

**ORDINANCE NO. 2001-06**

**SANTA CRUZ COUNTY  
EXCAVATION AND GRADING ORDINANCE**

**SECTION 3304-PURPOSE**

The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating on private property.

**SECTION 3305-SCOPE**

This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments: establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

The standards listed below are recognized standards (see Sections 3503 and 3504).

**1. Testing**

- 1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures
- 1.2 ASTM D 1556, In Place Density of Soils by the SandCone Method
- 1.3 ASTM D 2167, In Place Density of Soils by the RubberBalloon Method
- 1.4 ASTM D 2937, In Place Density of Soils by the DriveCylinder Method
- 1.5 ASTM D 2922 AND D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

**SECTION 3306-PERMITS REQUIRED**

**3306.1 Permits Required.** Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the building official.

**3306.2 Exempted Work.** A grading permit is not required for the following:

- 1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.
- 2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.

- 3. Cemetery graves.
  - 4. Refuse disposal sites controlled by other regulations.
  - 5. Excavation for wells or tunnels or utilities.
  - 6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operation do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
  - 7. Exploratory excavations under the direction of soil engineers or engineering geologists.
  - 8. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
  - 9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m3) on any one lot and does not obstruct a drainage course.
- Exemption from the permit requirements of this chapter shall not deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

**SECTION 3307-HAZARDS**

Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

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**SECTION 3308-DEFINITIONS**

For the purpose of this appendix, the definition listed hereunder shall be constructed as specified in this section.

**APPROVAL** shall mean that the proposed work or completed work conforms to this chapter in the opinion of the building official.

**AS-GRADED** is the extent of surface conditions on completion of grading.

**BEDROCK** is in-place solid rock.

**BENCH** is relatively level step excavated into earth material on which fill is to be placed.

**BORROW** is earth material acquired from an off-site location for use in grading on a site.

**CIVIL ENGINEER** is a professional engineer registered in the state to practice in the field of civil works.

**CIVIL ENGINEERING** is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

**COMPACTION** is the densification of a fill by mechanical means.

**EARTH MATERIAL** is any rock, natural soil or fill any combination thereof.

**ENGINEERING GEOLOGIST** is a geologist experienced and knowledgeable in engineering geology.

**ENGINEERING GEOLOGY** is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

**EROSION** is the wearing away of the ground surface as a result of the movement of wind, water or ice.

**EXCAVATION** is the mechanical removal of earth material.

**FILL** is a deposit of earth material placed by artificial means.

**GEOTECHNICAL ENGINEER.** See “soils engineer.”

**GRADE** is the vertical location of the ground surface.

**Existing Grade** is the grade prior to grading.

**Finish Grade** is the final grade of the site that conforms to the approved plan.

**Rough Grade** is the stage at which the grade approximately conforms to the approved plan.

**GRADING** is any excavating or filling or combination thereof.

**KEY** is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposal fill slope.

**PROFESSIONAL INSPECTION** is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

**SITE** is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

**SLOPE** is an inclined ground surface the inclination of which is expressed as a ration of horizontal distance to vertical distance.

**SOIL** is naturally occurring superficial deposits overlying bedrock.

**SOILS ENGINEER (GEOTECHNICAL ENGINEER)** is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

**SOILS ENGINEERING (GEOTECHNICAL ENGINEERING)** is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

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

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**SECTION 3309-  
GRADING PERMIT REQUIREMENTS**

**3309.1 Permits Required.** Except as exempted in Section 3306 of this code, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.

**3309.2 Application.** The provisions of Section 106.3.1 are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.

**3309.3 Grading Designation.** Grading in excess of 5,000 cubic yards (3825 m<sup>3</sup>) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards (3825 m<sup>3</sup>) shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

**3309.4 Engineered Grading Requirements.** Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the building official.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or cloth and 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 this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.

4. 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, together with a map showing the drainage area and the estimated runoff of the area served by any drains.

5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet (4572 mm) of the property or that may be affected by the proposed grading operations.

6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

**3309.5 Soils Engineering Report.** The soils engineering report required by Section 3309.4 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

**3309.6 Engineering Geology Report.** The engineering geology report required by Section 3309.4 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

**3309.7 Liquefaction Study.** The building official may require a geotechnical investigation in accordance with Sections 1804.2 and 1804.5 when, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, 50 feet (15 240 mm) or less.
2. Unconsolidated sandy alluvium.
3. Seismic Zones 3 and 4.

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**3309.8 Regular Grading Requirements.** Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information.

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structures where work is to be performed, and the location of any buildings, or structures within 15 feet (4572 mm) of the proposed grading.

**3309.9 Issuance.** The provisions of Section 106.4 are applicable to grading permits. The building official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

**SECTION 3310-GRADING FEES**

**3310.1 Plan Review Fees.** When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in Table A-33-A. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

**3310.3 Grading Permit Fees.** A fee for each grading permit shall be paid to the building official as set forth in Table A-33-B. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

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**SECTION 3311-BONDS**

The building official may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

**SECTION 3312-CUTS**

**3312.1 General.** Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

**3312.3 Slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

**SECTION 3313-FILLS**

**3313.1 General.** Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

**3313.2 Preparation of Ground.** Fill slopes not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet (1524 mm), 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 1 unit vertical in 5 units horizontal (20% slope) shall be least 10 feet (3048 mm) 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 (3048 mm) wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

**3313.3 Fill Material.** Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than 12 inches (305 mm) shall be buried or placed in fills.

**EXCEPTION:** The building official may permit placement of larger rock when the soils engineer properly devises a method of placement, and 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 delineated on the grading plan.
2. Rock sizes greater than 12 inches (305 mm) in maximum dimension shall be 10 feet (3048 mm) or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

**3313.4 Compaction.** All fills shall be compacted to a minimum of 90 percent of maximum density.

**3313.5 Slope.** The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope).

**SECTION 3314-SETBACKS**

**3314.1 General.** Cut and fill slopes be set back from site boundaries in accordance with the section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure A-33-1.

**3314.2 Top of Cut Slope.** The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet (610 mm) and a maximum of 10 feet (3048 mm). The setback may need to be increased for any required interceptor drains.

**3314.3 Toe of Fill Slope.** The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet (610 mm) and a maximum of 20 feet (6096 mm). Where fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems

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necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

**3314.4 Modification of Slope Location.** The building official may approve alternate setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

**SECTION 3315-DRAINAGE AND TERRACING**

**3315.1 General.** Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than 1 unit vertical in 3 units horizontal (33.3% slope).

**3315.2 Terrace.** Terraces at least 6 feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at midheight. For cut or fill slopes greater than 60 feet (18 288 mm) and up to 120 feet (36 576 mm) in vertical height, one terrace at approximately midheight shall be 12 feet (3658 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36 576 mm) in height shall be designed by the civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches (76 mm) in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of 5 feet (152 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1254.2 m) (projected) without discharging into a down drain.

**3315.3 Subsurface Drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

**3315.4 Disposal.** All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the building official.

**EXCEPTION:** The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet (3048 mm) in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet (3048 mm).
3. No existing slope faces steeper than 1 unit vertical in 10 units horizontal (10% slope) have a vertical height in excess of 10 feet (3048 mm).

**3315.5 Interceptor Drains.** Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage are above slopes toward the cut and has a drainage path greater than 40 feet (12 192 mm) measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches (305 mm) and a minimum paved width of 30 inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the building official.

**SECTION 3316-EROSION CONTROL**

**3316.1 Slopes.** The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

**3316.2 Other Devices.** Where necessary, check dams, cribbing, rip-rap or other devices or methods shall be employed to control erosion and provide safety.

**3316.3 Dust and Erosion.** Dust and erosion control shall be required for all areas distributed during grading, clearing, or brushing of land whether it requires a grading permit or not. Only areas which will later be resurfaced, hydroseeded, landscaped, or built on may be disturbed. All disturbed areas which are not resurfaced, landscaped, or built on shall be hydroseeded with plant species appropriate to the site and its surrounding native habitat.

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When building permits are obtained, graded or brushed house pads, of less than 10,000 square feet, are not required to be hydroseeded. The Building Official may make site inspections to determine the adequacy of dust and erosion control methods and may require modified mitigation measures, such as, but not limited to, paving, rip-rap, and, or, erosion control blankets. Dust and erosion methods shall be completed within (30) days of clearing, unless waived by the Building Official. During the effective period of the grading permit, graded areas that become overgrown with weedy species (e.g., russian thistle, telegraph plant, desert broom, ragweed, pigweed, burro brush, or tumbleweed) shall be controlled to prevent the spread of such species onto adjacent properties. The Building Official may require these overgrown areas to be cleared before hydroseeding or other dust and erosion control methods are commenced.

**SECTION 3317-GRADING INSPECTION**

**3317.1 General.** Grading operations for which a permit is required shall be subject to inspection by the Building Official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Section 3317.5 for engineered grading and as required by the Building Official for regular grading.

**3317.2 Civil Engineer.** The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

**3317.3 Soils Engineer.** The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official and the civil engineer.

**3317.4 Engineering Geologist.** The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection the bedrock excavation to

determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

**3317.5 Permittee.** The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building official. In the vent of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

**7.6 Building Official.** The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

**3317.7 Notification of Noncompliance.** If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer or the engineering geologist find that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the building official.

**3317.8 Transfer of Responsibility.** If the civil engineer, the soils engineer, or the engineering geologist of record is changed during the grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

**SECTION 3318-COMPLETION OF WORK**

**3318.1 Final Reports.** Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 3317.5 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer. Civil engineers shall state that to the best of their

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knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with Section 3317.3, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 3317.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendation incorporated in the approved grading plan. Engineering geologist shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

4. The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plan and the specifications.

**3318.2 Notification of Completion.** The permittee shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted.