

**CHAPTER 12-B**

**GRADING PERMITS**

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**Section 12-B.010 Grading Permit – Purpose and Intent** *(Amended 11/12/13; 09/13/16)*

A. The purpose of this Chapter is to establish minimum requirements for grading, filling, and excavation work, and the procedures by which these requirements may be complied with and enforced.

B. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing siltation of aquatic habit for fish and other species. Eroded soil also necessitates increased maintenance of sewers, storm drains and ditches. In addition, clearing and grading during construction causes the loss of native vegetation, which can further cause erosion. The purpose and intent of this section is to:

1. Safeguard persons, protect property, and minimize damage to the environment and local infrastructure.
2. Promote the public safety and welfare by guiding, regulating, and controlling the construction process, as well as the use and maintenance of any development or activity that disturbs or breaks the topsoil or results in the movement of earth.
3. Remedy sediment pollution when it occurs.

C. For the purposes of this section, grading is defined as the act of leveling, smoothing, or otherwise preparing the rough grading of a development

site for construction, by creating a level (or possibly sloped to a specific degree) base; or otherwise excavating, compacting, removing native vegetation, grubbing, cutting and/or filling a development site in preparation for the construction of an approved development project.

D. Grading does not include mining, which is defined as the removal, screening, or stockpiling of material without an approved development project, or otherwise removing, screening, or stockpiling material for economic gain. Grading also does not include importing of material to be crushed or screened, stockpiled, or sold; however, the incidental sale of excess materials may be allowed as a part of an approved grading permit.

**Section 12-B.020 Grading Permit Requirements** *(Amended 11/12/13; 09/13/16; 09/24/19)*

A. A grading permit is required for a project involving any of the following:

1. Any grading, clearing, or grubbing in excess of one (1) acre, (43,560 square feet). Clearing includes the felling or removal of trees, shrubs, or other native material when the ground has been disturbed in excess of one (1) acre.
2. Any fill and/or excavation that changes the elevation of the existing property more than two (2) feet from adjacent properties and surrounding roadway grades. Quantities of fill and excavation are separately calculated and then added together, even if excavated material is used as fill on the same site.
3. Retaining walls and modular block walls (including landscape walls, etc.) over four (4) feet in height as measured from the bottom of the footing. Base rock or block must be designed by a professional engineer and building permit obtained. Terraced walls having a total height greater than four feet are included in this requirement, unless individual walls are less than four feet high and the horizontal distance between walls is at least two times the individual wall height (reference Section 105.2 of the International Building Code).

B. The following activities are exempt from the requirements for a grading permit:

1. Agricultural crop management of existing farmed areas.

2. Routine landscape maintenance of existing landscaped areas on developed lots, including pruning, weeding, planting annuals, and other activities associated with maintaining an already established landscape.

3. Installation of residential landscaping or landscaping that is a part of a bonded and approved site plan or subdivision plat.

4. Any construction project that has a valid building permit.

5. Any construction project that has received final subdivision or site plan approval if all pre-construction meeting prerequisites have been satisfied including a development bond.

6. Work needed to correct an immediate danger to life or property in an emergency situation as declared by Lehi City.

7. Cemetery graves.

8. Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of a protected area, including, but not limited to, detention/retention ponds, wet ponds, sediment ponds, constructed drainage swales, water quality treatment facilities such as filtration systems, and regional storm facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. This exemption does not apply to any expansion and/or modification to already excavated and constructed stormwater drainage facilities.

9. Industrial, manufacturing, and mining areas existing at the time this code is adopted.

10. Any public utility, park, or road project, including roadway repairs and overlays, and parks and trails construction and maintenance. This exemption includes the necessary removal and disposal of excess materials from public projects to off-site properties.

C. An exemption from a grading permit does not exempt the person doing the work from meeting all applicable city codes and obtaining any other required approvals.

### **Section 12-B.030 Grading Permit General Conditions** *(Amended 11/12/13)*

A grading permit will be issued by the Public Works Director or his/her designee, following a completed application, all required fees and all necessary approvals, and is subject to the following conditions:

A. In order to minimize the impact of the grading, the smallest area of land possible shall be disturbed at any one time during development and the duration of such disturbance shall be kept to a practical minimum.

B. Whenever feasible, natural vegetation and the natural ground surface shall be retained and protected.

C. Disturbed soil shall be stabilized as quickly as practicable.

D. Diversions and outlets, both temporary and permanent, shall be constructed or installed to accommodate runoff caused by the changed soil and surface conditions during and after development, including surface flooding.

E. In the event that the International Building Code has differing requirements, the more restrictive provisions shall apply.

### **Section 12-B.040 Grading Permit Submittal Requirements** *(Amended 11/12/13)*

An application for grading permit shall include the following:

A. A narrative outlining the project. The narrative must include a reason grading is required.

B. A re-vegetation plan must be provided for any disturbed land, including slopes created by grading, and any vegetation that will remain. The following provisions shall also apply:

1. Conserve topsoil removed during construction for later use on disturbed areas as needed, and as approved by the City.

2. All disturbed soil surfaces shall be stabilized before final acceptance of the development by the City. Stabilization shall include, at a minimum, six (6) inches of topsoil and native seed mix or other suitable treatment.

3. Native seed mix and the process of application shall be approved by the City.

4. In all areas under ownership and control of the Developer, the Developer shall be fully re-

responsible for any destruction of native vegetation required to be retained and shall be responsible for replacing destroyed vegetation.

C. A general vicinity map of the proposed site.

D. A metes and bounds description of the proposed grading site is required. The description must be submitted in hard copy and electronically, in a format acceptable to Lehi City. The property limits and accurate contours of the existing ground must be provided.

E. A map of the subject area showing the elevations or finished contours to be achieved by grading and the boundaries of the grading site as required by subsection D above. The map should show representative depth of cuts/fills on the grading plan, as well as any critical or sensitive lands as identified by Section 12.060 (J) (K) of the Lehi City Development Code. It should also include the specifications and recommendations on any associated soil compaction of the site.

F. The amount of material to be moved and/or removed must be provided. Extractable volumes must also be provided in both bank cubic yards (BCY) and loose cubic yards (LCY). Where applicable, in fill areas, compacted cubic yards (CCY) must be provided. The number of estimated total truck loads and the estimated number of truck loads per day must be provided.

G. A completion date must be provided. In no case can a grading permit be approved for a timeframe greater than one (1) year; however an extension may be requested if the project is not completed within the approval timeframe. All extensions shall be as per Section 10.120 of the Development Code.

H. The main haul route shall be outlined and shown on a map. A secondary haul route may be required when determined necessary. Haul routes should avoid school zones, and any areas of potential conflict where possible. The number of expected daily trips shall also be indicated. Haul routes for projects greater than ten (10) acres must be approved by the City Council

I. A plan showing the locations of retaining walls in excess of four (4) feet.

J. A map of the subject area showing the location and type of erosion and sedimentation control devices. Some erosion is unavoidable. The resulting sediment must be trapped on the site, even during

design flood conditions. Construct sediment fences and sediment traps and basins before other land-disturbing activities occur. Sediment fences, traps, and basins must be properly maintained, regularly inspected, and cleaned as necessary. Dispose of the sediment removed during cleaning in a place where it will not flow back into the control structure. Consider the maintenance and repair costs of each erosion control practice before construction. Erosion and sediment control structures should be inspected and maintained. If not properly maintained, some practices may cause more damage than they prevent.

K. A written statement and or plan addressing the following provisions:

1. Temporary vegetative protection during time of development;
2. Dust control; and
3. Traffic control plans

L. No person shall block, impede the flow of, alter, or construct any structure or deposit any material or commit any act which will affect normal or flood flow in any stream or watercourse without first obtaining a permit from the appropriate agency.

M. All engineering work shall be approved and stamped by a licensed professional engineer who can demonstrate experience in geotechnical or geological sciences.

N. The landowner or his/her designee will be required to post a bond for all restoration of graded areas. The bond will cover the cost of needed reclamation, at a minimum the cost of topsoil, seeding, and erosion control measures. The bond must be placed in accordance with City bonding procedures as per Sections 11.220 and 11.320, Guarantees and Bonds, of the Lehi City Development Code.

O. A current Storm Water Pollution Prevention Plan (SWPPP) and a Utah State Notice of Intent (NOI) will be submitted and maintained during the permit period.

P. Any grading near waterways will require a Stream Alteration Permit from the Utah Division of Water Rights, and a copy of that permit must be submitted with a grading application. (Contact [www.waterrights.utah.gov](http://www.waterrights.utah.gov) for application.)

### **Section 12-B.050 Grading Permit Issuance**

(Amended 11/12/13; 02/10/15; 07/30/19)

A. A grading permit may be issued in advance of a building permit and/or final development approval provided that the following approvals have previously been granted as per the development application requirements from Chapter 11 of this code:

- 1. A Preliminary Subdivision plat for single family residential projects; or
- 2. A Site Plan for commercial, institutional, or multi-family projects.

B. The approval of a grading permit may be combined and processed concurrently with the approval of a preliminary subdivision plat or site plan.

C. Grading permit applications shall be submitted to the Lehi City Planning Department.

- 1. Once the application has been deemed complete, the grading permit application shall be placed on the Reviewing Departments agenda for consideration.
- 2. Grading Permits for grading projects with ten (10) contiguous acres or less may be issued by the Public Works Director following a review by the Reviewing Departments. The Public Works Director may request that the approval of a Grading Permit be forwarded to the Planning Commission and City Council for approval as per item 3 below if they determine the project may have a significant impact on traffic, environmental quality, or the health, safety, or general welfare of the surrounding properties or residents.
- 3. Grading Permits for grading projects with more than ten (10) contiguous acres may be issued by the Public Works Director following review by the Reviewing Departments, review and recommendation following a public hearing by the Planning Commission and review and approval following a public hearing by the City Council.

(a) When considering the approval of the grading permit the Public Works Director, Reviewing Departments, and (when applicable), Planning Commission and City Council, will verify that all of the following criteria are met (in addition to other applicable requirements of this code and other city codes):

- (i) Approval of the proposal will not pose a threat to or be detrimental to the public health, safety, and

welfare, nor be materially detrimental to fish and wildlife habitat and/or water resources as determined by an expert consultant.

- (ii) The proposal is not in a sensitive lands area, as defined by Sections 12.060 (J) (K) of the Lehi City Development Code.
- (iii) All subdivisions plats and/or site plans must have at least a preliminary approval prior to issuance of a grading permit.

D. If construction necessitates access, construction, or intrusion onto or across property not under the applicant’s control, then the applicant must provide the City with a copy of a valid construction easement or right of entry before the permit can be issued.

E. The permit may be issued to the property owner or his/her agent. Both the property owner and the agent will be considered the permittee and are each responsible for ensuring compliance with the terms of the permit.

F. Upon completion of the above, the grading permit will be issued. The grading permit along with the approved grading plans and the SWPPP must be kept on site through the duration of the grading project.

G. A grading permit is valid for one year from the date of issuance. Any amount of time exceeding one year shall require an extension, as per Section 10.120, Extensions, of the Lehi City Development Code.

**Section 12B.060 Grading Permit Administration** (Amended 11/12/13)

A. Before work begins on a grading project and after the bond is posted the Public Works Director will hold a preconstruction conference. The approved grading plans will be issued at this conference.

B. Once a grading permit is approved, the Public Works Director or his/her designee will be responsible for the grading permit project administration, in conjunction with the Streets Superintendent.

C. The Streets Department will monitor the grading project as often as deemed necessary by the department administration with an employee that is designated as the grading inspector.

D. The grading inspector will be responsible for inspecting and monitoring the following:

1. Grading is done only in the designated survey area.
2. Monitoring the approved extent and depth of the grading (both horizontally and vertically).
3. Verification that all required reports are submitted to the City. Reports must include daily logs of real-time data and may be requested by the inspector weekly or daily if needed.
4. Reviewing the daily truck trips and the weekly calculation of daily trip averages as outlined in 12-B.040 B. The effective capacity of each truck must be specified on every report.
5. Designated haul routes are being used and that safe hauling practices are being followed.
6. Reviewing a volumetric survey provided by the landowner or his/her designee, using a mutually agreed upon method, monthly.

**Section 12-B.070 Landowner Grading Project Requirements** *(Amended 11/12/13)*

A. The area approved for grading will be staked with stakes placed at least every one hundred fifty (150) feet so it is clear where the grading should be taking place. In order to protect the stakes from equipment, stakes may be placed a maximum of thirty feet off of legal survey line. The distance must be specified, submitted to the grading inspector in writing and written on the stakes.

B. The landowner or his/her designee must track number of truck loads that leave the site and these daily totals must be provided to the grading inspector in written form when requested. The daily average will be calculated weekly to make sure the estimated daily trips outlined in the permit process is not exceeded.

1. If during the grading project, the landowner or his/her designee find that the number of daily trips was estimated too low, he/she may request, in writing, the daily trips from the grading site be increased. This written request must be submitted to the Public Works Director.
2. The Public Works Director will consider the request taking into account haul route safety,

volumetric survey results compared with truck load totals to check for major errors and inconsistencies and other mitigating circumstances.

C. The landowner or his/her designee will ensure the trucks hauling from the grading site are following the approved main haul route. If the secondary haul route is to be used the grading inspector will be notified.

D. The contractor/owner will meet as often as necessary with the Public Works Director, Streets Superintendent and grading inspector to provide project updates.

E. If the landowner or his/her designee does not believe the grading project will be or can be completed by the specified deadline he/she may request an extension. The request for extension must be submitted as per the requirements for extension as per Section 10.120 of this code.

**Section 12-B.080 Grading Permit Violations**

*(Amended 11/12/13)*

A grading project will be deemed in violation if any of the following occur:

A. Any grading that takes place outside the official surveyed area.

B. Removal of survey stakes and/or not maintaining clearly marked survey stakes.

C. Grading that removes more material than specified in the permit request.

D. Trucks hauling from the grading site not following approved haul routes for following safe trucking standards.

E. Grading that occurs after the grading permit has expired.

F. Exceeding the average daily truck trips by more than ten percent (10%) in a 30 day period without requesting a higher average in writing.

G. Any work is not performed in compliance with the SWPPP Plan.

**Section 12-B.090 Penalties**

*(Amended 11/12/13)*

A. If grading occurs without a valid grading permit or outside the approved surveyed area the grading project may be stop work ordered and all work will be stopped. The stop work order will stay

in place until the area graded outside of the approved area is returned to its original elevation and re-vegetated. If grading is conducted outside the surveyed area a second time no grading will be allowed for 30 days as well as the unauthorized graded area will be returned to original elevation and re-vegetated. If grading occurs a third time outside the approved area the grading permit will be revoked and the landowner or his/her designee must apply for a new grading permit paying the permit fee again as well as a new bond, if applicable and the disturbed ground outside the approved area must be restored before the new grading permit will be considered.

B. The same rules apply for removal and maintenance of survey stakes, too much material removed and trucks not following designated haul routes or not practicing safe trucking standards.

C. Grading that occurs without a valid grading permit or after the grading permit has expired will result in a minimum daily fine of five hundred dollars (\$500) per day.

D. Any person who is found to be in violation of an approved grading permit, or who is found to be in violation of this Code, may be charged with a misdemeanor and subject to enforcement by the City, as per Section 34.010 of this Code.