

# DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Planning Commission **Agenda of:** July 8, 2010  
FROM: Shawna Purvines, Senior Planner **Item #:** 11  
DATE: May 24, 2010  
RE: OR10-0001; Amend Ordinance Code Section 15.14, Grading, Erosion, And Sediment Control

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## BACKGROUND

On March 13, 2007 the Board of Supervisors adopted a revision to Title 15.14 - Grading, Erosion, And Sediment Control Ordinance (Grading Ordinance). The threshold to require a grading permit was lowered to 50 cubic yards from 250 cubic yards. The purpose of this change as written in the January 25, 2007 Staff Report was to:

- a. Achieve consistency with the adopted Building Code (CBC Appendix Chapter 33);
- b. Conform to standards in 70 percent of jurisdictions surveyed;
- c. Achieve consistency with proposed AQMD standard;
- d. Increase water quality compliance; and
- e. Reduce "recreational" grading and provide for more effective code enforcement.

The Grading Ordinance regulates grading within the unincorporated area of El Dorado County. Its purpose is to safeguard life, limb, health, property and public welfare, and prevent the pollution of watercourses. The Grading Ordinance ensures that the intended use of a graded site is consistent with the El Dorado County General Plan, any Specific Plans adopted thereto, the adopted Storm Water Management Plan, California Fire Safe Standards and applicable El Dorado County ordinances including the Zoning Ordinance and the California Building Code.

## DISCUSSION

After three years of operating under the revised Grading Ordinance it has been questioned whether the change in the permit threshold from 250 cubic yards to 50 cubic yards was necessary. On May 10, 2010 the Board of Supervisors directed staff to review the Ordinance, and determine if the threshold should revert back to the 250-yard standard.

Following the adoption of the Grading Ordinance, on January 1, 2008 the County began applying the 2007 California Building Code Title 24, including Appendix J – Grading that did not include the 50 cubic yard limitation. CBC Appendix Chapter 33, as referenced above and included the 50 cubic yards limitation, was not adopted and applied as had been anticipated when adopting the Grading Ordinance in March 2007.

The Grading Ordinance requires a permit for all grading activities in the unincorporated area of El Dorado County, including underground excavations associated with human occupancy, and agricultural grading activities that convert undisturbed vegetation to agricultural cropland, unless the proposed activities are listed as exempt (Section 15.14.140).

Exempt projects listed in 15.14.140 are still required to comply with all other requirements of the Grading Ordinance, CEQA, the County Storm Water Management Plan (SWMP) and any other relevant codes and ordinances. Therefore, the change in permit threshold is helpful, but not essential, in achieving consistency with related regulations and codes as previously thought.

Grading activities (with or without a permit) that cause or have the potential to result in a cut or fill that could potentially endanger any structure intended for human or animal occupancy, threaten the stability of any public road, or obstruct any watercourse or drainage conduit are prohibited. If one or more of the above conditions exist or have the potential to occur, it is the responsibility of the landowner to immediately cease all grading activities and notify the County.

Any person performing work in violation of the provisions of the Grading Ordinance may be served a written order citing such violations and directing that person performing the work to stop work immediately and begin corrective action as required in the Grading Ordinance.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion) to determine if the project has a significant effect on the environment. Based on the Initial Study, all grading activity (with or without a permit) is required to comply with the Grading Ordinance and all other related codes and ordinances, including requirements to avoid or mitigate to a point of insignificance any potentially significant effects of the graded site. The Initial Study indicates that there is no substantial evidence that the proposed project would have a significant effect on the environment, and that a Negative Declaration may be prepared for an amendment to the Grading Ordinance to change the permit threshold from 50 cubic yards to 250 cubic yards.

## **RECOMMENDATION**

Staff recommends the Planning Commission make the following recommendations to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Ordinance OR10-0001 amending the Grading, Erosion and Sediment Control Ordinance, Section 15.14 of the County Code, with the revised language presented in Attachment 2, based on the Findings in Attachment 1.

**ATTACHMENTS:**

- Attachment 1 ..... Findings
- Attachment 2 ..... Draft Ordinance Amendment to Chapter 15.14; El Dorado County  
Grading, Erosion, And Sediment Control Ordinance
- Attachment 3 ..... 2001 California Building Code Appendix Chapter 33
- Attachment 4 ..... 2007 California Building Code Appendix J (as adopted)
  
- Exhibit A ..... Environmental Checklist Form

# **ATTACHMENT 1**

## **FINDINGS**

### **OR10-0001/Amend Ordinance Code Section 15.14, Grading, Erosion, And Sediment Control July 8, 2010/Planning Commission Hearing**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings should be made:

#### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 General Plan Findings**

- 2.1 The proposed ordinance amendment is consistent with applicable General Plan policies, specifically Policy 7.1.2.2 which stipulates all discretionary and ministerial projects that require earthwork and grading, including cut and fill for roads, shall be required to minimize erosion and sedimentation, conform to natural contours, maintain natural drainage patterns, minimize impervious surfaces, and maximize the retention of natural vegetation.

#### **3.0 California Building Code**

- 3.1 The proposed ordinance amendment is consistent with applicable Building Codes currently adopted and applied by the County Building Department, specifically Appendix J, Section J103 of the 2007 California Building Code which stipulates when a grading permit shall be required.