

Meeting Date: 03/13/2024 (01)

ORDINANCE NO. 10894 (NEW SERIES)

AN ORDINANCE AMENDING THE GRADING, CLEARING AND WATERCOURSES ORDINANCE, TITLE 8, DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO ALLOW BY-RIGHT MINISTERIAL GRADING PERMITS FOR BY-RIGHT HOUSING PROJECTS UNDER STATE LAW

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors intends by this ordinance to edit the Grading, Clearing and Watercourses Ordinance to allow by-right ministerial grading permits for by-right housing projects under State law.

Section 2. Section 87.202 of the County of San Diego Grading Ordinance is hereby amended
SEC. 87.202. EXEMPTIONS FROM PERMIT REQUIREMENT.

The following are exempt from the requirements to obtain a grading permit (but not from other requirements of this Division including, but not limited to, the maximum slope, required setbacks, erosion prevention and planting requirements), provided they do not occur in or affect a watercourse or are within one of the exemptions under Section 87.604 of this Division:

(a) An excavation or fill which:

(1) is less than eight feet in vertical height (measured from the toe of the slope to the top of the slope); and

(2) does not result in the movement of more than 200 cubic yards of material on any one site.

(b) An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, septic tank, leaching system, or other structure authorized by a valid building permit. This paragraph shall not exempt from the permit requirements any fill made with the material from such excavation having an unsupported height greater than eight feet after the completion of such structure.

(c) Refuse disposal areas or sanitary fills operated and conducted in accordance with a use permit issued pursuant to the Zoning Ordinance or a permit issued pursuant to Article 2, Chapter 5, Division 8, Title 6, of this Code or as a lawful non-conforming use and where the operation and conduct thereof does not block or divert any natural drainage way or affect the lateral support of, or unduly increase the stresses in or pressures upon, any adjacent or contiguous property.

(d) Grading incidental to the construction or installation of facilities by a public agency or utility not subject to regulation by this Division.

(e) Grading to the limited extent authorized in advance in writing by the County Official to perform repairs so as to prevent immediately threatened injury to persons or property which has arisen as a result of an emergency. The County Official may require that a grading permit subsequently be obtained to reflect the work performed, and may require the submittal of information, documentation, reports and other matter as required by the applicable provisions of this Division for such permit.

(f) Grading or reclamation work pursuant to a use permit or reclamation plan approved pursuant to Chapter 7 of this Division for a borrow pit, quarry or other surface mining operation, unless the operation is not required to obtain a reclamation plan because it will complete the removal of material to be used exclusively for fill at another approved site or sites within one year. Operations required to secure a grading permit must do so for the excavation site as well as the fill sites.

(g) Routine road maintenance activities, such as smoothing, texturing, and filling of small rills and potholes, provided they do not involve land form changes and are conducted entirely within the existing disturbed footprint of an existing road.

(h) Temporary stockpiling of earth authorized by a valid and unexpired permit issued pursuant to Section 87.218 of this Chapter.

(i) are ministerial, and therefore, exempt from the California Environmental Quality Act under State law.

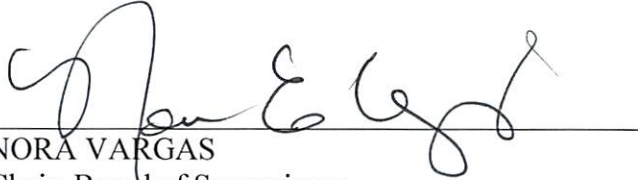
Section 3. This ordinance shall take affect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Approved as to form and legality

By: CLAUDIA G. SILVA, COUNTY COUNSEL

Justin Crumley, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 13th day of March 2024.



NORA VARGAS
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Lawson-Remer, Montgomery Steppe, Desmond
ABSENT: Anderson

ATTEST my hand and the seal of the Board of Supervisors this 13th day of March 2024.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Janelly Valdivia, Deputy



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