

CBC APPENDIX J GRADING

Appendix J of the International Building Code is adopted in its entirety and amended in the VCBC as follows...

SECTION J101 GENERAL

Section J101 in CBC Appendix J has been amended in the VCBC to read as follows:

J101.1 General. *All grading must be executed in accordance with the provisions of this Code unless specifically amended herein, and all references in this appendix apply to this Code except where noted.*

For the purposes of this appendix, the term "Building Official" shall mean the Director of Public Works, as defined in Article 2, Section 202 of this Code.

J101.2 Scope and purpose. *The provisions of this appendix set forth the rules and regulations to control grading, excavations, and earthwork construction, including fills and embankments and the control of site runoff from active grading projects, erosion, sedimentation, and grading-related pollutants; establishes the administrative procedure for the issuance of grading permits and provides for approval of plans and inspection of grading construction. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern. The purpose of this appendix is to safeguard life, limb, property, and the public welfare by regulating grading on private and public property in the unincorporated areas of Ventura County.*

J101.3 Special Flood Hazard areas. *A floodplain permit, or floodplain clearance is required for all grading work within a special flood hazard area as defined in the Ventura County Floodplain Management Ordinance and any amendments thereto in addition to provisions of the California Building Code Section 1612. A separate watercourse encroachment permit may be required from the Ventura County Watershed Protection District for any grading work within their jurisdictional channels.*

In special flood hazard areas established by the Ventura County Floodplain Management Ordinance and referenced in Section 1612.3, grading and/or fill shall not be approved unless such fill is placed, compacted and sloped to minimize shifting, slumping and erosion during the rise and fall of flood water and, as applicable, wave action, and that the registered design professional can demonstrate through hydrologic and hydraulic analyses that the proposed grading or fill, or both will not result in any increase in the one percent annual chance flood elevation. In special flood hazard areas subject to high-velocity wave action such as in the coastal communities, grading and/or fill shall not be approved unless such fill is conducted and/or placed to avoid diversion of water and waves toward any building or structure.

J101.4 General hazards. *Whenever the Building Official determines that any existing excavation 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 course, the Building Official may give written notice thereof to 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, the owner or another person or agent in control of the property shall repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this Code, within the period specified in said notice.*

J101.5 Safety precautions. *If at any stage of the work the Building Official determines by inspection that continuing grading is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with an existing drainage course, the Building Official may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such person shall immediately stop such work. The work may proceed once the Building Official finds adequate safety precautions are taken or corrective measures are incorporated in the work to avoid likelihood of such danger, deposition or interference.*

If the grading work has created or resulted in a hazardous condition, the Building Official shall give written notice requiring correction thereof as specified in Section J101.4 of this Code.

J101.6 Protection of utilities. *The permittee and owner of any property on which grading is performed shall be responsible for the prevention of damage to any public utilities, public services, or private services.*

J101.7 Protection of adjacent properties. *The permittee and owner of the property on which grading is performed shall be responsible for the prevention of damage to adjacent property, including public and private streets, and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public or private street, sidewalk, alley, or other public or private property without taking adequate measures to support and protect such property from settling, cracking or other damage that might result. Any person performing any grading that involves imported or exported materials shall take special precautions, as approved by the Building Official, to prevent materials from being deposited on the adjacent public way and/or in drainage courses.*

J101.7.1 Documentation of existing property line conditions. *Prior to the issuance of a grading permit, the permittee and owner of the property on which grading is proposed, shall provide the Building Official with representative photographs of all property lines and private or public streets adjacent to the proposed grading area. The purpose of the photo documentation is to establish the pre-grading condition of adjacent property to avoid claims for damage during construction of the site. Photos of the adjacent public or private street shall include enough detail for a distance of one block on each side of the property (approximately 400 feet or to the nearest intersection) to exhibit the existing conditions of street pavement, sidewalks, curb and gutter, driveways, shoulder parking areas, mailboxes, above grade utility services, gates, fences, walls, street trees, parkways, vault covers and survey monument wells, landscaping and irrigation, and catch basins/inlets. The photos of the property lines shall be representative of the setback areas on both sides of the property lines and include fences, walls, landscaping and irrigation, natural features, driveways, buildings, and drainage devices. Photos shall be submitted to the Building Official, in a ".jpg or .bmp" or equivalent digital file format and include adequate description and direction to identify the location of each photo.*

J101.8 Storm water control measures. *The permittee and owner of any property on which the grading is performed shall put into effect and maintain all precautionary measures necessary to protect adjacent water courses and public or private property from damage by erosion, flooding, and deposition of mud, debris, and grading-related pollutants originating from the site in accordance with Section J112.*

J101.9 Maintenance of protective devices and rodent control. *The permittee and owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this Code, or any other person or agent in control of such property, shall implement a program to control burrowing rodents if recommended by project Field Engineer and maintain in good condition and function of all drainage structures and other protective devices.*

J101.10. Conditions of approval. *In granting any permit under this Code, the Building Official may include such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property. Such conditions may include, but shall not be limited to:*

- 1. Improvement of any existing grading to comply with the standards of this Code.*
- 2. Requirements for fencing of excavations or fills that would otherwise be hazardous.*

SECTION J102 DEFINITIONS

Section J102 in CBC Appendix J has been amended in the VCBC to read as follows:

J102.1 Definitions. For the purposes of this appendix, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

AGRICULTURAL GRADING. Grading to enhance or conduct farming, including animal husbandry and the production and management of crops (including aquatic crops) for food, fiber, fuel and ornament, and the rearing of biological control agents as defined in the Ventura County Non-Coastal Zoning Ordinance. Agricultural grading does not include grading for buildings, barns, equestrian facilities, permanent structures with a foundation, and paved parking lots.

APPROVAL. When the proposed work or completed work conforms to this appendix as determined by and to the satisfaction of the Building Official.

AVERAGE NATURAL SLOPE DETERMINATION. Slope is the ratio of the vertical distance to the horizontal distance, or the elevation change in feet divided by the distance in feet. The percent slope of a development area (ie, the entire contiguous area that will be disturbed by the land clearing, grading, or other earthmoving activities) is the natural slope of the existing terrain and not the finished or proposed percent slope resulting from the project. The average natural slope, in percent, for a given area is the product of the selected contour interval and the sum of the length of each selected contour interval divided by the area in square feet and is shown in formula: $S = (I \times L \times 100) / (A \times 43,560)$, where:

S = Average existing land slope, in percent

I = Interval, in feet, of the topographic map contour lines

L = The sum, in feet, of the length of the contour lines, at the selected contour interval "I"

A = The total area, in acres, of the disturbed area of the development

The cross section of the selected contour shall be representative of the property and drawn perpendicular to the contours of the proposed disturbed area using a site plan with a contour interval not to exceed five feet at a scale of 1 inch = 100 feet or better.

AS-BUILT. A record drawing of the completed work including improvements, line and grade.

BEDROCK. The relatively solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of alluvium, colluvium and/or soil.

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

BEST MANAGEMENT PRACTICE (BMP). A stormwater pollution mitigation measure that is required to be employed in order to comply with the requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollution Discharge Elimination System (NPDES) Permit (See Section J112 of this Code).

BORROW. Earth material acquired from an adjacent area within the property boundary for use in grading.

BUILDING OFFICIAL. See Article 2, Section 202 of this Code.

CIVIL ENGINEER. A professional engineer licensed by the State of California to practice in the field of Civil Engineering.

CIVIL ENGINEERING. 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. The densification of a fill by mechanical means.

CUT. See "Excavation."

DESIGN ENGINEER. *The Civil Engineer responsible for the preparation of the grading plans for the site grading work.*

DESIGNATED WATERWAY. *A watercourse that is identified as one or more of the following: a Redline jurisdictional channel as defined by the Ventura County Watershed Protection District; a blue line stream as shown on a USGS Quad Map; or a regulated floodway as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps for Ventura County.*

DESIGNATED WETLAND. *A wetland identified by an Environmental Impact Report or a wetland habitat, not including those within man-made structures, as identified on the latest National Wetlands Inventory Maps on file with the Resource Management Agency.*

DESILTING BASINS. *Physical structures constructed for the removal of sediments from surface water runoff.*

DISCRETIONARY GRADING PERMIT. *Grading permits that are subject to the Permits Streamlining Act and exceeds thresholds provided herein in Section J103.3.*

DOWN DRAIN. *A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.*

DRAINAGE COURSE. *The natural or manmade path that runoff will follow through a property or parcel of land.*

EARTH MATERIAL. *Bedrock, rock, natural soil or unconsolidated natural material above bedrock or mixture thereof.*

ENGINEERING GEOLOGIST. *A Professional Geologist licensed by the State of California with a specialty certificate of Engineering Geology.*

ENGINEERING GEOLOGY. *The application of geologic knowledge and principles in the investigation and evaluation of geologic factors relating to Civil Engineering.*

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

EXCAVATION. *The removal of earth material by artificial means, also referred to as a cut.*

EXPORT. *The removal of excess graded materials from the property.*

FIELD ENGINEER. *The Civil Engineer, or designee, responsible for performing the functions as set forth in Section J106.3.*

FILL. *Deposition of earth materials by artificial means.*

GEOTECHNICAL ENGINEER. *See "Soils Engineer."*

GEOTECHNICAL HAZARD. *An adverse condition due to landslide, settlement, and/or slippage. These hazards include but are not limited to loose debris, slope wash, and mud flows from natural or graded slopes.*

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

GRADE, EXISTING. *The natural grade prior to any grading.*

GRADE, FINAL. *See Section J106.7.*

GRADE, FINISHED. *The grade of the site at the conclusion of all grading efforts.*

GRADE, INITIAL. See Section J106.7.

GRADE, ROUGH. See Section J106.7.

GRADING. An excavation or fill or combination thereof.

HILLSIDE EROSION CONTROL ORDINANCE. A Ventura County Ordinance (Ord. Nos. 3539 and 3683) that regulates agriculture grading in critical erosion areas. This ordinance is administered by the Ventura County Resource Conservation District and requires property owners who desire to perform agricultural grading to enter into a cooperative agreement with the Resource Conservation District and prepare a Hillside Erosion Control Plan before any grading is commenced.

IMPORT. Earth material acquired from outside the property boundaries for use in grading on a site.

ISOLATED, SELF-CONTAINED AREA. That portion of a parcel of land or of contiguous parcels of land under single ownership which meets one of the following three criteria:

1. The grading area is only used for growing crops or raising livestock for sale.
2. The area is constructed under the direct control of the U.S. Department of Agriculture, Natural Resources Conservation Service.
3. The area contains oilfield operations which are established under an existing land use entitlement and the grading involves exploration, development, production, or maintenance activities.

KEY. A trench excavated in earth material generally constructed at the toe of a proposed fill slope and may include a subsurface drain system. Also known as a "keyway."

LANDSCAPE ARCHITECT. A person who holds a State of California license to practice landscape architecture under the applicable landscape architecture provisions of Division 3, Chapter 3.5 of the Business and Professions Code.

LINE. The horizontal location of the ground surface.

MINISTERIAL GRADING PERMIT. Grading permits that are not subject to the time limits established under the Permits Streamlining Act and do not exceed certain thresholds. These permits require no special discretion or judgment in whether or how the project should be carried out. The grading permit is not subject to the provisions of the California Environmental Quality Act.

PERMITTEE. The property owner or property owner's authorized agent. See Section J106.6.

PRIVATE SEWAGE DISPOSAL SYSTEM. A septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits or into a combination of subsurface disposal field and seepage pit or of such other facilities as may be permitted by the Resource Management Agency Environmental Health Division.

PROJECT CONSULTANTS. The professional consultants required by this Code which may consist of the design engineer, field engineer, soils engineer, engineering geologist, and landscape architect as applicable to this appendix.

PROFESSIONAL INSPECTION. The inspection required by this Code to be performed by the Project Consultants or persons under the responsible supervision of a California licensed Engineer or Geologist. Such inspections shall be sufficient to form an opinion relating to the conduct of the work.

PUBLIC WORKS AGENCY. *The Public Works Agency, County of Ventura.*

RAINY SEASON. *That period of time when rainfall is likely to occur and is defined within the months and dates as shown in the current Ventura Countywide Stormwater Quality Management Program, National Pollution Discharge Elimination System (NPDES) Permit.*

RETAINING WALL. *A wall-type structure that is built to restrain a vertical or near vertical face mass of earth. The earth behind the wall may be a natural embankment or backfill material placed adjacent to the retaining wall.*

RESOURCE MANAGEMENT AGENCY. *The Resource Management Agency, County of Ventura.*

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

SLOPE. *A stretch of ground forming a natural or artificial inclined ground surface, between two level areas, and is expressed as a ratio of horizontal distance to vertical distance. The overall slope height does not include in its height calculation any portion of slope supported by retaining walls or any portions less than 5:1 in gradient. A level area can be a road, but not a terrace drain.*

SOIL. *Naturally-occurring superficial deposits.*

SOILS ENGINEER (GEOTECHNICAL ENGINEER). *A Civil Engineer experienced and knowledgeable in the practice of soils engineering or qualified by the State of California to use the title.*

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

SOIL TESTING AGENCY. *An agency regularly engaged in the testing of soils and rock under the direction of a licensed Civil Engineer experienced in soil testing.*

STORM DRAIN SYSTEM. *A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, pipes, and man-made channels, designed or used for collecting and conveying storm water.*

STORM WATER POLLUTION CONTROL PLAN (SWPCP). *A site drawing with details, notes, and related documents that identify the measures proposed by the permittee or property owner, during construction of the site that incorporates Best Management Practices (BMPs) to effectively control erosion, sediment loss, and prohibits the discharge of pollutants from the construction site area. SWPCPs are required on projects less than one acre of disturbed area.*

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). *A site drawing with details, notes, and related documents that identify the measures proposed by the permittee or property owner to (1) control erosion and prevent sediment and construction-related pollutants from being carried offsite by stormwater, and (2) prevent non-stormwater discharges from entering the storm drain system. A SWPPP shall be prepared and implemented in accordance with the Ventura Countywide Stormwater Quality Management Program, National Pollution Discharge Elimination System (NPDES) Permit.*

SURFACE DRAINAGE. *Flows over the ground surface.*

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

TEMPORARY STOCKPILE. *The creation of a mound of earth with side slopes of 3 units horizontal to 1 unit vertical (33% slope) or flatter, and not to exceed eight feet in height and removed or protected prior to*

the rainy season.

TRUCK ROUNDTRIP. One truck roundtrip is counted as a heavy axle wheeled vehicle, single or tandem, entering and leaving the project site as part of the permitted grading with a load of earth materials or road base materials.

SECTION J103 PERMITS REQUIRED

Section J103 in CBC Appendix J has been amended in the VCBC to read as follows:

J103.1 Permits required. Except as *specified* in Section J103.2, no grading shall be performed without first having obtained a grading permit from the Building Official.

J103.2 Exempted work. A grading permit shall not be required for the following:

1. *When approved by the Building Official and without conflicts with zoning ordinances, grading in an isolated, self-contained area, provided there is no danger to the public and that such grading will not adversely affect adjoining properties*
2. *Excavation for construction of a structure and authorized by a valid building permit provided the excavation is limited to the removal of earth material for the footprint of the structure plus a distance of five feet measured horizontally from any footprint edge for construction of footings, caissons, piles, foundation systems, retaining walls, or a pool. This shall not exempt any fill in excess of 50 cubic yards made with the material from such excavation at or below the natural grade unless approved by the Building Official.*
3. Cemetery graves.
4. Refuse disposal sites *complying with Public Resources Code Section 40000, et. seq., as determined by the Local Enforcement Agency or controlled by other regulations.*
5. Excavations for wells, *tunnels*, or trenches for public utilities. *Private utility trenches shall be exempt unless the trench is for a private storm drain conduit or private utility conduit that exceeds 18-inches in diameter and the trench excavation exceeds 50 cubic yards.*
6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay *where established and provided for by law, as administered by the Resource Management Agency, provided such operations do not affect the lateral support or increase the stresses in soil or pressure upon structures on any adjacent or contiguous property.*
7. Exploratory excavations under the direction of a *Soils Engineer or Engineering Geologist. This shall not exempt grading of access roads or pads created for exploratory excavations. Exploratory excavations must not create a hazardous condition to adjacent properties or the public in accordance with Section J101.4. Exploratory excavations must be restored to existing conditions, unless approved by the Building Official. Exploratory excavations that will be greater than 50 feet in depth may require a permit from the County of Ventura Watershed Protection District.*
8. *An excavation that complies with one of the following conditions (See Figure J103.2): (1) is less than 2 feet in depth and does not exceed 50 cubic yards, or (2) does not create a cut slope greater than 5 feet measured vertically upward from the cut surface to the surface of the natural grade and is not steeper than 2 units horizontal to 1 unit vertical (50 percent*

slope) and does not exceed 50 cubic yards or (3) routine maintenance to re-establish storage capacity for debris basins.

9. The cumulative placement of fill on any one lot that does not obstruct a drainage course and complies with one of the following conditions (See Figure J103.2): (1) is less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope) and does not exceed one acre in size or 1000 cubic yards; or (2) is less than 3 feet in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, does not exceed 50 cubic yards, not intended to support structures, and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50 percent slope); or (3) is less than 5 feet in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, does not exceed 20 cubic yards, not intended to support a structure, and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50 percent slope).

EXCAVATIONS		FILLS	
		- NOT INTENDED TO SUPPORT STRUCTURES - DO NOT OBSTRUCT A DRAINAGE COURSE	
AN EXCAVATION WHICH IS LESS THAN 2 FT IN DEPTH AND DOES NOT EXCEED 50CY		FILL PLACED ON NATURAL GRADE NOT STEEPER THAN 3:1 AND LESS THAN 1FT DEEP	
AN EXCAVATION WHICH CREATES A CUT SLOPE NOT GREATER THAN 5FT IN HEIGHT, NOT STEEPER THAN 2:1, AND DOES NOT EXCEED 50CY		FILL LESS THAN 3FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 50CY	
		FILL LESS THAN 5FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 20CY	

FIGURE J103.2

10. Grading to support irrigated agricultural production under an approved hillside erosion control plan by the Ventura County Resource Conservation District (VCRC) in compliance with the Hillside Erosion Control Ordinance (HECO). Should the VCRC exempt or deny a property owner from the requirements of the Hillside Erosion Control Ordinance, the property owner is required to obtain a grading permit or a formal grading permit exemption from the Building Official.
11. When approved by the Building Official, sand and gravel backfill behind retaining walls to a horizontal distance equal to 1.5 times the height of the retaining wall authorized by a valid building permit.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this appendix or any other laws or ordinances of this jurisdiction.

J103.3 Ministerial permits. The issuance or denial of a grading permit pursuant to this Code is a ministerial act for the purposes of Section 21080, subdivision (b) (1), of the Public Resources Code, except in the following five cases:

1. *Where the average natural slope within the area to be graded exceeds 10% and the amount of excavation or fill exceeds 10,000 cubic yards*
2. *Where the average natural slope within the area to be graded exceeds 35% and the amount of excavation or fill exceeds 1,000 cubic yards*
3. *Where the proposed grading creates a slope exceeding 40 vertical feet in height, as measured in plan view, perpendicular to the slope.*
4. *Where the proposed grading is within an area that has specific permitting requirements related to a protected resource documented by the Resource Management Agency, Planning Department*
5. *Where the total truck roundtrips for the grading operation carrying earth materials exceeds 5 trucks per hour, or occurs during peak traffic hours, or creates a safety hazard for ingress or egress routes such as truck staging, clogging turn pockets, or line of sight*

In each of the five cases listed above, the issuance or denial of a grading permit is discretionary for the purposes of Section 21080, subdivision (a) of the Public Resources Code except in the following three cases in which such issuance or denial is a ministerial act:

1. *Where a professional prepared report, study, map, or entitlement on file with the County Public Works Agency or Resource Management Agency demonstrates that the proposed grading has no adverse effect to a protected resource documented by the Resource Management Agency, Planning Department.*
2. *The grading is related to oilfield operations, involving exploration, development or production of oil, and all of the following conditions are satisfied; (a) The grading will be restricted to an area on which such oilfield operations may lawfully take place pursuant to an existing use permit for such operations issued by the County; (b) the proposed graded slopes will be less than 40 feet in vertical height; (c) before the grading commences, grading bonds are submitted to the Building Official guaranteeing all erosion control facilities, slope planting and slope maintenance necessary to meet then existing County standards; and (d) within 60 days of completion of the grading, all slopes created or modified are hydro-mulched with a native plant and an irrigation method sufficient to ensure establishment of such plants.*
3. *The grading related to oilfield operations involving the exploration, development or production of oil, and is limited to one or more of the following: (a) routine maintenance or repair of existing drill sites or existing roads which does not materially alter the location, size or configuration of the original sites or roads; (b) routine dredging of waste materials for which a permit has been issued by the Environmental Health Division of Ventura County Resource Management Agency; (c) maintenance of existing oilfield facilities.*

J103.4 Discretionary Grading Permit. *The issuance or denial of a discretionary grading permit pursuant to this Code is a discretionary act for the purposes of Section 21080, subdivision (a) of the Public Resources Code when the proposed grading is not for an exempted project as described in Section J103 or does not meet any one of the criteria described in Section J103.2 or cannot be determined as ministerial by the Building Official. A discretionary grading permit shall become operative on the 15th calendar day after its issuance or, in the case of an appeal, on the date the Board of Supervisors issues its decision upholding or ordering issuance. The discretionary grading permit will require the preparation of engineered grading plans as described in Section J105.2.2.*

J103.5 Discretionary Grading Permit review. *The only discretionary powers to be exercised in conjunction with*

the issuance or denial of discretionary grading permit shall be exercised by the Building Official, or by the Board of Supervisors on appeal. Those discretionary powers shall be limited to all of those discretionary powers, (i) to issue the permit subject to conditions or changes in the project needed to mitigate significant environmental effects which would otherwise result from the grading, (ii) to deny the permit in order to avoid such effects, or (iii) to issue the permit despite such effects, as are conferred upon the lead agency by the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code) and are generally described in Section 15040 through 15043 of the State CEQA Guidelines (Section 15000 et seq. of Title 14 of the California Administrative Code).

J103.6 Discretionary Grading Permit hearing. *With respect to a discretionary grading permit, the Building Official shall issue or deny the permit only after holding a public hearing, considering the applicable environmental document, and, if appropriate, certifying that such document has been prepared in compliance with the California Environmental Quality Act. The Building Official shall give at least 10 days written notice of such hearing to the applicant for the permit and to any owner of real property in the vicinity of the proposed grading whose property interest might be substantially affected by issuance or denial of the permit. The notice shall specify the time, date and place of the hearing, shall give a general description of the grading to which the permit application pertains, shall give a general description of the property on which the grading would occur, and shall state that any interested person will be given an opportunity to present relevant evidence at the hearing. The hearing shall be limited to, and any decision of the Building Official shall be based upon, the environmental issues with respect to which the Building Official has been granted discretion by this section.*

J103.7 Discretionary Grading Permit appeal. *Any interested person may appeal the issuance or denial of a discretionary grading permit by filing with the Building Official the appeal fee prescribed by the Board of Supervisors together with a notice of appeal on a form satisfactory to the Building Official within 10 days after the issuance or denial. The hearing on appeal shall be noticed and conducted by the Board of Supervisors in the same manner as the original hearing before the Building Official, except that the notice shall also be given to the appellant. The decision of the Board of Supervisors on appeal shall be issued in writing after the hearing on appeal and shall be final and conclusive when issued. A copy of the decision shall be served upon the applicant for the permit and upon the appellant. If the decision is to order the issuance of a grading permit previously denied or to modify a grading permit previously issued by the Building Official, the written order shall constitute the permit and shall include appropriate conditions.*

A ministerial grading permit shall be operative immediately upon issuance. A discretionary grading permit shall become operative on the 15th calendar day after its issuance or, in the case of an appeal, on the date the Board of Supervisors issues its decision upholding or ordering issuance.

SECTION J104 GRADING PERMIT REQUIREMENTS

Section J104 is added to the VCBC.

J104.1 Grading designation.

The following are the types of Grading permits:

1. *Stockpile Permit: Import and Grading necessary to temporarily place a Stockpile of earth materials for future Grading activity.*
2. *Removal and Re-compaction Grading Permit: Grading necessary only to prepare a site and access for the placement of a structure that meets both of the following:*
 - a. *More than 50 cubic yards to be removed and replaced in accordance with the recommendations of a Geotechnical Report, and*

- b. *An increase in elevation beneath the structure of 1-foot or less from the existing grade.*
3. *Agricultural or Oilfield: Grading necessary for agricultural operations or for oil field operations, involving maintenance, exploration, development or production of oil.*
4. *Regular Grading: Grading involving 500 cubic yards or less of cut or fill. The reported earthwork quantities should not include the volumes generated by removal and re-compaction grading.*
5. *Engineered Grading: Grading in excess of 500 cubic yards of cut or fill. The reported earthwork quantities should not include the volumes generated by removal and re-compaction grading.*

J104.2 Permit expirations.

The Building Official may extend the time for completion of the grading and other improvements authorized by the grading permit for one (1) additional year, if circumstances beyond the permittee's control have prevented the completion of the project, and necessary inspection fees have been deposited. Only subdivisions with an approved Subdivision Improvements Agreement, or a development agreement, can be extended for more than three years but not in excess of the time limits of the agreement.

1. *Stockpile Permit: The Stockpile permit issued by the Building Official under the provisions of this Code shall expire by limitation at the end of 1 year and is required to be converted and included in a regular or engineered grading permit.*
2. *Removal and Re-compaction (R&R) Grading Permit: The grading permit issued by the Building Official under the provisions of this Code shall expire by limitation after 1 year from the date of such permit issuance.*
3. *Agricultural or Oilfield: The grading permit issued by the Building Official under the provisions of this Code shall expire by limitation if the grading authorized by such a permit is not completed within 2 years from the date of such permit issuance.*
4. *Regular or Engineering Grading: The grading permit issued by the Building Official under the provisions of this Code shall expire by limitation if the grading and other improvements authorized by such a permit are not completed within 3 years from the date of such permit.*

J104.3 Grading permit fees. *Grading permits and grading plan review fees shall be as set forth in schedules enacted by the Board of Supervisors. Except as otherwise specified in such schedule, grading permit and grading plan review fees shall not be refundable unless approved by the Building Official.*

J104.4 Grading security. *The Building Official may require a security 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. When the Building Official determines that a security is necessary, a grading permit shall not be issued for grading unless the owner posts with the Building Official a security of the type and format that complies with the latest edition of the Ventura County Public Works Agency Bond Book.*

J104.4.1 Amount of security. *The amount of security shall be based on the approved grading plan and engineer's estimate that includes: the number of cubic yards of material in either excavation or fill, whichever is greater; the cost of all drainage or other protective devices for work necessary to eliminate geotechnical hazards; appurtenant improvements such as access roads for fire protection purposes; temporary and permanent BMP sediment control; landscaping and irrigation; and an amount to*

guarantee that damaged public and private property during the grading construction work will be repaired.

J104.4.2 Conditions. *All security shall include the conditions that the principal shall:*

1. *Comply with all of the provisions of this appendix, applicable laws, and ordinances*
2. *Comply with all of the terms and conditions of the grading permit*
3. *Complete all of the work authorized by the grading permit*
4. *Complete all repairs to public and private property in a timely manner to the satisfaction of the Building Official*

J104.4.3 Term of security. *The term of each security shall begin upon the filing with the Building Official and the security shall remain in effect until the work authorized by the grading permit, including any repairs to public and private property, is completed and approved by the Building Official.*

J104.4.4 Default procedures. *In the event any grading for which a permit has been issued is not completed in accordance with the approved plans and specifications for said work or with all terms and conditions of the grading permit, the Building Official shall give notice thereof to the principal and surety or financial institution executing the security, or to the owner in the case of a cash bond or assignment. The Building Official may thereafter determine the work that is necessary to mitigate any hazardous or unsafe conditions on the site, and also include damaged public or private property adjacent to the site and cause such work to be performed. Where the security consists of a bond or instrument of credit, the surety or financial institution executing the security shall be responsible for the payment of all costs and expenses incurred by the Building Official in causing such work to be performed, up to the full amount of the surety. In the case of a cash bond or assignment, the Building Official may pay all costs and expenses incurred in causing such work to be performed from the funds deposited and return any unused portion of such deposit or funds to the person making said deposit or assignment.*

J104.5 Right of entry. *The Building Official or the authorized representative of the surety company or financial institution shall have access to the premises described in the permit for the purpose of inspecting the work. In the event of default in the performance of any term or condition of the permit, the surety or financial institution or the Building Official, or any person employed or engaged on the behalf of any of these parties, shall have the right to go upon the premises to perform the required work. The owner or any other person who interferes with or obstructs the ingress into or egress from any such premises, of any authorized representative of the surety or financial institution or of the County of Ventura engaged in the correction or completion of the work for which a grading permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor.*

J104.6 Availability of permit at site. *No person shall perform any grading that requires a permit under this appendix unless a copy of the grading permit is in the possession of a responsible person and available at the site.*

J104.7 Land use. *The Building Official may issue a grading permit for work on a parcel of land and by doing such does not legalize the parcel or create an entitlement for future development of the parcel. The determination of a parcel as being capable of being developed is determined by the Resource Management Agency.*

J104.8 Coordination and permits with other agencies. *The property owner shall be responsible for coordinating their proposed project with other agencies to determine if a permit or agreement is necessary for conducting grading within another agency's jurisdiction. Agencies that may have jurisdiction in rivers, creeks, streams, and barrancas may include the Army Corps of Engineers, the California Department of Fish and Wildlife, the Regional Water Quality Control Board, and the Ventura County Watershed Protection District. If a permit is required from such an agency, a copy of the permit or agreement will be kept at the project site and no grading work can occur in those areas where the other agency has jurisdiction until a permit or agreement*

is obtained.

J104.9 Unpermitted grading. *For the purposes of this appendix, unpermitted grading shall be defined as the following:*

- 1. Any grading that was performed without the required permit(s) having first been obtained from the Building Official, pursuant to Section J103.1*
- 2. Grading that was permitted and the work was not completed pursuant to Section J106, and the grading permit has expired pursuant to Section J104.2*

J104.10 Limitation on grading permit issuance. *When a grading permit of any type has been issued to a parcel, the grading permit must be completed and closed prior to issuance of any additional grading permits, unless approved by the Building Official.*

SECTION J105 PERMIT APPLICATION AND SUBMITTALS

Section J104 in CBC Appendix J has been renumbered to become Section J105 in the VCBC, and amended to read as follows:

J105.1 Submittal requirements. In addition to the provisions of *this Section*, the applicant shall state the estimated quantities of excavation, fill, *import, and export*.

J105.2 Site plan requirements. In addition to the provisions of *this Section*, a grading plan shall *be drawn to scale*, show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work, and show in detail that it complies with the requirements of this Code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this Code. *The plans shall give the location of the work, the name of the owner, and the name of the person who prepared the plan.*

J105.3 Grading permit requirements.

J105.3.1 Stockpile requirements. *Grading for stockpile permits must comply with the Sections J105 and Section J112 for stormwater and erosion control. In addition to the provisions of this Section, a stockpile grading permit must be accompanied by a plan(s) to indicate the stockpile location relative to property lines, truck haul routes and a cross-section through the stockpile.*

J105.3.2 Removal and re-compaction (R&R) grading requirements. *Grading necessary only to prepare a site and access for the placement of a structure must comply with Sections J105 through J108, and J112 for stormwater and erosion control.*

J105.3.3 Agricultural and oilfield grading requirements. *Grading for agricultural or oilfield operations must comply with Section J105 and also Section J111 for erosion control. Grading for new agriculture must also provide a planting and irrigation plan.*

J105.3.4 Regular grading requirements. *Grading involving less than 500 cubic yards of cut or fill 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. Grading for regular grading permits must comply with all Sections J105 through J113.*

In addition, an application for a regular grading permit shall be accompanied by two sets of plans

in sufficient clarity to indicate the nature and extent of the work and supporting data consisting of a soils engineering report and if applicable, an engineering geology report. The regular grading plan and submittal documents shall include the following information:

- 1. General vicinity of the proposed site.*
- 2. Limits and depths of cut and fill.*
- 3. The preparer of the plans shall complete and sign the grading plan checklist form DS-05, provide the appropriate documents, and attachments to submit with plans.*
- 4. Stormwater provisions in accordance with Section J112.*

J105.3.5 Engineered grading requirements. *All grading in excess of 500 cubic yards shall be performed in accordance with the approved grading plan prepared by a Civil Engineer and shall be designated as "engineered grading." Grading for engineered grading permits must comply with all Sections J105 through J113*

In addition, an application for an engineered grading permit shall be accompanied by two sets of plans, specifications, and supporting data. The plans and specifications shall be prepared and signed by a Civil Engineer licensed by the state to prepare such plans or specifications. Specifications shall contain information covering construction and material requirements. Plans shall show in detail that it will conform to the provisions of this Code and all relevant laws, ordinances, rules, and regulations.

The plans, specifications, and supporting data shall include, but not limited to, 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. A hydrology and hydraulics report that includes a map showing the existing and proposed drainage areas and the associated estimated runoff of the area shall also be provided. The hydrology and hydraulics report shall examine several frequencies of storms (10-year, 50-year, and 100-year events) and demonstrate that the proposed site drainage design will either retain or detain the difference between the developed project storm flow rate and undeveloped or existing storm flow rate for the storm events listed above. This difference in storm flow rates may either be percolated into the ground onsite, stored for future irrigation use, or released at the undeveloped flow rate from the site in such a manner as to not cause an adverse impact downstream in velocity or duration. The Civil Engineer shall consider alternative low impact design (LID) methods to handle and improve stormwater quality runoff. Hydrology, hydraulics, and LID analysis calculations, and design shall be prepared in accordance with Ventura County Public Works Agency accepted standards and methods.*
- 4. A soils engineering report, and if applicable an engineering geology report.*
- 5. Stormwater provisions in accordance with Section J112.*
- 6. The Civil Engineer that prepared the plans shall complete, sign and stamp the grading plan, grading plan checklist form, LDS-05, provide appropriate documents and attachments to submit with plans.*

J105.4 Soils engineering and engineering geology reports. *The soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for structures or corrective measures, including buttress fills, when necessary, and an 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. All reports shall be subject to review by the Building Official. Supplemental reports and data may be required as the Building Official may deem necessary. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plan or specifications. The engineering geology report 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 an opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. The engineering geology report shall include a geologic map and cross sections utilizing the most recent grading plan as a base. All reports shall be signed and stamped by the professional and are subject to review by the Building Official. Supplemental reports and data may be required as the Building Official may deem necessary. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plan or specifications. Soil Reports must be dated within 1-year of application date, unless approved by the Building Official.*

Exception: A soils engineering/geology report is not required where the Building Official determines that the nature of the work applied for is such that a report is not necessary.

SECTION J106 INSPECTIONS

Section J105 in CBC Appendix J has been renumbered to become Section J106 in the VCBC, and amended to read as follows:

J106.1 General. *In addition to general inspections outlined in Section 110, Chapter 1, Division II of this Code, grading inspections shall be as indicated hereon. Grading operations for which a permit is required shall be subject to inspection by the Building Official. In addition, professional inspection of grading operations must be provided by the Field Engineer, Soils Engineer and Engineering Geologist, or designee, retained to provide such services in accordance with this Section.*

J106.2 Special and supplemental inspections. *The special inspection requirements of Section 1705.6 shall apply to work performed under a grading permit where required by the Building Official. In addition to the inspections specified in Section J106.11, the Building Official may make additional inspections as may be deemed necessary to determine that the work is being performed in conformance with the requirements of this Code and with adequate oversight by the responsible professionals. The Building Official may require investigations and reports by the Field Engineer, Soils Engineer and/or Engineering Geologist.*

Inspection reports shall be provided when requested in writing by the Building Official. The Building Official may require continuous inspection during installation of subsurface drainage systems or drainage devices by the Field Engineer in accordance with this section.

J106.3 Field engineer. *The Field Engineer shall provide professional inspection of the grading project within such engineer's area of technical specialty, oversee and coordinate all field surveys including grade stakes, and provide site inspections during grading operations to ensure the site is graded in accordance with the approved grading plan and the requirements of this Code. During site grading, and at the completion of both rough grading and final grading, the Field Engineer shall submit statements and reports required by Sections J106.11 and J106.12. If revised grading plans are required during the course of the work, they shall be prepared by the Civil Engineer and approved by the Building Official.*

J106.4 Soils engineer. *The Soils Engineer shall provide professional inspection within such Soils Engineer's*

area of technical specialty, which shall include observation during preparation of the ground to receive fills, grading activity, benching and keyway construction, subsurface drainage systems, 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 certify that such work is being performed in accordance with the recommendations of the approved report and plan and the requirements of this appendix. If conditions differing from the approved soils engineering and engineering geology reports are encountered during grading, the Soils Engineer shall provide revised recommendations to the permittee, the Building Official, and the Field Engineer. During site grading and at the completion of both rough grading and final grading, the Soils Engineer shall submit statements and reports required by Section J106.12.

J106.5 Engineering geologist. The Engineering Geologist shall provide professional inspection of those parts of the grading project within such Engineering Geologist's area of technical specialty, which shall include professional inspection of all bedrock excavation surfaces and subsurface drainage systems to determine if conditions encountered are in conformance with the approved report. If conditions differing from the approved engineering geology report are encountered, the Engineering Geologist shall provide revised recommendations to the Soils Engineer. During site grading and at the completion of both rough grading and final grading, the Engineering Geologist shall submit statements and reports required by Section J106.12.

J106.6 Permittee. The permittee shall be responsible for ensuring that the grading is performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code. The permittee shall retain and engage project consultants, if required under the provisions of this Code, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the project consultants, the contractor, and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such change and shall provide revised plans for approval.

J106.7 Required inspections. The permittee shall call for an inspection by the Building Official at the following stages of work and shall obtain the approval of the Building Official prior to proceeding to the next stage of work:

Pre-grade. Before any construction or grading activities occur at the site. Permittee shall schedule a pre-grade inspection with the Building Official. The permittee is responsible for coordinating that all project consultants are present at the pre-grade inspection.

Initial. When the site has been cleared of vegetation and unapproved fill and it has been scarified, keyed or benched, or otherwise prepared for fill. No fill shall have been placed prior to this inspection.

In progress. Verify proper benching, subsurface drainage systems, temporary slope heights, fill compaction and sufficient oversight and testing by the project professionals are being conducted during grading activities. These inspections will also observe that the proper Stormwater quality practices are installed and maintained.

Rough. When approximate final elevations have been established; drainage terraces, swales and other drainage devices necessary for the protection of the building sites from flooding are installed; berms installed at the top of the slopes; and the statements required by Section J106.12 have been received.

Final. When grading has been completed; all drainage devices necessary to drain the building pad are installed; slope planting established, slope irrigation systems installed, if any, and the signed "As-Built" plans and required statements and reports have been submitted.

J106.8 Notification of non-compliance. If, in the course of fulfilling their respective duties under this appendix, the Field Engineer, the Soils Engineer or the Engineering Geologist finds that the work is not being done in conformance with this appendix or the approved grading plans, the Field Engineer, Soils Engineer, or the

Engineering Geologist shall immediately report, in writing, the discrepancies and the recommended corrective measures to the permittee and to the Building Official.

J106.9 Transfer of responsibility. If the Field Engineer, the Soils Engineer, or the Engineering Geologist of record is changed after the grading has commenced, the Building Official may stop the grading until the permittee has identified a replacement and the replacement has agreed in writing to assume responsibility for the grading project that are within the replacement's area of technical competence. 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.

J106.10 Non-inspected grading. No person shall own, use, occupy or maintain any non-inspected grading. For the purposes of this Code, non-inspected grading shall be defined as any grading for which a grading permit was first obtained, pursuant to Section J103, supra, but which has progressed beyond any point requiring inspection and approval by the Building Official without such inspection and approval having been obtained.

J106.11 Routine field inspections and reports. Unless otherwise directed by the Building Official, the Field Engineer, Soils Engineer, and Engineering Geologist for all engineered grading projects shall prepare routine inspection reports and shall file these reports with the Building Official as follows:

1. Bi-weekly during all times when grading of 400 cubic yards or more per week is occurring on the site
2. Monthly, at all other times, and
3. At any time when requested in writing by the Building Official

Such reports shall certify to the Building Official that the Field Engineer has inspected the grading and related activities and has found them in compliance with the approved grading plans and specifications, the building code, grading permit conditions, and all other applicable ordinances and requirements.

J106.12 Completion of work. 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 regular and engineered grading or when required by the Building Official:

1. An "As-Built" grading plan prepared by the Field Engineer retained to provide such services in accordance with Section J106.3 showing all plan revisions as approved by the Building Official. This shall include original ground surface elevations, "As-Built" ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and the outlets of subsurface drains. "As-Built" locations, elevations and details of subsurface drains shall be shown as reported by the Soils Engineer.

The "As-Built" grading plan shall be accompanied by certification by the Field Engineer to the best of their knowledge, the work within the Field Engineer's 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 J106.4, including locations and elevations of field density tests, summaries of field and laboratory tests, location of keyways and subdrains, 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. All data must be shown on the latest approved plans or the As-Built grading plans. The report shall include a certification by the Soils Engineer that, to the best of their knowledge, the work within the Soils Engineer's area of responsibility is in accordance with the approved soils engineering report and applicable provisions of this appendix. The report shall contain a finding

regarding the safety of the completed grading and any proposed structures against geotechnical hazards.

3. A report prepared by the Engineering Geologist retained to provide such services in accordance with Section J106.5, including a final description of the geology of the site and any new information, if any, on the recommendations incorporated in the approved grading plan. The report shall contain a certification by the Engineering Geologist that, to the best of his or her knowledge, the work within the approved engineering geologist report and applicable provisions of this appendix. The report shall contain a finding regarding the safety of the completed grading and any proposed structures against geotechnical hazards. The report must contain a final "As-Built" geologic map utilizing the latest approved plans or the As-Built grading plans and cross-sections depicting all the information collected prior to and during grading.

4. The grading contractor shall certify, on a form prescribed by the Building Official, that the grading conforms to said "As-Built" plan and approved specifications.

J106.13 Notification of completion. The permittee shall notify the Building Official in writing 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, the required reports have been submitted and approved, all damages to public and private property have been repaired to the satisfaction of the Building Official, all grading permit fees have been paid.

J106.14 Change of ownership. Prior to the transfer of property with an issued grading permit, the owner shall notify the County in writing of the pending transfer and pay any outstanding fees or return of any deposit. For owners, applicants or developers with multiple single lots with separate grading permits, any outstanding fees for all permits must be paid. Unless otherwise required by the Building Official, the new property owner shall be required to deposit applicable fees to the County to transfer the grading permit to the new property owner and complete the requirements of the grading permit.

SECTION J107 EXCAVATIONS

Section J106 in CBC Appendix J has been renumbered to become Section J107 in the VCBC, and amended to read as follows:

J107.1 Excavations adjacent to foundations. Excavations adjacent to foundations shall comply with Section 1804.

J107.2 Maximum cut slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 2 units horizontal to 1 unit vertical (50 percent) unless the *applicant* furnishes a *soils engineering or an engineering geology* report, or both justifying a steeper slope. *The reports must contain a statement by the Soils Engineer or Engineering Geologist that a steeper slope will be stable and not create a hazard to public or private property. The statement shall be based on appropriate investigation, testing, and analysis. The Building Official may require the slope of cut surfaces to be flatter in slope than 2 units horizontal to 1 unit vertical if the Building Official finds it necessary for stability and safety of the slope.*

Exception: A cut surface may be at a slope of 1.5 units horizontal to 1 unit vertical (67 percent) provided that all the following are met:

1. It is not intended to support structures or surcharges.
2. It is adequately protected against erosion.
3. It is no more than 8 feet in height.

4. It is approved by the Building Official.
5. Groundwater is not encountered.

J107.3 Drainage. Drainage, including drainage terraces and overflow protection, shall be provided as required by Section J110.

J107.4 Blasting. Blasting or the use of explosives that is required for excavation of earth materials as part of a grading permit shall be in accordance with Section 7.10.4.3 of the Standard Land Development Specifications.

SECTION J108 FILLS

Section J107 in CBC Appendix J has been renumbered to become Section J108 in the VCBC, and amended to read as follows:

J108.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

Exception: The Building Official may permit a deviation from the provisions of this appendix for minor fills not intended to support structures, where no soils engineering report has been prepared.

J108.2 Preparation of ground. Fill slopes shall not be constructed on natural slopes steeper than 2 units horizontal to 1 unit vertical (50 percent slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil, and other unsuitable materials, including any existing fill that does not meet the requirements of this appendix, and scarifying the ground to provide a bond with the fill material.

Subsurface drainage systems shall be provided under all fills placed in natural drainage courses and in other locations where seepage is evident, except where the Soils Engineer or Engineering Geologist recommends otherwise. Such sub-drainage systems shall be of a material and design and approved by the Soils Engineer and acceptable to the Building Official. The Soils Engineer shall provide continuous inspection during the process of subdrain installations. The location of the subdrains shall be shown on a plan by the Soils Engineer. Excavations for the subdrains shall be inspected by the Engineering Geologist and Soils Engineer.

Subdrains shall be provided under all fill slope keyways except where the Soils Engineer or Engineering Geologist recommends otherwise and concludes a subdrain is not necessary for slope stability.

J108.3 Benching. Where existing grade is at a slope steeper than 5 units horizontal to 1 unit vertical (20 percent) and the depth of the fill exceeds 5 feet benching shall be provided into sound bedrock or other competent material as determined by the Soils Engineer. The ground preparation shall be in accordance with Figure J108.3 or as determined by the Soils Engineer. When fill is to be placed over a cut, a key shall be provided which is at least 10 feet in width and 2 feet in depth. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be constructed thereon. The Soils Engineer or Engineering Geologist or both shall inspect and approve the cut as being suitable for the foundation and placement of fill material before any fill material is placed on the excavation.

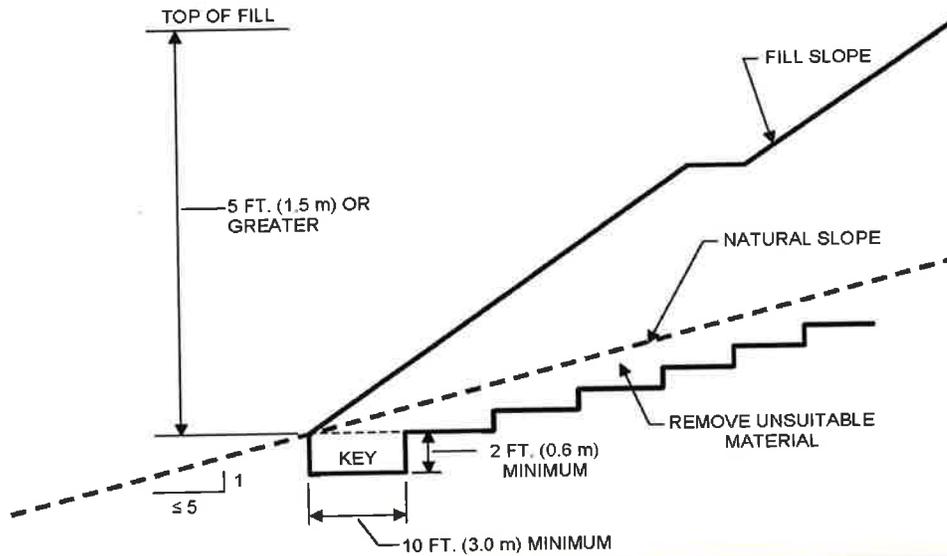


FIGURE J108.3 BENCHING DETAILS

J108.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. *No rock or similar irreducible material greater than 12 inches in any dimension shall be included in fills. Fill material shall not include solid waste, as defined in the Ventura County Ordinance Code Section 4701-26, and the California Public Resources Code Section 40191, including but not limited to, construction waste, demolition waste, or inert debris, without written authorization from the County of Ventura Environmental Health Division and, if required, a permit from the County of Ventura Planning Division.*

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 in maximum dimension shall be 10 feet or more below grade, measured vertically.*
3. *Rocks shall be placed so as to assure filling of all voids with well-graded soil.*
4. *The reports submitted by the Soils Engineer shall acknowledge the placement of the oversized material and whether the work was performed in accordance with the engineer's recommendations and the approved plans.*
5. *The location of oversized rock dispersal areas shall be shown on the as-built plan.*

J108.5 Compaction. All fill material shall be compacted to a minimum of 90 percent of maximum density as determined by ASTM D 1557, Modified Proctor, in lifts not exceeding 8 inches in depth *within 40 feet below finished grade and 93 percent of maximum dry density deeper than 40 feet below finished grade, unless a lower relative compaction (not less than 90 percent of maximum dry density) is justified by the Soils Engineer and approved by the Building Official. Where ASTM D 1557, Modified Proctor is not applicable, a test acceptable to the Building Official shall be used.*

Field density shall be determined by a method acceptable to the Building Official.

Fill slopes steeper than 2 units horizontal to 1 unit vertical (50 percent slope) shall be constructed by the placement of soil a sufficient distance beyond the proposed finish slope to allow compaction equipment to operate at the outer surface limits of the final slope surface. The excess fill is to be removed prior to completion of rough grading. Other construction procedures may be utilized when it is first shown to the satisfaction of the Building Official that the angle of slope, construction method and other factors will comply with the intent of this Section.

J108.6 Maximum fill slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 units horizontal to 1 unit vertical (50 percent) shall be justified by *the soils engineering report stating that the site has been investigated, that a fill at a steeper slope will be stable, and not create a nuisance or hazard to public or private property. Substantiating calculations and supporting data may be required where the Building Official determines that such information is necessary to verify the stability and safety of the proposed slope. The Building Official may require the fill slope be constructed with a face flatter in slope than 2 units horizontal to 1 unit vertical (50 percent slope) if the Building Official finds it necessary for stability and safety of the slope.*

Fill slopes steeper than 2 units horizontal to 1 unit vertical (50 percent slope) are to be designed and constructed using a geosynthetic reinforcement as recommended by the Soil Engineer and Civil Engineer. Other construction materials and methods may be utilized, provided the Building Official is satisfied that the angle of slope, construction procedure and other factors will comply with the intent of this Section.

J108.7 Slopes to receive fill. *Where fill is to be placed above the top of an existing slope steeper than 3 units horizontal to 1 unit vertical (33 percent slope), the toe of the fill shall be set back from the top edge of the slope a minimum distance of 6 feet measured horizontally or such other distance as may be specifically recommended by the Soils Engineer or Engineering Geologist and approved by the Building Official.*

J108.8 Inspection of fill. *The Soils Engineer shall provide sufficient inspections during the preparation of the natural ground and the placement, drainage, and compaction of the fill to ensure that the work is performed in accordance with the approved plan and the requirements of this appendix. In addition to the above, the Soils Engineer shall provide continuous inspection of the entire fill placement, drainage, and compaction of fills that will exceed a vertical height or depth of 30 feet or result in a slope surface steeper than 2 units horizontal to 1 unit vertical (50 percent slope).*

J108.9 Testing of fills. *Sufficient tests of the fill soils shall be made to determine the compaction and to verify compliance of the soil properties with the design requirements. This includes soil types and strengths in accordance with Referenced Standards, Section J113.*

SECTION J109 SETBACKS

Section J108 in CBC Appendix J has been renumbered to become Section J109 in the VCBC, and amended to read as follows:

J109.1 General. *Cut and fill slopes shall be set back from property lines in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the property line and shall be as shown in Figure J109.1, unless substantiating data is submitted justifying reduced setbacks and is recommended by a soils engineering and/or engineering geology report approved by the Building Official. The setbacks and other restrictions specified by this Section are minimum standards and may be increased by the Building Official or by recommendation of the civil engineer, soils engineer, or engineering geologist to assure slope stability, prevent damage to adjacent properties from deposition or erosion, provide access for slope maintenance and drainage, or otherwise provide for public safety.*

J109.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure J109.1, or than is required to accommodate required interceptor drains, whichever is greater. *For graded slopes, the grading design must be such that the property line between adjacent lots will be at the apex of the berm at the top of the slope. Property lines between adjacent lots shall not be located on a graded slope steeper than to 5 units horizontal to 1 unit vertical (20 percent slope).*

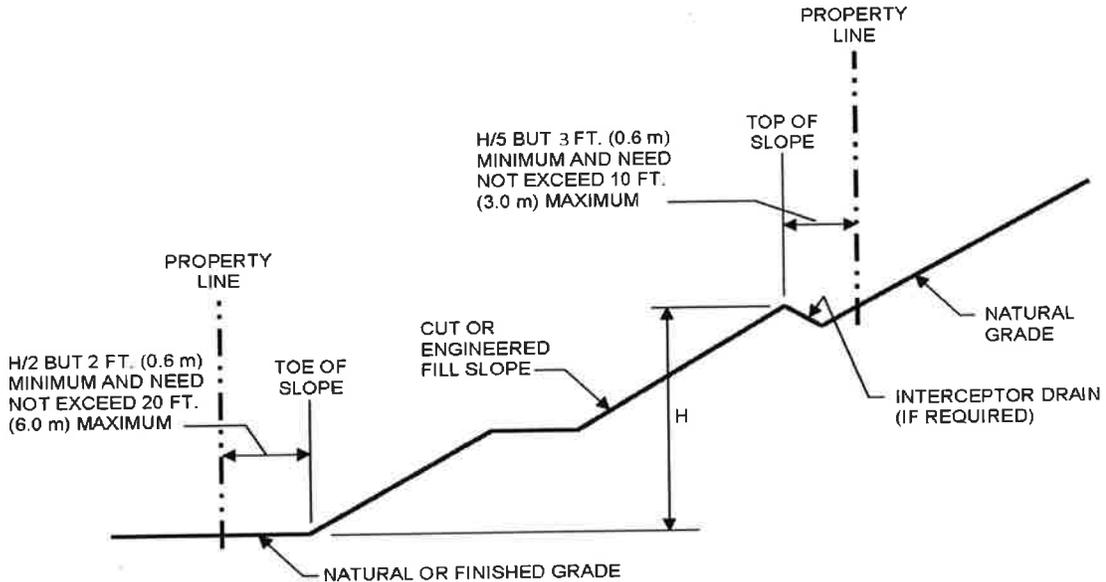


FIGURE J109.1 SETBACK DIMENSIONS

J109.3 Toe of fill slope. *The setback from the toe of a fill slope shall not be less than that shown by Figure J109.1. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the Building Official, shall be included. Such protection may include but shall not be limited to:*

1. Setbacks greater than those required by Figure J109.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

**SECTION J110
DRAINAGE AND TERRACING**

Section J109 in CBC Appendix J has been renumbered to become Section J110 in the VCBC, and amended to read as follows:

J110.1 General. *Unless otherwise recommended by the Civil Engineer, and approved by the Building Official, drainage facilities and terracing shall be provided in accordance with the requirements of section J110.2 for all cut and fill slopes where the ground slope is steeper than 3 units horizontal to 1 unit vertical (33 percent slope).*

For slopes flatter than 3 units to 1 unit vertical, drainage facilities and terracing may not need to be provided

in accordance with the Soil and Civil Engineer's recommendations.

J110.2 Drainage terraces. *Drainage terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris. When only one terrace is required, it shall be at mid-height. Where more than two terraces are required, one terrace located at approximately mid-height, shall be at least 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the Civil Engineer and approved by the Building Official. Suitable access to drainage terraces shall be provided to permit proper cleaning and maintenance.*

Swales or ditches shall be provided on terraces. They shall have a longitudinal grade of not less than 5 percent nor more than 12 percent and a minimum depth of 1 foot at the flow line. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope debris will remain in suspension on the reduced grade. Such terraces must be paved with reinforced concrete not less than 3 inches in thickness, reinforced with 6-inch by 6-inch No. 10 by No. 10 welded wire fabric or equivalent reinforcing centered in the concrete slab or other materials suitable to the application. They shall have a minimum paved width of 5 feet. Drainage terraces exceeding 6 feet in width need only be paved for a width of 5 feet. A single run of swale shall not collect runoff from a tributary area exceeding 13,500 square feet without discharging into a down drain. Down drains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal as defined in Section J110.5.

J110.3 Interceptor drains and overflow protection. *Berms, interceptor drains, swales or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto and causing erosion of the slope surface. Building pad berms used for slope protection shall not be less than 12 inches above the level of the pad and shall slope back at least 4 feet from the top of the slope.*

Interceptor drains shall be installed along the top of graded slopes greater than 5 feet in height receiving drainage from a slope with a tributary width greater than 40 feet measured horizontally. They shall have a minimum depth of 1 foot and a minimum width of 3 feet. The longitudinal grade shall be approved by the Building Official but shall not be less than 50 units horizontal to 1 unit vertical (2 percent). The drain shall be paved with reinforced concrete not less than 3 inches in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the Building Official.

J110.4 Drainage across property lines. *Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.*

J110.5 Disposal. *All drainage facilities shall be designed to carry waters to the nearest practicable street, storm drain, or natural watercourse approved by the Building Official or other appropriate governmental agency provided that the discharge of such waters at that location will not create or increase a hazard to life or property. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices. Desilting basins, filter barriers or other methods, as approved by the Building Official, shall be utilized to remove sediments from surface waters before such waters are allowed to enter streets, storm drains, or natural watercourses. If the drainage device discharges onto natural ground, riprap or a similar energy dissipator may be required.*

Building pads greater than 10 feet horizontally from the foundation shall have a minimum drainage gradient of two percent toward approved drainage facilities, a public street or drainage structure approved to receive storm waters unless waived by the Building Official. A lesser slope may be approved by the Building Official for sites graded in relatively flat terrain, or where special drainage provisions are made, when the Building Official finds such modification will not result in a hazard to life or property.

SECTION J111

SLOPE PLANTING AND EROSION CONTROL

Section J111 is added to the VCBC.

J111.1 General. *The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting, erosion control blankets, soil stabilizers or other means as approved by the Building Official. Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.*

***Exception:** Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials as approved by the Soils Engineer and/or Engineering Geologist to the satisfaction of the Building Official.*

J111.2 Other devices. *Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.*

J111.3 Planting. *The surface of all cut slopes more than 5 feet in height and fill slopes more than 3 feet in height shall be protected against damage by erosion by planting with grass or ground cover vegetation, shrubs and trees or other suitable stabilizing surface methods, either permanent or temporary. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the site.*

Plant material shall be selected which will produce a coverage of permanent planting to effectively control erosion. Consideration shall be given to deep-rooted plant material needing limited watering, maintenance, high root to shoot ratio, wind susceptibility and fire-retardant characteristics. Non-invasive plants are recommended.

Planting may be modified for the site if specific recommendations are provided by both the Soils Engineer and Landscape Architect. Specific recommendations must consider soils and climatic conditions, irrigation requirements, planting methods, fire retardant characteristics, water efficiency, maintenance needs, and other regulatory requirements. Recommendations must include a finding that the alternative planting will provide a permanent and effective method of erosion control. Modifications to planting must be approved by the Building Official prior to installation.

J111.4 Irrigation. *Slopes required to be planted by Section J111.3 shall be provided with an approved system of irrigation that is designed to cover all portions of the slope. Irrigation system plans shall be submitted and approved prior to installation. A functional test of the system may be required.*

For slopes less than 20 feet in vertical height, hose bibs to permit hand watering will be acceptable if such hose bibs are installed at conveniently accessible locations where a hose no longer than 50 feet is necessary for irrigation.

Irrigation requirements may be modified for the site if specific recommendations are provided by both the Soils Engineer and the Landscape Architect. Specific recommendations must consider soils and climatic conditions, plant types, planting methods, fire retardant characteristics, water efficiency, maintenance needs, and other regulatory requirements. Recommendations must include a finding that the alternative irrigation will sustain the proposed planting to provide a permanent and effective method of erosion control. Modifications for irrigation systems must be approved by the Building Official prior to installation.

J111.5 Plans and specifications. *If requested by the Building Official, slope planting and irrigation details shall be included on the grading plan.*

J111.6 Rodent control. *Graded slopes shall be protected from potential slope damage by a preventative program of rodent control.*

J111.7 Release of security for landscaping. *The planting and irrigation systems required by this section shall be*

installed as soon as practical after rough grading. Prior to final approval of grading and before the release of the grading security or occupancy, the planting shall be well established and growing on the slopes and there shall be evidence of an effective rodent control program.

**SECTION J112
NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)**

Section J112 is added to the VCBC.

J112.1 General. *All grading plans and permits and soil disturbance activities shall comply with the provisions of this section for applicable NPDES Permit compliance. Grading on larger projects, 1 acre or greater of soil disturbance, is subject to both General Construction NPDES Permit No. CAS000002 (General Construction Permit), and Ventura Countywide Municipal Stormwater Permit Order No. R4-2010-0108, as amended from time to time (Municipal Stormwater Permit/*).*

All temporary best management practices (BMPs), required during construction activities, shall be installed to effectively prevent erosion and sediment loss, and discharge of construction wastes, before grading begins. As grading progresses, all best management practices shall be updated as necessary to be maintained in good working order to the satisfaction of the Building Official unless final grading approval has been granted by the Building Official and all permanent drainage and erosion control systems, if required, are in place.

All permanent, post-construction, BMPs, shall be constructed and installed per County's approved design plans for Building Official's approval prior to final occupancy sign off. After grading permit's closeout, post-construction BMPs shall be maintained by the property owner per County's approved Maintenance Plan to ensure effective stormwater capture, retention, and/or treatment in compliance with County Ordinance Code No. 4450 and Municipal Stormwater Permit. Annually property owner shall submit Maintenance Verification Form to Ventura County Public Works Agency, verifying on-going maintenance and operational condition of the post-construction BMPs.

J112.2 Construction BMPs for small sites. *The Building Official may require implementation of an effective combination of erosion and sediment control BMPs to prevent erosion and sediment loss, and discharge of construction wastes in accordance with Municipal Stormwater Permit and County Ordinance Code No. 4450, as amended from time to time. The minimum of required BMPs for small construction sites, with disturbance of less than 1 acre of soil, shall be documented using County's SW-1 form for Building Official's approval prior to issuance of Grading Permit. The construction BMPs are subject to inspection by the Building Official; if any deficiencies are identified, the grading permit applicant will have a maximum of two weeks to make corrections and ensure proper functioning of the construction BMPs. Continued noncompliance is subject to progressive enforcement in accordance with the County Ordinance Code No. 4450.*

J112.3 Enhanced construction BMPs for high-risk sites. *The Building Official may require implementation of an effective combination of enhanced erosion and sediment control BMPs to prevent erosion and sediment loss, and discharge of construction wastes in accordance with Municipal Stormwater Permit and County Ordinance Code No. 4450, as amended from time to time. The minimum of required enhanced BMPs for high-risk construction sites including hillsides, as defined in the Municipal Stormwater Permit, shall be documented using County's SW-HR form for Building Official's approval prior to issuance of Grading Permit. The enhanced construction BMPs are subject to inspection by the Building Official; if any deficiencies are identified, the grading permit applicant will have a maximum of two weeks to make corrections and ensure proper functioning of the enhanced construction BMPs. Continued noncompliance is subject to progressive enforcement in accordance with the County Ordinance Code No. 4450.*

J112.4 Construction BMPs and general construction permit for large sites. *The Building Official may require obtaining coverage under the NPDES General Construction Permit and implementation of an effective combination of erosion and sediment control BMPs to prevent erosion and sediment loss, and discharge of construction wastes in accordance with Municipal Stormwater Permit and County Ordinance Code No. 4450, as amended from time to time. The minimum of required BMPs for large construction sites with soil disturbance of 1 acre or greater, shall be documented using County's SW-2 form for Building Official's approval prior to issuance of the Grading Permit. In addition, no grading permit will be issued until the Building Official is provided with a written Notice of Intent required by the State Water Resources Control Board and site-specific Stormwater Pollution Prevention Plan (SWPPP) prepared by the Qualified SWPPP Developer (QSD). Implementation of SWPPP requirements during construction activities shall be completed under supervision of Qualified SWPPP Practitioner (QSP). Proper coverage and compliance with the General Construction Permit may be evaluated by the Building Official during required inspections of the construction BMPs; if any deficiencies are identified, the grading permit applicant will have a maximum of two weeks to make corrections and ensure proper functioning of the enhanced construction BMPs. Continued noncompliance is subject to progressive enforcement in accordance with the County Ordinance Code No. 4450.*

J112.5 Post-construction BMPs. *New development and significant redevelopment projects within County's Existing Communities (urban areas) or large projects in other unincorporated areas may be subject to post-construction BMPs in accordance with applicability criteria defined in the Municipal Stormwater Permit. Applicable projects require submittal of design plans, Post-Construction Stormwater Management Plan (PCSMP), Maintenance Plan, Stormwater Treatment System Access and Maintenance Agreement for Building Official's approval prior to issuance of Grading Permit. The Building Official may inspect progress of construction and installation of post-construction BMPs to verify compliance with approved design plans. Final occupancy will not be issued until completion and Building Official's approval of post-construction BMPs. After grading permit's closeout, post-construction BMPs shall be maintained by the property owner per County's approved Maintenance Plan to ensure effective stormwater capture, retention, and/or treatment in compliance with County Ordinance Code No. 4450 and Municipal Stormwater Permit. Annually property owner shall submit Maintenance Verification Form to Ventura County Public Works Agency, Watershed Protection District, verifying on-going maintenance and operational condition of the post-construction BMPs. If any deficiencies are identified during construction or as related to required long-term maintenance activities, the Building Official may undertake progressive enforcement process in accordance with the County Ordinance Code No. 4450.*

J112.6 Storm water BMP non-compliance. *Should the owner fail to install the best management practices required by Sections J112.2 through J112.5 by the dates specified therein, it shall be deemed that a default has occurred under the conditions of the grading permit security. The Building Official may deem necessary to protect adjoining property from the effects of erosion, flooding, or the deposition of mud, debris or constructed related pollutants and require the surety to install and maintain adequate sediment control BMPs and protect the adjacent properties and watercourses that may be threatened from sedimentation. The Building Official may also cause the owner to be prosecuted as a violator of this Code and/or Code No. 4450. The Building Official shall have the authority to apply a penalty in the amount as adopted by the latest resolution by the Board of Supervisors regarding fines and civil penalties for unauthorized grading. Payment of a penalty shall not relieve any persons from fully complying with the requirements of this appendix in execution of the work.*

SECTION J113 REFERENCED STANDARDS

Section J111 in CBC Appendix J has been renumbered to become Section J113 in the VCBC, and amended to read as follows:

J113.1 Referenced standards. *These regulations establish minimum standards and are not intended to prevent the use of alternate materials, methods or means of conforming to such standards, provided such alternate has been approved. The Building Official shall approve such an alternate provided he or she finds that the alternate is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, durability and safety.*

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims regarding the alternate. Compliance with these recognized standards shall be prima facie evidence with the standard of duty set forth in Section J108. The standards listed below are recognized standards:

ASTM D1557-12. Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort [56,000 ft-lb/ft³, (2,700kN-m/m³)]

SECTION J114 HAZARDS/PUBLIC HAZARDS

Section J114 is added to the VCBC.

J114.1 Hazards declared a public nuisance. *Any manmade excavation, embankment or fill on private property which 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, or fails to comply with the provisions of this Code is hereby declared to be a public nuisance.*

J114.2 Unpermitted earthwork operations and import/export of earth materials by trucks declared a public nuisance. *The act of performing earthwork operations, when a grading permit or building permit is required and the property has not obtained such a permit, but continues to grade, excavate, or fill their property and/or have trucks import and export earth materials to/from their property in excess of 5 trucks per hour unless part of a discretionary permit that provides additional truck trips, is hereby declared by the Building Official to be a public nuisance.*

J114.3 Notice and order to abate. *When the Building Official has determined that such a public nuisance exists, he/she shall issue a notice and order to the record property owner upon which the nuisance is located. The notice and order shall contain:*

- 1. The street address, if any, and a legal description sufficient for identification of the property upon which the nuisance is located*
- 2. A statement that the Building Official has found the excavation, embankment or fill placed to be a public nuisance and a concise description of the conditions, such as conducting grading without a permit and causing excessive truck traffic, which render it a public nuisance*
- 3. An order requiring that all applicable permits be secured, and that the nuisance be abated within a specified time determined by the Building Official to be reasonable in circumstances*
- 4. A statement that, if the nuisance is not abated within the time specified, the County may cause the work to be done and charge the cost thereof against the property or its owner*
- 5. A statement that any person having a legal interest in the property may appeal from the notice and order to the Board of Grading Appeals if the appeal is made in writing as provided in this Section and is filed with the Clerk of the Board of Supervisors within 30 days of service of the notice and order, and*

6. *A statement that failure, neglect or refusal to abate the nuisance within the time set forth in the notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals is a misdemeanor*

J114.4 Service of Notice and Order. *The notice and order shall be mailed by US Postal Service and posted on the property near its main entrance by the Building Official in the manner and subject to conditions set forth of Section 107 of the International Property Maintenance Code (IPMC), as adopted and amended by Article 11 of this Code, with respect to notices and orders relating to dangerous buildings.*

J114.5 Recordation of grading non-compliance certificate respecting nuisance. *If compliance is not had with the notice and order within the time specified therein by the Building Official or, if an appeal has been filed pursuant to this Section, within the time specified by the Board of Grading Appeals, the Building Official shall file in the Office of the County Recorder for recordation of a Grading Noncompliance certificate describing the property and certifying (1) that the unpermitted earthwork operations that may include the excavation, creation of an embankment or fill constitutes a public nuisance and/or hazard, (2) that the import and export of earth materials to and from the property by excessive truck trips constitutes a public nuisance and (3) that the owner has been so notified. Whenever the nuisance thereafter has been abated, the Building Official shall file in the office of the County Recorder for recordation a new certificate describing the property and certifying that the nuisance has been abated.*

J114.6 Appeal from Notice and Order. *Any person entitled to service under Section J114.4 may, upon payment prescribed by the Board of Supervisors for such purposes, appeal from the notice and order to abate by filing with the Clerk of the Board of Supervisors a written appeal in the form prescribed by the Building Official. The appeal shall be filed within 30 days after the date of service of the notice and order. Upon receipt of an appeal, the Clerk shall present it at the next regular or special meeting of the Board of Supervisors which, at such meeting, shall fix a date, time and place for the hearing of the appeal by the Board of Grading Appeals. Notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Clerk either by causing a copy of such notice to be delivered personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal. Enforcement of a notice and order to abate shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. In connection with the hearing, the Board of Grading Appeals, and any member thereof, may administer oaths and affirmations and issue subpoenas. The hearing shall be conducted by the Board of Grading Appeals in the manner set forth in DBC Section 604. If, after the hearing, the Board of Grading Appeals determines that the excavation, embankment or fill does not constitute a public nuisance, it shall allow the appeal and cancel the notice and order to abate. If, after the hearing, the Board of Grading Appeals determines otherwise, it shall deny the appeal and set a date by which the nuisance must be abated, which date shall be no earlier than the last day of the period set forth in original notice and order to abate. The decision of the Board of Grading Appeals is final when made.*

J114.7 Compliance with Notice and Order required. *It shall be unlawful for any person, firm or corporation to who or to which a notice and order to abate is directed pursuant to this Section to fail, neglect or refuse to obey such order within the time specified in such notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals.*

J114.8 Abatement by County upon failure to comply with Notice and Order. *If the nuisance is not abated within the time set forth in the notice and order to abate or, in the case of an appeal by the date set by the Board of Grading Appeals, the Board of Supervisors may, without further notice or hearing direct that the nuisance be abated by the County. Such abatement by the County shall not excuse any prior failure, neglect, or refusal to comply with the notice and order to abate and shall be in addition to whatever other remedies may be provided by this Code or other provisions of law.*

J114.9 Summary abatement by County in emergency. *If the nuisance threatens substantial injury to persons or property which is, in the opinion of the Building Official, so imminent as to require immediate corrective measures, the County may summarily abate such nuisance without complying with the provisions of Section J114.3 through J114.8, provided that the Building Official shall give such notice to the owner of the property as may be practicable in the circumstances.*

J114.10 Manner of abatement by County; right of entry. *Abatement by the County may be done directly by County personnel or through contractors in the same manner and subject to the same restrictions as public works. The County and its contractors may enter upon private property to effectuate such abatement.*

J114.11 Determining cost of abatement work by County. *The Building Official shall keep an itemized account of the costs involved to investigate, respond to the public's concerns, and administer the enforcement actions necessary to require the property owner to abate the violation, including the actual of abatement by the County pursuant to Section J114.8 or J114.9 and, upon completion of the abatement work, shall prepare an itemized written cost report. The Building Official shall thereupon forward a copy of the report to the Clerk of the Board of Supervisors who shall set a date (at least 10 days after receipt of the report), time and place for a hearing before the Board of Supervisors respecting such report and any objections thereto. Notice of such hearing shall be served and posted at least 10 days prior to the hearing in the manner and subject to the conditions set forth in Section J114.4 with respect to the notice and order to abate. Such notice of hearing shall contain:*

1. *The street address, if any, and a legal description sufficient for identification of the property affected by the report*
2. *A statement that the report has been prepared and is available for inspection in the office of the Building Official*
3. *A statement that the Board of Supervisors will hold a hearing to consider the report and any timely objections thereto*
4. *The date, time and place of such hearing*
5. *A statement that the property owner will be fined a monetary amount for the nuisance and that the trucks will be stopped and cited by the County Sheriff if they are observed to be importing and/or exporting earth materials from the property*
6. *A statement that any interested person wishing to object to such report must file, prior to the hearing, a written statement of the grounds for the objection*

Any interested person may file written objections prior to the hearing. Each such objection shall contain a statement of the grounds therefore. A contention that the condition abated did not constitute a public nuisance shall be a ground for objecting to the report only if the report relates to a summary abatement pursuant to Section J114.9. At the hearing, the Board of Supervisors shall receive and consider the report, any timely written objections thereto, and such other information as it may deem proper. At the conclusion of the hearing, the Board of Supervisors may make such corrections in the report as it may deem just and, when it is satisfied that the report (as submitted or corrected) is correct, it shall, by resolution, determine the total amount of such cost of abatement took place.

J114.12 Reimbursement of cost of abatement work by County. *At any time within 10 days after the Board of Supervisors has adopted a resolution pursuant to Section J114.11 determining the cost of abatement by the County, the Building Official may receive payment of such amount and issue receipts therefor. If payment is not received within such period of time, the Building Official shall forward a copy of the resolution to the Auditor-Controller.*

J114.12.1 Special assessment for cost of abatement by County. *For cost of abatement by the County, pursuant to Section J114.8 or J114.9, for which payment is not made pursuant to Section J113.11, shall be a special assessment against the parcel on which the nuisance has been located. Such special assessment shall be levied for the fiscal year commencing on the July 1 next following receipt by the Auditor-Controller of the resolution of the Board of Supervisors determining the amount of such cost. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy,*

collection and enforcement of County taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

J114.13 Civil penalties for unauthorized grading work. *The Building Official shall have the authority to apply a penalty to a property owner for creating a hazard as defined in Section J114.1 and J114.2 in the amount as adopted by the latest resolution by the Board of Supervisors regarding fines and civil penalties for unauthorized grading. Truck drivers delivering or removing earth materials to or from a property that has been determined by the Building Official to be in violation of Appendix J can be cited and fined by the Building Official or County Sheriff for each instance they cause to deliver or remove earth materials from the property. Failure to pay the fine to the County of Ventura within 30 calendar days shall constitute a misdemeanor. Payment of a penalty shall not relieve any persons from fully complying with the requirements of this appendix in execution of the work.*