

COUNTY OF SAN MATEO
ENVIRONMENTAL SERVICES AGENCY
PLANNING AND BUILDING DIVISION

**REGULATIONS FOR EXCAVATING, GRADING, FILLING AND
CLEARING ON LANDS IN UNINCORPORATED SAN MATEO COUNTY**
[From Chapter 8, Division VII, San Mateo County Ordinance Code]

SECTION 8600. SCOPE AND PURPOSE. It is the declared intent of the County of San Mateo to promote the conservation of natural resources, including topography and vegetation, as well as to protect health and safety, which includes the reduction or elimination of the hazards of earth slides, mud flows, rock falls, undue settlement, erosion, siltation, and flooding, or other special conditions. To achieve these goals, the adverse effects of grading, cut and fill operations, land clearing, water runoff, and soil erosion must be minimized. Therefore, the following regulatory provisions of this chapter shall apply for the purpose of stringent control of all aspects of grading and clearing operations and to establish procedure for issuance, administration and enforcement of a permit.

SECTION 8600.1. APPLICATION OF CHAPTER. This chapter shall apply to all grading and excavating operations conducted in the unincorporated portions of the County, unless such operations are specifically excepted or unless a permit for such operations is required in accordance with Sections 6501 and 6502 of this ordinance code.

SECTION 8601. DEFINITIONS. For the purposes of this chapter, the following definitions shall apply.

SECTION 8601.1. ARCHITECT shall mean a professional architect registered in and by the State of California.

SECTION 8601.2. AS-GRADED is the surface conditions extant on completion of grading.

SECTION 8601.3. BEDROCK is in-place solid rock.

SECTION 8601.4. BENCH is a relatively level step excavated into earth material on which fill is to be placed, or within a cut or fill slope.

SECTION 8601.5. BEST MANAGEMENT PRACTICES HANDBOOK is a compilation of erosion and sediment control measures which is maintained by the County Planning and Building Division.

SECTION 8601.48. STABILIZATION is a term for any procedure that will result in increased shear strength in a soil.

SECTION 8601.49. STRUCTURE shall mean something constructed or built, as a building, a wall, a bridge, a road, a dam, etc.

SECTION 8601.50. TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

SECTION 8601.51. VARIABLE SLOPE is the variation of a cut or fill slope in the vertical plane to blend with existing contours and vertical undulation to eliminate the artificial appearance of slopes or to take advantage of inherent characteristics of the slope material.

SECTION 8601.52. WASTE MATERIAL is non-hazardous useless or discarded material.

SECTION 8601.53. WATERCOURSE is a blue line perennial or intermittent stream as shown on USGS topographic 7 1/2 minute quadrangle series maps.

SECTION 8602. PERMIT REQUIREMENTS. For the purpose of this chapter and to establish an orderly procedure for excavating, grading, filling and clearing, land disturbing activities shall be handled in two distinct phases.

SECTION 8602.1. GRADING. A grading permit shall be required for activities involving grading except as exempted in Section 8603 of this chapter.

SECTION 8602.2. CLEARING. A land clearing permit for the removal of vegetation shall be required when:

- (a) The land area to be cleared is 5,000 sq. ft. or greater, within any two-year period except in County Scenic Corridors where vegetation removal is greater than 1,000 sq. ft.
- (b) Existing slopes are greater than 20 percent.
- (c) The land area to be cleared is in any sensitive habitat or buffer zone as identified in the County General Plan.

SECTION 8603. EXEMPTIONS. The following exemptions shall not apply to land disturbances within natural drainage channels.

No person shall do any grading or land clearing without first having obtained a permit from the County required by this chapter, except for the following:

SECTION 8603.1. An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, or other structure authorized by a valid building permit. This statement shall not exempt from permit requirement under this chapter, any fill made with the material on- or off-site from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure, nor when any single purpose excavation exceeds 250 cubic yards.

SECTION 8603.2. Cemetery graves.

SECTION 8603.3. Approved grading in conjunction with a timber harvest permit issued by the County of San Mateo.

SECTION 8603.4. Excavations for water wells or utilities.

SECTION 8603.5. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay, provided a valid surface mining and reclamation permit issued by the County of San Mateo is in effect.

SECTION 8603.6. Exploratory excavations under the direction of soils engineer or engineering geologists. Such excavations are not to result in an erodible, hazardous, or unstable state. The County Geologist shall be informed of such explorations at least two (2) working days prior to commencement of work.

SECTION 8603.7. An excavation which is less than 2 feet in maximum vertical depth made on competent natural terrain with a slope flatter than five horizontal to one vertical and which creates slopes no steeper than two horizontal to one vertical and removes less than 150 cubic yards of material.

SECTION 8603.8. A fill less than 2 feet in depth, placed on natural terrain with a slope flatter than five horizontal to one vertical, not intended to support structures, and which does not exceed 150 cubic yards on any one parcel, and does not obstruct a drainage course or affect structural integrity of adjacent property.

SECTION 8603.9. Work conducted in any County street, public right-of-way or easement when the work is for a public facility, public utility or other public purposes, or is controlled by other permits.

SECTION 8603.10. Emergency work as authorized by the Planning Director necessary to protect life, limb or property; or to maintain the safety, use or stability of a public way or drainage way.

SECTION 8603.11. The land area to be cleared is for fire protection purposes as required by the San Mateo County Fire Ordinance, Chapter 15, Fire Protection Regulations.

SECTION 8603.12. The land area to be cleared is for routine agricultural activities including but not limited to plowing, harrowing, disking, ridging, listing, leveling, and similar operations to prepare a field for a crop, or the land area to be cleared is for resource management such as brush clearing, erosion control or other resource management programs carried out under the purview of the Resource Conservation District.

SECTION 8603.13. Gardening for home use.

SECTION 8603.14. Agricultural use of land that is operated in accordance with a conservation plan approved by and implemented according to the practices of the Resource Conservation District (RCD) or when it is determined by the RCD that such use will not cause excessive erosion or sediment losses, based on applicable soil loss tolerance values.

SECTION 8603.15. Grading projects for purposes of soil conservation that have been approved by the San Mateo County Resource Conservation District (RCD) when plans for such project have been filed by the RCD with the Planning Division and the Department of Public Works and with the submittal of a certificate of exemption from the Resource Conservation District.

SECTION 8603.16. Agricultural water impoundments not exceeding the minimum limitations of the State Dams and Reservoir Act of 1967 (Sections 6000 et seq. of the Water Code) when approved by the San Mateo County Resource Conservation District and with the submittal of a certificate of exemption from the RCD and provided plans are to be filed with the Planning Division and the Department of Public Works by the RCD.

SECTION 8603.17. The land area to be cleared is to be carried out under an approved Forest Improvement Program or Chaparral Management Program under the purview of the California Department of Forestry when plans for such projects have been filed with the Planning Division.

SECTION 8603.18. Repair of storm damage consisting of slide repair, debris removal and water impoundment replacement on agricultural lands carried out under the purview of the ASCS or RCD provided that such activity does not create hazards to other lands.

SECTION 8604. PROCEDURE.

SECTION 8604.1. APPLICATION REQUIREMENTS.

- (a) **Grading Permit Application Requirements.** To obtain a grading permit, the applicant shall first file a written application with the Planning and Building Division on a form provided by the Planning Director.

The application shall be accompanied by the following material:

SECTION 8606.4. CHANGE OF CONSULTANT. If the civil engineer, the geotechnical consultant or the testing agency of record is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of its technical competence for certification upon completion of the work.

SECTION 8606.5. NONCOMPLIANCE. If, in the course of fulfilling its responsibility under this chapter, the civil engineer, the geotechnical consultant or the testing agency finds that the work is not being done in conformance with this chapter, or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Department of Public Works and the Planning Director. Recommendations for corrective measures, if necessary, shall be submitted. Project work shall be stopped until corrective measures are approved by the County.

SECTION 8606.6. SUPPLEMENTAL REPORTS. Upon completion of the rough grading work, and at the final completion of the work, the County may require the following reports and drawings and supplements thereto:

- (a) An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities, cut fill lines and all other pertinent information including, but not limited to, buttress and replacement fills, restricted from building areas, etc.
- (b) An as-built grading report prepared by the geotechnical consultant including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The report shall include a final description and if necessary, a map of the geology of the site including any new information disclosed during the grading and its effect upon site grading. A certification shall be provided approving the adequacy of the site for the intended use as affected by soil and geologic factors.

SECTION 8606.7. EMERGENCY PREVENTATIVE MAINTENANCE. In any event that a condition should arise during the grading operations which may become a hazard, whether or not such condition was caused through negligence or act of God, immediate remedial action to mitigate hazard shall be taken under the direction of the civil and/or geotechnical consultant. Within three working days, a written report describing the remedial work shall be sent to the County for review.

SECTION 8607. ENFORCEMENT.

SECTION 8607.1. ENFORCEMENT BY PLANNING DIRECTOR. The Planning Director shall enforce the provisions of this chapter and the terms and conditions of any grading or land clearing permit. If the Planning Director determines that grading or clearing has been done without a required permit, or that grading or land clearing has

been done in violation of any of the terms and conditions of an issued permit, or that any person has otherwise failed to comply with the requirements of this chapter, the Planning Director shall do the following:

- (a) Direct that a Stop Work Order be issued on all construction being carried out on the property affected by the violation, if one has not yet been issued under Section 8608.1.
- (b) In the event that any violation presents an immediate threat to the public health or safety, require that the property owner or permit applicant, as may be appropriate, take such steps as are necessary to protect the public health or safety, in accordance with the procedure set forth in Section 8607.3.
- (c) Require that the property owner or permit applicant, as appropriate, prepare and implement a grading plan which meets the requirements of this chapter and which accomplishes one of the following:
 - (1) Restores the property to the condition which existed prior to the violation;
 - (2) Requires such remedial work as is necessary to make the grading or land clearing work already completed conform with all requirements of this chapter;
 - (3) Requires such remedial work as is necessary to mitigate impacts of the grading work so that such work conforms as nearly as possible to all requirements of this chapter. The Planning Director's determination shall be guided by the factors set forth in Section 8607.4.

A Stop Work Order issued pursuant to this section shall apply to any and all construction or other development being carried out on the property affected by a violation under this section, including, but not limited to, any residential structure to be served by an illegally graded access road or driveway. The Stop Work Order will not be lifted as to any such construction or other development until such time as the grading or land clearing violation has been corrected as provided for in this section.

SECTION 8607.2. NUISANCE. The provisions of this chapter shall not be construed to authorize any person to maintain a private or public nuisance upon their property, and compliance with the terms of this chapter shall not be a defense in any action to abate such nuisance.

SECTION 8607.3. PROCEDURE FOR EMERGENCY WORK. In the event that the Planning Director determines that grading or land clearing work has been done without a permit, or in violation of the terms or conditions of a permit, or in violation of any provision of this chapter, such that there is presented an immediate and substantial threat of physical injury or death, or irreversible environmental damage, the Planning