

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 15.30 GRADING, EROSION AND SEDIMENT CONTROL

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Article I. Purpose and Definitions

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15.30.010 Title.

This chapter shall be known as the grading ordinance of the city of Colfax.

(Ord. 483 (Exh. A) (part), 2005)

15.30.011 Administration.

This chapter shall be administered for the city of Colfax by the city engineer and city manager.

(Ord. 483 (Exh. A) (part), 2005)

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15.30.012 Purpose.

This chapter is enacted for the purpose of regulating grading on private property within the incorporated area of the city of Colfax to safeguard public health, safety, and public welfare, to reduce environmental damage due to premature soil disturbance and removal of vegetation, to reduce pollution of watercourses with nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended use of a graded site is consistent with the Colfax Area General Plan, any specific plans adopted thereto and applicable city of Colfax ordinances including the zoning ordinance and Appendix Chapter 33 of the Uniform Building Code. In the event of conflict between UBC Appendix Chapter 33 and this ordinance, the provisions of this ordinance will prevail.

(Ord. 483 (Exh. A) (part), 2005)

15.30.013 Not retroactive.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.014 Definitions.

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

"Bedrock" means the solid undisturbed rock in place either exposed at the ground surface or beneath surface deposits of loose rock or soil.

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

"City council" means the city council of the city of Colfax.

"City engineer" means the city engineer of the city of Colfax, California, acting either directly or through his authorized deputies, subject to the administrative direction of the city manager.

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

"Cut." See Excavation.

"Department" means the public works department of the city of Colfax.

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

"Director of public works" means the director of public works of the city of Colfax, California, acting either directly or through his authorized deputies, subject to the administrative direction of the city manager.

"Drainage waters" means surface waters which collect, or are accumulated, on the ground and which, by means of drainage ways or watercourses, flow off the surface to larger rivers, streams, or lakes. Such waters shall include but are not limited to, natural precipitation, and irrigation waters.

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

"Embankment." See Fill.

"Encroachment permit" means a written permit issued by the city authorizing certain work within a publicly maintained right-of-way or easement.

"Engineering geologist" means a registered geologist certified as an engineering geologist by the State of California.

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

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

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

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

"Expansive soil" means any soil which exhibits significant expansive properties as determined by a geotechnical engineer or the city engineer.

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

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

"Geologic Hazard" means any condition in naturally occurring earth materials which may endanger life, health or property.

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

"Geotechnical engineering" means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and may include the inspection, testing and construction thereof.

"Grade" means the vertical location of the ground surface.

"Existing grade" means the grade prior to grading.

"Rough grade" means the stage at which the grade approximately conforms to the approved plan.

"Finish grade" means the final grade of the site which conforms to the approved plan.

"Grading" means any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative ground cover.

"Grading plan" means a plan prepared in accordance with this chapter showing grading and related work.

"Grading work" means grading and related work. "Related work" shall include, but is not limited to, vegetation removal, drainage improvements and erosion and sediment control in connection with the grading done.

"Keyway" means a special backfilled excavation which is constructed beneath the toe area of a planned fill slope or sloping ground to improve the stability of the slope.

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"Landscape architect" means a landscape architect registered by the State of California.

"Level; Land leveling operation" means the physical movement of rock or soil which results in a change in the topography of the land.

"Lot." See Parcel.

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

"Parcel" (Lot) means is land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a subdivision map or parcel map on file in the county recorder's office.

"Permit" means an approved grading permit issued pursuant to this chapter authorizing certain grading work.

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

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

"Planning authority" means the planning director of the city of Colfax; acting directly or through his authorized agents subject to the administrative direction of the city manager.

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

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

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

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

"Slope" means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

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

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

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

"Vehicular way" means a private roadway or driveway.

"Vegetation" means plant life or total plant cover of an area.

"Watercourse" means any natural or man-made channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store storm water runoff. Natural channels shall generally be limited to those designated by a solid line or a dash and three dots as shown in blue on the most recent U.S. Geological Survey 7.5 minute series of topographic maps. At the discretion of the city engineer the definition of natural channel may be limited to those channels having a watershed area of fifty acres or more, and this definition will be commonly used in connection with the administration of this ordinance except for those cases in which the city engineer determines that the definition must be extended to a natural channel with a watershed smaller than fifty acres in order to prevent a condition which is a menace to life, limb, endangers property,

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is a hazard to public safety, adversely affects the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water bodies of watercourses.

"Work." See Grading work.

(Ord. 483 (Exh. A) (part), 2005)

Article II. General Grading Requirements

[15.30.020 General requirements for grading.](#)

[15.30.021 No activity causing erosion.](#)

[15.30.022 Water obstruction.](#)

[15.30.023 Construction in public rights-of-way.](#)

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15.30.020 General requirements for grading.

All grading within the city, whether or not a permit is required, shall be performed in conformance with the technical requirements of this code, the Uniform Building Code and other city codes including but not limited to; dust control, erosion control, protection of waterways and drainage ways, sediment control; excavation, cut and fill, slope and compaction requirements. Any work not done in conformance with these requirements is hereby declared a public nuisance.

(Ord. 483 (Exh. A) (part), 2005)

15.30.021 No activity causing erosion.

No person shall do or permit to be done any grading in such a manner that quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels are washed, eroded, or otherwise moved from the site, except as specifically provided for by a permit.

(Ord. 483 (Exh. A) (part), 2005)

15.30.022 Water obstruction.

No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws, including but not limited to these permit requirements.

(Ord. 483 (Exh. A) (part), 2005)

15.30.023 Construction in public rights-of-way.

No person shall perform any grading work within the right-of-way of a public road or street, or within a public easement, without prior written approval of the public works director.

(Ord. 483 (Exh. A) (part), 2005)

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15.30.024 Hazards.

Whenever the city engineer determines that any grading on private property constitutes a condition which is a hazard to public safety, endangers property, adversely affects the safety, use or stability of adjacent property, or an overhead or underground utility, or a public way, watercourse or drainage channel, or could adversely affect the water quality of any water bodies or watercourses, the owner of the property upon which the condition is located, or other person or agent in control of said property, upon receipt of notice in writing from the city engineer shall, within the period specified therein, obtain a grading permit and conform to the conditions of said permit. The city engineer may require the submission of plans or soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any corrective or proposed work or activity.

(Ord. 483 (Exh. A) (part), 2005)

Article III. General Requirements for a Grading Permit

[15.30.030 Grading review required prior to commencement of work.](#)

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15.30.030 Grading review required prior to commencement of work.

- (a) Prior to commencement of any grading within the city, whether or not permit is required, the person shall meet with the city engineer or designee and complete a simple form application to outline what is proposed. The city engineer will then make a determination whether a permit is required and what other actions may be necessary before grading can be commenced.
- (b) If the city engineer determines that no permit is required, the person will be required to sign the application stating that they will conform to the requirements of the city and this ordinance and have read or will read the city grading ordinance prior to commencing the work.

(Ord. 483 (Exh. A) (part), 2005)

15.30.031 Grading permit required.

Except for the specific exemptions listed in Section 15.30.032 below, no person shall do or permit to be done any grading on any site in the city of Colfax without a valid permit obtained from the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.032 Exemptions.

After review by the city engineer to assure compliance, the following minor grading may be done without obtaining a grading permit. Exemption from the requirement of a permit shall not be deemed to be permission to violate any provision of this chapter.

- (a) Minor Grading Projects. Minor projects which meet all of the following requirements:

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- (1) Involve no cuts or fills exceeding five feet in vertical depth at its deepest point measured from the existing ground surface;
 - (2) Involve less than fifty (50) cubic yards of graded material;
 - (3) Do not create unstable or erodible slopes;
 - (4) Do not encroach onto sewage disposal systems or disposal areas;
 - (5) Do not encroach into or affect a drainage way.
- (b) **Vegetation Cutting.** Vegetation cutting and removal when the cutting of vegetation is limited to the mowing and cutting of weeds, grasses, small trees and plants where the soil is not disturbed by said activity.
 - (c) **Limited Vegetation Clearing.** Clearing of vegetation in which the soil is disturbed, provided the area cleared is less than five thousand (5,000) sq ft. Clearing of larger areas shall require the prior approval of the city engineer as provided under Section 15.030.30 and the city fire chief.
 - (d) **Limited Road and Firebreak Maintenance.** Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition provided that no more than fifty (50) cubic yards of earth are moved.
 - (e) **Excavation Authorized by Building Permit.** An excavation below finished basements and footings of a building authorized by a valid building permit.
 - (f) **Incidental Trenching.** Trenching and grading incidental to the construction or installation of approved underground pipe lines, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for postholes or approved walls.
 - (g) **Public Agency Grading.** Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work.
 - (h) **Swimming Pool Excavation.** Excavations in connection with a swimming pool authorized by a valid building permit.
 - (i) **Surface Mining Reclamation and Landfills.** Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan or sanitary landfill.
 - (j) **Cemetery Excavations.** Routine cemetery excavations and fills.
 - (k) **Emergency Work.** Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person performing such emergency work shall notify the city engineer promptly of the problem and work required and shall apply for a permit therefore within ten (10) calendar days after commencing said work.

(Ord. 483 (Exh. A) (part), 2005)

15.30.033 Premature grading prohibited.

No permit will be granted to conduct grading unless there is a demonstrated need to grade the property at the time the permit is sought. Permits will be issued only under the following circumstances and the grading will be limited to that justified by the need:

- (a) **Grading to Provide Access.** Grading to provide reasonable access to undeveloped property.
- (b) **After Project Approval.** After receipt of all discretionary permits and after application for a building permit to commence construction on the property proposed to be graded.
- (c) **Enhancement of Improved Properties.** Where the property is already improved and developed, the grading is reasonably related to enhancement of the use of the property.

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- (d) Grading to Prevent Environmental Damage. Grading done usually to correct existing problems and reduce the risk of erosion, soil slippage, and other environmental damage.
- (e) Other Circumstances. Such other circumstances as the city engineer determines present a justifiable need to conduct grading activities at the particular time.

(Ord. 483 (Exh. A) (part), 2005)

Article IV. Permit Application Procedures

[15.30.040 Filing.](#)

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15.30.040 Filing.

Applications for permits shall be filed with the city engineer on forms furnished by his office. Each application shall include a plan checking fee and other fees as required, preliminary or final grading plans as required herein, and a statement of the intended use of the site. Only one application and permit is allowed for grading work to be done on a site. The city engineer shall determine whether the application is complete in accordance with provisions of Article 4 herein and may require additional information from the applicant before accepting the application as complete. The applicant shall be notified within seven to twelve (12) working days if the application is deemed incomplete, and the requirements for completing the application.

(Ord. 483 (Exh. A) (part), 2005)

15.30.041 Filing fees.

- (a) Before a permit is issued, the applicant shall deposit with the city engineer cash or check, in a sufficient sum to cover the fee for issuance of the permit, charges for the review of plans, specifications and reports, other engineering services, field investigations, necessary inspection or other work and routine laboratory tests of materials and compaction.
- (b) The schedule of fees and costs shall be those established and adopted by the city council from time to time by resolution or ordinance. The fee may be in the form of a deposit to cost. In such case, the city may require that the deposit be replenished if exhausted prior to finaling the permit.

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- (c) Public utilities may, at the option of the city engineer, make payment for the above charges as billed by the city engineer instead of by advance deposit as required above.
- (d) If, upon completion of any work under a permit there remains any excess of deposit, the city shall refund the balance to the permittee.
- (e) If, upon completion of any work under a permit there is not a sufficient deposit to cover the cost of the work, the city engineer shall notify the permittee to reimburse the amount equal to the cost deficit.
- (f) If grading work is done in violation of this chapter or such work is not done in accordance with an approved permit, a fee, not less than twice the normal fee, covering investigation of any violation and inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs plus administrative overhead costs.

(Ord. 483 (Exh. A) (part), 2005)

15.30.042 Authorization of land owner.

No application for a permit will be accepted without the written authorization of the land owner corroborated by appropriate proof of ownership.

(Ord. 483 (Exh. A) (part), 2005)

15.30.043 Compliance with CEQA and other permit requirements.

The city engineer and/or city planner shall review the proposed grading application and determine whether (1) the proposed grading activity is related to further development of the property and further permits from the city are required for that development, (2) the proposed grading is subject to environmental review under the California Environmental Quality Act (CEQA), and (3) there is a possibility that additional permits from other agencies are required in connection with the activity such as a Streambed Alteration Permit from the Department of Fish and Game or a 404 Permit from the Army Corps of Engineers. If the city determines that the grading or any related further development is subject to CEQA or that other agency permits may be required, they may require additional information. No grading permit will be issued and no grading may commence until the city has completed its environmental review process and all other needed permits have been obtained.

(Ord. 483 (Exh. A) (part), 2005)

15.30.044 Referral to utilities and other public agencies.

Upon the filing of an application of permit, the city engineer shall notify by mail the owners of utilities on or abutting the site, that an application for a grading permit has been submitted pursuant to this chapter and that they may comment at any stage of the proceeding, and may lodge an appeal pursuant to the provisions of this chapter. The city engineer may also refer an application to other interested public agencies for their recommendations and shall refer it to other agencies if required by law. In such case, the granting of the permit shall not occur until a reasonable time has been given to the other agencies to respond.

(Ord. 483 (Exh. A) (part), 2005)

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15.30.045 Right of entry.

As a condition of issuance of any grading permit, the owner of the property subject to the permit shall grant the city the right of unrestricted access during business hours to inspect the progress of the work.

(Ord. 483 (Exh. A) (part), 2005)

15.30.046 Circumstances requiring geotechnical investigation.

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

- (a) When the proposed grading includes a cut or fill exceeding ten feet in depth at any point; however, for vehicular ways, a soil investigation shall not be required unless the grading includes a proposed cut or fill that exceeds ten feet in depth and the slope of the natural ground exceeds thirty (30) percent.
- (b) When highly expansive soils are present.
- (c) In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking.
- (d) When the proposed grading involves retaining walls exceeding four feet in height which support a slope in excess of thirty (30) percent.
- (e) Such other circumstances as the city engineer determines may require a geotechnical report.

(Ord. 483 (Exh. A) (part), 2005)

15.30.047 Licensing requirements for geotechnical reports.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.048 Content of soil/geologic investigation report.

The soil or geologic investigations shall be based on observations and tests of the material exposed by exploratory borings or excavations and inspections made at appropriate locations. Additional studies may be necessary to evaluate soil and rock strength, the effect of moisture variation on soil, bearing capacity, compressibility, expansiveness, stability and other factors. The soil or geologic investigation report shall contain all of the following, as they may be applicable to the subject site:

- (a) An index map showing the regional setting of the site;
- (b) A site map showing the topographic features of the site and locations of all soil borings and test excavations;
- (c) A classification of the soil types (Unified Soil Classification); pertinent laboratory test data; and consequent evaluation regarding the nature, distribution and strength of existing soil;
- (d) A description of the geology of the site and geology of the adjacent areas when pertinent to the site;

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- (e) A suitably scaled map and cross sections showing all identified areas of land slippage;
- (f) A description of any encountered groundwater or excessive moisture conditions;
- (g) A description of soil and geological investigative techniques employed;
- (h) A log for each soil boring and test excavations showing elevation at ground level and the depth of each soil or rock strata;
- (i) An evaluation of the stability of pertinent natural slopes and any proposed cut and fill slopes;
- (j) An evaluation of settlement associated with the placement of any fill;
- (k) Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill;
- (l) Recommendations regarding drainage and erosion control including BMP's and a SWPPP;
- (m) Recommendations for mitigation of geologic hazards.

(Ord. 483 (Exh. A) (part), 2005)

15.30.049 Soils reports approval.

Any soil or geologic investigation report shall be subject to the approval of, and supplemental reports and data may be required by, the city engineer. Recommendations included in the reports and approved by the city engineer shall be incorporated in the final plans and specifications.

(Ord. 483 (Exh. A) (part), 2005)

15.30.04910 Validity.

The issuance of a permit or approval of plans and specifications shall not be construed as a consent to any violation of the provisions of this chapter or of any other applicable laws, ordinances, rules or regulations. Upon discovery that a permit has been issued in error, the city may stop the work and require appropriate corrective action.

(Ord. 483 (Exh. A) (part), 2005)

15.30.04911 Appeals.

Appeals on decisions pursuant to this chapter shall be made to the city council in writing, setting forth the specific grounds thereto within ten (10) calendar days from the date of such decision.

(Ord. 483 (Exh. A) (part), 2005)

Article V. Plans and Specifications

[15.30.050 Application—Plans.](#)

[15.30.051 Preliminary grading plans.](#)

[15.30.052 Final grading plans—Engineer required.](#)

[15.30.053 Final grading plans—Engineer not required.](#)

[15.30.054 Modification of approved plans:](#)

[15.30.055 Seasonal requirements.](#)

[15.30.056 Distribution and use of approved plans.](#)

15.30.050 Application—Plans.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.051 Preliminary grading plans.

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

On a map of appropriate scale, but not smaller than 1" = 100':

- (a) A plan entitled "Preliminary Grading Plan" and the name and signature of preparer and date of preparation.
- (b) A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roads, lakes and watercourses in the area.
- (c) A site plan indicating the site of the work and any proposed divisions of land.
- (d) The complete site boundaries and locations of any easements and rights-of-way traversing and adjacent to the property, appropriately labeled and dimensioned.
- (e) The location and all existing and proposed roads, buildings, wells, pipelines, watercourses, septic systems or areas reserved for on-site sewage disposal, and other structures, facilities, and features of the site, and the location of all improvements of adjacent land within fifty (50) feet of the proposed work.
- (f) Location and nature of known or suspected soil or geologic hazard areas.
- (g) Contour lines of the existing terrain and proposed approximate finished grade at intervals not greater than five feet, showing all topographic features and drainage patterns throughout the area where proposed grading is to occur. The contour lines shall be extended to a minimum of fifty (50) feet beyond the affected area, and further if needed to define intercepted drainage, and shall be extended a minimum of one hundred (100) feet outside of any future road rights-of-way.
- (h) Approximate location of cut and fill lines and the limits of grading for all the proposed grading work, including borrow and stockpile areas.
- (i) Location, width, direction of flow and approximate location of tops and toes of banks of any watercourses.

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- (j) Approximate boundaries of any areas with a history of flooding.
- (k) Proposed provisions for storm drainage control and any existing or proposed flood control facilities or septic tank disposal fields or areas reserved for on-site sewage disposal in the vicinity of the grading.
- (l) A conceptual plan for erosion and sediment control including both temporary facilities and long-term site stabilization features such as planting or seeding for the area affected by the proposed grading.
- (m) North arrow and scale.
- (n) General location and character of vegetation covering the site.
- (o) Typical cross section (not less than two) of all existing and proposed graded areas taken at intervals not exceeding two hundred (200) feet and at locations of maximum cuts and fills.
- (p) An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.
- (q) The estimated starting and completion dates of grading.

(Ord. 483 (Exh. A) (part), 2005)

15.30.052 Final grading plans—Engineer required.

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

- (a) A Title Block. Plans shall be entitled "grading plan" and state the purpose of the proposed grading and the name of the engineer or firm by whom this plan is prepared;
- (b) Accurate contour lines at intervals not greater than five feet, showing topographic features and drainage patterns and the configuration of the ground before and after grading, relative to a bench mark established on site;
- (c) Location, extent and finished surface slopes of all proposed grading and final cut and fill lines;
- (d) Cross-sections, profiles, elevations, dimensions and construction details based on accurate field data;
- (e) Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps as required;
- (f) Complete construction specifications, including progress schedule of work;
- (g) A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities;
- (h) A revegetation plan including temporary erosion control plantings, permanent slope plantings, replacement of temporary ground cover, and irrigation facilities;
- (i) An estimate of the quantities of excavation and fill;
- (j) The location of any borrow site or location for disposal of surplus material;
- (k) A projected schedule of operations including, as a minimum, the date of:
 - (1) Commencement of work;

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- (2) Start and finish of rough grading;
- (3) Completion of drainage facilities;
- (4) Completion of work in any watercourse;
- (5) Completion of erosion and sediment control facilities;
- (6) Completion of hydromulching and other landscaping prior to October 15th. If rough grading is proposed between October 15th and May 1st, a more detailed schedule of grading activities and use of erosion and sediment control facilities may be required;
- (7) Itemized cost estimate of the proposed grading and related work;
- (8) A complete drainage study, geotechnical report, and structural calculations may be required.

(Ord. 483 (Exh. A) (part), 2005)

15.30.053 Final grading plans—Engineer not required.

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

- (a) Cuts and fills with a combined total of one thousand (1,000) cubic yards or more;
- (b) An access road serving five or more existing or potential residences;
- (c) A cut or fill that is intended to support structures;
- (d) A cut or fill that is located so as to cause unduly increased pressure or reduce support upon adjacent structure or property;
- (e) The construction of any extensive drainage or sediment control structures, culverts, or facilities or substantial alteration of any existing drainage course;
- (f) The creation or aggravation of an unstable slope condition.

(Ord. 483 (Exh. A) (part), 2005)

15.30.054 Modification of approved plans:

- (a) Proposed modifications of an approved final plan shall be submitted to the city engineer for his written approval prior to commencing with the modification work.
- (b) All necessary soils and geological information and design details shall accompany any proposed modification.
- (c) The modification shall be compatible with any zoning, subdivision map or land use requirements.

(Ord. 483 (Exh. A) (part), 2005)

15.30.055 Seasonal requirements.

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

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(Ord. 483 (Exh. A) (part), 2005)

15.30.056 Distribution and use of approved plans.

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

(Ord. 483 (Exh. A) (part), 2005)

Article VI. Design Standards

[15.30.060 Excavation.](#)

[15.30.061 Excavation slope.](#)

[15.30.062 Fill placement.](#)

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[15.30.0617 Vehicular ways—General.](#)

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15.30.060 Excavation.

Excavations shall be constructed or protected so that they do no endanger life or property.

(Ord. 483 (Exh. A) (part), 2005)

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15.30.061 Excavation slope.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.062 Fill placement.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.063 Fill compaction.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.064 Ground preparation for fill placement.

The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, top soil, and other unsuitable material, and where slopes are five horizontal to one vertical or steeper, by benching into competent material in a manner acceptable to the city engineer. The keyway under the toe, if specified, shall be at least ten (10) feet wide.

(Ord. 483 (Exh. A) (part), 2005)

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15.30.065 Fill slopes.

The slope of permanent fills shall not be steeper than two horizontal to one vertical exclusive of terraces and exclusive of roundings described herein, unless a soils report supports a steeper slope, but shall not exceed one and one-half horizontal to one vertical. The city engineer may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical or may require such other measures as he deems necessary for stability and safety.

(Ord. 483 (Exh. A) (part), 2005)

15.30.066 Adjacent structures protection.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.067 Setbacks—General.

Unless otherwise recommended in a soil and geologic investigation report, Figures 18-I-1 on Page 1-176 of the 1997 Uniform Building Code or said similar provisions as provided for in adopted successor code shall be used for establishing setbacks for property boundaries, buildings and structures other than fences and retaining walls.

(Ord. 483 (Exh. A) (part), 2005)

15.30.068 Drainage—General.

The drainage structure and devices required by this chapter shall be designed and constructed in accordance with standards herein and criteria authorized by the city engineer including the Placer County Stormwater Management Manual (SWM).

(Ord. 483 (Exh. A) (part), 2005)

15.30.069 Drainage—Disposal requirements.

All drainage facilities shall be designed to carry surface and subsurface waters to the nearest adequate street, storm drain, natural watercourse or other juncture, and shall be subject to the approval of the city engineer. Drainage areas shall conform to patterns established by the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0610 Drainage—Water accumulation.

All areas shall be graded and drained so that water will not pond or accumulate. Drainage shall not be affected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

(Ord. 483 (Exh. A) (part), 2005)

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15.30.0611 Drainage protection of adjoining property.

When surface drainage is discharged onto any adjoining property, it shall be discharged in such a manner that it will not increase runoff peak flows or cause erosion or endanger any cut or fill slope or any building or structure.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0612 Terrace drainage.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.0613 Subsurface drainage.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.0614 Erosion and sediment control.

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

- (a) Grading plans shall be designed with long-term erosion and sediment control as a primary consideration;
- (b) Grading operations during the rainy season if permitted by the city engineer shall provide erosion and sediment control measures except upon a clear demonstration, to the satisfaction of the city engineer, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site;
- (c) Should grading be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized;
- (d) Natural features, including vegetation, terrain, watercourses and similar resources shall be preserved wherever possible. Limits of grading shall be clearly defined and marked to prevent damage by construction equipment;
- (e) Permanent vegetation and structures for erosion and sediment control shall be installed as soon as possible;
- (f) Adequate provision shall be made for long term maintenance of permanent erosion and sediment control structures and vegetation;

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- (g) No topsoil shall be removed from the site unless otherwise directed or approved by the city engineer. Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water;
- (h) Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before grading except into drainage facilities whose design has been specifically approved by the city engineer;
- (i) Permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0615 Emergency conditions.

Should increased sediment discharge occur or become imminent, permittee shall take all necessary steps to control or reduce such discharge. Such steps may include construction of additional facilities or removal or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately requested pursuant to this chapter. Permittee shall take prompt action to resolve emergency problems; otherwise the city engineer may institute abatement proceedings pursuant to provisions of this Chapter 15.30.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0616 Erosion and sediment control plans.

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

- (a) The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan;
- (b) An erosion and sediment control plan shall be required whenever:
 - (1) The graded portion of the site includes more than ten thousand (10,000) square feet of area having a slope less than ten (10) percent, or more than five thousand (5,000) square feet of area on slopes ten (10) percent or greater,
 - (2) There is a significant risk that more than two thousand five hundred (2,500) square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season,
 - (3) Grading will occur within twenty (20) feet of any watercourse,
 - (4) The city engineer determines that the grading will or may pose a significant erosion or sediment discharge hazard for any reason;
- (c) The applicant shall submit, with his erosion and sediment control plans, a detailed cost estimate covering this work;
- (d) Erosion and sediment control plans shall include an effective revegetation program to stabilize all disturbed areas which will not be otherwise protected. All such areas where grading has been completed between April 1st and October 15th shall be planted by November 1st. Graded areas completed at other times of the year shall be planted within fifteen (15) days. If revegetation is infeasible or cannot be expected to stabilize an erodible area with assurance

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during any part of the rainy season, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge;

- (e) Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of the grading and development from initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable;
- (f) Erosion and sediment control plans shall comply with the recommendations of a civil engineer, geotechnical engineer, engineering geologist, or landscape architect involved in preparation of the grading plans;
- (g) The structural and hydraulic adequacy of all storm water containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a civil engineer, and he shall so attest on the plans. Sufficient calculations and supporting materials to demonstrate such adequacy shall accompany the plans when submitted;
- (h) Erosion and sediment control plans shall be designed to meet anticipated field conditions;
- (i) Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day and for every day during the rainy season and for specific sediment cleanout and vegetation maintenance criteria;
- (j) Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation of grading sites. These standards and specifications shall be in general compliance with "Erosion and Sediment Control Guidelines for Developing Areas of the Sierra Foothills and Mountains" published by the High Sierra Resource Conservation District Council.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0617 Vehicular ways—General.

Vehicular ways shall conform to the grading requirements of this chapter.

(Ord. 483 (Exh. A) (part), 2005)

15.30.0618 Vehicular Ways—Drainage.

Vehicular ways shall be graded and drained in such a manner that will not allow erosion or endanger the stability of any adjacent slope. Surface discharge onto adjoining property shall be controlled in such a manner that it does not cause erosion or endanger existing improvements. Bridges and culverts installed in watercourses shall be reviewed and approved by the city engineer prior to installation.

(Ord. 483 (Exh. A) (part), 2005)

Article VII. Permit Requirements

[15.30.070 General.](#)

[15.30.071 Permit conditions.](#)

[15.30.072 Permission of other agencies or owners.](#)

[15.30.72.1 Offsite soil transport.](#)

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[15.30.074 Permit time limits.](#)

[15.30.075 Grading prior to approval of subdivision improvement plans.](#)

[15.30.076 Transfer of permit.](#)

15.30.070 General.

The city engineer will issue a grading permit if the grading plans satisfy the provisions of this chapter and all of the conditions imposed. The city engineer shall identify the provision, requirement or condition which has not been met or performed by the applicant in the event the issuance of a grading permit is denied.

(Ord. 483 (Exh. A) (part), 2005)

15.30.071 Permit conditions.

- (a) No permit shall be granted unless the project conforms with the Colfax area general plan, and specific plans adopted thereto, and applicable city ordinances including the zoning ordinance and hillside development guidelines.
- (b) Where a proposed grading project requires the filing of a tentative map or the intended use requires approval of a discretionary permit, no grading permit shall be granted prior to the issuance of all needed discretionary permits.
- (c) The permit shall be limited to work shown on the grading plans as approved by city engineer. In granting a permit, the city engineer may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, and to assure proper completion of the grading, including but not limited to:
 - (1) Mitigation of adverse environmental impacts disclosed by any environmental document findings;
 - (2) Improvement of any existing grading to comply with the standards of this chapter;
 - (3) Requirements for fencing or other protection of grading which would otherwise be hazardous;
 - (4) Requirements for dust, erosion, sediment and noise control, hours of operation and season of work, weather conditions, sequence of work, access roads and haul routes;
 - (5) Requirements for safeguarding watercourses, whether natural or man-made, from excessive deposition of sediment or debris in quantities exceeding natural levels;
 - (6) Requirements for safeguarding areas reserved for on-site sewage disposal;
 - (7) Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of flooding can be eliminated or adequately reduced;
 - (8) Requirements for safeguarding existing water wells.
- (d) The city engineer may require the submission of improvement security as provided in Article 9 below.

(Ord. 483 (Exh. A) (part), 2005)

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15.30.072 Permission of other agencies or owners.

No permit shall relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or agency of the city, Placer County, or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. Proof of receipt of applicable public agency permits will be required prior to issuance of grading permit.

(Ord. 483 (Exh. A) (part), 2005)

15.30.72.1 Offsite soil transport.

When a grading project proposes importation of soil from offsite or exportation of soil from the project site to another location, the following requirements shall be included in the grading plan:

- (a) The plan shall specify the volume of soil material to be imported or exported, the estimated of truck trips involved and the route proposed for transport of the material;
- (b) The plan shall identify the specific property which is the proposed source of the soil to be imported or the target site for the placement of the soil removed from the project site;
- (c) The plan shall include evidence satisfactory to the city engineer that all requisite permits have been obtained for the removal of soil from the source site in the case of importation or the placement of soil at the target site in the case of exportation;
- (d) The plan shall include such other information as the city engineer may require relating to the proposed soil transport;
- (e) The city engineer may impose conditions to mitigate the impacts of such transport including (without limitation) the following:
 - (i) Conditions with respect to the trucking, including time of operation, route, types of trucks used, etc.,
 - (ii) Requirements for street cleaning,
 - (iii) Payment of a mitigation fee to reimburse the city for the damage to city streets caused by the truck traffic.

(Ord. 483 (Exh. A) (part), 2005)

15.30.073 Grading within property lines.

The applicant shall use reasonable effort to determine property lines prior to grading and shall keep all grading within the property on which the grading has been authorized. Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, the city engineer may stop the work and require a survey by a licensed land surveyor or civil engineer or resolution of title (all at the expense of the applicant)prior to recommencement.

(Ord. 483 (Exh. A) (part), 2005)

15.30.074 Permit time limits.

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

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to the city engineer no later than thirty (30) days prior to the expiration of the permit. The city engineer may grant additional time for the work.

- (b) If all the permit work required is not completed within the time limit specified in Subsection (a) above, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the city engineer who may require a new application and fees depending on the time between the expiration date and the renewal request, revisions in the city regulations, or changed circumstances in the immediate area. Any revised plan shall be submitted to the city engineer for review, and any costs thereof shall be at the applicant's expense.
- (c) Winter Season Shut Down. No grading shall be undertaken or continued during the winter season after November 1st until May 1st of each year, unless the city engineer finds in writing that exceptional circumstances require that grading occur or continue during that period and special protections are imposed. Commencing October 15th of each year, the permittee shall commence shut down of the work and winterization in accordance with the requirements of the city engineer to minimize erosion and sedimentation during the Winter Season.

(Ord. 483 (Exh. A) (part), 2005)

15.30.075 Grading prior to approval of subdivision improvement plans.

Applications for permits for grading projects that require a tentative map or the intended use requires approval of a discretionary zoning permit, shall not be granted a grading permit unless the project complies with the provisions of this Grading Code, procedures, of this grading ordinance and the following requirements:

- (a) Separate grading plan shall be submitted for review and approval by the city engineer. This plan shall conform to the requirements of this grading ordinance and any applicable conditions placed on the project as a result of any formal discretionary permit process. The applicant shall acknowledge that any additional grading of revisions to work necessitated by conflicts discovered during the improvement plan check or subsequent construction will be corrected at the applicant's expense;
- (b) Revegetation and winterization plan shall be submitted for review and approval by city engineer. This plan shall include a performance contract with the city of Colfax which includes a specific schedule for performance of the subject grading, an engineer's estimate of cost for implementing the plan, and cash or other approved form of security to ensure timely performance of the plan;
- (c) Plan check and inspection fee deposit shall be required in the amount of the full plan check fee applicable at the time of submittal and a deposit of one hundred (100) percent of the full inspection fee at time of grading permit approval;
- (d) Drainage report shall be required as per the requirements of the grading ordinance.

(Ord. 483 (Exh. A) (part), 2005)

15.30.076 Transfer of permit.

No permit issued under this chapter may be transferred or assigned in any manner whatsoever, without the express consent of the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

Article VIII. Requirements for Permit Finaling

[15.30.080 Final inspection.](#)

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[15.30.081 Changed conditions.](#)

[15.30.082 Final geotechnical report.](#)

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[15.30.086 Progress report by permittee.](#)

[15.30.087 Submit "As-Built" plan.](#)

[15.30.088 Other responsibilities of permittee.](#)

15.30.080 Final inspection.

No permittee shall be deemed to have complied with this chapter until a final inspection of the work has been made by the city engineer. The permittee shall provide adequate access to the site for inspection by the city engineer during the performance of all work and for a minimum period of one year after acceptance by the city engineer of all improvements.

(Ord. 483 (Exh. A) (part), 2005)

15.30.081 Changed conditions.

Where soil or geologic conditions encountered in the grading operation deviate from that anticipated in the soil and geologic investigation reports or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for the approval of the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.082 Final geotechnical report.

Upon completion of rough grading work, the city engineer may require a final geotechnical report that includes, but is not necessarily limited to the following:

- (a) A complete record of all field and laboratory tests including location and elevation of all field tests;
- (b) A professional opinion regarding slope stability, soil bearing capacity, and other pertinent information;
- (c) Recommendations regarding foundation design, including soil bearing potential, and building restrictions or setbacks from the top or toe of slopes;
- (d) A declaration by the geotechnical engineer, civil engineer competent to do so or engineering geologist in the format required by the city engineer that all work was done in substantial accordance with the recommendations contained in the soil and geologic investigation reports as approved and in accordance with the approved plans and specification.

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(Ord. 483 (Exh. A) (part), 2005)

15.30.083 Special inspection.

- (a) As the condition of the permit, the city engineer may require the permittee to provide a private geotechnical engineer or civil engineer competent to so, to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he has inspected the work that in his professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his own contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a geotechnical engineer or civil engineer competent to do so shall include, but not be limited to, the following situations:
- (1) During the preparation of a site for the placement of fills which exceed five feet in depth or slopes which exceed ten (10) percent and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten (10) feet in height;
 - (2) During the preparation of a site for the placement of any fill and during the placement of such fill which is intended to support any building or structure;
 - (3) During the installation of subsurface drainage facilities.
- (b) Reports filed by the private geotechnical engineer or civil engineer competent to do so regarding special inspection shall state in writing that from his personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.
- (c) The use of a private geotechnical engineer or civil engineer competent to do so for inspections shall not preclude the city engineer from conducting inspections using his or other authorized inspectors as may be necessary.

(Ord. 483 (Exh. A) (part), 2005)

15.30.084 Non-compliance notification by private geotechnical engineer or civil engineer competent to do so.

The permittee shall cause the work to be done in accordance with the approved plans. If during the course of construction the private geotechnical engineer or civil engineer competent to do so finds that the work is not being done substantially in accordance with the approved plans and specifications, he shall immediately notify the person in charge of the work and the city engineer of the non-conformity and the corrective measures to be taken. When changes in the plans are required, he shall prepare such proposed changes and submit them to the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.085 Periodic progress reports by private geotechnical engineer or civil engineer competent to do so.

As a condition of the report, periodic progress reports shall be rendered by the private geotechnical engineer or civil engineer competent to do so as required by the city engineer including, but not limited to, laboratory tests, slope stability, placement of materials, retaining walls, drainage, utilities and any special permit or plan requirements.

(Ord. 483 (Exh. A) (part), 2005)

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15.30.086 Progress report by permittee.

Periodic progress reports shall be rendered by permittee on specified calendar dates and at commencement and completion of major key grading and erosion and sediment control operations. The dates of operations upon which such reports are required and their content shall be as required by the city engineer in the permit.

(Ord. 483 (Exh. A) (part), 2005)

15.30.087 Submit "As-Built" plan.

Permittee shall submit to the city engineer an "As-Built" grading plan following completion of grading operations.

(Ord. 483 (Exh. A) (part), 2005)

15.30.088 Other responsibilities of permittee.

The permittee shall also be responsible for the following:

- (a) Protection of Utilities. The permittee shall be responsible for the prevention of damage to any public utilities or services;
- (b) Protection of Adjacent Property. The person(s) doing and causing the grading is responsible for the prevention of damage to adjacent property. No person(s) shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property, or easement, without supporting and protecting such property from damage which might result;
- (c) Advance Notice. The permittee shall notify the city engineer at least twenty-four (24) hours prior to the start of work;
- (d) Erosion and Sediment Control. It shall be the responsibility of the permittee to prevent discharge of the sediment from the site in quantities greater than before the grading occurred, to any watercourse, drainage system, or adjacent property and to protect watercourses and adjacent properties from damage by erosion, flooding, or deposition which may result from the permitted grading.

(Ord. 483 (Exh. A) (part), 2005)

Article IX. Improvement Security

[15.30.090 Security required.](#)

[15.30.091 Terms of security.](#)

[15.30.092 Use of security.](#)

15.30.090 Security required.

As a condition for the issuance of a permit, the city engineer may require the deposit of improvement security in sufficient amount deemed necessary by him to assure faithful performance of the work in the event of default on the part of permittee or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. The security amount shall include an

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additional amount equal to twenty-five (25) percent of the estimated cost of completion of the improvements to cover city administrative and legal expenses in the event of default. Said security shall be in a form acceptable to the city of Colfax.

(Ord. 483 (Exh. A) (part), 2005)

15.30.091 Terms of security.

- (a) In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made, all grading work and subdivision improvements have been accepted by the city council.
- (b) For projects other than subdivisions, the improvements security shall remain in effect until final inspections have been made and all grading work has been accepted by the city engineer.
- (c) In addition to the improvement security, the city engineer may also require the deposit of maintenance security in sufficient amount deemed necessary by him to guarantee and maintain the grading work to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Said maintenance security shall be in the form acceptable to the city of Colfax and shall remain in effect for a period of one year after the date of acceptance of the improvements as designated in subsections (a) and (b) above.
- (d) Any deposit required by the city engineer pursuant to this ordinance shall be payable to the city of Colfax.

(Ord. 483 (Exh. A) (part), 2005)

15.30.092 Use of security.

- (a) Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits will be released.
- (b) Upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the city may do the required work, or cause it to be done and collect from the permittee or surety all costs incurred thereto, including legal, administrative and inspection costs. Any unused portion of a deposit shall be refunded to the permittee after deduction by the city of the cost of the work. Any costs incurred by the city greater than the security provided will be billed to the owner and become a lien on the property.

(Ord. 483 (Exh. A) (part), 2005)

Article X. Enforcement

[15.30.100 Enforcement official.](#)

[15.30.101 Right of entry.](#)

[15.30.102 Suspension and revocation of permit.](#)

[15.30.103 Stop work orders.](#)

[15.30.104 Corrective work.](#)

[15.30.105 Violation.](#)

[15.30.106 Nonexclusive remedies.](#)

[15.30.107 Civil nuisance abatement.](#)

[15.30.108 Denial of other permits.](#)

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15.30.100 Enforcement official.

The city manager, city engineer, city attorney or any authorized representative shall enforce the provisions of this chapter.

(Ord. 483 (Exh. A) (part), 2005)

15.30.101 Right of entry.

Whenever necessary to enforce the provisions of the chapter the city engineer or city manager may enter the premises at all reasonable times in the manner provided by law to perform any duty imposed by this chapter. If such entry is refused, the city engineer or city manager shall have recourse to every remedy provided by law to secure entry.

(Ord. 483 (Exh. A) (part), 2005)

15.30.102 Suspension and revocation of permit.

The city engineer, his designee or the city manager may suspend or revoke a permit for good cause, subject to appeal to the city council. However, no work shall be performed during the appeal except as authorized by the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

15.30.103 Stop work orders.

When ever any work is being done contrary to the provisions of this chapter or any other applicable law, ordinance, rule or regulation, the city engineer, city manger or designees may order the work stopped by serving written notice on any persons engaged in, doing, or causing such work to be done. Any such person shall forthwith stop such work until authorized by the city engineer to proceed with the work. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation. Any person violating a stop work order shall be guilty of an infraction.

(Ord. 483 (Exh. A) (part), 2005)

15.30.104 Corrective work.

- (a) Abatement of Unlawfully Created Conditions.
- (b) Whenever the following conditions are created by violation of this chapter, they are hereby declared to be in the category of hazardous public nuisance:
 - (1) Where a violation has altered natural drainage patterns and has caused flooding to any downstream property; or
 - (2) When a violation results in a condition which creates a drainage alteration such that downstream property may be flooded when weather conditions change and the owner, lessee or licensee of the property on which the violation exists cannot be found; or

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- (3) Whenever a violation results in a hazard, requiring immediate correction for the preservation of the public health, safety or welfare.
 - (c) The city council, city manager or the city engineer may order city crews or authorize contractors to enter private property to immediately abate a hazardous public nuisance.
 - (d) Whenever the city expends any funds or takes any action, the city shall bill the landowner, lessee or licensee for the costs indicated herein. The costs shall become a lien on the property upon the bill being recorded in the office of the Placer County recorder. The following costs shall be billed:
 - (1) Engineering and Design;
 - (2) Inspections, supervision, preparation of and administering violations;
 - (3) Contractor service bills or public employee wages at cost;
 - (4) Administration overhead and supervision based on fifteen (15) percent of all costs incurred.
 - (5) Interest shall accrue and be billed at the annual rate of ten (10) percent of all unpaid amounts from the date of billing. Amount shall be prorated by month.
 - (e) Stop Work Notice.
 - (1) Whenever it comes to the attention of the city manager or city engineer that any person is performing work in violation of the provisions of this subchapter or without a permit as required by the subchapter, the city manager or city engineer may serve upon such person a written order citing such violations and directing that person performing the work to stop work immediately.
 - (2) Upon receipt of such stop work notice the person performing the work shall:
 - (i) Stop work immediately; and
 - (ii) Within twenty-four (24) hours provide the city engineer with a list of remedies which can be immediately undertaken to bring the work into compliance with this subchapter; and
 - (iii) Within twenty-four (24) hours after acceptance of such remedies by the city engineer undertake, at the violator's expense, such action as is necessary to bring the work into compliance with this subchapter.
 - (3) Upon failure of any person to comply with the stop work notice served pursuant to this section, the city may perform the corrective work either with city crew or by contract. All persons responsible for the violation shall be liable jointly and severally to the city for the cost of such corrective work.
 - (4) If engineering work is required to identify and define the proper course of action, as determined by the city such work shall be provided by the violator at no cost to the city.
 - (5) Fees will be doubled for processing a grading permit after a violation.
- (Ord. 483 (Exh. A) (part), 2005)

15.30.105 Violation.

- (a) Any person, firm, or corporation convicted of an infraction under the provisions of this code shall be punishable upon a first conviction of a fine not more than one hundred dollars (\$100.00), and for a second conviction within a period of one year by a fine of not more than two hundred dollars (\$200.00), and for a third or any subsequent conviction within a one-year period by a fine of not more than five hundred dollars (\$500.00). Any violation beyond the third conviction within a one-year period may be charged by the city attorney as a misdemeanor and the penalty for conviction of the

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same shall be subject to a fine, or imprisonment or both not to exceed the limits set forth in California Penal Code Section 19.

- (b) In addition to the penalties here and above provided any condition caused or permitted to exist in violation or any of the provisions of this code shall be deemed a public nuisance and may be by the city of Colfax summarily abated as such.
- (c) Each person, firm or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punishable accordingly.
- (d) The city manager, director of public works and the city engineer shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this code. Officers or employees so designated shall have the authority to arrest persons who violate any of said provisions.

(Ord. 483 (Exh. A) (part), 2005)

15.30.106 Nonexclusive remedies.

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

(Ord. 483 (Exh. A) (part), 2005)

15.30.107 Civil nuisance abatement.

In addition to any other remedy the city may abate a violation of this chapter by civil action to abate the nuisance pursuant to Government Code Section 54988 and such other laws that authorize abatement of public nuisances. In any such action, the city shall be entitled to recover its administrative expenses, including legal fees and litigation expenses.

(Ord. 483 (Exh. A) (part), 2005)

15.30.108 Denial of other permits.

No building permit, septic, water, sewer, electrical permit, or any other permit shall be issued by the city to any person for any premises or portion thereof which is in violation of this chapter and which violation is not corrected or approved for correction by the city engineer.

(Ord. 483 (Exh. A) (part), 2005)

Article XI. Miscellaneous Provisions

[15.30.110 Severability.](#)

[15.30.111 No liability for wrongful issuance.](#)

15.30.110 Severability.

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; and the city council declares that this

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chapter and each section, subsection, paragraph, subparagraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that one or more of such section, subsection, paragraph, subparagraph, sentence, clause or phrase be declared invalid or unconstitutional.

(Ord. 483 (Exh. A) (part), 2005)

15.30.111 No liability for wrongful issuance.

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the city for damage to any person or property.

(Ord. 483 (Exh. A) (part), 2005)