Ordinance No. 9315 (N.S.)

AN ORDINANCE AMENDING THE GRADING ORDINANCE
AND THE SUBDIVISION ORDINANCE, REGARDING
GRADING PLANS SUBMITTED WITH SUBDIVISION APPLICATIONS
AND REQUIREMENTS APPLICABLE TO SUPERVISED GRADING

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purpose and Intent. It is the intention of the Board of Supervisors in enacting this ordinance, to improve the identification, analysis and mitigation of land use, water quality and environmental impacts of development projects by requiring that applications for site plans and major use permits plans be accompanied by grading plans which will more precisely depict the location and extent of areas of disturbance and the measures to be employed to mitigate impacts.

Section 2. Section 81.303 of the San Diego County Code is hereby amended, to read as follows:

SEC. 81.303. GRADING PLAN.

There shall be filed with each tentative map a grading plan showing grading for construction or installation of all improvements to serve the subdivision and feasible grading for the creation of building sites on each lot together with driveway access thereto. The grading plan shall conform to all requirements of Section 87.203 of this Code, except that it shall not be required to show the estimated starting and completion dates. The level of detail required may be less than would be required for actual construction, but shall be sufficient to permit analysis of all onsite and offsite environmental impacts and mitigation measures (including Best Management Practices). The authority considering an application for a tentative map shall also consider the grading plan, and if the tentative map is approved or conditionally approved, a note shall be affixed to the grading plan to identify it as the grading plan which was a basis for approval of the tentative map. Any grading permit obtained pursuant to the Grading Ordinance (Section 87.101 and following of this Code) for the subdivision shall conform to the grading plan thus identified, and any substantial deviation therefrom shall require an amendment to the grading plan pursuant to the Grading Ordinance.

Section 3. Section 81.605 of the San Diego County Code is hereby amended, to read as follows:

SEC 81.605. GRADING PLAN.

There shall be filed with each tentative parcel map a grading plan showing graded building site elevations and grading proposed for the creation of feasible building sites on each lot together with driveway access thereto and for construction or installation of improvements. The grading plan shall conform to all requirements of Section 87.203 of this Code, except that it shall not be required to show the estimated starting and completion dates. The level of detail required may be less than would be required for actual construction, but shall be sufficient to permit analysis of all onsite and offsite environmental impacts and mitigation measures (including Best Management Practices). The authority considering an application for a tentative parcel map shall also consider the grading plan, and if the tentative parcel map is approved or conditionally approved, a note shall be affixed to the grading plan to identify it as the grading plan which was a basis for approval of the tentative parcel map. Any grading permit obtained pursuant to the Grading Ordinance (Section 87.101 and following of this Code) for the subdivision shall conform to the grading plan thus identified, and any substantial deviation therefrom shall require an amendment to the grading plan pursuant to the Grading Ordinance.

Section 4. Section 87.107 of the San Diego County Code is hereby amended, to read as follows:

SEC. 87.107. REFERRAL TO PLANNING ENVIRONMENTAL REVIEW BOARD.

Prior to the issuance of any grading permit, the Director of Public Works shall refer the application for such permit to the Planning Environmental Review Board (PERB) for review and recommendation whether the proposed grading could have a significant effect upon the environment; provided, however, such application need not be referred to the PERB if any of the following conditions are met:

(a) A County board, commission or officer having final authority for project approval has adopted an environmental impact report which considered the proposed grading or has determined that the project, which included the proposed grading, would not have a significant effect upon the environment; or

(b) The proposed grading is on land which at no point has a slope steeper than 10 percent; or the average cut in the cut area does not exceed 3 feet, and the average fill in the fill area does not exceed 3 feet, and there is no cut in excess of 15 feet, and there is no fill in excess of 15 feet (for purposes of the 15 foot requirement, the cut or fill measurement must be taken vertically at the deepest point of the cut or fill to the natural ground surface); or

(c) The application is for a grading permit for a borrow pit which, on or before May 10, 1973 was authorized as a nonconforming use under the provisions of The Zoning Ordinance or by a major use permit issued pursuant to The Zoning Ordinance;

(d) The proposed grading is pursuant to a tentative or tentative parcel map and the grading substantially conforms to a grading plan which bears identification as having been considered as a basis for approval of that map pursuant to Section 81.303 or Section 81.605 of this Code; or

(e) The proposed grading is pursuant to a major use permit or site plan and the grading substantially conforms to a grading plan which bears identification as having been considered as a basis for approval of that major use permit or site plan pursuant to Section 7153 or Section 7354 of the Zoning Ordinance.

Anything contained in this section to the contrary notwithstanding, if in the opinion of the Director, Department of Public Works there are unusual conditions with respect to the property for which an application is filed which render an environmental review desirable or necessary, the Director of Public Works shall refer the application to the PERB for the aforementioned recommendation. Such unusual conditions may include but are not limited to land located in:

(a) waterways;

(b) wetlands;

(c) Scenic Corridor Zones or other areas officially designated by Federal, State or local governments as scenic areas; or

(d) areas of severe geologic hazard.

Section 5. Section 87.418 of the San Diego County Code is hereby amended, to read as follows:

SEC. 87.418. SUPERVISED OR REGULAR GRADING REQUIRED.

(a) All grading, except grading for a borrow pit, in excess of 5,000 cubic yards shall be performed under the general supervision and coordination of a civil engineer hired by the applicant, who shall assume and perform the duties specified in Section 87.420 throughout grading operations until completion and approval of all work pursuant to Section 87.426. Such grading shall be designated "supervised grading."

(b) Grading not supervised in accordance with this section shall be designated "regular grading."

(c) For grading of 5,000 cubic yards or less, the permittee may elect to have the grading performed as either supervised grading or regular grading.

Section 6. Section 87.420 of the San Diego County Code is hereby amended, to read as follows:

SEC. 87.420. SUPERVISED GRADING REQUIREMENTS.

The following requirements shall apply to "supervised grading" as referenced in Section 87.418:

(a) Requirements Applicable to the Civil Engineer Supervising the Grading. It shall be the responsibility of the civil engineer supervising the grading to supervise and coordinate all field surveys, setting of grade stakes in conformance with the plans, and site inspection during grading operations to assure that the site is graded in accordance with the permit. This responsibility shall not include the superintendency of the contractor's equipment or personnel. The civil engineer supervising the grading shall file reports with the County Official, as follows:

(i) Said reports shall be filed at the following intervals: weekly, during all times when grading operations are active on the site; monthly, at all other times; and at any time when requested in writing to do so by the County Official.

(ii) Such reports shall certify to the County Official that the civil engineer supervising the grading has inspected the grading and related activities and has found them to substantially comply with the approved grading plans and the grading permit including any conditions thereof, except with regards to any areas of noncompliance which the engineer shall specify in detail. The reports shall contain all matters required by a standard Report of Grading Activities form which the County Official shall publish.

(b) Other Requirements. Soils reports shall be required and geology reports may also be required as specified in Sections 87.419(b) and (c). In addition to the copies filed with the County Official, copies of such reports shall be sent by the permittee to the civil engineer supervising the grading. The soil engineer shall make such tests and inspections as necessary to assure that the recommendations given in the soils report and incorporated in the grading plan or specifications or the permit have been followed.

Section 7. Effective Date & Publication. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY W Taylor 2-6-01
COUNTY DEPUTY

PASSED, APPROVED and ADOPTED this 14th day of February, 2001, Minute Order No. 3.

BILL HORN, CHAIRMAN
Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater, Roberts
ABSENT: Horn

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ATTEST my hand and the seal of the Board of Supervisors this 14th day of February 2001.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By Denise McClendon
Denise McClendon, Deputy

Ordinance No. 9312
2/14/01 (3)