



Q&A for Grading Permit Requirements

A grading permit application must be submitted and permit issued before any earthmoving activities can occur on private or public property within the unincorporated area of Calaveras County. Grading and Drainage requirements are set forth in County Code, Chapter 15.05. For a complete copy of the "Calaveras County Grading, Drainage and Erosion Control Manual", please visit the website at <http://publicworks.calaverasgov.us/PublicWorksHome/LandDevelopment.aspx>. These guidelines comply with state and federal laws and regulations.

Below is a list of questions and answers designed to inform applicants about the grading permit procedures when grading will be done or previously unpermitted grading has been done on property.

1. What is the timeframe required on the application of these permits?

Grading permit applications must be submitted, approved and issued prior to any earth being moved on the site. For projects that are "as-built", where the grading permit application is being submitted on work that has already been completed, the application must be submitted as soon as the property owner is notified that the grading was unpermitted. County Code allows Public Works to record a notice of noncompliance with the County Recorder if no action is taken by the property owner within 30 days of notification.

2. Once an application is submitted, what is the expected schedule for review and approval?

In general, applications and plans showing larger grading areas and volumes need more time to review and process. Applications and plans that are more complete and clear are faster to review and approve or revise.

Depending on the information submitted, review for an application <1,000 cubic yards generally occurs within 3-6 weeks of submittal. For an application greater than 1,000 cubic yards, review generally occurs within 5-9 weeks of submittal. Applications are processed in the order that they are received.

3. What are the requirements on paper size for grading plan submittal?

For any permit application, readability, legibility and clarity will help move the review and approval process along. For a Notification permit, Public Works can accept 11" x 17" paper size plan along with pictures. For all other grading permits, Public Works will



accept industry-standard drawing sizes. The minimum drawing size acceptable is 18" X 24".

4. What if I purchased the property with grading completed? Am I still responsible for applying for the permit?

If the property was graded without a permit prior to purchase, a grading permit will still be required for the work that was done. In these cases, the applicant would specify that this is an "as-built" application under Project Information on the Grading Permit Application.

5. If I have several sites that have been graded on a single parcel, is a separate permit required for each or can they be combined as one single project? For example: one pad cut with 400 yards of earthen material moved and several smaller terraces with 200 yards moved roughly 500 feet away. What if the 1000 cubic yard threshold is crossed by combining them?

Several sites on one parcel can be submitted under one grading permit. Any time 1,000 cubic yards of earth is moved on one parcel, the applicant is required to submit an engineered grading plan and a storm water pollution prevention plan (SWPPP). The ordinance requires engineered plans in other instances, see §15.05.090

6. Are the Best Management Practices (BMPs) that Public Works requires to be implemented the same as the State Water Quality Control Board?

Yes, the BMP's that Public Works requires to be implemented are in conformance with requirements set by the State Water Board. (See Attachment A, #2 County Code §15.05.170 *Erosion and Sediment Control Measures*)

7. If grading was completed for agricultural purposes on an existing agricultural site (i.e. vineyard, orchard, etc.) and later repurposed for cannabis cultivation is the grading permit necessary?

A complete grading permit application is required. Proof of previous exempt agricultural use and proof of storm water BMP implementation must also be provided with the application. Public Works will review the packet to ensure that grading was done such that the soil is stable and BMP's are in place.

8. Only a portion of the earthwork completed is used for cannabis cultivation, and the rest for general agriculture. Do I count the entire amount of earth moved, or just the portion used for cannabis?

If the parcel is zoned agricultural, the portion used for cannabis would require the grading permit application. If the zoning is not agricultural, all earthen material disturbed or distributed on the land would need to be included on the permit application.

9. Will there be a site inspection by the county to solely inspect grading, or will this be combined with the code compliance/planning inspections?

Once the grading permit has been approved and issued, a Public Works Inspector will go to the site to confirm that completed work is in accordance with the approved grading plan, to verify the stability of the soil where grading has occurred and that BMP's remain intact. This inspection can be combined or will be performed separately by Public Works Inspector. (See Attachment A, #3 County Code §15.05.190 *Work Completion*)

10. What is the difference between a notification, minor or engineered grading permit? Are there different fees?

A notification permit may be required when less than 50 cubic yards of earthen material has been disturbed or distributed onsite. A grading permit application and grading plan must be submitted, however, no fees are collected for a notification permit. A minor grading permit is required when more than 50 cubic yards but less than 1,000 cubic yards of earthen material is disturbed, imported or distributed onsite. A grading permit application and a grading plan must be submitted with an application deposit of \$900.

An engineered grading permit is required when more than 1,000 cubic yards or more than one acre of land is disturbed or distributed onsite. These plans must be prepared by a California Professional Engineer and submitted with an application deposit of \$1,250. Please note, any soil or other earthen material brought onsite will need to be included in the total cubic yards for the grading permit. (See Attachment A, #1, County Code §15.05.090 *Engineered Grading*)

	Cubic Yards disturbed/ distributed (cut/fill total combined)	Application Deposit required	Submitting Plans
Notification	<50 CY	No	No engineer required
Minor	>50 CY	\$900.00	Suggest engineered plans
Engineered	>1,000 CY	\$1,250.00	Must be engineered plans

11. How do I know if the project requires an engineer to prepare plans?

Please refer to Attachment A for a detailed list of requirements triggering the need for an engineer to prepare plans for submission. Note that plans submitted that have been drawn by a professional engineer tend to more closely align with requirements for approval. (Generally, fewer revisions are required when engineered plans are submitted.) (See Attachment A, #1, County Code §15.05.090 *Engineered Grading*)

12. Can a surveyor or environmental consultant determine how much earth was moved on projects less than 1000 cubic yards? On projects over 1000 cubic yards does an engineer have to make the determination?

Due to the precision necessary on grading plans, including topographical information and slopes, it is recommended that a professional determine the amount of earth moved and submit the grading plans. Generally, professionally (Civil Engineer, Land Surveyor or Environmental Consultant) submitted plans have fewer revisions decreasing the amount of time a plan is in our office before it is approved. For projects exceeding 1,000 cubic yards, the plan must be submitted by an engineer. (See Attachment A, #1, County Code §15.05.090 *Engineered Grading*)

13. My Realtor showed me where my property corners are, can I mark them myself?

No, a Licensed Land Surveyor must locate and identify monuments, property lines and easements.

14. Per §17.95.165 of the Urgency Ordinance, grows must be a least 75 feet away from property boundaries. Can I estimate where the boundary is located for the purpose of showing that my grow is 75 feet away from the boundary?

Since this measurement is based on location of the boundary, it must be determined by a licensed land surveyor. The property line must be sufficiently marked so that the inspector can see it. Your Surveyor is required to inform us when he has located the boundary so that we can send an inspector.

15. Can any grading occur on Cannabis-related projects?

No additional cannabis related earthwork can occur other than for conformance with the 75-foot setback. In any case no NEW earthwork can be started until a grading permit is issued.

16. I received a Cultivation Site Inspection Correction List giving me 10 days to provide proof of correction. How do I comply?

The notice requires that you submit an application to Public Works for your grading activities within 10 days. A letter from your Engineer acknowledging that they have been retained for the job is sufficient. This lets us know that it is your intent to comply. Full compliance occurs once a permit is issued and remediation work is complete.

17. Are there other agency permits that may be required?

Land disturbance impacting one acre or more will require permit from State Water Resources Control Board. Grading that impacts streams and waters of the United States will require permits from Fish and Wildlife and from Army Corps of Engineers.

18. I have obtained a Building Permit for a structure on my property. Do I need a grading permit?

If a building permit is required (temporary or permanent), a grading permit may also be required. Check with the Department of Public Works for permit requirements.



Q&A for Grading Permit Requirements ATTACHMENT A

To read the Grading and Drainage Ordinance in its entirety, please visit

https://www.municode.com/library/ca/calaveras_county/codes/code_of_ordinances

To read the Design Manual for Grading, Drainage and Erosion Control Manual, please

visit <http://publicworks.calaverasgov.us/PublicWorksHome/LandDevelopment.aspx>

Below are extracts of the County Code corresponding to specific questions asked on the As-Built Grading Permit handout

1. County Code Section 15.05.090 Engineered Grading

A. A nonexempt grading project is subject to the requirements specified in the manual for "engineered grading" if it includes any of the following:

1. Grading in excess of one thousand cubic yards;
2. Finished grades that are steeper than two units horizontal for one unit vertical;
3. Fill of greater than five feet in height on natural ground with a slope greater than three units horizontal for one unit vertical;
4. Cut or fills of more than ten feet;
5. Earthwork within the public right-of-way;
6. Grading for construction of a public or private road;
7. Fills that are intended to support structures for which a building permit is required;
8. Extensive storm drain collection system with inlet structures; or
9. Earthwork within a flood plain as shown on the most recent FEMA flood plan maps.

B. Engineered grading requirements shall also apply if the proposed work, as determined by the Director, has the potential to:

1. Endanger public health, safety or welfare
2. Obstruct or alter any water course or adversely impact existing drainage facilities
3. Threaten the stability of a public or private road or adjacent structures or property
4. Exacerbate existing downstream flood conditions
5. Degrade receiving water without implementation of engineered controls.



- C. For engineered grading projects, a professional engineer shall be responsible for project design and shall provide all required professional services as described in the Manual including the preparation of a Construction Quality Assurance Plan and, upon work completion, certification that all work has been done in substantial conformance to the approved Engineered Grading Plan and all associated Grading Permit requirements.

2. County Code Section 15.05.170 Erosion and Sediment Control Measures

- A. Regardless of whether or not a grading permit is required, all grading and earthwork activities within unincorporated Calaveras County shall employ best management practices to minimize erosion and to control sediment discharges to the maximum extent practicable in accordance with the manual and as required by the most recently adopted version of the State Water Resources Control Board's "General Permit for Discharges of Storm Water Associated with Construction Activities."

3. County Code Section 15.05.190 Work Completion

- A. The permittee shall notify public works upon work completion and request a final inspection. All permitted grading activities shall be subject to final inspection by public works.

Below is an extract of the Design manual for Grading, Drainage and Erosion Control Manual corresponding to the As-Built Grading Permit handout.

1.4 Scope

Unless specifically exempted, all earthmoving activities within the unincorporated areas of Calaveras County must conform to the Grading Ordinance and to applicable portions of this *Manual* whether the work is done on private property, on public lands, or within County rights-of-way. Grading operations encompass all earthmoving activities including cuts (the excavation of soil materials), fills (the placement of soil materials), site clearing and material stockpiling.

Relevant portions of the County's Zoning Code (Title 17 *Zoning* of the County Code) and the County General Plan (including Community Specific Plans, if applicable) apply to all grading activities and the proposed work and planned site use must be consistent with local land use guidelines and restrictions. Public Works will not issue a grading permit unless the proposed activity is consistent with local land use requirements.