

## **CHAPTER 1424**

### **Grading on Private Property**

- 1424.01 Adoption of Regulations.
- 1424.02 Modification to Appendix J.
- 1424.03 Violations.
- 1424.95 Investigative Fee.
- 1424.99 Penalty.

#### **CROSS REFERENCES**

Drains and drainage; master plans - see ORS 451.120, 451.130, 451.140, 451.540

Ditches as real property - see ORS 541.070

Drainage and flood control generally - see ORS Ch. 549

Ditches to drain land; flood control measures - see ORS 549.110 et seq.

Individual drainage projects; application to county court - see ORS 549.110

Construction of culverts - see S.U. & P.S. 1020.02

Ditches generally - see S.U. & P.S. Ch. 1028

Oregon State Structural Specialty Code, Mechanical Specialty Code, Electrical Specialty Code, Plumbing Specialty Code and Oregon and Residential Specialty Code, Oregon Energy Efficiency Specialty Code, International Code Council A117.1 as Amended by the Oregon State Structural Specialty Code.

Building permits - see B. & H. 1420.05, 1428.03, Ch. 1448

#### **1424.01 ADOPTION OF REGULATIONS.**

Except as modified herein in Section 1424.04, there is hereby adopted as County law, the 2014 edition of Appendix J to the Oregon State Structural Specialty Code entitled “Grading.”

(Ord. 92-7. Passed 7-1-92; Ord. 2003-1. Passed 1-8-03; Ord. 2017-21. Passed 11-08-17.)

#### **1424.02 MODIFICATIONS TO APPENDIX J.**

(a) J103.1 is modified to read as follows: J103.1 Permits Required- Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the Building Official. A grading permit does not include the construction of structures. A grading permit does include retaining walls as they relate to the grading work being performed. Permits are also required for any grading work not within the footprint of a structure and its immediate area that is regulated by the Jackson County Land Development Ordinance (JCLDO) Section 8.6, Stream Corridors and Riparian Habitat, and JCLDO Section 9.3, Development on Steep Slopes, Rapidly Moving Landslide Areas and Expansive Soils.

(b) J103.2 is modified to read as follows: J103.2 Exemptions. A grading permit shall not be required for the following:

- (1) 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. If, after a permit exemption has been granted by the Building Official under this subsection, it is determined that the grading adversely affects a neighboring property, the exemption will be revoked and a grading permit and an engineered remedy will be required.
- (2) Excavation for construction of a structure permitted under this code.
- (3) Cemetery graves.
- (4) Refuse disposal sites controlled by other regulations.
- (5) Excavations for wells, or trenches for utilities.
- (6) Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
- (7) Exploratory excavations performed under the direction of a registered design professional.
- (8) An excavation that is less than two feet in depth and does not create a cut slope greater than five feet in height with a slope steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
- (9) A fill that does not exceed 50 cubic yards on any one parcel and is less than one foot in depth and placed on natural terrain with a slope flatter than one unit vertical in five units horizontal (20% slope).
- (10) A fill that does not exceed 50 cubic yards on any one parcel and is less than three feet in depth, not intended to support structures and does not obstruct a mapped or non-mapped drainage course.
- (11) Resurfacing of an existing driveway or private road that does not result in any additional cuts or fills or that does not alter the location, slope, or elevation of the driveway or private road.
- (12) 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 code or any other laws or ordinances of this jurisdiction.

(c) J104.1 is modified to read as follows: J104.1 Submittal Requirements: In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

(d) Grading in excess of 2,000 cubic yards shall be performed in accordance with the approved grading plan prepared by an Oregon registered engineer, and shall be designated as “engineered grading.” Grading involving less than 2,000 cubic yards 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 plans prepared by an Oregon registered engineer.

(Ord. 86-5. Passed 2-26-86; Original Section 1424.02, Amendments, REPEALED, Ord. 92-7. Passed 7-1-92; Ord. 2017-21. Passed 11-08-17.)

### **1424.03 VIOLATIONS.**

It shall be a violation of this Section for any person to conduct, without a permit or approval, any activity for which a permit or approval is required under this Chapter or fail to comply with a stop-work order issued pursuant to this Chapter.

(Ord. 2003-1. Passed 1-8-03; Ord. 2017-21. Passed 11-08-17.)

### **1424.95 INVESTIGATIVE FEE.**

In addition to the penalty set forth in Section 202.99 of these Codified Ordinances, regardless if a citation has been issued for a violation of any of the provisions of this chapter, where a permit is then required in order to correct the condition, there shall be imposed an investigative fee for the issuance of the permit required by the ordinance under which the violation was charged. The investigative fee shall be equivalent to the permit fee but shall not exceed \$1,000. The payment of such fee by way of a penalty shall not relieve any person from fully complying with the requirements of any County code, nor from any other penalties prescribed therein. If the Building Official finds that the offender committed the violation as the result of good faith reliance upon some written assurance given by the Development Services Department, he or she may excuse the additional investigative fee provided in this Section.

(Ord. 2017-21. Passed 11-08-17.)

**1424.99 PENALTY.**

(a) Citations for Noncompliance with Stop-Work Orders. A citation may be issued for noncompliance with a stop-work order issued pursuant to any of the provisions of this chapter or pursuant to any other County ordinance or law.

(b) Violations as Nuisances; Injunction. A violation of any of the provisions of this chapter shall constitute a nuisance and may be enjoined by appropriate proceedings in a court of competent jurisdiction or may be the subject of any other civil remedy provided by law.

(Ord. 86-5. Passed 2-26-86; Ord. 2017-21. Passed 11-08-17.)

EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.