coastal Commission)
23.05.028 **Grading Permit**	**Change #3** Replaces former Section 23.05.025	*No change.* *Coastal Commission recommended changes have not been applied.*
23.05.030 (a) **Grading**	**[New Section]**	**Change #4** Moved subsection (a) to Section 23.05.032(b)(1) and reworded as an exemption.
23.05.030 (b) **Additional permitting requirements.**	**Change #5A** Replaces former Section 23.05.034(b)	**Change #5B** Minor editorial changes.
23.05.030(c) **Grading adjacent to Environmentally Sensitive Habitats.**	Moved from 23.05.034(c) with no changes.	*No change.*
23.05.030(d) **Coastal Development Permit**	**Change #6** New section, using some language from Section 23.05.025	*No change.*
23.05.032 (a) **Minimum requirements to determine exempt status.**	**[New Section]**	**Change #7** Minor editorial changes.
23.05.032(b) **Exempt grading.**	**Change #8A** Replaces former Section 23.05.026 and adds clarifying language for agricultural exemption.	**Change #8B** Moved 23.05.030(a) to subsection (b)(1). Eliminated agricultural exemption language in favor of existing language in Title 23.
23.05.032(c) **Agricultural Grading**	**[New Section]**	**[Deleted]**
23.05.034 **Alternative Review**	**[New Section]**	**[Deleted]**
23.05.036 **Review, Approval, and Permits**	**Change #9A** Replaces former Sections 23.05.030, 23.05.032, 23.05.039, and 23.05.043	**Change #9B** Minor editorial changes.

Proposed Section Number	(1) → (2) Change Between Current Title 23 and Ordinance 3189 (April 2010)	(2) → (4) Change Between Ordinance 3189 and Current Proposal
23.05.038 Grading Plan Requirements	**Change #10** Replaces former Section 23.05.028	*No changes.*
23.05.040 Drainage Plan Required	**Change #11A** Replaces former Sections 23.05.040	**Change #11B** Minor editorial changes.
23.05.042 Erosion and Sedimentation Plan	**Change #12A** Replaces former Section 23.05.036	**Change #12B** Minor editorial changes.
23.05.044 Stormwater Pollution Prevention Plan	**[New Section]**	**Change #13** Minor editorial changes.
23.05.046 Groundwater Recharge	**[New Section]**	*No changes.*
23.05.048(a) Grading Standards	**Change #14A** Replaces former Section 23.05.034	**Change #14B** Minor editorial changes.
23.05.048(b) Drainage Standards	**Change #15A** Replaces former Section 23.05.050	**Change #15B** Minor editorial changes.
23.05.048(c) Erosion and Sedimentation Control Standards	**[New Section]**	**Change #16** Minor editorial changes.
23.05.048(d) Stormwater Pollution Prevention Plan Standards	**[New Section]**	*No changes.*
23.05.050 Construction Procedures	**[New Section]**	**Change #17** Minor editorial changes.
23.05.052 Inspections	**[New Section]**	*No changes.*
23.05.054 Request for Relief	**[New Section]**	**Change #18** Minor editorial changes.
23.05.056 Enforcement and Interpretation	**[New Section]**	*No changes.*
23.05.057 Education and Outreach	**[New Section]**	*No Changes.*
23.05.058 Fees	**Change #19** Replaces former Section 23.05.027	*No changes.*

Contents

1) Section 23.05.020, replacing former Section 23.05.020

~~**23.05.020 - Grading:**~~

~~Sections 23.05.022 through 23.05.039 establish standards for grading and excavation activities to minimize hazards to life and property; protect against erosion and the sedimentation of water courses; and protect the safety, use and stability of public rights-of-way and drainage channels. Additional standards for grading within a Sensitive Resource Area are in Sections 23.07.160 et seq. The grading standards of this chapter are organized into the following sections:~~

~~23.05.022 Grading Regulations Adopted~~
~~23.05.024 Grading Plan Required~~
~~23.05.025 Grading Permit Required~~
~~23.05.026 Grading Permit Exemptions~~
~~23.05.027 Grading Permit Fees~~
~~23.05.028 Grading Permit - Application Content~~
~~23.05.030 Grading Permit Review and approval~~
~~23.05.032 Commencement and Completion of Grading~~
~~23.05.034 Grading Standards~~
~~23.05.036 Sedimentation and Erosion Control~~
~~23.05.038 Appeal~~
~~23.05.039 Nuisance and Hazard Abatement~~

23.05.020 - Purpose and Intent

Sections 23.05.020 through 23.05.058 shall hereafter be referred to as the Grading Ordinance. The purpose of the Grading Ordinance is to establish standards to safeguard the public health, safety and general welfare; minimize erosion and sedimentation; minimize fugitive dust emissions; prevent the loss of agricultural soils; reduce the harmful effects of stormwater runoff; encourage groundwater recharge; protect fish and wildlife; reduce hazards to life and property; reduce drainage problems from new development; enhance slope stability; protect natural, scenic, and cultural resources; prevent environmental damage to public and private property; and to otherwise protect the natural environment. The Grading Ordinance addresses compliance with the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater regulations and sets forth local stormwater requirements, to avoid pollution of watercourses with sediments or other pollutants generated on or caused by surface runoff on or across construction sites.

2) SECTION 22.05.026

2A) Replace Section 22.05.022 with Section 22.52.026

~~**23.05.022 - Grading Regulations Adopted:**~~

23.05.026 - Administrative Procedures

~~All grading activities shall occur pursuant to the provisions of Chapter 70 of the Uniform Building Code, 1985 edition, which is hereby adopted and incorporated into this title by reference as though it were fully set forth here.~~

~~In the event of any conflict between the provisions of this chapter and Chapter 70 of the Uniform Building Code, this chapter shall prevail.~~

a. **Compliance with building code.** All grading activities shall be in compliance with the provisions of 1997 Uniform Building Code Appendix Chapter 33, the currently adopted California Building Code, and adopted Appendices, which are hereby adopted and incorporated into this Title by reference as though they were fully set forth herein. In the event of any conflict between the provisions of the Grading Ordinance and the Uniform Building Code or California Building Code, this Title shall apply.

b. **Low Impact Development (LID) Handbook.** Low Impact Development requirements shall be imposed, and updated from time to time, by resolution of the Board of Supervisors after a noticed public hearing. Requirements imposed in the LID Handbook shall include any required LID Best Management Practices. Additionally, the LID Handbook may be used to implement other measures as required in the County's Stormwater Management Program. Requirements of the LID Handbook when imposed, shall be a condition of the issuance of permits for, or the approval of, development projects.

2B) Section 23.05.026, as amended by the Coastal Commission.

23.05.026 - Administrative Procedures

~~a.~~ **Compliance with building code.** All grading activities shall be in compliance with the provisions of 1997 Uniform Building Code Appendix Chapter 33, the currently adopted California Building Code, and adopted Appendices, which are hereby adopted and incorporated into this Title by reference as though they were fully set forth herein. In the event of any conflict between the provisions of the Grading Ordinance and the Uniform Building Code or California Building Code, this Title shall apply.

~~**b. Low Impact Development (LID) Handbook.** Low Impact Development requirements shall be imposed, and updated from time to time, by resolution of the Board of Supervisors after a noticed public hearing. Requirements imposed in the LID Handbook shall include any required LID Best Management Practices. Additionally, the LID Handbook may be used to implement other measures as required in the County's Stormwater Management Program. Requirements of the LID Handbook when imposed, shall be a condition of the issuance of permits for, or the approval of, development projects.~~

3) Section 23.05.028, replacing former Section 23.05.028.

~~**23.05.025 - Grading Permit Required:**~~

23.05.028 - Grading Permit Required

~~A grading permit shall be obtained before beginning any: grading, excavation, or fill activities; or for any diking or dredging activities involving wetlands and riparian areas; or for any earthwork, paving, surfacing or other construction activity that alters any natural or other existing offsite drainage pattern, including but not limited to any change in the direction, velocity or volume of flow; except for the activities identified by Section 23.05.026 (Grading Permit Exemptions). This section and Section 23.05.026 supersede Section 7003 of the Uniform Building Code. Where a grading permit application proposes a project that is not otherwise subject to the land use permit requirements of Chapters 23.03 or 23.08 or other applicable section of this title, grading permit approval certifies that the proposed project will satisfy all applicable provisions of this title and thereby constitutes approval of a coastal development permit. Where a grading permit is appealable to the Coastal Commission pursuant to Section 23.01.043, Minor Use Permit approval is also required as set forth in Section 23.02.033.~~

Where not otherwise exempt by Section 23.05.032 (Exemptions from Grading Permits) or authorized through the alternative review process pursuant to Section 23.05.034 (Alternative Review), a grading permit shall be obtained where grading is to occur meeting the definition set forth in Section 23.05.030 (Grading). A separate permit shall be required for each site and shall cover both excavations and fills. Contiguous sites being graded as one integrated project may be considered one site, as deemed appropriate by the Director, in order to enforce the requirements of the Grading Ordinance.

Even those activities that do not constitute grading as defined in the Grading Ordinance, or are exempt from grading permits, may be subject to other applicable sections in this ordinance. This includes requirements, such as preparation and approval of an erosion and sedimentation control plan, drainage plan, and/or stormwater pollution prevention plan.

In granting any permit in compliance with the Grading Ordinance, the Director and, where provided, the Public Works Director, may impose conditions as necessary. These conditions may include requiring a licensed contractor to perform the work or a licensed professional (e.g. civil engineer, geotechnical engineer, etc.) to prepare plans or technical reports in order to prevent creation of a nuisance or a hazard to public health, public safety, or public or private property, or to assure conformity to the County General Plan.

4) Section 23.05.030(a), as amended by the Coastal Commission.

a. Grading. For the purposes of the Grading Ordinance, "grading" is defined as all new earthwork that involves one or more of the following activities: excavations, cuts, fills, dams, reservoirs, levees, impoundments, diking, dredging, borrow pits, stockpiling, compaction of fill, or removal of vegetation. Although they may constitute grading, c~~C~~ultivation activities, including disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling are not considered grading for the purpose of this ordinance and are not regulated under this ordinance. This exception for cultivation activities does not affect the LCP's definition of grading nor does it apply to any other section of the LCP. A grading permit is required ~~in any of the following cases~~, unless the project qualifies for an exemption or constitutes agricultural grading as set forth in Section 23.05.032, or unless the project goes through the alternative review process as set forth in Section 23.05.034:

~~**(1) 50 cubic yards.** The amount of material, measured cumulatively (adding together all proposed earthwork) for any of the above mentioned activities exceeds 50 cubic yards.~~

~~**(2) Work in a watercourse.** The amount of material, measured cumulatively (adding together all proposed earthwork) for any of the above mentioned operations exceeds 20 cubic yards and involves altering or obstructing a drainage way or watercourse.~~

~~**(3) Removal of vegetation.** Projects which would involve more than one acre of vegetation removal.~~

~~Vegetation removal is calculated based on the total area of a site which will lack soil cover (i.e. "bare soil") at any given time. Areas subject to previous vegetation removal are not included in this calculation where permanent revegetation has already achieved a minimum of 70 percent coverage.~~

~~*Note: The grading thresholds specified in Subsections a(1) and a(2) above are to be measured cumulatively for each project. A project may not be broken down into smaller components with the intention of avoiding a grading permit. Activities progressing towards a common endeavor are considered a single project.*~~

5) SECTION 23.05.030(b)

5A) Section 23.05.030(b), replacing Section 23.05.034(b)

~~**b. Grading for siting of new development.** Grading for the purpose of creating a site for a structure or other development shall be limited to slopes less than 20% except:~~

~~(1) Existing lots in the Residential Single-Family category, if a residence cannot feasibly be sited on a slope less than 20%; and~~

~~(2) When grading of an access road or driveway is necessary to provide access to building site with less than 20% slope, and where there is no less environmentally damaging alternative; and~~

~~(3) Grading adjustment. Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:~~

~~(i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.~~

~~(ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.~~

~~(iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.~~

~~(iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.~~

b. **Additional permitting requirements.** Grading may require a land use permit or variance under the following circumstances:

(1) **Site disturbance.** For projects subject to Chapter 23.03, grading may require land use permit approval based upon the amount of site disturbance. The land use permit thresholds are established in Section 23.03.042 (Table 3-A).

(2) **Slopes.** Grading shall be limited to slopes of less than 20 percent, except where:

(i) **Grading adjustment.** Grading on slopes between 20 percent and 30 percent may occur by Minor Use Permit or Development Plan approval, subject to the following:

(a) The applicable review body has considered the specific characteristics of the site and surrounding area, including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation;

(b) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment;

(c) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area;

(d) It has been found that there is no feasible method of establishing an allowable use on the site without grading on slopes between 20 and 30 percent.

(ii) **Variance.** The applicant has obtained Variance approval pursuant to Section 23.01.045 to allow grading on slopes of 30 percent or greater; or

(iii) **Agricultural use.** The grading is exclusively for one or more of the following agricultural uses:

(a) An exempt agricultural accessory structure as defined in Section 19.02.020.c.14 of the Building and Construction Ordinance (amending Section 105.2 of the California Building Code);

(b) Crop production or grazing.

(c) Any agricultural roads used exclusively for the purposes set forth in Subsections b(2)(iii)(a) and b(2)(iii)(b).

While this Subsection exempts the above uses from the 30 percent slope limitation, this Subsection shall not be construed to exempt any uses from the requirement of obtaining a grading permit or complying with exemption or alternative review procedures pursuant to Section 23.05.028.

5B) Section 23.05.030(b), as amended by the Coastal Commission.

b. **Additional permitting requirements.** Grading may require a land use permit or variance under the following circumstances:

(1) **Site disturbance.** For projects subject to Chapter 23.03, grading may require land use permit approval based upon the amount of site disturbance. The land use permit thresholds are established in Section 23.03.042 (Table 3-A).

(2) **Slopes.** Grading shall be limited to slopes of less than 20 percent, except where any of the following occur:

(i) **Grading adjustment.** Grading on slopes between 20 percent and 30 percent may occur by Minor Use Permit or Development Plan approval, subject to the following:

(a) The applicable review body has considered the specific characteristics of the site and surrounding area, including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation;

(b) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment;

(c) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area;

(d) It has been found that there is no feasible method of establishing an allowable use on the site without grading on slopes between 20 and 30 percent.

(ii) **Variance.** The applicant has obtained Variance approval pursuant to Section 23.01.045 to allow grading on slopes of 30 percent or greater; or

(iii) **Agricultural use.** The grading is exclusively for one or more of the following agricultural uses:

(a) An exempt agricultural accessory structure as defined in Section 19.02.020.c.14 of the Building and Construction Ordinance (amending Section 105.2 of the California Building Code);

(b) Crop production or grazing.

(c) Any agricultural roads used exclusively for the purposes set forth in Subsections b(2)(iii)(a) and b(2)(iii)(b).

While ~~this~~ Subsection b(2)(iii) exempts the above agricultural uses from the 30 percent slope limitation, this Subsection shall not be construed to exempt any uses

from the requirement of obtaining a grading permit or complying with exemption or alternative review procedures pursuant to Section 23.05.028.

6) Section 23.05.030(d), applying some of the language from 23.05.025.

~~**23.05.025 - Grading Permit Required:**~~

d. Coastal Development Permit. ~~A grading permit shall be obtained before beginning any: grading, excavation, or fill activities; or for any diking or dredging activities involving wetlands and riparian areas; or for any earthwork, paving, surfacing or other construction activity that alters any natural or other existing offsite drainage pattern, including but not limited to any change in the direction, velocity or volume of flow; except for the activities identified by Section 23.05.026 (Grading Permit Exemptions). This section and Section 23.05.026 supersede Section 7003 of the Uniform Building Code.~~ Where a grading permit application proposes a project that is not otherwise subject to the land use permit requirements of Chapters 23.03 or 23.08 or other applicable section of this title, grading permit approval certifies that the proposed project will satisfy all applicable provisions of this title and thereby constitutes approval of a coastal development permit. Where a grading permit is appealable to the Coastal Commission pursuant to Section 23.01.043, Minor Use Permit approval is also required as set forth in Section 23.02.033.

7) Section 23.05.032(a), as modified by the Coastal Commission

23.05.032 - Exemptions from Grading Permits

Note: While the activities under this section are exempted from a grading permit for the purposes of this County's ordinance, they are not exempted from coastal development permit requirements. In addition, the owner and/or applicant should understand that permits may be required by other regulatory agencies, including, but not limited to, the California Department of Fish and Game, Regional Water Quality Control Board, Army Corps of Engineers, U.S. Fish and Wildlife Service, or the California Department of Forestry (Cal Fire). Additionally, grading projects involving work within a state or County right-of-way may require encroachment permit approval.

a. **Minimum requirements to determine exempt status.** The following considerations must be addressed in determining if grading activities qualify for an exemption:

(1) Grading activities are not exempt within a geologic study area and/or flood hazard combining designations as shown in the Land Use Element. Agricultural grading as provided by Subsection b, and geotechnical/geologic exploration activities are not subject to this limitation

(2) Grading activities shall receive all necessary approvals from other County, state, or federal agencies, regardless of whether the activity is exempt under the Grading Ordinance.

(3) Activities exempted under this section are still required to incorporate all reasonable measures to ensure against erosion and sedimentation both during and after such activities. In all cases, any grading activities which could result in a hazardous condition are not exempt from grading permit requirements. A hazardous condition exists when activities create a hazard to life and limb, endanger property, adversely affect the safety, use or stability of a public right-of-way or drainage channel, or create a significant environmental impact.

(4) Grading activities are not exempt for any site work occurring within 100 feet of ~~mapped~~ Environmentally Sensitive Habitat Areas or within in any area designated as appealable pursuant to Section 23.01.043, except under any of the following circumstances:

(i) A prior land use permit and coastal development permit have been issued for the proposed activity and are still valid; or

(ii) The activity is not considered development under Section 23.03.040.a ~~or is needed to accommodate a use that is exempted from land use permits and coastal development permits under Section 23.03.04.d.~~

(5) Grading activities are not exempt from grading permit requirements under Subsections b and c in the coastal zone, except under the following circumstances:

(i) A prior coastal development permit has been issued for the proposed activity; or

(ii) The activity is not considered development under Section 23.03.040.a ~~or is needed to accommodate a use that is exempted from land use permits and coastal development permits under Section 23.03.04.d.~~

Subsection a(5)(iii) has been eliminated, as this is a reference to the Alternative Review Program.

8) SECTION 23.05.032(b) – EXEMPTIONS
8A) Section 23.05.032(b), replacing Section 23.05.026

~~**23.05.026 - Grading Permit Exemptions.**~~

~~The following activities are exempt from the requirements of Section 23.05.025 for a grading permit:~~

~~a. Where authorized by a valid building permit, excavations below existing or finish grade for basements, and footings of a building, retaining walls or other structures; provided that this shall not exempt any fill made with material from such excavation nor exempt any excavation occurring where the natural slope of the site exceeds 20 percent or any excavation having an unsupported height greater than five feet after the completion of such structure.~~

~~b. Cemetery graves.~~

~~c. Excavations or fills approved by the county Engineering Department for subdivision map projects with approved coastal development permits.~~

~~d. Agricultural cultivation activities including preparation of land for cultivation, other than grading for roadwork or pads for structures.~~

~~e. Surface mining operations approved in accordance with Section 23.08.180 et seq. (Surface Mining).~~

~~f. An excavation which is less than two feet in depth; or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical.~~

~~g. A fill less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.~~

~~h. Excavations for wells, tunnels (except mining – see Section 23.08.190 et seq.), routing pipeline maintenance practices disturbing areas less than 1,000 square feet in size; or installation, testing, placement in service, or the replacement of any necessary utility connection between an existing facility and an individual customer or approved development for utilities regulated by the Public Utilities Commission, including electrical, water, sewage disposal or natural gas lines, on a single site or within a public right-of-way; provided that this exemption does not apply to such excavations in the following areas: [Amended 1992, Ord. 2591]~~

~~(1) Any area designated as appealable pursuant to Section 23.01.043;~~

~~(2) Within an archaeologically sensitive area as shown in the Land Use Element;~~

~~(3) Within 100 feet of an Environmentally Sensitive Habitat;~~

~~(4) Extensions of water or sewage service outside of an urban services line as shown in the Land Use Element.~~

b. Exempt grading. The following grading does not require a grading permit. Exempt grading activities must employ appropriate sedimentation and erosion control measures:

(1) **Excavations below finish grade.** The excavation of materials below finished grade for tanks, vaults, basements, retaining walls, swimming pools, or footings of a building or structure, where such excavations are authorized under the provisions of a valid building permit. This does not exempt any fill made with the material from the excavation.

(2) **Cemeteries.** Cemetery graves, excavation, or fill within a property used or to be used for cemetery purposes is exempt. Grading that is intended to support structures or that will affect natural drainage patterns does not fall under this exemption.

(3) **Flood control maintenance.** Maintenance and construction work within the prescribed easements of the San Luis Obispo County Flood Control and Water Conservation District as long as width, height, length or capacity is not increased.

(4) **Public work projects.** Public works projects constructed by the County or its contractors, including those activities as provided by Section 23.03.040.d(8).

(5) **Refuse disposal.** Refuse disposal sites approved by the County Health Department under the authority of Public Resources Code Sections 40000 et seq.

(6) **Surface mining.** Surface mining operations approved in compliance with Sections 23.08.170 et seq. (Surface Mining). Commercial mines which are planned for conversion to on-site only use shall require reclamation in accordance with the approved reclamation plan. Continuing non-commercial operation after reclamation shall require that a grading permit be obtained.

(7) **Conservation, restoration, and enhancement projects.** A soil, water, and/or wildlife conservation or enhancement project for which a California Department of Fish and Game Alteration Agreement and/or Army Corps of Engineers permit has been secured and which has a design prepared or approved by, and is inspected and certified by a Resource Conservation District, the U.S. Natural Resources Conservation Service or the State of California, Department of Water Resources, or the Central Coast Regional Water Quality Control Board.

(8) **Vegetation clearance for fire safety.** Clearing of vegetation, (not to include tree removal or removal of vegetation and wildlife protected by County, state, or federal statutes as rare, threatened or endangered) in compliance with CalFire recommendations for fuel reduction or firebreaks for forestry or fire protection purposes. Tree removal is governed by Sections 23.05.060 et seq. Refer to Section 23.03.042 (Table 3-A), if applicable, for specific land use permit requirements which apply to vegetation removal. Best management practices must be applied to avoid erosion and sedimentation.

(9) **Improvement plans.** Construction of, or excavations or fills for roads, drainage, and utilities associated with improvement plans for final subdivision maps or public projects within the County-maintained road right-of-way approved by the County Public Works Department, if consistent with the standards, guidelines and provisions identified in the Grading Ordinance.

(10) **Exploratory excavations and public utility connections.** The following exploratory excavations or fills where the natural slope of the site does not exceed 20 percent and where effective erosion and sedimentation control measures are used in compliance with Section 23.05.042 to protect, restore, and revegetate all disturbed areas within 45 days after the completion of work or before October 15. This 45 day period may be extended where work is completed earlier in the year and an extension is necessary for rainfall to assist onsite revegetation. In order to qualify for this exemption, the proposed grading shall comply with the following, as applicable:

(i) Excavation or fill shall not result in impacts to archaeological resources or the removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species. After consultation with the Environmental Coordinator, on-site monitoring may be required. This exemption shall not apply within an archaeologically sensitive area as shown in the Land Use Element.

(ii) Excavations for wells and water pipeline maintenance (not to include grading for road work), disturbing an area that does not exceed an aggregate area of 1,000 square feet or exceed a total grading amount (cut plus fill) of 50 cubic yards.

(iii) Excavation for temporary holes or trenches for geological, geotechnical and archaeological exploration, (not to include construction or modification of required access roads) performed under the direction and supervision of a soil engineer, engineering geologist or (where applicable) an archaeologist. The work shall not affect or disturb areas greater than 3,000 square feet in size, shall not cumulatively involve more than 50 cubic yards of material associated with preparing the site for exploration, and shall be protected as required by occupational safety and health agency standards.

(iv) Excavations for the installation, testing, maintenance, or replacement of distribution or service facilities for utilities regulated by the California Public Utilities Commission, including electrical, water, or natural gas lines (not to include construction or modification of required access roads).

(v) Excavation and fill of trenches for utility lines not exceeding 24 inches in width or an average of five feet in depth, or holes for utility poles or anchors and limited accessory grading.

(vi) Initial excavation and fill necessary to effect such temporary repair or maintenance of oil, gas and utility lines as can be completed within seven days of commencement where such combined excavation and fill does not exceed a total of 100 cubic yards of material.

(vii) This exemption shall not apply to the extension of water or sewage service outside of an urban services line, as shown in the Land Use Element.

(11) **Ongoing crop production and grazing.** Grading for the ongoing production of food and fiber, the growing of plants, and the management of rangeland shall be exempt when all of the following are true:

(i) For grading activities related to crop production, the proposed grading is limited to preparing a field for a crops, repair or restoration of existing fields, removal of vegetation, and associated drainage improvements on land that has been previously cultivated within the previous ten years or covered under a conservation plan prepared as part of the Conservation Reserve Program. Previously cultivated land shall include any land where the following practices have occurred: disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling. Activities covered under this exemption are not limited to these cultivation practices.

(ii) For grading activities related to range management for livestock production, the grading is limited to the following activities: vegetation management, such as reseeding, removal, or vegetation modification; or livestock watering systems and associated drainage improvements other than ponds or reservoirs. To qualify for this exemption, these activities shall take place only on land where grazing has occurred within the previous ten years or on lands covered under a conservation plan prepared as part of the Conservation Reserve Program.

(iii) All site work shall be balanced. No importation or exportation of fill material from/to off-site parcels shall occur. These fill materials include topsoil and sand. The importation or exportation of soil fertility amendments to enhance crop production or rangeland fertility is permissible under this exemption. Soil fertility amendments include materials described in the California Food and Agricultural Code Sections 14511 et seq. (excluding Section 14552(e)). Any land application of treated sewage sludge (i.e. biosolids) as a soil fertility amendment shall be subject to local ordinances. Importation of sand and gravel may occur only when used for drainage improvements.

(iv) All site work complies with the standards identified in Subsection c(1).

(v) The grading does not involve construction of or modification to dams, ponds, reservoirs, or roads; however farm roads located entirely within or on the edge of existing fields may be modified or re-oriented under this exemption.

(12) **Routine maintenance.** Routine maintenance of legally established existing (exempt or previously permitted) roads; man-made, engineered flood control channels or levees; agricultural ponds and reservoirs; agricultural drainage channels; agricultural water lines;

equestrian facilities (e.g. paddocks and arenas); and public utility lines (as provided by Subsection b(10)); where the width, length, or design capacity is not increased. Material may be imported under this exemption when used for routine maintenance purposes only.

(13) **Agricultural water supplies.** Installation of water pipelines, wells, or spring boxes solely to serve agricultural uses. Water supplies shall be installed under proper practices recognized by the Natural Resources Conservation Service and may include the importation of materials solely for installation of the water supply system, but not including any new roadwork.

(14) **Small agricultural projects.** Projects conducted for the exclusive purposes of initiating and/or enhancing crop production and/or grazing, and which involve no more than 50 cubic yards of excavation (including export) and no more than 50 cubic yards of fill (including import).

8B) Section 23.05.032(b), as amended by the Coastal Commission, and replacing the ongoing crop production exemption with the existing grading exemption 23.05.026(d).

b. Exempt grading. The following grading does not require a grading permit if it meets the minimum requirements of Section 23.05.032.a. Exempt grading activities must employ appropriate sedimentation and erosion control measures:

(1) **Projects involving minimal site disturbance.** Small projects that adhere to *all* of the following limitations:

(i) **No more than 50 cubic yards.** The amount of material, measured cumulatively (adding together all proposed earthwork) for any of the activities described in Section 23.05.030.a is less than or equal to 50 cubic yards.

(ii) **Work in a watercourse.** If the project involves work which would alter or obstruct a drainage way or watercourse, the amount of material, measured cumulatively (adding together all proposed earthwork) for any of the activities described in Section 23.05.030.a is less than or equal to 20 cubic yards.

(iii) **Removal of vegetation.** No more than one-half acre of vegetation removal would occur.

Vegetation removal is calculated based on the total area of a site which will lack soil over (i.e. "bare soil") at any given time. Areas subject to previous vegetation removal are not included in this calculation where permanent revegetation with native plants has already achieved a minimum of 70 percent coverage.

Note: The grading thresholds specified in Subections b(1)(i) and b(1)(ii) above are to be measured cumulatively for each project A project may not be broken down into smaller components with the intention of avoiding a grading permit. Activities progressing toward a common endeavor are considered a single project.

(~~1~~2) **Excavations below finish grade.** The excavation of materials below finished grade for tanks, vaults, basements, retaining walls, swimming pools, or footings of a building or structure, where such excavations are authorized under the provisions of a valid building permit. This does not exempt any fill made with the material from the excavation.

(~~2~~3) **Cemeteries.** Cemetery graves, excavation, or fill within a property used or to be used for cemetery purposes is exempt. Grading that is intended to support structures or that will affect natural drainage patterns does not fall under this exemption.

(~~3~~4) **Flood control maintenance.** Maintenance and construction work within the prescribed easements of the San Luis Obispo County Flood Control and Water Conservation District as long as width, height, length or capacity is not increased.

(~~4~~5) **Public work projects.** Public works projects constructed by the County or its contractors, including those activities as provided by Section 23.03.040.d(8).

(~~5~~6) **Refuse disposal.** Refuse disposal sites approved by the County Health Department under the authority of Public Resources Code Sections 40000 et seq.

(~~6~~7) **Surface mining.** Surface mining operations approved in compliance with Sections 23.08.170 et seq. (Surface Mining). Commercial mines which are planned for conversion to on-site only use shall require reclamation in accordance with the approved reclamation plan. Continuing non-commercial operation after reclamation shall require that a grading permit be obtained.

(~~7~~8) **Conservation, restoration, and enhancement projects.** A soil, water, and/or wildlife conservation or enhancement project for which a California Department of Fish and Game Alteration Agreement and/or Army Corps of Engineers permit has been secured and which has a design prepared or approved by, and is inspected and certified by a Resource Conservation District, the U.S. Natural Resources Conservation Service or the State of California, Department of Water Resources, or the Central Coast Regional Water Quality Control Board.

(~~8~~9) **Vegetation clearance for fire safety.** Clearing of vegetation, (not to include tree removal or removal of vegetation and wildlife protected by County, state, or federal statutes as rare, threatened or endangered) in compliance with CalFire recommendations for fuel reduction or firebreaks for forestry or fire protection purposes. Tree removal is governed by Sections 23.05.060 et seq. Refer to Section 23.03.042 (Table 3-A), if applicable, for specific land use

permit requirements which apply to vegetation removal. Best management practices must be applied to avoid erosion and sedimentation.

(~~9~~10) **Improvement plans.** Construction of, or excavations or fills for roads, drainage, and utilities associated with improvement plans for final subdivision maps or public projects within the County-maintained road right-of-way approved by the County Public Works Department, if consistent with the standards, guidelines and provisions identified in the Grading Ordinance.

(~~10~~11) **Exploratory excavations and public utility connections.** The following exploratory excavations or fills where the natural slope of the site does not exceed 20 percent and where effective erosion and sedimentation control measures are used in compliance with Section 23.05.042 to protect, restore, and revegetate all disturbed areas within 45 days after the completion of work or before October 15. This 45 day period may be extended where work is completed earlier in the year and an extension is necessary for rainfall to assist onsite revegetation. In order to qualify for this exemption, the proposed grading shall comply with the following, as applicable:

(i) Excavation or fill shall not result in impacts to archaeological resources or the removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species. After consultation with the Environmental Coordinator, on-site monitoring may be required. This exemption shall not apply within an archaeologically sensitive area as shown in the Land Use Element.

(ii) Excavations for wells and water pipeline maintenance (not to include grading for road work), disturbing an area that does not exceed an aggregate area of 1,000 square feet or exceed a total grading amount (cut plus fill) of 50 cubic yards.

(iii) Excavation for temporary holes or trenches for geological, geotechnical and archaeological exploration, (not to include construction or modification of required access roads) performed under the direction and supervision of a soil engineer, engineering geologist or (where applicable) an archaeologist. The work shall not affect or disturb areas greater than 3,000 square feet in size, shall not cumulatively involve more than 50 cubic yards of material associated with preparing the site for exploration, and shall be protected as required by occupational safety and health agency standards.

(iv) Excavations for the installation, testing, maintenance, or replacement of distribution or service facilities for utilities regulated by the California Public Utilities Commission, including electrical, water, or natural gas lines (not to include construction or modification of required access roads).

(v) Excavation and fill of trenches for utility lines not exceeding 24 inches in width or an average of five feet in depth, or holes for utility poles or anchors and limited accessory grading.

(vi) Initial excavation and fill necessary to effect such temporary repair or maintenance of oil, gas and utility lines as can be completed within seven days of commencement where such combined excavation and fill does not exceed a total of 100 cubic yards of material.

(vii) This exemption shall not apply to the extension of water or sewage service outside of an urban services line, as shown in the Land Use Element.

(~~11~~) **~~Ongoing crop production and grazing.~~** ~~Grading for the ongoing production of food and fiber, the growing of plants, and the management of rangeland shall be exempt when all of the following are true:~~

~~(i) For grading activities related to crop production, the proposed grading is limited to preparing a field for a crops, repair or restoration of existing fields, removal of vegetation, and associated drainage improvements on land that has been previously cultivated within the previous ten years or covered under a conservation plan prepared as part of the Conservation Reserve Program. Previously cultivated land shall include any land where the following practices have occurred: disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling. Activities covered under this exemption are not limited to these cultivation practices.~~

~~(ii) For grading activities related to range management for livestock production, the grading is limited to the following activities: vegetation management, such as reseeding, removal, or vegetation modification; or livestock watering systems and associated drainage improvements other than ponds or reservoirs. To qualify for this exemption, these activities shall take place only on land where grazing has occurred within the previous ten years or on lands covered under a conservation plan prepared as part of the Conservation Reserve Program.~~

~~(iii) All site work shall be balanced. No importation or exportation of fill material from/to off-site parcels shall occur. These fill materials include topsoil and sand. The importation or exportation of soil fertility amendments to enhance crop production or rangeland fertility is permissible under this exemption. Soil fertility amendments include materials described in the California Food and Agricultural Code Sections 14511 et seq. (excluding Section 14552(c)). Any land application of treated sewage sludge (i.e. biosolids) as a soil fertility amendment shall be subject to local ordinances. Importation of sand and gravel may occur only when used for drainage improvements.~~

~~(iv) All site work complies with the standards identified in Subsection c(1).~~

~~(v) The grading does not involve construction of or modification to dams, ponds, reservoirs, or roads; however farm roads located entirely within or on the edge of existing fields may be modified or re-oriented under this exemption.~~

(12) **Agricultural cultivation.** Agricultural cultivation activities, including preparation of land for cultivation, other than grading for roadwork or pads for structures.

(~~12~~13) **Routine maintenance.** Routine maintenance of legally established existing (exempt or previously permitted) roads; man-made, engineered flood control channels or levees; agricultural ponds and reservoirs; agricultural drainage channels; agricultural water lines; equestrian facilities (e.g. paddocks and arenas); and public utility lines (as provided by Subsection b(10)); where the width, length, or design capacity is not increased. Material may be imported under this exemption when used for routine maintenance purposes only.

(~~13~~14) **Agricultural water supplies.** Installation of water pipelines, wells, or spring boxes solely to serve agricultural uses. Water supplies shall be installed under proper practices recognized by the Natural Resources Conservation Service and may include the importation of materials solely for installation of the water supply system, but not including any new roadwork.

~~(14) **Small agricultural projects.** Projects conducted for the exclusive purposes of initiating and/or enhancing crop production and/or grazing, and which involve no more than 50 cubic yards of excavation (including export) and no more than 50 cubic yards of fill (including import).~~

9) SECTION 23.05.036

9A) Section 23.05.036, replacing Sections 23.05.030, 23.05.032, 23.05.039, and 23.05.043

~~**23.05.030 - Grading Permit Review and Approval:**~~

~~Grading permit applications shall be processed as follows:~~

~~**a. Environmental determination:** As required by Title 14 of the California Administrative Code, all grading permit applications are to be transmitted to the Environmental Coordinator for an environmental determination pursuant to the California Environmental Quality Act (CEQA), except for the applications that propose grading on terrain with slopes less than 10%, that will involve less than 5,000 cubic yards of earth moving and are not located within a Sensitive Resource Area combining designation, 23.05.030 which applications are hereby deemed categorically exempt from the provisions of CEQA. Following transmittal to the Environmental Coordinator, no action shall be taken to approve, conditionally approve or deny a grading permit until it is:~~

(1) Returned to the Planning and Building Department accompanied by a written determination by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

(2) Returned to the Planning and Building Department accompanied by a duly issued and effective negative declaration; or

(3) Returned to the Planning and Building Department accompanied by an environmental impact report certified by the Board of Supervisors.

b. Application processing where EIR required: Where the Board of Supervisors has required an environmental impact report pursuant to CEQA, and:

(1) If a development plan is not required by other provisions of this title, a grading permit application shall be processed, reviewed and approved according to all the provisions of Section 23.02.034 (Development Plan), and the criteria of subsection c. of this section; or

(2) If a development plan is required by other provisions of this title, a grading permit shall be processed, reviewed, and approved according to the provisions of this section, including a requirement that the grading permit application shall be consistent with and satisfy all applicable conditions of approval of the development plan.

c. Application processing where no EIR is required: Where a grading permit is categorically exempt from the provisions of CEQA or has been granted a negative declaration, the Building Official may approve the permit where the proposed grading is in conformity with applicable provisions of this title; provided:

(1) The Building Official may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not considered at the time the permit was issued.

(2) Where a negative declaration for a grading permit has identified mitigation measures necessary to reduce environmental impacts, such mitigation measures are to be applicable to the approved grading permit and grading operations as conditions of approval.

d. Application processing for appealable development: Where grading activities are appealable to the Coastal Commission pursuant to Section 23.01.043, the grading permit shall be processed as a Minor Use Permit (Section 23.02.033).

e. Criteria for approval: A grading permit may be issued only where the Building Official first finds, where applicable, that:

(1) The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;

(2) Proposed grading will not result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property;

(3) The proposed grading will not create substantial adverse long-term visual effects visible from off-site.

(4) Proposed drainage measures have been approved by the County Engineer.

f. Grading permit time limits:

(1) An approved grading permit is valid for a period of 120 days from the effective date of the permit, after which the permit shall expire unless:

(i) Grading has begun.

(ii) An extension has been granted as set forth in subsection f of this section.

(2) Where grading has been commenced within 120 days of permit issuance, grading operations are to be completed within 120 days from the date of commencement of grading unless an extension has been granted (subsection f), or the initial approval specifies a longer term for completion.

g. Extension of grading permit: Any permittee holding an unexpired grading permit may apply for an extension of the time within which grading operations are to be begun or completed, pursuant to Section 19.04.034 of the Building and Construction Ordinance, Title 19 of this code.

23.05.032 - Commencement and Completion of Grading:

All grading operations for which a permit is required are subject to inspection by the Building Official, and are to be completed in accordance with the following provisions:

a. Inspection: Where required by the Building Official, grading operations are to be conducted only while under the inspection of the Building Official, as set forth in Section 7014 of the Uniform Building Code, provided the Building Official may waive this requirement where inspection is conducted by another public agency or where the Building Official determines the nature and extent of proposed grading does not need continuous inspection.

~~**b. Independent testing:** The Building Official may require inspection and testing by an approved testing agency, and is responsible for coordination of the parties to all grading activities, including the civil engineer, soils engineer, and engineering geologist (where required), the grading contractor and the testing agency.~~

~~**c. Bonding:** Guarantees of performance may be required by the Building Official as set forth in Section 7008 of the Uniform Building Code and Section 23.02.060 of this title.~~

~~**d. Completion of work:** Completion of grading operations is to occur in accordance with Section 7015 of the Uniform Building Code.~~

~~**23.05.039 - Nuisance and Hazard Abatement:**~~

~~Existing grading that has become hazardous to life or property is subject to Section 3304 through 3318 of the Uniform Building Code. Any grading performed in violation of this section shall be deemed a nuisance, and full abatement and restoration may be required and an assessment of cost may be levied in accordance with Chapter 23.10 (Enforcement).~~

~~**23.05.043 - Environmental Determination Required.**~~

~~In any case where a drainage plan is required by Section 23.05.042 and an environmental determination is not otherwise required by Section 23.02.033 (Minor Use Permit), Section 23.02.034 (Development Plan), Chapter 23.07 (Combining Designations), or Section 23.05.030 (Grading Permit Review and Approval), the project application is to be subject to an environmental determination as set forth in Section 23.02.034b(1) before a decision to approve the application, except for single-family residences which are exempt from the provisions of CEQA.~~

23.05.036 - Review, Approval and Permits

a. Timing and restrictions of approval. Grading permits are subject to the following timing requirements and restrictions:

(1) A grading permit shall not be approved before:

(i) Application for a construction permit, if the grading is proposed for creation of or access to a building site.

(ii) Approval of a land use permit, land division, or General Plan amendment, if such approvals are required for completion of any project located on the same site; all required appeal periods shall have expired.

(iii) Approval of any required permits from state or federal agencies.

(2) Permits cannot be issued until the determination of adequate water and/or sewage disposal, fire safety plan, or other required site investigations are made, land disturbance shall be limited to the extent necessary to allow such an investigation, consistent with Section 23.05.032.b(10)(iii).

(3) This Subsection shall not apply to subdivision improvements or road construction required as a condition of approval of a land division.

b. Modifications to approved grading plans. Any alternatives or modifications to approved plans shall be approved by the Director or, where applicable, the Public Works Director. The issuance of a permit in compliance with the Grading Ordinance shall constitute an authorization to do only the work that is described or illustrated by the grading plans, erosion and sedimentation control plans, specifications approved by the Director or drainage plans approved by the Public Works Director.

c. Special Circumstances.

(1) **Correction to hazardous condition.** Whenever the Director determines that any existing excavation, constructed embankment or fill on land subject to County regulations has become a hazard to life and limb, endangers property, adversely affects the safety, use or stability of a public right-of-way or drainage channel, or creates a significant environmental impact, the Director shall notify the owner of the property, or other person or agent in control of the property. Corrections, remedies, and repairs made necessary by a hazardous situation may be made as required before permits are applied for or issued, at the discretion of the Director. Upon receipt of written notice from the Director, the owner or agent shall within the period specified therein:

(i) Correct, repair or eliminate the condition; and

(ii) Comply with the requirements of this Code, which may entail preparation of a grading plan, erosion and sedimentation control plan, Stormwater Pollution Prevention Plan, and obtaining any necessary permits.

(2) **Emergency work.** Section 23.03.045 establishes the procedures for issuance of emergency permits in situations that constitute an emergency. Corrections, remedies and repairs made necessary by an emergency situation involving the sudden, unexpected occurrence of a break, rupture, flooding or breach of an existing facility which presents an immediate threat to life, health or property, may be made as required before the grading permits are applied for or issued. For the purposes of the Grading Ordinance, a threat to property may include potential damage to agricultural crops. Written notification and a description of the work shall be submitted to the Director as provided by Section 23.03.045. Permits for emergency work shall be applied for within 15 days of commencement of work. This shall include emergency work done under the Emergency Watershed Protection Program in cooperation

with the USDA Natural Resources Conservation Service and the Resource Conservation Districts.

(3) **Unpermitted (as-built) grading.** If grading operations are commenced before first securing a proper grading permit, no permit will be issued until all illegal grading has been stopped, except to restore the site to its original condition or to correct hazardous conditions to the satisfaction of the Director. Once the site is deemed safe, the owner shall obtain proper permits to rectify the code enforcement violation within a reasonable time as determined by code enforcement. If activities were exempt under Section 23.05.032, but failed to adhere to specified requirements for exemption, such as erosion and sedimentation control practices, these activities shall be considered unpermitted grading. Unpermitted grading is also subject to the following:

(i) All unpermitted grading, which is not exempt under Section 23.03.032, shall require a grading permit. Grading which is listed as exempt under Section 23.03.032, but results in erosion and sedimentation control failures, shall also require a grading permit.

(ii) Unpermitted grading shall be ineligible for the alternative review program established in Section 23.05.034, unless the Director determines that site-specific conditions and characteristics warrant use of the alternative review program.

(iii) Grading and drainage plans shall be prepared by a registered civil engineer. All plans shall be signed and stamped by the engineer of record. Plans must include a detailed written scope, description of the intended use of the grading area, and all required grading plan contents as specified in Section 23.05.038.

(iv) A registered civil engineer or geotechnical engineer shall certify that the work performed meets the California Building Code and the Grading Ordinance. In the event that the work performed does not meet these grading standards, then the grading plans must show remedial work to correct deficiencies.

(v) The Director may require approval and implementation of an erosion and sedimentation control plan in the interim if weather or site conditions warrant such action.

(vi) If the engineer of record identifies a potentially hazardous condition as a result of the unpermitted site work, the engineer may recommend pursuing immediate remedial action subject to Subsection c(1).

(vii) In the event that no grading permit or land use permit can be issued for such operations, the site shall be restored to an acceptable condition as determined by the Director.

(4) **Denial and site restoration.** If the Director requires restoration of a site, restoration plans, prepared by a certified sediment and erosion control specialist or by other qualified professionals at the discretion of the Director, shall be submitted for review and approval prior to any restoration. The permit holder shall pay a restoration permit fee, in addition to any applicable penalties, which shall be equal to the grading permit fee for both the unpermitted quantity and restoring quantities of grading material. Restoration shall be made in conformity with the approved plans.

d. Environmental review.

(1) **Environmental determination.** As required by Title 14 of the California Code of Regulations, all grading permit and restoration permit applications are to be reviewed by the Environmental Coordinator for an environmental determination in compliance with the California Environmental Quality Act (CEQA). This Section does not apply to those applications that are deemed exempt from the provisions of CEQA in compliance with section 15304, 15333, or 15061(b)(3) of the State CEQA Guidelines.

Exempt applications under Section 15304 of the State CEQA Guidelines include those that propose grading on terrain with slopes less than 10 percent, will involve less than 5,000 cubic yards of earthwork, do not involve site work in a waterway or wetlands, and are not located within a Sensitive Resource Area.

Exempt applications under Section 15333 of the State CEQA Guidelines include small habitat restoration projects.

Exempt applications under Section 15061(b)(3) of the State CEQA Guidelines include those projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

In any case where a drainage plan is required by Section 23.05.040 and an environmental determination is not otherwise required by Section 23.02.034 (Development Plan), Chapter 23.07 (Combining Designations), or Section 23.05.032 (Exemptions from Grading Permits), the project application shall be subject to an environmental determination in compliance with Section 23.05.034.b(1) before a decision to approve the application, except for single-family residences when exempt from the provisions of CEQA.

Unless exempt, no action shall be taken to approve, conditionally approve, or deny a grading permit or drainage plan until it is:

(i) Accompanied by a written determination by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

(ii) Accompanied by a duly issued and effective negative declaration; or

(iii) Accompanied by a certified environmental impact report.

(2) **EIR required.** Where an environmental impact report (EIR) is required in compliance with CEQA and:

(i) If a Development Plan is not required by other provisions of the title, a grading permit application shall be processed, reviewed, and approved according to all the provisions of Section 23.02.034 (Development Plan), and the criteria of Subsection e(1) (Criteria for Approval); or

(ii) If the Development Plan is required by other provisions of this Title, a grading permit application shall be processed, reviewed, and approved according to the provisions of this Section, including a requirement that the grading permit application shall be consistent with and satisfy all condition of approval of the Development Plan.

(3) **EIR not required.** Where a grading permit is determined to be exempt from the provisions of CEQA or has been granted a proposed negative declaration, the Director or applicable Review Authority may approve the environmental determination and the permit where the proposed grading is in conformity with applicable provisions of this Title, provided:

(i) The Director may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not addressed at the time the permit was issued.

(ii) Where a proposed negative declaration for a grading permit has been issued upon an agreement by the applicant to incorporate mitigation measures into the project that are necessary to reduce its environmental impacts, such mitigation measures shall be added and shown on the grading plans prior to permit issuance, and their completion and inspection shall be required prior to final inspection approval.

(iii) The comment period for the negative declaration has expired and no comments have been submitted.

(iv) The grading permit received an exemption under CEQA.

e. Approvals.

(1) **Criteria for approval.**

(i) **Grading plan.** A grading permit may be issued where the Director first finds, where applicable, that:

(a) Proposed grading is consistent with erosion and sedimentation control plan requirements (Section 23.05.042) and applicable standards (Section 23.05.048.c);

(b) The proposed grading design is consistent with the characteristics and constraints of the site;

(c) The extent and nature of proposed grading is appropriate for the use proposed, and will not create site disturbance to an extent greater than that required to establish the use;

(d) Proposed grading is consistent with the intent of the General Plan and any applicable specific plan;

(e) Proposed grading will not result in accelerated erosion, stream sedimentation, significantly reduced groundwater recharge or other adverse effects or hazards to life or property;

(f) Proposed erosion and sedimentation control measures are appropriate for the degree of site disturbance proposed and characteristics of the site and will result in the establishment of a permanent vegetative cover on denuded areas not otherwise permanently stabilized;

(g) Unless overriding findings have been made through preparation of an Environmental Impact Report, the proposed grading will not create substantial adverse long-term visual effects;

(h) If the proposed grading is for the creation of a building site, a design for an access road, if necessary, shall be approved with the grading permit;

(i) Adequate sewage disposal and water supplies are available;

(j) Project plans and approvals comply with General Construction Permit and NPDES Phase II provisions, including the preparation of a stormwater pollution prevention plan, if applicable; and

(k) The proposed grading complies with the air quality control procedures identified in Section 23.05.050.c.

(l) If the proposed grading is to accommodate non-agricultural development on agricultural land, the non-agricultural development has been located off of prime agricultural soils to the maximum extent feasible.

(m) The proposed grading complies with all applicable provisions of the Local Coastal Program and the California Coastal Act.

(ii) **Drainage plan.** All drainage plans shall be submitted to the Public Works Director for review, and are subject to the approval of the Public Works Director, prior to issuance of a land use, grading or construction permit, as applicable.

(a) **Appeal.** Actions of the Public Works Director on drainage plans may be appealed to the Board of Supervisors in compliance with the procedure set forth in Section 23.01.042.

(b) **Plan check, inspection and completion.** Where required by the Public Works Director, a plan check and inspection agreement shall be entered into and the drainage facilities inspected and approved before final project approval is issued.

(2) **Agency referrals and conditions of approval.** The Director may refer application materials to appropriate agencies for review and comment prior to grading permit approval. In granting any permit in compliance with the Grading Ordinance, the Director may impose, modify, or add conditions as reasonably necessary to prevent potentially adverse environmental impacts, nuisances, or unreasonable hazards to persons, public or private property, sensitive resources, productive soils, native vegetation, or cultural resources. Conditions may include, but are not limited to:

(i) Modifications necessary to ensure that plans comply with all applicable standards in this Title.

(ii) Improvement of any existing grading to bring it up to the standards required by the Grading Ordinance for new grading.

(iii) Requirements for fencing of excavations or fills which would otherwise be hazardous.

(iv) Adequate fugitive dust control measures as recommended by the San Luis Obispo County Air Pollution Control District and approved by the Director.

(v) An approved operational plan for creating, using and restoring a borrow area or pit.

(vi) Compliance with the purpose and intent of these grading, drainage, erosion and sedimentation control, and stormwater pollution prevention regulations (Section 23.05.040 through 23.05.044) or the grading, drainage, erosion and sedimentation control, and stormwater pollution prevention standards of Section 23.05.048.

(vii) Requirements for fencing or other protective measures around cultural resources, native trees, riparian or wetland vegetation, or other sensitive resources identified for protection.

(viii) Mitigation measures identified in the project's negative declaration, developer's statement, or environmental impact report.

(ix) Limitations on haul routes for materials and hours of operation.

(x) Requirements necessary to implement the recommendations identified in the project's civil engineering report, soils engineering report, engineering geology report, or erosion and sedimentation control plan.

(xi) Transfer of responsibility agreement if original civil engineer, soils engineer, engineering geologist, erosion control specialist, or grading contractor is replaced.

(xii) Groundwater recharge measures if the project site is known as a valuable groundwater recharge area.

(3) **Security.** The Director shall require guarantees of performance for all engineered grading plans as set forth in Section 3311 of the 1997 Uniform Building Code Appendix Chapter 33 and Section 23.02.060, to ensure that the work, if not completed in compliance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, or restore the site to pre-graded or natural condition. The Director may also identify other grading permits that require such security to ensure that environmental impacts are mitigated.

(i) A performance agreement and security posted with the County may be required if, in the Director's opinion, site characteristics including slope, proximity to waterways, neighboring structures, or sensitive resources; or the nature of work to be performed warrant a guarantee.

(ii) The guarantee of performance shall cover one hundred twenty percent (120%), (which includes contingencies, engineering and inspection) of the full amount required to assure completion, restoration and/or remediation, based upon estimates approved by the Director and must provide a right of entry from the property owner.

(iii) Every guarantee of performance shall be made on the conditions that the permit holder shall:

(a) Comply with all the provisions of this Code, applicable laws and ordinances.

(b) Comply with all of the terms and conditions of the grading permit.

(c) Complete all grading, drainage and erosion control work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in the Grading Ordinance. The Director may, for sufficient cause, extend the time specified in the permit, but no extension shall release the owner or the surety on the bond or person issuing the instrument of credit.

(iv) Each guarantee of performance shall remain in effect until the completion of the work as specified according to the plans, specifications, and terms and conditions of the grading permit to the satisfaction of the Director.

(v) In the event of failure to complete the work or failure to comply with all of the conditions and terms of the grading permit, the Director may order such work as in his opinion is necessary to correct any deficiencies or eliminate any dangerous conditions and leave the site in a safe condition. The Director may order the work authorized by the permit to be completed to a safe and stable condition to the Director's satisfaction, or may order restoration of the site to pre-graded or natural condition, or such condition deemed appropriate by the Director. The permit holder and/or the surety executing the performance agreement shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the County in causing any and all such work to be completed. In the case of a cash deposit, any unused portion thereof shall be refunded to the permit holder.

(vi) The guarantee of performance, less costs of remedial work, if any, shall be released when the Director determines that the erosion, sediment control, and revegetation practices have adequately stabilized the site.

(vii) The grading permit may provide for the partial release of the bond or other security required by this Section upon the partial acceptance of the work in compliance with Subsection f(4) (Notification of Completion).

(viii) Any contractor or other person engaged in continuous or repeated excavations or, in the case of a construction permit, concurrent with that permit, may provide a blanket security or blanket deposit in the amount sufficient to insure prompt

completion of all excavation projects being conducted at any one time. If the number or amount of excavation projects exceeds the amount of the security or deposit, the Director may require additional security or deposit to insure completion of all work being done at any one time.

f. Permits.

(1) **Permit application procedure.** An application for a grading permit consists of written and graphic information in compliance with Section 23.05.038.b (Grading Plan Content) as well as a statement of compliance with Subsection e(1) (Criteria for Approval). Not all applications require the same level of information. In some situations, additional information may be required after initial review based upon the nature, degree, or location of proposed work.

(2) **Grading permit time limits.**

(i) **Grading with no affiliated construction permit.** An approved grading permit that is not affiliated with a construction permit is valid for a period of one year from the date of permit issuance, unless:

(a) Grading has begun, and an inspection has been recorded; or

(b) An extension has been granted as set forth in Section 19.02.020 of the Building and Construction Ordinance.

(ii) **Grading with an affiliated construction permit.** An approved grading permit that is affiliated with a construction permit is subject to the expiration limits, based on the associated structure, as set forth in Section 19.02.020 of the Building and Construction Ordinance.

(iii) **Expiration.** Grading authorized by a permit that expires in compliance with this Subsection shall constitute a nuisance and shall be subject to abatement in compliance with Chapter 23.10 unless a new permit is obtained in compliance with California Building Code Section 105.5.1, as modified by Section 19.02.020 of the County Code, and work is completed.

(iv) **Time limits for unpermitted grading.** Projects where grading operations are commenced before first securing a proper permit are subject to the following time limits:

(a) **Application.** Applications for unpermitted grading shall be valid for a period of 60 days from the date of the application. Failure to issue a permit resulting from an incomplete application submittal during this time period

shall cause the application to be expired and referred to the code enforcement official. No extensions are allowed without the express written permission from the code enforcement official or Building Official. Extensions may be authorized as necessary to allow completion of environmental review.

(b) **Completion of grading.** Grading permits for projects involving previously unpermitted grading shall be valid for a period of 90 days from the date of issuance. Time extensions for a previously unpermitted grading project may only be authorized by the Building Official for due cause.

(3) **Revocation of permits.**

(i) Failure to comply with any provision of the Grading Ordinance or the permit may cause revocation or suspension of the permit. In either case, the owner or permit holder shall be notified in writing of this action and the reasons for the action.

(ii) If the operations of the permit holder create an unreasonable occurrence of dust, noise, excessive traffic or other nuisance, the Director may require the permit holder to abate the nuisance and may suspend the permit until abatement measures are taken. Continuance of work without abating the nuisance shall be reason to revoke the permit.

(4) **Notification of completion.** The permit holder shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities, recharge facilities, their protective devices, erosion and sedimentation control measures, and Best Management Practices (BMPs) have been completed in compliance with the final approved plans, and the required reports have been submitted and approved by the Director.

9B) Section 23.05.036 (c) and (e)(2)(xii), as amended by the Coastal Commission.

Subsection (c)

c. Special Circumstances.

(1) **Correction to hazardous condition.** Whenever the Director determines that any existing excavation, constructed embankment or fill on land subject to County regulations has become a hazard to life and limb, endangers property, adversely affects the safety, use or stability of a public right-of-way or drainage channel, or creates a significant environmental impact, the Director shall notify the owner of the property, or other person or agent in control of the property. Corrections, remedies, and repairs made necessary by a hazardous

situation may be made as required before permits are applied for or issued, at the discretion of the Director and pursuant to the procedures for emergency permitting as set forth in Section 23.03.045. Upon receipt of written notice from the Director, the owner or agent shall within the period specified therein:

(i) Correct, repair or eliminate the condition; and

(ii) Comply with the requirements of this Code, which may entail preparation of a grading plan, erosion and sedimentation control plan, Stormwater Pollution Prevention Plan, and obtaining any necessary permits, including emergency permits.

(2) **Emergency work.** Section 23.03.045 establishes the procedures for issuance of emergency permits in situations that constitute an emergency. Corrections, remedies and repairs made necessary by an emergency situation involving the sudden, unexpected occurrence of a break, rupture, flooding or breach of an existing facility which presents an immediate threat to life, health or property, may be made as required before the grading permits are applied for or issued in compliance with Section 23.03.045. For the purposes of the Grading Ordinance, a threat to property may include potential damage to agricultural crops. Written notification and a description of the work shall be submitted to the Director as provided by Section 23.03.045. Permits for emergency work shall be applied for within 15 days of commencement of work. This shall include emergency work done under the Emergency Watershed Protection Program in cooperation with the USDA Natural Resources Conservation Service and the Resource Conservation Districts.

(3) **Unpermitted (as-built) grading.** If grading operations are commenced before first securing a proper grading permit, no permit will be issued until all illegal grading has been stopped, except to restore the site to its original condition or to correct hazardous conditions to the satisfaction of the Director. Once the site is deemed safe, the owner shall obtain proper permits to rectify the code enforcement violation within a reasonable time as determined by code enforcement. If activities were exempt under Section 23.05.032, but failed to adhere to specified requirements for exemption, such as erosion and sedimentation control practices, these activities shall be considered unpermitted grading. Unpermitted grading is also subject to the following:

(i) All unpermitted grading, which is not exempt under Section 23.03.032, shall require a grading permit. Grading which is listed as exempt under Section 23.03.032, but results in erosion and sedimentation control failures, shall also require a grading permit.

(ii) Unpermitted grading shall be ineligible for the alternative review program established in Section 23.05.034, unless the Director determines that site-specific conditions and characteristics warrant use of the alternative review program.

(iii) Grading and drainage plans shall be prepared by a registered civil engineer. All plans shall be signed and stamped by the engineer of record. Plans must include a detailed written scope, description of the intended use of the grading area, and all required grading plan contents as specified in Section 23.05.038.

(iv) A registered civil engineer or geotechnical engineer shall certify that the work performed meets the California Building Code and the Grading Ordinance. In the event that the work performed does not meet these grading standards, then the grading plans must show remedial work to correct deficiencies.

(v) The Director may require approval and implementation of an erosion and sedimentation control plan in the interim if weather or site conditions warrant such action.

(vi) If the engineer of record identifies a potentially hazardous condition as a result of the unpermitted site work, the engineer may recommend pursuing emergency permits for immediate remedial action subject to Subsection c(1).

(vii) In the event that no grading permit or land use permit can be issued for such operations, the site shall be restored to an acceptable condition as determined by the Director under a restoration permit pursuant to subsection c(4).

(4) **Denial of unpermitted grading and site restoration.** If the Director requires restoration of a site, restoration plans, prepared by a certified sediment and erosion control specialist or by other qualified professionals at the discretion of the Director, shall be submitted for review and approval prior to any restoration. The permit holder shall pay a restoration permit fee, in addition to any applicable penalties, which shall be equal to the grading permit fee for both the unpermitted quantity and restoring quantities of grading material. Restoration shall be made in conformity with the approved plans.

Subsection (e)(2)(xii)

(xii) Groundwater recharge ~~measures if the project site is known as a valuable groundwater recharge area~~.

10) New Section 23.05.038, replacing former section 23.05.028

~~23.05.028 - Grading Permit - Application Content:~~

23.05.038 - Grading Plan Requirements

~~To apply for a grading permit, a Plot Plan application is to be submitted, together with the additional information required by this section. (Where a grading permit is appealable to the Coastal Commission pursuant to Section 23.01.043, the application shall also include all information required by Section 23.02.033 for a Minor Use Permit.) Where grading requiring a permit is proposed in conjunction with a Site Plan, Minor Use Permit or Development Plan request, those applications may be used to satisfy grading permit information requirements as long as all required information is submitted. This section supersedes Section 7006 of the Uniform Building Code.~~

All applications for a grading permit shall be accompanied by a grading plan consistent with this Section.

a. Minor grading: ~~Where Section 23.05.025 requires a grading permit and the grading will move less than 5,000 cubic yards; is located on slopes less than 30%; and is not located within a Geologic Study Area or Flood Hazard combining designation, the application for a grading permit is to include the following, where required by the Building Official:~~

~~**(1) Contour information:**~~

~~**(i)** For sites with slopes of 10% or less, generalized existing contours and drainage channels, including areas of the subject site (and adjoining properties) that will be affected by the disturbance either directly or through drainage alterations.~~

~~**(ii)** For sites with slopes greater than 10% and less than 30%, details of area drainage and accurate contours of existing ground at two-foot intervals; for slopes 30% or greater, contours at five-foot intervals.~~

~~**(2)** Location of any buildings or structures existing or proposed on the site within 50 feet of the area that may be affected by the proposed grading operations, including any wetlands, coastal stream or riparian vegetation.~~

~~**(3)** Proposed use of the site necessitating grading, where a land use permit has not been issued.~~

~~**(4)** Limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction.~~

~~**(5)** Drainage plan (Section 23.05.044 (Drainage Plan Content)).~~

~~**(6)** Compaction report, where a site is proposed to be filled to be used for a building pad.~~

~~**(7)** A soil engineering report, including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and criteria for~~

~~corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.~~

~~**(8)** An engineering geology report, including a description of site geology, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.~~

~~**(9)** Intended means of revegetation, including the location, species, container size and quantity of plant materials proposed, and the proposed time of planting.~~

~~**(10)** Protective measures to be taken during construction, such as hydro-mulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces, and/or sediment traps in order to prevent erosion of the cut faces of excavations or of the sloping surfaces of fills. (Such information shall be submitted in the form of a sedimentation and erosion control plan pursuant to Section 23.05.036, when required by that section.)~~

a. Professionals qualified to prepare grading plans.

(1) Grading Plans may be prepared by anyone who can accurately provide the necessary information for the application, grading plan, erosion and sedimentation control plan, drainage plan, and stormwater pollution prevention plan review. This may include the applicant, a draftsperson, designer, certified sedimentation and erosion control specialist or licensed individuals who are normally involved with a project such as a civil engineer, surveyor, architect, or landscape architect. Should additional information be required due to unique physical characteristics of the site, this may require the information be prepared by the appropriate licensed professional.

(2) Grading Plans prepared for an Engineered Grading Plan (as defined by Subsection c) may be prepared only by professionals licensed by the State of California to prepare grading and drainage plans. The assistance of other professionals approved by the County is encouraged. These professionals may include landscape architects, soil engineers, geologists, engineering geologists, certified sedimentation and erosion control specialists, botanists, biologists, and archaeologists.

b. Grading Plan content. A grading plan shall be legible and accurately drawn to scale using standard drafting techniques. Plans shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of the Grading Ordinance and all relevant codes and regulations. Plans shall include, but not be limited to, the following information unless waived by the Director:

(1) General site information.

(i) The name, address, and phone number of the owner and the person by whom the plans were prepared.

(ii) A description of the land upon which the work is to be performed, including Assessor's Parcel Number, street address, tract, block, and lot number.

(iii) An accurate location map with enough detail to find the site in the field and detailed directions to the site.

(iv) An accurate site plan that delineates the limits of grading activities.

(v) Photograph(s) (attached to plans) which clearly show the area to be disturbed and characteristics of the site.

(vi) A written scope of work, including references to any documents associated with the scope of work. Where grading was previously unpermitted, discussion on background and history of the grading activities shall be included.

(2) Work schedule and information.

(i) A statement as to the specific intentions or ultimate purpose for which the grading is being performed.

(ii) A work schedule, including the following information:

(a) Proposed grading schedule and construction sequence of excavation, filling, stockpiling and other land disturbing activities.

(b) Proposed timing and application of all erosion and sedimentation control and stormwater pollution prevention methods, practices, devices, and methods of cleaning and disposing of accumulated sediment collected by temporary and permanent sediment control devices.

(c) Amount of time needed to complete grading activities, and the number and types of earth moving equipment to be used.

(d) Testing schedule for compacted fills.

(iii) A list of the inspections required under Section 23.05.052.

(3) Topography and earthwork quantities.

(i) Existing or natural ground contours, and proposed ground contours at intervals of no more than two feet for area to be graded and five feet for the remainder of site. On rural parcels exceeding 80 acres, existing and proposed contours shall be shown at two foot intervals for area to be graded, and the remainder of site at 20 foot intervals. The latest USGS topographic maps may be used as a source of information for the 20 foot intervals.

(ii) An estimate of the volume of earth to be moved, expressed in cubic yards, verified and stamped by the engineer of record. Calculations shall be provided to support the estimate.

(iii) An estimate of the surface area of earth to be moved, expressed in square feet, verified and stamped by the engineer of record. Calculations shall be provided to support the estimate.

(iv) An estimate of the total area of site disturbance, expressed in square feet. This total shall include all vegetation removal in addition to soil disturbance.

(v) An estimate of total area in square feet of native vegetation to be removed.

(4) Cuts and fills.

(i) Cuts and fills shall be limited to the minimum amount necessary to establish the proposed use. Specify amounts of cut and fill. Identify location of site(s) to receive fill, showing area and depth of fill. Identify location of borrow site(s) and depth of borrow. Whenever possible, cut and fill should be balanced on the site.

(a) If fill materials are imported to the site, provide information regarding the proposed source(s) and amount of material. If the source changes due to other materials becoming available, this information shall be provided to the Department of Planning and Building as known.

(b) If excavated materials are exported provide statement of amount, method of disposal, proposed location(s), and details on applicable permits.

(c) If permits are necessary for the site providing the fill material or receiving excavated material, provide evidence that permits have been issued for that site.

(d) Provide information regarding the proposed routes for hauling material, hours of work, and methods of controlling dust.

(ii) An estimate of the maximum and minimum vertical depth of cuts and fills, expressed in feet and cut and fill slope ratios.

(iii) Any required retaining walls or other means of retaining cuts or fills. Additionally, provide details and calculations of the retaining walls, drainage devices, and all other protective structures to be constructed as part of the grading permit.

(5) Finish elevations.

(i) Elevation of the finish floor of the garage or other parking areas.

(ii) Ground and finish floor elevations at the base of building or structure corners.

(iii) Elevations of the edge of pavement or road at driveway entrance.

(iv) Elevations of the top of wall and bottom of footing of proposed retaining walls.

(6) Site improvements and features.

(i) The location of all existing and proposed surface and subsurface drainage ways and drainage systems on the site and adjacent property which may affect or be affected by the proposed project.

(ii) The location of all existing and proposed buildings, structures, easements, groundwater recharge areas, wells or sewage disposal systems on site, and the approximate location of these items on adjacent property that are within 100 feet of the property boundary or which may affect or be affected by the proposed project. Show spot elevations at corners of existing and proposed buildings or structures and lots where proposed grading will occur.

(iii) Location, description, type or topographic description of existing rock outcropping, natural feature, vegetation, individual oak trees, wooded areas or trees that are five inches or greater in diameter measured 4.5 feet above ground level proposed for disturbance and/or removal. Botanical, archaeological, or biological surveys prepared by a qualified individual may be required where warranted. Show centerline of streams and flood plain lines, if applicable. Clearly identify on the plan the boundary and general characteristics of areas within which no disturbance will occur.

(7) Soils.

(i) A copy of a soils map and soils descriptions covering the project site and adjacent properties (available for free through the USDA Natural Resources Conservation

Service, Upper Salinas - Las Tablas and Coastal San Luis Resource Conservation Districts, or online).

(ii) When required by the Director, each application for a grading permit shall be accompanied by two sets of supporting data consisting of a civil engineering report, soil engineering report, engineering geology report, erosion and sedimentation control report, and/or any other reports necessary. In many instances this information may be shown on the face of the plan.

(iii) Reports shall be prepared by qualified professionals with experience in report preparation and grading plan implementation. Recommendations included in the reports that are approved by the Director shall be incorporated into the grading plan. (See Subsection c, Engineered Grading Requirements.)

(iv) Clearly shown groundwater recharge methods that have been incorporated into the project design.

(v) A drainage plan if required by Section 23.05.040.

(vi) An erosion and sedimentation control plan (Section 23.05.042), including protective measures to be taken during construction, such as hydro-mulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces, and/or sediment traps in order to prevent erosion of the cut faces of excavations or of the sloping surfaces of fills. No grading work shall be permitted unless the plans and specifications submitted for approval include an erosion and sedimentation control plan (and SWPPP if applicable) approved by the Building Official. The requirements of the erosion and sedimentation control plan shall be implemented, as required by the plan, prior to, during, and after any grading. Control measures contained in the erosion and sedimentation control plan shall be implemented according to the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbooks (reference: http://www.cabmphandbooks.com).

(vii) **Stormwater control measures.** Where required by Section 23.05.044 (such as when construction activity includes one acre or more of disturbance or is part of a common development of one acre or greater):

(a) The application shall include a copy of the Notice of Intent (NOI) and the Stormwater Pollution Prevention Plan (SWPPP).

(b) The owner and/or permit holder of any property on which grading has been performed and that requires a grading permit under Section 23.05.028 shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property. These measures shall be designed to avoid damage by erosion, flooding, and deposition of mud, debris and construction-related pollutants originating from the site. These measures shall remain in effect during and after grading and related construction activities as set forth in the SWPPP.

(c) The owner and/or permit holder shall be responsible for applying and maintaining appropriate measures necessary to prevent any change in cross-lot surface drainage that may adversely affect any adjoining property as a result of grading and/or construction-related activities. Such measures to prevent any adverse cross-lot surface drainage effects on adjoining property shall be required whether shown on approved grading plans or not.

(viii) All applicable dust control measures required by Section 23.05.050.c.

(8) Additional information. Additional plans, drawings, calculations, or information deemed necessary by the Director to adequately review, assess, and evaluate the proposed project's impacts and to show that the proposed work conforms with the requirements of the Grading Ordinance and other applicable provisions of this Code.

~~**b. Engineered grading:** Where Section 23.05.026 requires a grading permit, and the grading will move 5,000 cubic yards or more, is located on slopes of 30% or greater, or is located within a Geologic Study Area, Flood Hazard area or within 100 feet of any Environmentally Sensitive Habitat, the grading plan is to be prepared and certified by a registered civil engineer, and is to include specifications covering construction and material requirements in addition to the information required for minor grading.~~

c. Engineered Grading Plan requirements. When required pursuant to Subsection c(1), the grading plan shall be prepared and signed and sealed by a qualified, registered civil engineer or other qualified professional licensed by the state to perform such work, and shall include specifications covering construction, inspection and material requirements in addition to the information required in compliance with Subsection b. Additionally, those items required by Subsections c(2) through c(4) shall accompany the grading plans.

(1) When required. Engineered grading is required when one or more of the following circumstances exist:

(i) The grading will involve 5,000 cubic yards or more (cumulative).

(ii) The grading involves site work on slopes of 20 percent or greater.

(iii) The proposed grading is located within a Geologic Study Area or Flood Hazard area.

(iv) The Director has cause to believe that geologic hazards may be involved.

(v) The proposed grading is located within 100 feet of an Environmentally Sensitive Habitat Area.

(2) Site and drainage report. The site and drainage report, shall include, but not be limited to:

(i) The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.

(ii) Hydrology calculations showing maximum peak discharges of water runoff for 10-year and 100-year storm frequencies and comparison of runoff with and without project. Hydraulic calculations for existing down stream runoff conveyance systems that will be impacted by the proposed project runoff.

(iii) Summary of the groundwater recharge methods that have been incorporated into the project design.

(iv) Inspection and approval to establish lines and grades, design criteria for corrective measures, including the required safe storm drainage capacity of channels both on- and off-site.

(v) Soils, geology, or civil engineer's opinions and recommendations concerning adequacy of site to be developed by the proposed grading.

(vi) Sequence and type of recommended inspections.

(3) Geotechnical report. The geotechnical report, shall contain, but need not be limited to, all the following information:

(i) The date the report was prepared and the name, address and phone number of firm or individual who prepared the report.

(ii) Data regarding the nature, distribution, and strength of existing soils.

(iii) Data regarding the nature, distribution, and strength of soil to be placed on the site, if any.

(iv) Conclusions and recommendations for grading procedures.

(v) Conclusions and recommended designs for interim soil stabilization devices and measures for permanent soil stabilization after construction are completed.

(vi) Design criteria for corrective measures including buttress fills, when necessary.

(vii) Identification of existing cuts and fills on site, recommended measures for compaction, slope stability and other factors affecting suitability for support of a structure.

(viii) Engineer's opinions and recommendations concerning adequacy for the intended use of site to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes, foundation recommendation, soil design criteria, liquefaction, expansive soil, loose or soft soils, areas of unknown problems, undocumented fill, cut/fill, unusual loading, shallow ground water or springs, and landslides.

(ix) Sequence and type of recommended inspections.

(4) Engineering geology report. The engineering geology report shall comply with protocol approved by the Department of Planning and Building and shall contain, but need not be limited to, the following information:

(i) The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.

(ii) An adequate description of the geology of the site.

(iii) Conclusions and recommendations regarding the effect of geologic conditions on the proposed development.

(iv) An opinion on the adequacy for the intended use of site to be developed by the proposed grading, as affected by geologic factors.

(v) Need for underground drainage devices or opportunities for underground recharge devices.

(vi) Sequence and type of recommended inspections.

(vii) If the proposed grading is for a habitable structure, and the geologist has identified evidence of recent fault ruptures occurring near the proposed structure, additional geological information will be necessary. The guidelines suggested in the California

Division of Mines and Geology Notes #49 or subsequent additions shall be used to prepare this supplemental report.

11) SECTION 23.05.040
11A) New Section 23.05.040, replacing former Sections 23.05.040 and 23.05.042

~~**23.05.040 - Drainage:**~~

23.05.040 - Drainage Plan Required

~~Standards for the control of drainage and drainage facilities provide for designing projects to minimize harmful effects of storm water runoff and resulting inundation and erosion on proposed projects, and to protect neighboring and downstream properties from drainage problems resulting from new development. The standards of Sections 23.05.042 through 23.05.050 are applicable to projects and activities required to have land use permit approval.~~

~~**23.05.042 - Drainage Plan Required:**~~

~~No land use or construction permit (as applicable) shall be issued for a project where a drainage plan is required, unless a drainage plan is first approved pursuant to Section 23.05.046. Drainage plans shall be submitted with or be made part any land use, building or grading permit application for a project that:~~

~~**a.** Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 40,000 square feet; or~~

~~**b.** Will result in an impervious surface of more than 20,000 square feet; or~~

~~**c.** Is subject to local ponding due to soil conditions and lack of identified drainage channels; or~~

~~**d.** Is located in an area identified by the County Engineer as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project; or~~

~~**e.** Is located within a Flood Hazard (FH) combining designation; or~~

~~**f.** Involves land disturbance or placement of structures within 50 feet of any watercourse shown on the most current USGS 7-1/2 minute quadrangle map; or~~

~~**g.** Involves hillside development on slopes steeper than 10 percent.~~

~~**h.** May, by altering existing drainage, cause an on-site erosion or inundation hazard, or change the off-site drainage pattern, including but not limited to any change in the direction, velocity, or volume of flow.~~

~~**i.** Involves development on a site adjacent to any coastal bluff.~~

a. **Requirements.** Drainage plans shall be prepared and submitted for review and approval by the Public Works Director, where required by this Title, by the planning area standards of the Land Use Element, or where a project:

(1) Increases or decreases runoff volume or velocity leaving any point of the site beyond those that existed prior to site disturbance activities; or

(2) Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 20,000 square feet; or

(3) Will result in an impervious surface of more than 20,000 square feet; or

(4) Is subject to local ponding due to soil or topographic conditions; or

(5) Is located in an area identified by the Public Works Director or building inspector as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project or adjoining properties; or

(6) Is located within a Flood Hazard (FH) combining designation; or

(7) Is located over a known high recharge area identified by the Public Works Director; or

(8) Involves land disturbance or placement of structures within 100 feet of the top bank of any watercourse shown with a blue line on the most current USGS 7½ minute quadrangle map; or

(9) Involves hillside development on slopes steeper than 10 percent; or

(10) May, by altering existing drainage, cause an on-site erosion or inundation hazard, or change the off-site drainage pattern, including, but not limited to any change in the direction, velocity, or volume of flow; or

(11) Involves development on a site adjacent to any coastal bluff.

b. **Exemptions.** Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural accessory structure, crop production, or grazing. This shall include any

agricultural roads used exclusively for these purposes when they do not require issuance of a County grading permit. Drainage plans may also be waived where authorized by the Public Works Director.

c. Submittal. Where required by Subsection a, drainage plans are to be submitted with or be made part of the Zoning Clearance, Plot Plan, Minor Use Permit, Site Plan Review, Development Plan, grading permit, or construction permit application.

d. Drainage plan content. Drainage plans shall be legible and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. The Public Works Director may require drainage plans to be prepared by a registered civil engineer.

(1) **Basic drainage plan contents.** A drainage plan shall include the following information about the site:

(i) Flow lines of surface waters onto and off the site.

(ii) Existing and finished contours at two-foot intervals or other topographic information required by the Public Works Director.

(iii) Building pad, finished floor and street elevations, existing and proposed.

(iv) Location and graphic representation of all existing and proposed natural and man made drainage facilities for storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets. In addition, private water wells and sewage disposal systems must be shown. Include detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as a part of the proposed work.

(v) Proposed flood-proofing measures where determined to be necessary by the Public Works Director and in accordance with Federal Emergency Management Agency (FEMA) requirements.

(vi) For projects where the Director or Public Works Director determines that increased discharge rates and durations could result in off-site erosion or other impacts to beneficial uses, the project shall incorporate appropriate hydromodification measures as identified in the Low Impact Development (LID) Handbook. Such measures shall be clearly depicted on the drainage plan.

(2) **Engineered plan content.** In addition to the information required by Subsection d(1), engineered drainage plans are to include:

(i) An evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems.

(ii) A map showing the drainage area and hydraulic calculations showing the facilities flow carrying capacities for the design storm event and justifying the estimated runoff of the area served by any drain. Include design discharges and velocities for conveyance devices, and storage volumes of sumps, ponds, and sediment basins based on the design storm.

(iii) Estimates of existing and increased runoff resulting from the proposed improvements and methods for reducing velocity of any increased runoff.

(iv) Methods for enhancing groundwater recharge that have been incorporated into the project design or an explanation of non-necessity of groundwater recharge for this site.

11B) Section 23.05.040, as modified by the Coastal Commission

a. Requirements. Drainage plans shall be prepared and submitted for review and approval by the Public Works Director, where required by this Title, by the planning area standards of the Land Use Element, or where a project:

(1) Increases or decreases runoff volume or velocity leaving any point of the site beyond those that existed prior to site disturbance activities; or

(2) Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 20,000 square feet; or

(3) Will result in an impervious surface of more than 20,000 square feet; or

(4) Is subject to local ponding due to soil or topographic conditions; or

(5) Is located in an area identified by the Public Works Director or building inspector as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project or adjoining properties; or

(6) Is located within a Flood Hazard (FH) combining designation; or

(7) Is located over a known high recharge area identified by the Public Works Director; or

(8) Involves land disturbance or placement of structures within 100 feet of the top bank of any watercourse ~~shown with a blue line on the most current USGS 7½ minute quadrangle map~~; or

(9) Involves hillside development on slopes steeper than 10 percent; or

(10) May, by altering existing drainage, cause an on-site erosion or inundation hazard, or change the off-site drainage pattern, including, but not limited to any change in the direction, velocity, or volume of flow; or

(11) Involves development on a site adjacent to any coastal bluff.

b. Exemptions. Preparation of a drainage plan is not required where grading is exclusively for ~~an exempt agricultural accessory structure~~, crop production, or grazing. This shall include any agricultural roads used exclusively for these purposes when they do not require issuance of a County grading permit. Drainage plans may also be waived where ~~authorized by~~ the Public Works Director has determined that there is no potential for adverse impacts.

c. Submittal. Where required by Subsection a, drainage plans are to be submitted with or be made part of the Zoning Clearance, Plot Plan, Minor Use Permit, Site Plan Review, Development Plan, grading permit, or construction permit application.

d. Drainage plan content. Drainage plans shall be legible and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. Drainage plans shall be developed in conformance with the drainage standards in Section 23.053.048.b The Public Works Director may require drainage plans to be prepared by a registered civil engineer.

(1) **Basic drainage plan contents.** A drainage plan shall include the following information about the site:

(i) Flow lines of surface waters onto and off the site.

(ii) Existing and finished contours at two-foot intervals or other topographic information required by the Public Works Director.

(iii) Building pad, finished floor and street elevations, existing and proposed.

(iv) Location and graphic representation of all existing and proposed natural and man made drainage facilities for storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets. In addition, private water wells and sewage disposal systems must be shown. Include detailed plans of all surface and subsurface drainage

devices, walls, cribbing, dams and other protective devices to be constructed with or as a part of the proposed work.

(v) Proposed flood-proofing measures where determined to be necessary by the Public Works Director and in accordance with Federal Emergency Management Agency (FEMA) requirements.

(vi) For projects where the Director or Public Works Director determines that increased discharge rates and durations could result in off-site erosion or other impacts to beneficial uses, the project shall incorporate appropriate site design Best Management Practices (BMPs) and, if necessary, structural and/or treatment control BMPs in order to match estimated post-development discharge rates as closely as possible to the estimated pre-development discharge rates. ~~hydromodification measures as identified in the Low Impact Development (LID) Handbook.~~ Such measures shall be clearly depicted on the drainage plan.

(2) **Engineered plan content.** In addition to the information required by Subsection d(1), engineered drainage plans are to include:

(i) An evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems.

(ii) A map showing the drainage area and hydraulic calculations showing the facilities flow carrying capacities for the design storm event and justifying the estimated runoff of the area served by any drain. Include design discharges and velocities for conveyance devices, and storage volumes of sumps, ponds, and sediment basins based on the design storm.

(iii) Estimates of existing and increased runoff resulting from the proposed improvements and methods for reducing velocity of any increased runoff.

(iv) Methods for enhancing groundwater recharge that have been incorporated into the project design or an explanation of non-necessity of groundwater recharge for this site.

12) SECTION 23.05.042
12A) New Section 23.05.042, replacing former Section 23.05.036

~~**23.05.036 - Sedimentation and Erosion Control:**~~

23.05.042 - Erosion and Sedimentation Control Plan Required

a. Sedimentation and erosion control plan required: Submittal of a sedimentation and erosion control plan for review and approval by the County Engineer is required when:

(1) Grading requiring a permit is proposed to be conducted or left in an unfinished state during the period from October 15 through April 15; or

(2) Land disturbance activities, including the removal of more than one-half acre of native vegetation are conducted in geologically unstable areas, on slopes in excess of 30%, on soils rated as having severe erosion hazard, or within 100 feet of any water course shown on the most current 7-1/2 minute USGS quadrangle map.

(3) The placing or disposal of soil, silt, bark, slash, sawdust or other organic or earthen materials from logging, construction and other soil disturbance activities above or below the anticipated high water line of a watercourse where they may be carried into such waters by rainfall or runoff in quantities deleterious to fish, wildlife or other beneficial uses.

When a sedimentation and erosion control plan is required, none of the activities described in subsections a(1) through a(3) above shall be commenced until such plan is approved by the County Engineer pursuant to this section.

b. Sedimentation and erosion control plan preparation and processing: Sedimentation and erosion control plans shall address both temporary and final measures and shall be submitted to the County Engineer for review and approval. When such plans are required, they shall be prepared by a registered civil engineer or other qualified professional approved by the County Engineer. Such plans shall be prepared in accordance with the San Luis Obispo County Standard Improvement Specifications and Drawings. Sedimentation and erosion control plans may be incorporated into and approved as part of a grading, drainage or other improvement plan, but must be clearly identified as a sedimentation and erosion

23.05.036 - 039

control plan. Selection of appropriate control measures shall be based upon evaluation of project design, site conditions, pre-development erosion rates and the environmental sensitivity of adjacent areas.

c. Plan check, inspection, and completion: Where required by the County Engineer, the applicant is to execute a plan check and inspection agreement with the county and the sedimentation and erosion control facilities inspected and approved before a certificate of occupancy is issued.

d. Sedimentation and erosion control measures: The control of sedimentation and erosion shall include but is not limited to the use of the following:

~~**(1) Slope surface stabilization:**~~

~~**(i)** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas during construction.~~

~~**(ii)** Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.~~

~~**(2) Erosion and sedimentation control devices:** In order to prevent polluting sedimentation discharges, erosion and sediment control devices shall be installed as required by the County Engineer for all grading and filling. Control devices and measures that may be required include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water.~~

~~**(3) Final erosion control measures:** Within 30 days after completion of grading, all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, are to be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical or vegetative measure, including those described in USDA Soil Conservation Service Bulletin 347.~~

~~**e. Off-site effects.** Grading operations shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.~~

a. Requirements. An erosion and sedimentation control plan shall be required year-round for the following types of projects:

(1) Construction and grading. All construction and grading permit projects.

(2) Site disturbance activities. Any site disturbance activities involving removal of one-half acre or more of native vegetation in any of the following areas:

(i) Geologically unstable areas.

(ii) On slopes in excess of 30 percent.

(iii) On soils rated by the National Resources Conservation Service (NRCS) as being highly erodible.

(iv) Within 100 feet of any watercourse shown on the most current 7-1/2 minute USGS quadrangle map.

b. Exceptions. Projects exempt from grading permit submittal as set forth in Section 23.05.032 and projects proceeding under alternative review as set forth in Section 23.05.034 are not required to prepare an erosion and sedimentation control plan. For other projects, an exception to the requirement for an erosion and sedimentation control plan may be authorized by the Building Official or Public Works Director only when all the following site characteristics exist in the area to be disturbed; and all work will be completed, and no portion of the site will remain disturbed between October 15 and April 15:

(1) Site disturbance is located in an area that has a maximum slope of less than 10 percent.

(2) Site disturbance is not located within geologically unstable areas.

(3) Site disturbance is located on soils rated as being not highly erodible by the USDA Natural Resources Conservation Service (unless the building inspector or Public Works Director is aware of the potential for erosion problems in the area).

(4) Site disturbance is located more than 300 feet from the top bank of any blue line watercourse or water feature shown on the most current 7 ½ minute USGS quadrangle map.

(5) The grading will not cause organic or earthen materials from logging, construction or other land disturbance activities to be carried into a swale, drainage way, watercourse, or onto adjacent properties by rainfall or runoff.

(6) The project will create minimal site disturbance from combined activities.

c. Stormwater Quality Plan (SWQP). All erosion and sedimentation control plans shall be accompanied with a complete SWQP application, unless exempted by the Director or the Public Works Director. Best Management Practices (BMPs) shall be in compliance with the Low Impact Development (LID) Handbook.

d. Erosion and sedimentation control plan content. An erosion and sedimentation control plan shall address pre-construction, during construction, and post-construction measures. Measures shall be in place to control erosion and sedimentation prior to the commencement of grading and site disturbance activities unless the Director of Planning and Building or the Public Works Director determines temporary measures to be unnecessary based upon location, site characteristics or time of year.

Plans may be incorporated into and approved as part of a grading or drainage plan, but must be clearly identified as an erosion and sedimentation control plan. Erosion and sedimentation control plans are reviewed and approved by the Director of Planning and Building or the Public Works

Director. The plan shall be prepared by a certified sediment and erosion control specialist, a registered civil engineer, registered architect or landscape architect, certified California nurseryman, licensed landscape contractor, Resource Conservation District or USDA Natural Resources Conservation Service Specialist, or other qualified persons acceptable to the Department of Planning and Building with competence and experience in erosion control plan preparation and implementation.

The plan shall consist of graphic and narrative information of sufficient clarity to indicate the nature, extent, location and placement recommendations (including installation procedures and requirements) of the erosion and sedimentation control measures proposed and show in detail that they will conform to the provisions of the Grading Ordinance. The location of all practices, methods and devices shall be shown on the grading plan, or on a separate plan at the discretion of the Director. If separate, it shall be attached to the grading plan used in the field. The plan shall contain, but need not be limited to, all the following information unless some of the information is waived by the Director of Planning and Building or the Public Works Director as not needed for the review of a particular site and its characteristics:

(1) Grading limits shall be graphically defined on the plan and staked out before site disturbance begins.

(2) An outline of the areas of soil disturbance, cut, or fill which will be left exposed during any part of the rainy season, representing areas of potential soil erosion where erosion and sedimentation control BMPs are required to be used during construction.

(3) Estimates of sediment yields before, during, and after construction of the project for a three year period or until revegetation is established. (One acceptable method is the "Universal Soil Loss Equation" developed by the USDA Agricultural Research Service.)

(4) Proposed methods and a description of the BMPs to be used to protect exposed erodible areas during construction, including temporary mulching, seeding, or other recognized surface stabilization measures.

(5) Proposed pre-construction, during construction, and post-construction methods and a description of the practices to be used for cut or fill slopes to prevent erosive surface runoff, including earth or paved interceptors and diversions, energy absorbing structures, or devices and techniques to reduce the velocity of runoff water.

(6) When revegetation is required for smaller disturbed areas near habitats identified at the state and/or federal levels as sensitive (e.g. near creeks or wetlands, coastal scrub), propose an alternative "native-friendly" mix of seeds and/or cuttings that are compatible with the sensitive habitat. The alternative mix to be used shall: a) grow reasonably quickly; b) be from locally- or commercially-available native seed or plant stock; c) be compatible with the surrounding native habitat and climate; and d) be free from noxious weed seed of local and

statewide importance (as identified by the Agricultural Commissioner's Office). Where larger areas are to be reseeded, the applicant should consult with a qualified botanist or other qualified expert of native plants to survey the site and determine the best mix of native species.

(7) Proposed methods and description of the temporary and final practices to retain sediment on the site, including sediment basins and traps, vegetative filter strips, or other recognized BMPs, a schedule for their maintenance and upkeep, and provisions for responsibility of maintenance. Include design criteria for the trapping efficiency and storage capacities of sediment basins for flows from a 10-year storm.

(8) Proposed methods, application technique, seed and fertilizer rate, sequence, and description of final erosion control practices for revegetation of all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity, unless covered with impervious or other improved surfaces authorized by the approved plans. A schedule for maintenance and upkeep of revegetated areas shall be included. Erosion control methods may include a combination of approved mechanical or vegetative measures.

(9) The type, location, and extent of pre-existing and undisturbed vegetation on the site, including an outline of the areas of vegetative soil cover or native vegetation onsite which will remain undisturbed during the construction project.

(10) A description of the BMPs and control practices to be used for both temporary and permanent erosion control measures.

(11) A description of the BMPs to reduce wind erosion at all times, with particular attention paid to stock-piled materials.

(12) A proposed schedule for the implementation of erosion control measures.

(13) An estimate of the cost of implementing and maintaining all erosion and sedimentation control practices where bonds or other financial assurances are proposed or required.

(14) A statement signed by the individual preparing the plan certifying that the amount of site disturbance proposed has been reduced to the maximum extent practicable.

(15) Descriptions and graphic representation of proposed methods to limit access routes and stabilize all access points, and to delineate clearing limits, easements, setbacks, sensitive areas, buffer areas, and drainage courses.

(16) Other additional plans, drawings, calculations, photographs, or other information which are necessary to adequately review, assess, and evaluate proposals and to show that they comply with the requirements of the Grading Ordinance.

(17) A statement signed by the preparer of the plan certifying that the plan complies with all applicable standards in the Grading Ordinance, including those standards in Section 23.05.048.c (Erosion and Sedimentation Control standards).

e. Field and weather conditions. If field or weather conditions warrant, the Director may require erosion and sedimentation control devices be installed in addition to what is required by the approved plans.

12B) Section 23.05.042, as modified by the Coastal Commission, and revising the term Stormwater Quality Plan to Stormwater Control Plan.

a. Requirements. An erosion and sedimentation control plan shall be required year-round for the following types of projects:

(1) Construction and grading. All construction and grading permit projects.

(2) Site disturbance activities. Any site disturbance activities involving removal of one-half acre or more of native vegetation in any of the following areas:

(i) Geologically unstable areas.

(ii) On slopes in excess of 30 percent.

(iii) On soils rated by the National Resources Conservation Service (NRCS) as being highly erodible.

(v) Within ~~100~~ 200 feet of any watercourse ~~shown on the most current 7 1/2 minute USGS quadrangle map~~.

b. Exceptions. Projects exempt from grading permit submittal as set forth in Section 23.05.032 and projects proceeding under alternative review as set forth in Section 23.05.034 are not required to prepare an erosion and sedimentation control plan. For other projects, an exception to the requirement for an erosion and sedimentation control plan may be authorized by the Building Official or Public Works Director only when all the following site characteristics exist in the area to be disturbed; and all work will be completed, and no portion of the site will remain disturbed between October 15 and April 15:

(1) Site disturbance is located in an area that has a maximum slope of less than 10 percent.

(2) Site disturbance is not located within geologically unstable areas.

(3) Site disturbance is located on soils rated as being not highly erodible by the USDA Natural Resources Conservation Service (unless the building inspector or Public Works Director is aware of the potential for erosion problems in the area).

(4) Site disturbance is located more than 300 feet from the top bank of any blue line watercourse or water feature ~~shown on the most current 7 ½ minute USGS quadrangle map~~.

(5) The grading will not cause organic or earthen materials from logging, construction or other land disturbance activities to be carried into a swale, drainage way, watercourse, or onto adjacent properties by rainfall or runoff.

(6) The project will create minimal site disturbance from combined activities.

c. Stormwater Quality Plan (SWQP). All erosion and sedimentation control plans shall be accompanied with a complete SWQP application, unless exempted by the Director or the Public Works Director. Best Management Practices (BMPs) shall be designed to achieve maximum water quality protection, including through LID measures. ~~in compliance with the Low Impact Development (LID) Handbook.~~

d. Erosion and sedimentation control plan content. An erosion and sedimentation control plan shall address pre-construction, during construction, and post-construction measures. Measures shall be in place to control erosion and sedimentation prior to the commencement of grading and site disturbance activities unless the Director of Planning and Building or the Public Works Director determines temporary measures to be unnecessary based upon location, site characteristics or time of year.

Plans may be incorporated into and approved as part of a grading or drainage plan, but must be clearly identified as an erosion and sedimentation control plan. Erosion and sedimentation control plans are reviewed and approved by the Director of Planning and Building or the Public Works Director. The plan shall be prepared by a certified sediment and erosion control specialist, a registered civil engineer, registered architect or landscape architect, certified California nurseryman, licensed landscape contractor, Resource Conservation District or USDA Natural Resources Conservation Service Specialist, or other qualified persons acceptable to the Department of Planning and Building with competence and experience in erosion control plan preparation and implementation. The plan shall be in conformance with the erosion and sedimentation control standards in Section 23.04.048.c.

The plan shall consist of graphic and narrative information of sufficient clarity to indicate the nature, extent, location and placement recommendations (including installation procedures and requirements) of the erosion and sedimentation control measures proposed and show in detail that they will conform to the provisions of the Grading Ordinance. The location of all practices, methods and devices shall be shown on the grading plan, or on a separate plan at the discretion of the Director. If separate, it shall be attached to the grading plan used in the field. The plan shall

contain, but need not be limited to, all the following information unless some of the information is waived by the Director of Planning and Building or the Public Works Director as not needed for the review of a particular site and its characteristics:

(1) Grading limits shall be graphically defined on the plan and staked out before site disturbance begins.

(2) An outline of the areas of soil disturbance, cut, or fill which will be left exposed during any part of the rainy season, representing areas of potential soil erosion where erosion and sedimentation control BMPs are required to be used during construction.

(3) Estimates of sediment yields before, during, and after construction of the project for a three year period or until revegetation with native plants is established. (One acceptable method is the "Universal Soil Loss Equation" developed by the USDA Agricultural Research Service.)

(4) Proposed methods and a description of the BMPs to be used to protect exposed erodible areas during construction, including temporary mulching, seeding, or other recognized surface stabilization measures.

(5) Proposed pre-construction, during construction, and post-construction methods and a description of the practices to be used for cut or fill slopes to prevent erosive surface runoff, including earth or paved interceptors and diversions, energy absorbing structures, or devices and techniques to reduce the velocity of runoff water.

(6) When revegetation is required for smaller disturbed areas near habitats identified at the state and/or federal levels as sensitive (e.g. near creeks or wetlands, coastal scrub), propose an alternative "native-friendly" mix of seeds and/or cuttings that are compatible with the sensitive habitat. The alternative mix to be used shall: a) grow reasonably quickly; b) be from locally- or commercially-available native seed or plant stock; c) be compatible with the surrounding native habitat and climate; and d) be free from noxious weed seed of local and statewide importance (as identified by the Agricultural Commissioner's Office). Where larger areas are to be reseeded, the applicant should consult with a qualified botanist or other qualified expert of native plants to survey the site and determine the best mix of native species.

(7) Proposed methods and description of the temporary and final practices to retain sediment on the site, including sediment basins and traps, vegetative filter strips, or other recognized BMPs, a schedule for their maintenance and upkeep, and provisions for responsibility of maintenance. Include design criteria for the trapping efficiency and storage capacities of sediment basins for flows from a 10-year storm.

(8) Proposed methods, application technique, seed and fertilizer rate, sequence, and description of final erosion control practices for native revegetation of all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity, unless covered with impervious or other improved surfaces authorized by the approved plans. A schedule for maintenance and upkeep of revegetated areas shall be included. To the extent feasible, non-structural erosion control techniques must be used to control run-off and reduce sedimentation. ~~Erosion control methods may include a combination of approved mechanical or vegetative measures.~~

(9) The type, location, and extent of pre-existing and undisturbed vegetation on the site, including an outline of the areas of vegetative soil cover or native vegetation onsite which will remain undisturbed during the construction project.

(10) A description of the BMPs and control practices to be used for both temporary and permanent erosion control measures.

(11) A description of the BMPs to reduce wind erosion at all times, with particular attention paid to stock-piled materials.

(12) A proposed schedule for the implementation of erosion control measures.

(13) An estimate of the cost of implementing and maintaining all erosion and sedimentation control practices where bonds or other financial assurances are proposed or required.

(14) A statement signed by the individual preparing the plan certifying that the amount of site disturbance proposed has been reduced to the maximum extent practicable.

(15) Descriptions and graphic representation of proposed methods to limit access routes and stabilize all access points, and to delineate clearing limits, easements, setbacks, sensitive areas, buffer areas, and drainage courses.

(16) Other additional plans, drawings, calculations, photographs, or other information which are necessary to adequately review, assess, and evaluate proposals and to show that they comply with the requirements of the Grading Ordinance.

(17) A statement signed by the preparer of the plan certifying that the plan complies with all applicable standards in the Grading Ordinance, including those standards in Section 23.05.048.c (Erosion and Sedimentation Control standards).

e. Field and weather conditions. If field or weather conditions warrant, the Director may require erosion and sedimentation control devices be installed in addition to what is required by the approved plans.

13) Section 23.05.044(e), as modified by the Coastal Commission.

e. County SWPPP review. At the discretion of the Director and/or Building Official, the County may review and request modifications or amendments to the SWPPP in order to ensure compliance with the County Code and/or the General Construction Permit requirements. At the Director's discretion, a SWPPP may be required to be submitted as part of any discretionary permit review, where a project will meet the thresholds of Subsection a, and where such information is needed to ensure all construction and post-construction measures are appropriately evaluated pursuant to the California Environmental Quality Act (CEQA) and consistent with the LCP.

14) SECTION 23.05.048(a)

14A) Section 23.05.048(a), replacing former Section 23.05.034

~~**23.05.034 - Grading Standards:**~~

23.05.048 - Standards

~~All excavations and fills, whether or not subject to the permit requirements of this title, shall be conducted in accordance with the provisions of Sections 7009 through 7013 of the Uniform Building Code, and the following standards:~~

~~a. Area of cuts and fills: Cuts and fills shall be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations, and adequate residential yard area or outdoor storage or sales area incidental to a non-residential use.~~

~~b. Grading for siting of new development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes less than 20% except:~~

~~(1) Existing lots in the Residential Single-Family category, if a residence cannot feasibly be sited on a slope less than 20%; and~~

~~(2) When grading of an access road or driveway is necessary to provide access to building site with less than 20% slope, and where there is no less environmentally damaging alternative; and~~

~~(3) Grading adjustment. Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:~~

~~(i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion~~

potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.

(ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.

(iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

(iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.

c. Grading adjacent to Environmentally Sensitive Habitats. Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat except:

(1) Where a setback adjustment has been granted as set forth in Sections 23.07.172d(2) (Wetlands) or 23.07.174d(2) (Streams and Riparian Vegetation) of this title; or

(2) Within an urban service line when grading is necessary to locate a principally permitted use and where the approval body can find that the application of the 100-foot setback would render the site physically unsuitable for a principally permitted use. In such cases, the 100-foot setback shall only be reduced to a point where the principally-permitted use, as modified as much as practical from a design standpoint, can be located on the site. In no case shall grading occur closer than 50 feet from the Environmentally Sensitive Habitat or as allowed by planning area standard, whichever is greater.

d. Landform alterations within public view corridors. Grading, vegetation removal and other landform alterations shall be minimized on sites located within areas determined by the Planning Director to be a public view corridors from collector or arterial roads. Where feasible, contours of finished grading are to blend with adjacent natural terrain to achieve a consistent grade and appearance.

e. Final contours: Contours, elevations and shapes of finished surfaces are to be blended with adjacent natural terrain to achieve a consistent grade and natural appearance. Border of cut slopes and fills are to be rounded off to a minimum radius of five feet to blend with the natural terrain.

f. Grading near watercourses: Grading, dredging or diking (consistent with Section 23.07.174) shall not alter any intermittent or perennial stream, or natural body of water shown on any USGS 7-1/2 minute map, except as permitted through approval of a county drainage plan and a streambed alteration permit from the California Department of Fish and Game issued under Sections 1601 or 1602 of the Fish and Game Code. (Additional standards are contained in Sections 23.07.172 through 174 of this title.) Watercourses shall be protected as follows:

~~(1) Watercourses shall not be obstructed unless an alternate drainage facility is approved.~~

~~(2) Fills placed within watercourses shall have suitable protection against erosion during flooding.~~

~~(3) Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the County Engineer in place.~~

~~(4) Excavated materials shall not be deposited or stored in or alongside a watercourse where the materials can be washed away by high water or storm runoff.~~

~~g. Revegetation: Where natural vegetation has been removed through grading in areas not affected by the landscape requirements (Section 23.04.180 et seq. - Landscape, Screening and Fencing), and that are not to be occupied by structures, such areas are to be replanted as set forth in this subsection to prevent erosion after construction activities are completed. [Amended 1993, Ord. 2649]~~

~~(1) Preparation for revegetation: Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the site and protected from erosion while grading operations are underway, provided that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.~~

~~(2) Methods of revegetation: Acceptable methods of revegetation include hydro-mulching, or the planting of rye grass, barley or other seed with equivalent germination rates. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each 1,000 square feet of land area. Other revegetation methods offering equivalent protection may be approved by the Building Official. Plant materials shall be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to reduce irrigation demands. Where riparian vegetation has been removed, riparian plant species shall be used for revegetation.~~

~~(3) Timing of revegetation measures: Permanent revegetation or landscaping should begin on the construction site as soon as practical and shall begin no later than six months after achieving final grades and utility emplacements.~~

a. **Grading standards.**

(1) **Excavation standards.** All excavations are to be conducted in compliance with the provisions of Sections 3304 through 3318 of the 1997 Uniform Building Code Appendix 33 and the following standards:

(i) No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical, except under one or more of the following conditions.

(a) The Director may permit an excavation to be made with a cut face steeper than two horizontal to one vertical if the applicant provides a slope stability analysis prepared by a geotechnical engineer or engineering geologist that the material making up the slope of the excavation and the underlying earth material is capable of standing on a steeper slope, and a certified soil and erosion control specialist or other qualified professional indicates, in writing, that either it is feasible to mitigate erosion and sedimentation impacts and that successful revegetation of the site can be accomplished or that due to the nature or composition of the cut slope, erosion and sedimentation measures and revegetation are unnecessary.

(b) A retaining wall or other approved support which also mitigates visual impacts of the device is provided to support the face of the excavation.

(ii) The Director may require an excavation to be made with cut face flatter in slope than two horizontal to one vertical if a slope stability analysis or other appropriate method of review indicates that the material in which the excavation is to be made is such that the flatter cut slope is necessary for stability, safety, or to prevent erosion and sedimentation and stormwater impacts.

(iii) No cut slope shall exceed a height of 25 feet without intervening terraces having a minimum width of six feet. These terraces shall be vertically spaced at intervals of 25 feet except that for slopes less than 40 feet in vertical height the terrace shall be approximately at mid-height. Suitable access shall be provided to permit cleaning and maintenance. The Director may modify this requirement because of geologic or other special conditions.

(iv) The border of all cut slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.

(v) All cut slopes shall be within parcels under common ownership unless written permission is granted by the adjacent owner.

(2) **Fill standards.** All fills are to be conducted in compliance with the provisions of Section 3313 of the 1997 Uniform Building Code Appendix 33 and the following standards:

(i) No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except under one or more of the following conditions:

(a) A retaining wall or other approved support is provided to support the face of the fill which also mitigates visual impacts of the device.

(b) The Director may permit a fill to be made which creates an exposed surface steeper in slope than two horizontal to one vertical (2:1) if a geotechnical engineering report demonstrates that slope stability will be ensured. The geotechnical engineer shall certify that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope and that the areas on which the fill is to be placed are suitable to support the fill. Additionally, a certified soil and erosion control specialist or other qualified professional shall indicate in writing that it is feasible to prevent erosion and sedimentation impacts, and successful revegetation of the site can be accomplished. All such reports are subject to the approval of the Director.

(ii) The Director may require that fill be constructed with an exposed surface flatter than two horizontal to one vertical (2:1) if a slope stability analysis or other appropriate method of review indicates that such flatter surface is necessary for stability, safety, or to prevent erosion and sedimentation impacts.

(iii) Unless specified as a non-structural land reclamation, erosion control, or agricultural fill, all fills shall be placed, compacted, inspected, and tested in compliance with the following provisions:

(a) The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials. The surface shall be scarified to provide a bond with the new fill and where slopes are steeper than five horizontal to one vertical (5:1) and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five horizontal to one vertical (5:1) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide, but the cut shall be made before placing the fill. The soils engineer, engineering geologist, or both, shall certify that the bench is a suitable foundation for the proposed fill.

(b) Except as otherwise permitted by the Director, no rock or similar irreducible material with a maximum dimension greater than six inches shall be buried or placed in fills. No organic material shall be permitted in structural fills. The Director may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously

inspects its placement, and approves the fill stability. The following conditions shall also apply:

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

2. Rock sizes greater than six inches in maximum dimension shall be 10 feet or more below grade, measured vertically.

3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

(c) A fill shall be spread in a series of horizontal lifts as specified by the geotechnical engineer or other approved professional approved by the Director. The distribution of material throughout each layer shall be free of lenses, pockets or layers of material differing substantially in texture or gradation from the surrounding material. All material shall be compacted into a fill of uniform moisture and density as specified in Subsection a(2)(iii)(d).

(d) All fills shall be compacted to a minimum of 90 percent of maximum density as determined by ASTM D 1557-(latest edition) or other approved testing method giving equivalent test results. Field density shall be determined by ASTM D 1556-(latest edition) or other equivalent methods approved by the Director.

(e) A field density test, as herein provided, shall be taken for each 24 inches of fill, or portion thereof, measured vertically from the lowest point of the area to be filled, and for each 200 cubic yards of fill placed unless a variation is recommended by the Soils Engineer and approved by the Director. In addition, in the case of a subdivision, field density tests shall be taken on lots which receive fill based upon the recommendations of a soils engineer.

(f) All fills regulated by the Grading Ordinance shall be tested for relative compaction by a qualified geotechnical testing agency. Final reports, including a letter certifying compliance with the terms of the Grading Ordinance, and the grading permit, setting forth densities, relative compaction and other fill characteristics shall be prepared and signed by a geotechnical engineer or soils engineer. This report shall be submitted to and approved by the Director before any final approval of the fill is given and before any foundation construction begins except for the digging of trenches and placing of reinforcing steel.

(iv) Fills toeing out on natural slopes which are steeper than two horizontal to one vertical shall not be permitted unless evaluated and approved by a geotechnical engineer or engineering geologist.

(v) The border of fill slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.

(3) **Grading setback standards.** Cut and fill slopes shall be set back from site boundaries in compliance with the provisions of Appendix Chapter 33 of the 1997 Uniform Building Code and the following standards:

(i) **General.** Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 5-A.

(ii) **Top of cut slope.** The top of the cut slopes shall not be closer to a site boundary line than one fifth of the vertical height of cut with a minimum of two feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains or maintenance easements. The Director may approve adjustments as a condition of the permit, as required by individual site conditions.

(iii) **Toe of fill slope.** The toe of fill slopes shall not be closer to the site boundary line than one-half the height of the slope with a minimum of two feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, or site conditions warrant, special precautions shall be incorporated in the work as the Director deems necessary to protect the adjoining property from damage as a result of such grading. These precautions shall include, but are not limited to the following:

(a) Additional setbacks.

(b) Provisions for retaining or slough walls.

(c) Mechanical or vegetative treatment of the fill slope to minimize erosion.

(d) Provisions for the control of surface waters.

(e) Provisions for maintenance access.

(iv) **Modification of slope location.** The Director may approve alternate setbacks. The Director may require an investigation and recommendation by a qualified engineer, engineering geologist, or erosion control specialist to demonstrate that the intent of this Section has been satisfied.

(v) **Distance from property line.** No cut or fill shall be made which is sufficiently close to the property line to endanger any adjoining public or private property or structures without supporting and protecting such property or structures from any settling, cracking, or other damage which might result.

(4) **Landform alterations within public view corridors.** Grading, vegetation removal, and other landform alterations shall be minimized on sites located within areas determined by the Planning Director to be a public view corridor from collector or arterial roads. Where feasible, contours of finished grading are to blend with adjacent natural terrain to achieve a consistent grade and appearance.

(5) **Grading near watercourses.** Grading, dredging or diking shall not alter any intermittent or perennial stream, or natural body of water shown on any USGS 7-1/2 minute map, except as permitted through approval of a County drainage plan and a streambed alteration permit from the California Department of Fish and Game issued under Sections 1601 or 1602 of the Fish and Game Code. Watercourses shall be protected as follows:

(i) Watercourses shall not be obstructed unless an alternate drainage facility is approved.

(ii) Fills placed within watercourses shall have suitable protection against erosion during flooding.

(iii) Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the Public Works Director in place.

(iv) Excavated materials shall not be deposited or stored in or alongside a watercourse where the materials can be washed away by high water or stormwater runoff.

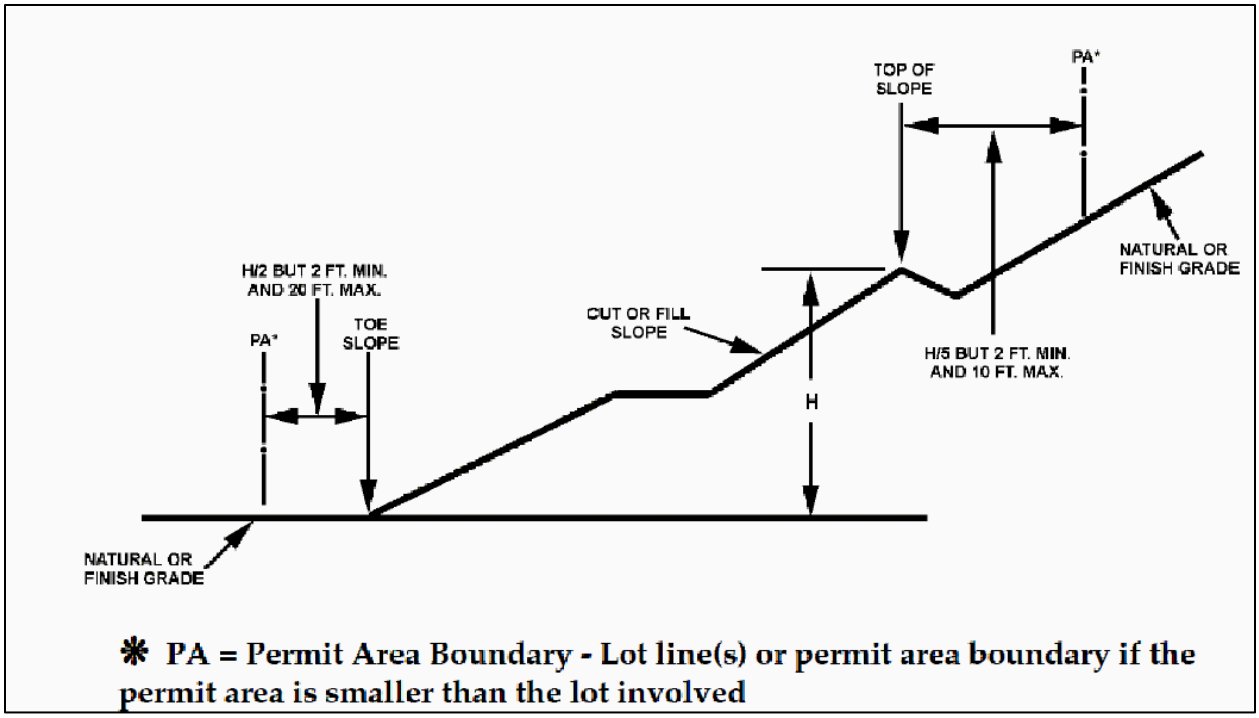


Figure 5-A

14B)	**Section 23.05.048 – Subsections (a)(1)-preamble, (a)(1)(i)(a), (a)(2) – preamble, (a)(3) – preamble, (a)(4), and (a)(5), as modified by the Coastal Commission and updating building code references.**

Subsection (a)(1) preamble

(1) Excavation standards. All excavations are to be conducted in compliance with the provisions of ~~Section 3304 through 3318 of the 1997 Uniform Building Code Appendix 33~~ Calfornia Building Code Section 1804.7, as modified by Section 19.03.010 of the Building and Construction Ordinance and the following standards:

Subsection (a)(1)(i)(a)

(a) The Director may permit an excavation to be made with a cut face steeper than two horizontal to one vertical if the applicant provides a slope stability analysis prepared by a geotechnical engineer or engineering geologist that the material making up the slope of the excavation and the underlying earth material is capable of standing on a steeper slope, and a certified soil and erosion control specialist or other qualified professional indicates, in writing, that either it is feasible to mitigate erosion and sedimentation

impacts and that successful revegetation of the site with native plants can be accomplished or that due to the nature or composition of the cut slope, erosion and sedimentation measures and revegetation are unnecessary.

Subsecftion (a)(2) – preamble

(2) Fill standards. All fills are to be conducted in compliance with the provisions of Section 2212 of the 1997 Uniform Building Code Appendix 33. Calfornia Building Code Section 1804.7, as modified by Section 19.03.010 of the Building and Construction Ordinance and the following standards:

Subsection (a)(3) – preamble

(3) Grading setback standards. Cut and fill slopes shall be set back from site boundaries in compliance with the provisions of ~~Appendix Chapter 33 of the 1997 Uniform Building Code~~ Calfornia Building Code Section 1804.7, as modified by Section 19.03.010 of the Building and Construction Ordinance and the following standards:

Subsection (a)(4)

(4) **Landform alterations within public view corridors.** Grading, vegetation removal, and other landform alterations shall be minimized on sites located within ar~~eas determined by the Planning Director to be a~~ public view corridors ~~from collector or arterial roads~~. Where feasible, contours of finished grading are to blend with adjacent natural terrain to achieve a consistent grade and appearance.

Subsection (a)(5)

(5) **Grading near watercourses.** Grading, dredging or diking shall not alter any intermittent or perennial stream, or natural body of water ~~shown on any USGS 7-1/2 minute map~~, except as permitted through approval of a County drainage plan and a streambed alteration permit from the California Department of Fish and Game issued under Sections 1601 or 1602 of the Fish and Game Code. Watercourses shall be protected as follows:

(i) Watercourses shall not be obstructed unless an alternate drainage facility is approved.

(ii) Fills placed within watercourses shall have suitable protection against erosion during flooding.

(iii) Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the Public Works Director in place.

(iv) Excavated materials shall not be deposited or stored in or alongside a watercourse where the materials can be washed away by high water or stormwater runoff.

15) SECTION 23.05.048(b)

15A) Section 23.05.048(b), replacing former Section 23.05.050

~~**23.05.050 - Drainage Standards:**~~

~~**a. Design and construction.** Drainage systems and facilities subject to drainage plan review and approval that are to be located in existing or future public rights of way are to be designed and constructed as set forth in the County Engineering Department Standard Improvement Specifications and Drawings. Other systems and facilities subject to drainage plan review and approval are to be designed in accordance with good engineering practices. The design of drainage facilities in new land divisions and other new development subject to Minor Use Permit or Development Plan approval shall maximize groundwater recharge through on-site or communitywide stormwater infiltration measures. Examples of such measures include constructed wetlands, vegetated swales or filter strips, small percolation ponds, subsurface infiltration basins, infiltration wells, and recharge basins. Where possible, recharge basins shall be designed to be available for recreational use.~~

~~**b. Natural channels and runoff.** Proposed projects are to include design provisions to retain off-site natural drainage patterns and, when required, limit peak runoff to pre-development levels. To the maximum extent feasible, all drainage courses shall be retained in or enhanced to appear in a natural condition, without channelization for flood control. On downhill sites, encourage drainage easements on lower properties so that drainage can be released on the street or other appropriate land area below.~~

~~**c. Areas subject to flooding.** Buildings or structures are not permitted in an area determined by the County Engineer to be subject to flood hazard by reason of inundation, overflow, high velocity or erosion, except where such buildings or structures are in conformity with the standards in Section 22.07.066 of this title and provisions are made to eliminate identified hazards to the satisfaction of the County Engineer. Such provisions may include providing adequate drainage facilities, protective walls, suitable fill, raising the floor level of the building or by other means. The placement of the building and other structures (including walls and fences) on the building site shall be such that water or mudflow will not be a hazard to the building or adjacent property. The County Engineer in the application of this standard shall enforce as a minimum the current federal flood plain management regulations as defined in the National Flood Insurance Program, authorized by U.S. Code Sections 4001-4128 and contained in Title 44 of the Code of Federal Regulations Part 59 et seq., which are hereby adopted and incorporated into this title by reference as though they were fully set forth here.~~

d. Development adjacent to coastal bluffs. Stormwater outfalls that discharge to the bluff, beach, intertidal area, or marine environment are prohibited unless it has been demonstrated that it is not feasible to detain the stormwater on-site, or direct the stormwater to pervious land areas or the street, without causing flooding or erosion. In such instances, stormwater outfalls shall include filtration and treatment systems necessary to protect coastal water quality, be screened from public view using underground pipes and/or native vegetation screening of local stock, and receive all applicable agency approvals. Consolidation of existing outfalls shall be pursued where feasible. The drainage plan shall incorporate all reasonable measures to minimize increased erosion to the coastal bluff as a result of development.

e. Water Runoff.

(1) Best Management Practices - Residential development. All new residential development subject to discretionary review shall use Best Management Practices (BMPs) to address polluted runoff. BMPs shall be consistent with the guidance found in documents such as the California Storm Water Best Management Practices Handbook (Municipal). Such measures shall include, but not be limited to: minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways); directing runoff from roofs and drives to vegetative strips before it leaves the site; and/or managing runoff on the site (e.g., percolation basins); and other Low Impact Design (LID) techniques. The installation of vegetated roadside drainage swales shall be encouraged and, if used, calculated into BMP requirements. The combined set of BMPs shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event. The Best Management Practices shall include measures to minimize post-development loadings of total suspended solids.

(2) Best Management Practices - Non-Residential development. All new non-residential development subject to discretionary review shall use Best Management Practices (BMPs) to control and prevent pollutants from entering the storm drain system. BMPs shall be consistent with the guidance found in documents such as the California Storm Water Best Management Practices Handbook (Industrial/Commercial). Such measures shall include both source control and treatment control practices to ensure that contaminants do not leave the site. Stormwater runoff from commercial development shall be filtered through BMPs that treat storm water runoff up to and including the 85th percentile storm event. Restaurant and other commercial cleaning practices that can impact water quality (such as floor mat rinsing and vehicle cleaning) by introducing chemicals to storm drain systems (detergents, oils and grease and corrosive chemicals) shall provide designated areas that collect and dispose of this runoff through the sanitary septic system. Street sweeping and cleaning shall use best management practices outlined in the above referenced handbook or the Model Urban Runoff Program to keep contaminants and cleaning products from entering the storm drain system. The Best Management Practices shall include measures to minimize post development loadings of total suspended solids. Where feasible, other Low Impact Design (LID) techniques shall be implemented.

~~**f. Parking lots and paved areas.** Parking lots and other paved areas where automobiles are parked that are 1.0 acres or greater in size shall be equipped with facilities and/or measures to address post-construction runoff and ongoing non-point source pollution (e.g., sediment and grease traps, oil/water separators, biofilters), and shall be subject to a periodic maintenance program which is funded and carried out by the property owner.~~

~~**g. Sensitive habitat and groundwater protection.** Runoff from roads and development shall not adversely affect sensitive habitat, groundwater resources and downstream areas, and shall be treated to remove floatable trash, heavy metals and chemical pollutants as necessary prior to discharge into surface or groundwater.~~

~~**h. Impervious surfaces.** New development shall be designed to minimize the amount of impervious surfaces in order to maximize the amount of on-site runoff infiltration..~~

b. Drainage standards. Designs for site area drainage and terraces shall be consistent with the Low Impact Development (LID) Handbook and the following minimum standards:

(1) Design and construction. Drainage systems and facilities subject to drainage plan review and approval that are to be located in existing or future public rights-of-way are to be designed and constructed as set forth in the latest edition of the Public Works Department's Public Improvement Standards, or as per the project's conditions of approval. Applicants may request an adjustment pursuant to the Public Improvement Standards in order to allow for a design that is more compliant with LID practices. Other systems and facilities subject to drainage plan review and approval are to be designed in accordance with good engineering practices. The design of drainage facilities in new land divisions and other new development subject to Minor Use Permit or Development Plan approval shall maximize groundwater recharge through on-site or communitywide stormwater infiltration measures. Examples of such measures include constructed wetlands, vegetated swales or filter strips, small percolation ponds, subsurface infiltration basins, infiltration wells, and recharge basins. Where possible, recharge basins shall be designed to be available for recreational use.

(2) Natural channels and runoff. Proposed projects are to include design provisions to retain natural drainage patterns and, when required, limit peak runoff to pre-development levels. To the maximum extent feasible, all drainage courses shall be retained in, or enhanced to appear in, a natural condition, without channelization for flood control. On downhill sites, encourage drainage easements on lower properties so that drainage can be released on the street or other appropriate land area below.

(3) Best Management Practices (BMPs). All new development subject to drainage plan review shall use BMPs to address polluted runoff. BMPs shall be consistent with the guidance found in documents such as the LID Handbook. Such measures shall include, but not be limited to: minimizing the use of impervious surfaces (e.g., installing pervious

driveways and walkways); directing runoff from roofs and drives to vegetative strips before it leaves the site; and/or managing runoff on the site (e.g., percolation basins); and other Low Impact Design (LID) techniques. The installation of vegetated roadside drainage swales shall be encouraged and, if used, calculated into BMP requirements. The combined set of BMPs shall be designed to treat and infiltrate stormwater runoff up to and including the 85th percentile storm event. The BMPs shall include measures to minimize post-development loadings of total suspended solids.

(4) Runoff volume. Runoff conveyance systems shall be capable of carrying the computed runoff volume from a 25-year frequency storm or greater if deemed necessary by the Public Works Director. This may be reduced to a 10-year storm for small watersheds.

(5) Interceptors. Concrete ditches, bio-swales or other approved methods capable of intercepting surface runoff waters shall be installed along the top of all cut slopes where the tributary drainage area has a slope 10 percent or greater and a horizontal projection greater than 40 feet.

(6) Berms. Berms or drainage divides at least one foot high and three feet wide at the base shall be constructed at the top of all fill slopes where runoff would be directed towards the top of fill.

(7) Over side drains. Over side drains shall be of concrete or corrugated metal pipe having a diameter required by runoff calculations, but not less than eight inches, and shall be aligned so as to minimize velocity at discharge points. Alternate designs, such as LID methods, approved by the Public Works Director may be permitted.

(8) Inlets. Inlets shall be constructed of galvanized iron, or approved equivalent, and shall be provided with overflow structures.

(9) Outlets. Outlet structures shall be provided with approved velocity reducers, diversion walls, rip-rap, concrete aprons or similar energy dissipaters where necessary and aligned to minimize downstream erosion and reasonably maximize recharge at discharge points, and shall be approved by the Public Works Director.

(10) Dispersal structures. An approved drainage dispersal structure shall be constructed wherever it is necessary to convert channel flow to sheet flow.

(11) Sensitive habitat and groundwater protection. Runoff from roads and development shall not adversely affect sensitive habitat, groundwater resources and downstream areas, and shall be treated to remove floatable trash, heavy metals and chemical pollutants as necessary prior to discharge into surface or groundwater.

(12) Groundwater recharge methods. New development shall identify all methods to enhance groundwater recharge.

(13) Impervious surfaces. New development shall be designed to minimize the amount of impervious surfaces in order to maximize the amount of on-site infiltration.

(14) Rain gutters. Approved rain gutters shall be provided to receive all roof water and dispose of the water in a groundwater enhancing and non-eroding manner where the Director determines it to be necessary because of steepness of slope or presence of erodible materials. Direct connection of rain gutter outlets to impervious surfaces shall be minimized.

(15) Building site drainage. All graded building pads shall slope a minimum of five percent for ten feet to an approved drainage device, or as approved by the Director. The drainage device shall be an approved system which conducts the water to a street, recharge area or drainage way. The top of footing stems or finish floor, if a concrete slab, shall extend above the top of street curb or inlet to the drainage device by a minimum of six inches plus two per cent of the distance from the footing to the drainage device or curb. The Director may allow two percent to be used, if, because of terrain or soils, five percent is not reasonably attainable or necessary.

(16) Capacity of drainage devices. On graded sites, the Director may require that drainage devices calculated to convey runoff from a 25-year frequency storm or greater be installed, if deemed necessary to prevent erosion, to conduct stormwater around buildings or structures and to the nearest recharge area, drainage way, or as approved by the Public Works Director.

(17) Appearance of drainage or recharge devices. Where drainage devices are highly visible from the street or located in the public viewshed, they shall be shielded from view, if practical. Where visible, drainage devices shall be compatible with the character of the area and the existing topography. Exposed concrete overside drains are prohibited within these situations unless a visual analysis indicates the prohibition to be unnecessary. If they are visible, the size shall be the minimum necessary to handle drainage and ensure ability to maintain all drainage devices which collect from the slopes, and shall convey drainage by means of underground pipes or rock-lined ditches or other approved materials to blend with the natural topography in character, color and design. Transitions from natural drainage courses to developed areas shall be accomplished with comparable landscaping and grading to blend with existing topography. Detention, retention, or recharge basins shall be designed as a visual and/or recreational amenity within a project whenever practical.

(18) Areas subject to flooding. Buildings or structures are not permitted in an area determined by the Public Works Director to be subject to flood hazard by inundation, overflow, high velocity flows or erosion, except where the buildings or structures comply with the standards in Sections 23.07.060 et seq., and provisions are made to eliminate identified hazards to the satisfaction of the Public Works Director. These provisions may include providing adequate

drainage facilities, protective walls, suitable fill, raising the floor level of the building or structure, or other means. The building and other structures (including walls and fences) shall be placed on the site so that water or mud flow will not be a hazard to on- or off-site structures or adjacent property. In the application of this standard, the Public Works Director shall enforce as a minimum the current federal flood plain management regulations as defined in the National Flood Insurance Program authorized by United States Code Title 42, Section 4001-4128 and contained in Title 44 of the Code of Federal Regulations, Part 59 et seq., which are hereby adopted and incorporated into this Title by reference as though they were fully set forth here.

(19) Design of flood proofing measures. Flood proofing measures required by the Public Works Director shall be designed by a licensed architect or registered civil engineer.

(20) Sub-drains. The Director may require the installation of approved sub-drains in areas where underground water is anticipated.

(21) Runoff computations. Runoff computations may be made by the "rational method" except where specific methods for calculating individual residential retention basins have been adopted or with the approval of the Public Works Director.

(22) Alternate designs. Alternate designs which provide equivalent safety and are approved by the Public Works Director may be used in lieu of those contained in this Section.

(23) Hydromodification control. If the Director or Public Works Director has determined that the project could cause off-site erosion or adverse impacts to beneficial uses as a result of an increase in runoff rates and/or duration, the project shall incorporate hydromodification control measures in compliance with Low Impact Development (LID) Handbook requirements.

(24) Development adjacent to coastal bluffs. Stormwater outfalls that discharge to the bluff, beach, intertidal area, or marine environment are prohibited unless it has been demonstrated that it is not feasible to detain the stormwater on-site, or direct the stormwater to pervious land areas or the street, without causing flooding or erosion. In such instances, stormwater outfalls shall include filtration and treatment systems necessary to protect coastal water quality, be screened from public view using underground pipes and/or native vegetation screening of local stock, and receive all applicable agency approvals. Consolidation of existing outfalls shall be pursued where feasible. The drainage plan shall incorporate all reasonable measures to minimize increased erosion to the coastal bluff as a result of development.

15B) Section 23.05.048 – subsections (b), (b)(3), and b(23), as modified by the Coastal Commission.

Subsection (b) – preamble

b. Drainage standards. Designs for site area drainage and terraces shall be consistent with BMPs designed to achieve maximum water quality protection, including through LID measures ~~the Low Impact Development (LID) Handbook~~ and the following minimum standards:

Subsection (b)(3)

(3) Best Management Practices (BMPs). All new development subject to drainage plan review shall use BMPs to address polluted runoff. BMPs shall be designed to achieve maximum water quality protection, including through LID measures. ~~consistent with the guidance found in documents such as the LID Handbook.~~ Such measures shall include, but not be limited to: minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways); directing runoff from roofs and drives to vegetative strips before it leaves the site; and/or managing runoff on the site (e.g., percolation basins); and other Low Impact Design (LID) techniques. The installation of vegetated roadside drainage swales shall be encouraged and, if used, calculated into BMP requirements. The combined set of BMPs shall be designed to treat and infiltrate stormwater runoff up to and including the 85th percentile storm event. The BMPs shall include measures to minimize post-development loadings of total suspended solids.

Subsection (b)(23)

(23) Hydromodification control. If the Director or Public Works Director has determined that the project could cause off-site erosion or adverse impacts to beneficial uses as a result of an increase in runoff rates and/or duration, the project shall incorporate site design Best Management Practices (BMPs) and, if necessary, structural and/or treatment control BMPs in order to match estimated post-development discharge rates as closely as possible to the estimated pre-development rates. ~~hydromodification control measures in compliance with Low Impact Development (LID) Handbook requirements~~.

16) Section 23.05.048 – Subsections (c)(4) and (c)(15), as modified by the Coastal Commission.

Subsection (c)(4)

(4) All permanent slopes over three feet high shall be permanently revegetated with native plants to achieve a minimum of 70 percent coverage at 24 months. All slopes shall be maintained to assure the success of the plant material and the maintenance of the slope.

Subsection (c)(15)

(15) Native plant materials are ~~encouraged~~ required, in order to reduce irrigation demands. Where riparian vegetation has been removed, riparian plant species shall be used for revegetation.

17) Section 23.05.050(a) and (f)(4), as modified by the Coastal Commission and updating building code references.

Subsection a

a. Modifications to approved plans. No work based upon any modifications to the approved plans shall proceed unless and until such modifications have been approved by the Building Official, and where applicable, the County Public Works Department, and any necessary permits or permit amendments have been obtained. The proposed change shall not result in greater environmental impacts than those considered in the approved environmental document.

Subsection f(4)

(4) Notwithstanding the minimum standards set forth in the Grading Ordinance~~,~~ and Title 19 of the County Code~~, and 1997 Uniform Building Code Appendix Chapter 33~~, the permit holder is responsible for the prevention of damage to adjacent property, and no person shall excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, structure, trees, vegetation, or any other public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.

18) Section 23.05.054(a)(2), as modified by the Coastal Commission.

(2) No relief shall be granted unless the relief requested is consistent with the purpose and intent of the Grading Ordinance and does not diminish the environmental, coastal resource, and health and safety benefits that would be obtained in the absence of a grant of relief.

19) Section 23.05.058, replacing former Section 23.05.027.

~~**23.05.027 - Grading Permit Fees.**~~

23.05.058 - Fees

~~Fees for grading permits shall be as set forth in County Fee Ordinance. This section supersedes Section 7007(b) of the Uniform Building Code.~~

Fees for grading permits and grading, drainage, and erosion and sedimentation control plan checking shall be as set forth in the fee ordinance adopted by the Board. In compliance with the adopted fee schedule, the Director may require payment of actual recorded costs, plus overhead, for those applications which will exceed County fees for processing, plan checking, administration, and/or inspection.