

## When is a Grading Permit Required?

### **SECTION J103 - PERMITS REQUIRED**

**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, grading in an isolated, self-contained area for agricultural grading or oil field grading, provided there is no danger to the public or public property, and that such grading will not adversely affect adjoining properties. The Building Official will require the owner of the property to have a plan prepared showing the location of the grading in accordance with Sections J105.1, J105.2, and J105.3. A written agricultural grading/oil field grading exemption will be issued that may require the property owner to provide adequate sediment and erosion control in accordance with Section J111 and J112, and provide for limited site inspections by the property owner's engineering consultants who prepared the plans and reports. A flat fee will be charged by the Building Official to review and approve this type of grading exemption in accordance with the adopted fee schedule approved by the Board of Supervisors. The property owner shall obtain letters from his/her engineering consultants that states that the owner performed the grading in accordance with their plans, specifications, and recommendations at the conclusion of the project and forward said letters to the Building Official for record keeping. The written agricultural grading/oil field grading exemption shall have a time limit not to exceed 24 months from the date of issuance by the Building Official. The agricultural grading/oil field grading exemption does not apply to projects which otherwise would require a discretionary grading permit.
2. Excavation for construction of a structure and authorized by a valid building permit provided the excavation is limited to the removal of soil 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 or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of a Soils Engineer or Engineering Geologists. 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. On deep exploratory excavations that exceed fifteen feet in depth, the responsible Soils Engineer or Engineering Geologist shall submit to the Building Official a compaction report demonstrating that the exploratory excavation was compacted so as not to create a hazard or a nuisance. The compaction report shall be filed with the Building Official within ten business days of completion of the work. 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.
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 5:1 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 (VCRCD) in compliance with the Hillside Erosion Control Ordinance (HECO). Should the VCRCD 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.

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.

For further information see the Ventura County Building Code. Appendix J

**Contact Public Works for final determination of exemption prior to starting work.**

## **DEFINITIONS**

### **SECTION 3308**

**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 as defined in Section 8102-0 of the Ventura County Non-Coastal Zoning Ordinance. Agricultural grading does not include grading for buildings, barns, equestrian facilities, permanent structures with a foundation, and parking lots.

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

**EXCAVATION** is the mechanical removal of earth material.

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

**GRADING.** An excavation or fill or combination thereof.

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

1. The portion is used for growing crops or raising livestock for sale, but not for building sites or for the construction of earthfills which will impound water to a depth of more than 5 feet.
2. The portion contains water impounding structures, that are bermed or diked no higher than five feet above natural grade, constructed under the direct control of the U.S. Department of Agriculture, Natural Resources Soil Conservation Service.
3. The portion contains oilfield operations, involving the exploration for or the development or production of oil, which are established under an existing land use entitlement and all of the following criteria are met:
  - (a) The portion is not visible from a publicly maintained street, road or highway within 1.0 horizontal mile of such portion; and
  - (b) The portion is not visible from a private residence located within 1.0 horizontal mile of such portion unless the owner and the tenant or such residence have signed a written waiver of this criterion; and
  - (c) The portion is so located and configured that grading thereon cannot cause a significant increase in the volume of silt or debris deposited on downstream property owned by any person other than the owner of the portion.