

YUBA COUNTY DEPARTMENT OF PUBLIC WORKS

GRADING PERMIT GENERAL PROVISIONS

1. AUTHORITY:

Each permit is issued in accordance with Yuba County Ordinance Code, Chapter 11.25

2. 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, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion. This applies whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, are unimproved channels or watercourses or improved ditches, channels or conduits..

3. LEVEE WORK:

No person shall excavate or remove any material from or otherwise alter any levee required for river, creek, bay, or local drainage control channel, including excavation along the projected fill slope line, without prior approval of the local governmental agency responsible for the maintenance of the levee.

4. LEVEE LANDSIDE SETBACKS; DEVELOPMENT OR GRADING ADJACENT TO LEVEES:

A fifty (50) foot setback shall be provided from the toe of levees for new structures, fences, pools, roads, utilities, and storage or stockpiling of agricultural waste to preserve the long-term ability to conduct inspections, perform maintenance, fight floods, and allow room for future minor changes to levee configurations. In addition, any grading activity within four hundred (400) feet of the landside levee toe shall require a registered geotechnical engineer to submit a stamped report demonstrating that the proposed action will not have an adverse impact on the integrity of the levee system. For the purposes of this section, grading activities are defined as any trench or hole greater than twenty four (24) inches in depth or general site grading that reduces the surface by more than twelve (12) inches in depth.

Site-specific exceptions to the setback standard can be pursued by an application to the Board of Supervisors on a case by case basis. These exceptions should only be allowed in instances where levee stability upgrades greatly exceed minimum standards, such that risk and uncertainty are substantially removed at that location.

Agricultural practices will generally be exempt from setback requirements except the storage of agricultural waste as specified previously in this section. This exemption shall continue until agricultural activity ceases and development activity begins within the area protected by the levee.

5. 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 Agency Director or authorized Agent.

6. HAZARDS:

If the Enforcement official determines that any grading on private or public property constitutes a hazard to public safety; endangers property; adversely affects the safety, use or stability of adjacent property, 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 Agency Director or authorized Agent may issue a stop work notice to the owner of the property upon which the condition is located, or other person or agent in control of such property. Upon receipt of such stop work notice, the recipient shall, within the period specified therein, stop all work, obtain a grading permit and conform to the conditions of such permit. The Community Development and Services Agency 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.

7. TRANSFER OF PERMIT:

No permit issued may be transferred or assigned in any manner whatsoever, without the express written consent of the Community Development and Services Agency.

8. RIGHT OF ENTRY:

As a condition of the permit, the property owner shall grant the County a Right of Entry for the duration of the permit until after final inspection. Whenever necessary to enforce the provisions of this permit, the Agency Director or designee may enter the premises to perform any duty imposed by this chapter.

9. LIABILITY:

Neither issuance of a permit under the provisions of this permit 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 County for damage to any person or property.

10. DENIAL OF OTHER PERMITS:

No building permit, septic, electrical permit, or any other permit shall be issued by the County to any person for any premises or portion thereof which is in violation of Yuba County Ordinance Code 11.25.

11. NOT RETROACTIVE:

The provisions of Yuba County Ordinance Chapter 11.25 shall not apply to construction for which all previously necessary permits were obtained, before the effective date of the ordinance.

12. SEVERABILITY:

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of

Yuba County Ordinance Chapter 11.25 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 ordinance; and the board declares that this 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.

13. PERMISSION OF OTHER AGENCIES OR OWNERS:

No permit shall relieve the permittee of responsibility for securing other permits or approvals required for work with is regulated by any other department or agency of the County, State or Federal Government or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. Proof of issuance of applicable public agency permits may be required before the issuance of a grading permit.

14. LOCATION OF PROPERTY LINES:

Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, a survey by a licensed Land Surveyor or Civil Engineer licensed to practice Land Surveying or resolution of title, all at the expense of the applicant, may be required by the Community Development and Services Agency.

15. 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 to the Community Development and Services Agency no later than thirty (30) days prior to the expiration of the permit. The Community Development and Services Agency may grant additional time for the permitted work to be completed.

B. If all of the permit work required is not completed within the time limit specified in subsection A of this section, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the Agency Director who may require a new application and fees depending upon the time between the expiration date and the renewal request, revisions in County regulations, and/or changed circumstances in the immediate area. Any revised plan shall be submitted to the Community Development and Services Agency for review, and any costs thereof shall be at the applicant's expense.

16. VALIDITY:

The issuance of a permit or approval of plans and specifications shall not be construed as an approval of any violation of the provisions of

this chapter or of any other applicable laws, ordinances, rules or regulations.

17. APPEALS:

Appeals on decisions pursuant to this chapter shall be made to the Planning Commission in writing, setting forth the specific grounds thereto within ten (10) calendar days from the date of such decision. The written appeal shall be accompanied by an appeal fee as set from time to time by the Board of Supervisors. Upon the filing of an appeal, the Secretary for the Planning Commission shall set the matter for hearing. The hearing shall be held within thirty (30) days after the date the request is received. If there is no regular meeting of the Planning Commission within the next thirty days of which ten (10) day notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within sixty (60) days of the receipt of the request, whichever period is shorter. The appeal hearing may be continued from time to time at the request of the appellant or by a majority vote of the membership of the Planning Commission.

18. SUBSEQUENT APPEALS:

The decision of the Planning Commission shall be final unless appealed to the Board of Supervisors within ten (10) days. Said subsequent appeal shall be submitted to the Clerk of the Board of Supervisors in writing along with fees established for appeals. The decision of the Board of Supervisors shall be final.

19. WORK COMPLETION:

A. The permittee shall notify the Community Development and Services Agency upon work completion and request a final inspection. All permitted grading activities shall be subject to final inspection by the Community Development and Services Agency.

B. Upon determination by the Director that all work has been completed in substantial conformance to the grading plan and associated requirements, a "Completion Notice" shall be issued by the Community Development and Services Agency.

C. Issuance of a "Completion Notice" does not relieve the permittee of responsibility for compliance with all grading permit requirements. Issuance of a "Completion Notice" should not be construed as modifying any permit requirements or relieving the permittee of responsibilities for satisfactory work completion.

D. No Certificate of Occupancy shall be issued for a permitted structure until the Director has issued a "Completion Notice" pursuant to Yuba County Ordinance Chapter 11.25. The owner may be required to post an approved security with Public Works in sufficient amount, as determined by the Director, to ensure satisfactory completion of any ancillary work within a specified period of time.

20. 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 plan acceptance.

21. SECURITY REQUIRED:

A. As a condition for the issuance of a permit, the Community Development and Services Agency may require the deposit of improvement security in sufficient amount deemed necessary to assure performance of the work in the event of default on the part of permittee.

B. For all projects, the improvement security shall remain in effect until final inspections have been made and all grading work has been approved by the Community Development and Services Agency.

C. In addition to the improvement security, the Community Development and Services Agency may also require the deposit of maintenance security in sufficient amount deemed necessary to guarantee and maintain the grading work and to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Such maintenance security shall be in a form acceptable to Yuba County and shall remain in effect for a period of one year after the date of acceptance of the improvements.

D. Required securities shall be in the form of cash, a certified or cashier's check, a letter of credit, a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state, or other instrument approved by the Community Development and Services Agency. All securities shall be payable to the Yuba County Community Development and Services Agency.

E. Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure to the completed site to function properly to provide proper drainage or erosion and sedimentation control, the County may do the required work, or cause it to be done and collect from the permittee, or surety, all costs incurred thereto, including administrative, inspection and legal costs.

22. COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR DELEGATION:

The Agency Director shall be authorized to delegate any of his or her duties under this chapter to other County Officer(s).

23. INVESTIGATION FEES; WORK WITHOUT A PERMIT:

Whenever any work for which a permit is required by this chapter has been commenced without first obtaining the permit, the Agency Director shall require an investigation before issuing a permit for such work. In this case, the violator shall be charged for the department's labor and costs incurred during the investigation, in addition to paying double the standard permit fees.

24. ARCHAEOLOGICAL:

The permittee shall cease work in the vicinity of any archaeological resources that are revealed. The Permit Engineer shall be notified immediately. A qualified archaeologist, retained

by the permittee, will evaluate the situation and make recommendations to the Permit Engineer concerning the continuation of the work.

25. DEVIATIONS:

The permittee shall notify the department in writing of any proposed deviations or changes in the work to be done under any permit and shall not proceed therewith until he has obtained both the written consent of the department, and the written, signed and acknowledged consent to such deviation or change of any surety company whose bond or bonds are posted in connection with such work.

26. CHANGES ON PERMITS:

Any permit issued hereunder shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the department for the protection of the highways or to prevent undue interference with the traffic or to protect both persons and property within, upon or adjacent to the highways from damage or danger. In the case of changes or limitations or conditions to be made or imposed by the department after a permit is issued hereunder, the department shall notify the permittee thereof, in writing, either by mail to the address set forth on the application or by personal service upon the permittee. Such change in new limitation or condition shall be effective twenty-four (24) hours after deposit in the United States mail or immediately upon personal service.

27. PRESERVATION OF MONUMENTS:

Any monument set for the purpose of locating or preserving the lines of any road or property subdivisions, or a precise survey reference point, or a permanent survey bench mark within the county shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the department to do so. Before monuments, reference points and bench marks are disturbed, or removed, they shall be tied out by a licensed surveyor or registered civil engineer or under the directions of same. After completion of the work, the monuments, reference points and bench marks shall be accurately reset at the expense of permittee.