

ORDINANCE NO. 315-C

AN ORDINANCE CONCERNING EXCAVATION, GRADING AND PLACEMENT OF FILL MATERIAL ON PRIVATE PROPERTY IN ORDER TO SAFEGUARD LIFE, LIMB, PROPERTY AND PUBLIC WELFARE, PROVIDING PENALTIES FOR VIOLATIONS AND AMENDING SUMMIT COUNTY CODE, TITLE 7, CHAPTER 2.

WHEREAS, SUMMIT COUNTY ADOPTED THE REVISED SUMMIT COUNTY CODE ON DECEMBER 17, 2008 WITH AN EFFECTIVE DATE OF JANUARY 1, 2009; AND,

WHEREAS, THE SUMMIT COUNTY ENGINEER'S OFFICE HAS BEEN ADMINISTERING THE PERMITTING UNDER THE SUMMIT COUNTY CODE; AND,

WHEREAS, THE SUMMIT COUNTY CODE, TITLE 7, CHAPTER 2 IS INCONSISTANT WITH OTHER SECTIONS OF THE CODE ADMINISTERED BY THE SUMMIT COUNTY ENGINEER'S OFFICE; AND,

WHEREAS, THE SUMMIT COUNTY CODE, TITLE 7, CHAPTER 2 HAS SOME INCONSISTENCIES WITH TITLE 10 AND TITLE 11 OF THE CODE; AND,

WHEREAS, IT IS IN THE BEST INTEREST OF SUMMIT COUNTY AND THE HEALTH, SAFETY, AND GENERAL WELFARE OF ITS CITIZENS TO ADOPT THIS ORDINANCE AMENDING THE SUMMIT COUNTY CODE, TITLE 7, CHAPTER 2,

BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMMIT COUNTY, STATE OF UTAH, AS FOLLOWS:

7-2-1: Permit Required for Excavating, Grading and Placement of Fill.

- A. It shall be unlawful for any person, firm, public utility or corporation to place, make, enlarge or change any excavation, re-grade existing contours or place fill on private property without complying with the provisions of this Ordinance and obtaining a permit as provided for herein.
- B. It shall be unlawful, and punishable as provided for herein, to make any excavation or to place any fill on private property not described in the approved permit application or which exceeds in size the dimensions or which does not conform to the conditions described in said application.
- C. Whenever the County Engineer determines that any existing excavation, embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the County Engineer, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this Ordinance.

7-2-2: Emergency Conditions

Emergency excavations, grading, or placement of fill may be made without prior Permit approval if the reason for the excavation or grading or placement fill is to prevent loss of life or damage to property which appears to be imminent if the action is delayed by waiting to secure said permits. In such emergency situations, those making the excavation, grading or placement of fill MUST contact the County Engineer's Office at the earliest possible time, but in no case later than the first working day following the emergency work in order to secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for the prior permit requirement.

7-2-3: Applications

Applications shall be made by the owner of the property, their agents or assigns, on which the work is being done. Applications for all permits shall be made to the County Engineer's Office on forms provided and shall:

1. Describe the excavation, grading, or placement of fill
2. Site Plan of the intended excavation, fill and/or grading
3. Site Plan containing pertinent dimensions thereof
4. The Purpose thereof

List the person, firm, public utility, or corporation doing the actual work and the name of the person, firm, public utility, or corporation for whom or by which the work is being done.

The application shall contain an agreement that the applicant will comply with all ordinance and laws of Summit County and the State of Utah relating to the work to be done. The application shall also provide for an agreement that the applicant shall indemnify the County for any loss, liability, or damage that may result from or because of the making, placement, existence or manner of guarding or constructing any such excavation, grading, or placement of fill.

No Application shall be accepted when the intended work is for, or includes the excavation or construction of a footing or foundation for a structure regulated by the Summit County Building Department, or for underground utilities requiring a Low Impact Permit from the Summit County Community Development Department.

7-2-4: Permits

All permits issued pursuant to this ordinance shall be valid for a period of 180 days. A copy of the permit issued shall be posted on the property in a location that is visible from the adjacent street and be available at all times when work is under way.

7-2-5: Exemptions

The following activities are exempt from obtaining a Permit and from the requirements of this Ordinance:

- A. Actions by a public agency or utility, the County or other governmental agency to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic.

- B. Action by any person when the County determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency conditions, restore utility service, or reopen a public thoroughfare to traffic.
- C. Bona fide agricultural and farming operations which constitute the principle use of any parcel or tract of land located in the County and which meet the requirements of the zoning for that portion of the County in which the operation is located.

7-2-6: Fees

A review fee, in the current amount as set by resolution of County Council, shall accompany each application for a permit. Fees must accompany the application.

7-2-7: Completion Bond

Applicants shall file a completion bond with the County Engineer in the amount as set by resolution of the County Council at the time the permit is approved. This may be cash, a letter of credit from an F.D.I.C. Insured Financial Institution, or a corporate surety bond. The bond shall be valid until all work shown in the permit is completed to guarantee that the conditions of any permit, together with any restoration work, are completed properly. The bond will be released upon recommendation of the County Engineer.

7-2-8: Supervision and Inspection

The County Engineer shall from time to time inspect, all work done pursuant to permits to insure the enforcement of the provisions of this title. Notification shall be given to the County Engineer at least 24 hours prior to the commencement of any work. The Completion Bond shall not be released without an inspection made to determine satisfaction of all applicable provisions of this Ordinance.

7-2-9: Appeals

An applicant whose application has been denied or approved with conditions, may appeal the denied or imposed conditions to the County Council. A notice of appeal must be filed with the office of the County Engineer's Office within 10 days of the denial or imposition of conditions of the permit. The notice of appeal shall contain the following information:

- A. An application containing the applicants name, address and daytime telephone number,
- B. A statement describing the basis for the appeal; and
- C. The relief sought by the applicant.

The appeal shall be scheduled on the next available Council meeting.

7-2-10. Failure to Comply

In the event of failure on the part of any person, firm, public utility, or corporation to comply fully with the provisions of this ordinance, law enforcement authorities of Summit County are authorized to:

- A. Initiate criminal action by citation or information under Section 10 of this ordinance and/or proceed to forfeit bond, or
- B. Proceed to forfeit bond; or
- C. Give written notice to such person, firm, public utility, or corporation to restore the property to its original condition. Such notice may be served either by personal service or by mailing the notice to the person, firm, public utility, or corporation by certified mail and posting a copy thereof on such installation for a period for 10 days. If the restoration work is not implemented or restored within 10 days after the notice is complete, said authorities may implement the restoration at the expense of the person, firm, or corporation and recover costs and expenses, and also the sum of \$100.00 for each day the property is not restored after notice was complete, in an action for that purpose; or,
- D. If such person, firm, public utility, or corporation refuses to restore the property, said authorities may bring an action to abate the same as a nuisance, and if judgment is recovered by said authorities, there shall also be recovered, in addition to having the same abated, the cost of action and the sum of \$100.00 for every day such nuisance remained after notice was given for its implementation in the manner provided in Subsection (2) of this Section. (UCA 27-12-135).

7-2-11. Penalty

- A. Any person who violates the provisions of this ordinance is guilty of a Class “C” Misdemeanor, punishable by a fine not to exceed seven hundred and fifty dollars (\$750.00) per day, or a jail term of up to ninety (90) days, or by both such fine and jail term.
- B. Violators of this ordinance are also subject to any penalties that may be imposed by the State of Utah, or the Federal Government.
- C. In addition to any criminal fines and/or penalties which may be assessed for a violation of this ordinance, the County shall have the right to issue a Stop Work Order on the entire construction site, and/or take measures to restore the property to its original condition and to implement any measures necessary to bring the property into compliance with all Local, State or Federal requirements required by this Ordinance. The County shall have the right to have such work completed and/or maintained by County Personnel or to hire a private contractor to perform such work at the expense of the permittee, property owner, developer or contractor responsible for such violation. The County may assess said expenses against the bond posted by the permittee or to lien the property for such expenses.
- D. It is unlawful for any person, firm, public utility, public agency, or corporation to continue any further work on the construction site after a Stop Work Order has been issued. A violation of a Stop Work Order is punishable as a Class C Misdemeanor.
- E. The County may also pursue civil remedies for a violation of this ordinance.

7-2-12. Specific Requirements

Specific standards and requirements for the enforcement of this ordinance are attached as Appendix "A" which are made a part of this ordinance by reference.

7-2-13. Severability

Should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

7-2-14. Effective Date

This ordinance shall become effective after publication of such in accordance with applicable State Law.

PASSED AND ADOPTED by the County Council of Summit County, Utah, this day of _____, 2009.

SUMMIT COUNTY COUNCIL

John Hanrahan M.D., Chair

ATTEST:

KENT JONES
Summit County Clerk

APPROVED AS TO FORM:

David Thomas
Chief Deputy Summit County Attorney

COUNCIL VOTED:

HANRAHAN _____ (AYE OR NAY)
McMULLIN _____ (AYE OR NAY)
ELLIOT _____ (AYE OR NAY)
ROBINSON _____ (AYE OR NAY)
URE _____ (AYE OR NAY)

APPENDIX A

EXCAVATION, GRADING, AND PLACEMENT OF FILL MATERIAL

Section 1. General

The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating Grading on private property.

This appendix sets forth rules and regulations to control Excavation, Grading and earthwork construction, including Fills and embankments; establishes the administrative procedure for issuance of permits; and provides for Approval of plans and inspection of Grading construction.

The standards listed below are guideline standards and are adopted as part of this code.

1. Testing:
 - A. ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures.
 - B. ASTM D 1556, In Place Density of Soils by the Sand-Cone Method
 - C. ASTM D 2167, In Place of Soils by the Rubber-Balloon Method
 - D. ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method
 - E. ASTM D 2922 and D 3017, In Place Moisture Content and Density of Soils by Nuclear Methods

2. Definitions:

For the purpose of this appendix, the definitions listed hereunder shall be construed as specified in this section:

APPROVAL shall mean the proposed work or completed work conforms to this chapter in the opinion of the County Engineer.

AS-GRADED is the extent of surface condition on completion of Grading.

BEDROCK is in-place solid rock.

BENCH is a relatively level step excavated into Earth Material on which Fill is to be placed.

BORROW is Earth Material acquired from an off-site location for use in Grading on a Site.

CIVIL ENGINEER is a professional engineer registered in the State of Utah to practice in the field of civil works.

CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principle of mechanics and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION is the densification of a Fill by mechanical means.

CUT is the Excavation of Earth Material by artificial means.

DEVELOPMENT CODE is the Eastern Summit County Development Code and the Snyderville Basin Development Code.

DEVELOPMENT PERMIT is a Permit required by the Development Code.

EARTH MATERIAL is any rock, natural soil or Fill or any combination thereof.

ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in the Engineering Geology.

ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil work.

EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION is the mechanical removal of Earth Material.

FILL is a deposit of Earth Material placed by artificial means.

GEOTECHNICAL ENGINEER See “Soils Engineer.”

GRADE is the vertical location of the ground surface of the Site/property.

ENGINEERED GRADING is Excavation, Fill or Grading whose combined volume is in excess of 5,000 cubic yards.

EXISTING GRADE is the Grade of the Site/property prior to Grading.

ROUGH GRADE is the stage at which the Grade approximately conforms to the approved plan.

FINISH GRADE is the final Grade which conforms to the approved plan.

GEOLOGICAL HAZARD AREA is an area of land which may include seismic hazard areas, Erosion hazard areas, landslide hazard areas (including steep slopes), and mine hazard areas.

GRADING is any excavating, Filling or combination thereof which changes the natural or existing ground surface.

KEY is a designed compacted Fill placed in a trench excavated in Earth Material beneath the toe of a proposed Fill slope.

LANDSCAPE GRADING is the altering of existing contours of the ground to improve the appearance of an area of land.

PROFESSIONAL INSPECTION is the inspection required by this ordinance to be performed by the Civil Engineer, Soils Engineer or Engineering Geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

REGULAR GRADING is Excavation, Fill or Grading whose combined volume is less than 5,000 cubic yards.

SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where Grading is performed or permitted.

SITE PLAN is a scaled drawing that depicts the property boundaries, existing and future condition of the parcel or property, including but not limited to, topography, drainage, floodplains, wetlands, waterways, roads or accesses, and structures.

SLOPE is an inclined ground surface. The inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL is naturally occurring superficial deposits overlaying Bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER) is an engineer experienced and knowledgeable in the practice of Soils Engineering (geotechnical) engineering.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of Earth Materials and the inspection or testing of the construction thereof.

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

WORK is the Excavation, Grading or placement of Fill material which is being regulated by this ordinance.

Section 2. Work Exempt from Obtaining a Permit under this Ordinance

A Grading Permit is not required for the following (Note: The applicable sections of this appendix still apply to the Work being performed):

1. When approved by the County Engineer, minor Grading in an isolated, self-contained area if there is no danger to private or public property and when the Grading activity is not regulated by the Development Code.
2. An Excavation below finished Grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or utility line to serve existing or approved developments.
6. Projects that have been issued a valid Development Permit, including, but not limited to, Building Permits, Low Impact Permits, and Conditional Use Permits.
7. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property, and are approved by a valid permit from the Summit County Community Development Department or the State of Utah, Oil Gas and Mining.
8. Work associated with Landscape Grading of private property having had a valid building permit and for which a Certificate of Occupancy was previously issued by the Building Department, which does not exceed the following limits:
 - (a) Construction of Berms which are outside a County Road Right-of-Way and whose maximum height does not exceed 4 6 feet, and/or
 - (b) Work on terrain having slopes less than 30%, and/or
 - (c) Work does not obstruct or alter a drainage course, and/or
 - (d) Work is outside areas which may be classified as wetlands by the U.S. Army Corps of Engineers, and/or.
 - (e) Work within the limits specified in Table 1 below.

TABLE 1

Category of Work	Parcels Less than ½ Acre	Parcels Between ½ and 1 Acres	Parcels greater than 1 Acres
On-Site Excavation	500 Cu Yds	750 Cu Yds	1000 Cu Yds
Imported Fill	100 Cu Yds	250 Cu Yds	500 Cu Yds
Maximum Area of Disturbance	0.5 Acre	1 Acre	1 Acre

9. Work on undeveloped parcels which does not exceeding the following limits:
 - (a) Construction of Berms which are outside a County Road Right-of-Way and whose maximum height does not exceed 6 feet, and/or
 - (b) Work on terrain having slopes less than 30%, and/or
 - (c) Work does not obstruct or alter a drainage course, and/or
 - (d) Work is outside areas which may be classified as wetlands by the U.S. Army Corps of Engineers, and/or.
 - (e) Work within the limits specified in Table 1 above.

10. Surface Grading of existing gravel or dirt roads which does not increase the existing surface width nor increase the existing length.

Exemption from the requirement to obtain a Grading permit shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this ordinance or any other laws or ordinances of this jurisdiction.

Section 3. Grading Permit Requirements

1. **Permits Required.** Except as exempted in Section 2 of this appendix, no person shall do any Excavation, Grading or placement of Fill material without first obtaining a Grading Permit from the County Engineer’s office. A separate permit shall be obtained for each Site, and may cover Excavations, Grading and Fills.

2. **Grading Designation.** Grading in excess of 5,000 cubic yards shall be performed in accordance with the approved Grading plan prepared by a Civil Engineer, and shall be designated as “Engineered Grading.” Grading involving less than 5,000 cubic yards shall be designated “Regular Grading” unless the permittee chooses to have the Grading performed as Engineered Grading, or the County Engineer determines that special condition or unusual hazards exist, in which case Grading shall conform to the requirements for Engineered Grading.

3. **Regular Grading Requirements.** Each application for a Grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

- (a) General vicinity of the proposed Site.
- (b) Limiting dimensions and depth of cut and Fill.
- (c) Location of any buildings or structures where work is to be performed and the location of any buildings or structures within 15 feet of the proposed Grading.
- (d) Property Limits.
- (e) Location of all drainages and any drainage devices.
- (f) Erosion control plan and revegetation plan (See applicable sections of the Summit County Code).
- (g) When the application is for the construction of a driveway in advance of receiving a Building Permit, the Site plan shall conform to the requirements currently set forth by policy.
- (h) When the application is for work that may alter a potential building Site, the Site Plan shall conform to the requirements currently set forth by policy.

The County Engineer may require that Grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

4. Engineered Grading Requirements. Application for an “Engineered Grading Permit” shall be accompanied by three sets of plans and specifications, and any other supporting data consisting of, but not limited to, a Soils Engineering report and/or Engineering Geology report if the Work is located within a known Geologic Hazard Area. The plans and specifications shall be prepared and signed by an individual licensed by the State of Utah to prepare such plans or specifications.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or Mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this ordinance and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give location of work, the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

- (a) General vicinity of the proposed Site.
- (b) Property limits and accurate contours, at 2 foot intervals, of existing ground and details of terrain and area drainage.

- (c) Limiting dimensions, elevations or finish contours, at 2 foot intervals, to be achieved by the Grading, and proposed drainage channels and related construction.
 - (d) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as part of, the proposed work together with a map showing the drainage area and the estimated run-off of the area served by any drains.
 - (e) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed Grading operations.
 - (f) Recommendations included in the Soils Engineering report, and when the Work is located within a know Geological Hazard Area, the Engineering Geology report, shall be incorporated in the Grading plans or specifications. When approved by the County Engineer, specific recommendations contained in the Soils Engineering Report and the Engineering Geology Report which is applicable to Grading may be included by reference.
 - (g) The dates of the Soils Engineering Report and if required, the Engineering Geology Reports, together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
 - (h) Erosion control plan and revegetation plan. (See applicable sections of the Summit County Code)
5. Soils Engineering Report. The Soils Engineering Report required by Subsection 4 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for Grading procedures and design criteria for corrective measures, including buttress Fills, when necessary, and opinion on adequacy for the intended use of Sites to be developed by the proposed Grading as affected by Soils Engineering factors, including the stability of slopes.
6. Engineering Geology Report. The Engineering Geology Report if required by Subsection 4 shall include an adequate description of the geology of the Site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of Sites to be developed by the proposed Grading, as affected by geologic factors.
7. When the application is for the construction of a driveway in advance of receiving a Building Permit, the site plan shall conform to the requirements currently set forth by policy.

8. When the application is for work that may alter a potential building Site, the Site Plan shall conform to the requirements currently set forth by policy.

Section 4. Permits Issuance

1. Issuance. The application, plans, specifications, and other data Filled by an applicant for a permit shall be reviewed by the County Engineer and Department of Community Development. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the County Engineer and other reviewing departments finds that the work described in an application for a permit and the plans, specifications and other data filed there with conform to the requirements of this ordinance and other pertinent laws and ordinances, and that the fees specified in Section 7-2-5 have been paid and the Completion Bonds specified in Section 7-2-7, the County Engineer shall issue a permit therefore to the applicant.

When the County Engineer issues the permit where plans are required, the County Engineer shall endorse in writing or stamp the plans and specifications APPROVED. Such Approved plans and specifications shall not be changed, modified or altered without authorizations from the County Engineer and all work regulated by this ordinance shall be done in accordance with the approved plans.

2. Retention of Plans. One set approved plans, specification and computations shall be retained by the County Engineer for a period of not less than 360 days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the Site of the work at all times during which the work authorized thereby is in progress.
3. Validity of Permit. The issuance or granting of a permit or Approval of plans, and specifications shall not be construed to be a permit for, or an Approval of, any violation of any of the provisions of this ordinance or of any other ordinance of the jurisdiction. Permits presuming to give authority to violator cancel the provisions of this ordinance or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the County Engineer from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing operations being carried on there under when in violation of this ordinance or of any other ordinances of this jurisdiction.

4. Expiration. Every permit issued by the County Engineer under the provision of this ordinance shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned

at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The County Engineer may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

5. Suspension or Revocation. The County Engineer may, in writing, suspend or revoke a permit issued under the provisions of this ordinance whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this ordinance.

Section 5. Cuts

1. General. Unless otherwise recommended in the approved Soils Engineering or Engineering Geology report, cuts shall conform to the provisions of this section. In the absence of an approved Soils Engineering report, these provisions may be waived by the County Engineer for minor cuts not intended to support structures.
2. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 2 horizontal to 1 vertical (2:1) unless the permittee furnishes a Soils Engineering or an Engineering Geology report, or both, stating that the Site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

Section 6. Fills

1. General. Unless otherwise recommended in the approved Soils Engineering report, Fills shall conform to the provisions of this section. In the absence of an approved Soils Engineering report, these provisions may be waived by the County Engineer for minor Fills not intended to support structures.
2. Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 2:1. When required by the County Engineer, or by, a Soils Engineering or if required, an Engineering Geology report, the ground surface shall be prepared to receive Fill by removing vegetation, non-complying Fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new

Fill and, where slopes are steeper than 5:1 and the height is greater than 5 feet, by Benching into sound Bedrock or other competent material as determined by the Soils Engineer. The Bench under the toe of a Fill on a slope steeper than 5:1 shall be at least 10 feet wide. The area beyond the toe of Fill shall be sloped for sheet overflow or an armored drain shall be provided. When Fill is to be placed over a cut, the Bench under the toe of Fill shall be at least 10 feet wide but the cut shall be made before placing the Fill and acceptance by the Soils Engineer or if required, Engineering Geologist or both as a suitable foundation for Fill.

3. Fill Material. Detrimental amounts of organic material shall not be permitted in Fills. Contaminated soils and tailings shall not be permitted in Fills unless a permit is approved by the Utah Department of Environmental Quality. Except as permitted by the County Engineer, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in Fills.

EXCEPTION: The County Engineer may permit placement of larger rock when the Soils Engineer properly devises a method of placement, and continuously inspects its placement and approves the Fill stability. The following conditions shall also apply:

- (a) Prior to issuance of the Grading permit, potential rock disposal areas shall be delineated on the Grading plan.
 - (b) Rocks shall be placed so as to assure Filling of all voids with well-graded soil.
4. Compaction. Except when associated with Landscape Grading or berms, all Fills shall be compacted to a minimum of 92 percent of maximum density, or as recommended in a Soils Engineering or if required, an Engineering Geology report, in lifts suitable for the type of Compaction equipment being used, but shall not exceed 18 inches.
 5. Slope. The slope of Fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2 horizontal to 1 vertical (2:1) unless otherwise recommended in a Soils Engineering or an Engineering Geology report.

Section 7. Setbacks

1. General. Cut and Fill slopes shall be setback from property boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the property boundary. Setback dimensions shall be shown on the Grading plan.
2. Top of Cut Slope. The top of cut slopes shall not be made nearer to a property boundary line than one half ($\frac{1}{2}$) of the vertical height of cut with a minimum setback of 2 feet and a maximum of 10 feet. The setback may need to be

increased for any required interceptor drains, or as recommended in a Soils Engineering report or if required, an Engineering Geology report.

3. Toe of Fill Slope. The toe of the Fill slope shall not be made nearer to the property boundary line than one half ($\frac{1}{2}$) the height of the slope with a minimum setback of 2 feet and a maximum of 20 feet. Where a Fill slope is to be located near the property boundary and the adjacent property is developed, special precautions shall be incorporated in the work as the County Engineer deems necessary, or as recommended in a Soils Engineering report or if required, an Engineering Geology report, to protect the adjoining property from damage as a result of such Grading. These precautions may include but are not limited to:
 - (a) Additional setbacks
 - (b) Provisions for retaining or slough walls
 - (c) Mechanical or chemical treatment of the Fill slope surface to minimize Erosion.
 - (d) Provisions for the control of surface waters.
 - (e) Matching the Existing Grade of the adjoining property to minimize storm water runoff or other factors determined by the County Engineer.
4. Modification of Slope Location. The County Engineer may approve alternate setbacks. The County Engineer may require an investigation and recommendation by a qualified Civil Engineer, Soils Engineer or if required, an Engineering Geologist to demonstrate that the intent of this section has been satisfied.

Section 8. Drainage and Terracing

1. General - Unless otherwise indicated on the approved Grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or Fill slopes steeper than 3 horizontal to 1 vertical.
2. Terrace - Terraces at least 6 feet in width shall be established at not more than 30 foot vertical intervals on all cut or Fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or Fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and Fill slopes greater than 120 feet in height shall be designed by the Civil Engineer and approved by the county engineer. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be armored to prevent Erosion. They shall have a minimum depth at the deepest point of 1 foot and a minimum armored width of 5 feet.

A single run of swale or ditch shall not collect run-off from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.

3. Subsurface Drainage - Cut and Fill slopes shall be provided with subsurface drainage as necessary for stability.
4. Disposal - All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the county engineer as a safe place to deposit such water. Erosion of ground in the area of discharge shall be prevented by installation of appropriate Erosion control devices.

Building pads shall have a minimum drainage gradient of 2 percent toward approved drainage facilities and away from structures.

5. Interceptor Drains - Armored interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measured horizontally, Interceptor drains shall be appropriately armored against Erosion. They shall have a minimum depth of 12 inches and a minimum width of 48 inches measured horizontally across the drain. The slope of drain shall be approved by the County Engineer.

Section 9. Erosion Control

1. Slopes - The faces of all cut and Fill slopes shall be prepared and maintained to control against Erosion. This control should consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final Approval. Where cut slopes are not subject to Erosion due to the Erosion-resistant character of the materials, such protection may be omitted. All cut and Fill slopes with a gradient greater than 3 horizontal to 1 vertical shall have Erosion control blankets placed which stabilize and promote plantings. A revegetation plan shall accompany all applications. (See Summit County Ordinance 381-A, or as currently amended)

Section 10. Grading Inspection

1. General - Engineering Grading operations for which a permit is required shall be subject to inspection by the County Engineer. Professional Inspection is required for ~~of~~ Engineered Grading operations, and shall be provided by the Civil Engineer, Soils Engineer, and if required, the Engineering Geologist retained provided such services in accordance with Section 4. for Engineered Grading and as required by the County Engineer for regular Grading.
2. Civil Engineer - The Civil Engineer shall provide Professional Inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, Grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the Civil Engineer.

3. Soils Engineer - The Soils Engineer shall provide Professional Inspection within such engineer's area of technical specialty, which shall include observation during Grading and testing for required Compaction. The Soils Engineer shall provide sufficient observation during the preparation of the natural ground and placement and Compaction of the Fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this ordinance. Revised recommendations relating to conditions differing from the approved Soils Engineering and Engineering Geology reports shall be submitted to the permittee, the County Engineer and the Civil Engineer.
4. Engineering Geologist - The Engineering Geologist shall provide Professional Inspection within such engineer's area of technical specialty, which shall include Professional Inspection of the Bedrock Excavation to determine if the conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved Engineering Geology report shall be submitted to the Soils Engineer
5. County Engineer - The County Engineer shall inspect the project at the various stages of work requiring Approval to determine that adequate control is being exercised by the professional consultants.
6. Notification of Noncompliance - If, in the course of fulfilling their respective duties under this chapter, the Civil Engineer, the Soils Engineer or the Engineering Geologist finds that the work is not being done in conformance with this ordinance or the approved Grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the County Engineer.
7. Transfer of Responsibility - If the Civil Engineer, the Soils Engineer, or the Engineering Geologist of record is changed during Grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for Approval upon completion of the work. It shall be the duty of the permittee to notify the County Engineer in writing of such change prior to the recommencement of such Grading.

Section 11. Completion of Work

1. Notification of Completion. The permittee shall notify the County Engineer when the Grading operation is ready for final inspection. Final Approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all Erosion control measures have been completed in accordance with the final approved Grading plan, and the required reports have been submitted.
2. Final Reports - For Engineered Grading, upon completion of the work the following reports, drawings and supplements thereto are required:

- (a) An as-built Grading plan prepared by the Civil Engineer, retained to provide such services in accordance with Section 10 (2), showing original ground surface elevations, As-Graded ground surface elevations, drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the Soils Engineer.

Civil Engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved Grading plan.

- (b) A report prepared by the Soils Engineer retained to provide such services in accordance with Section 10 (3), including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during Grading and their effect on the recommendations made in the approved Soils Engineering investigation report. The Soils Engineer shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved Soils Engineering report and applicable provisions of this ordinance.
- (c) A report prepared by the Engineering Geologist retained to provide such services in accordance with Section 10 (4), including a final description of the geology of the Site and any new information disclosed during the Grading plan. Engineering Geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved Engineering Geologist report and applicable provisions of the ordinance.
- (d) The Grading contractor shall submit in a form prescribed by the County Engineer a statement of conformance to said as-built plan and the specifications.