



# MARIPOSA DEVELOPMENT SERVICES

## COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039  
MARIPOSA, CALIFORNIA 95338-2039

### REMEDIATION OF UNPERMITTED GRADING/EXCAVATION

This procedural document was created to address the negative impacts associated with illegal/unpermitted grading and excavations located on properties within the jurisdiction of Mariposa County. Pursuant to 2019 California Residential Building Code (CRC), Title 24, Part 2, Appendix J – Grading, Section J104.1 and in accordance with CRC, Title 24, Part 2.5, Division II, Administration, Section 105.1, a permit is required, failure to obtain a permit as required is a violation of these codes.

The requirements outlined in this document shall be performed at the **sole expense of the property owner**. All work shall be done in accordance with all applicable local, state and federal regulations. The requirements apply to all grading/excavations performed without a permit for which a permit is required. This includes sites where a permit application was received, however a grading determination was not completed/inspected prior to work being performed.

Questions regarding this process must be submitted **in writing** to [building@mariposacounty.org](mailto:building@mariposacounty.org). Please note, additional requirements may be imposed to reflect case-specific conditions. If applicable, please refer to the site-specific Notice of Intent to Find Violations/Notice of Violation for additional site-specific requirements.

The departments that may be required to sign off on the remediation include, but are not limited to:

**Mariposa Building Department**

209-966-3934

**Mariposa Planning Department**

209-966-5151

**Mariposa Environmental Health Unit**

209-966-2220

**Mariposa Public Works Department**

209-966-5356

**CAL FIRE**

209-966-3622

**Mariposa County Fire**

209-966-4330

*Mariposa Development Services works in association with State agencies. If warranted they may be involved in the remediation process, in which case a letter from the agency will be required before any building permits are finalized and/or case is closed by Code Compliance: California Department of Fish & Wildlife; California Water Board; State of California Contractors License Board; and California Regional Water Quality Control Board; or any other State or Federal Agency as warranted.*

### THE COMPLIANCE PROCESS

Mariposa Code Compliance staff has been tasked with the enforcement of local, state, and federal codes as they apply to building and land use issues in Mariposa County.

When unpermitted grading/excavations are confirmed to exist at a property the following process shall be used to correct the unpermitted/illegal grading/excavation:

### **Step 1 – Contact Code Compliance**

**Respond to Notice of Intent or Notice of Violation within specified time frame, providing required contact information to Code Compliance.** (This date can be found on the “Notice of Intent to Find Violations” or “Notice of Violation” sent to the property owner of record).

### **Step 2 – Creation of a Compliance Contract (if applicable - only required for open Code Compliance Cases)**

Enter a “Compliance Contract” with Mariposa County. The “Compliance Contract” is a document created between Mariposa County and the property owner of record to address site specific issues, performance due dates and agreed remediation goals. Extensions to timelines created for remediation may be granted with good reason during the compliance process. All requests for modifications based on unforeseen circumstances **MUST** be in writing and be requested prior to the due date for the performance of the work requiring the time extension to complete.

### **Step 3 – Beginning the Remediation Process**

**For all unpermitted/illegal grading/excavations the property owner must contract an Geotechnical Engineering Company and/or a Design Professional of Record** to assess and conduct appropriate compaction testing, erosion control plan or other potential issues created by the work performed (see the full description of duties found in the Explanation of Services Required in this document). Mariposa County does not recommend any specific firm, company or individual. The Geotechnical Engineering Company must be licensed in the State of California, with a current license in good standing with the applicable licensing body.

### **Step 4 – Retain Appropriate Professional(s)**

Submit proof of retainer of professional services to Mariposa Development Services. Proof can be in the form of a letter or submission of a copy of a contract for professional services signed by retained company. Documents submitted must provide contact information, professional license number and expiration date.

### **Step 5 – Creation of a Workplan(s)**

The Geotechnical Engineering Firm and/or Design Professional of Record (if applicable) must evaluate the unpermitted grading/excavation and certify that the work performed meets applicable codes. If the work does not meet applicable codes a written work plan for the remediation of the site must be created. Reports should contain findings, drawings, and a site plan. Reports must be submitted to Code Compliance for review and approval. **No work is to be performed at the site other than the evaluation until the workplan has been approved and all permits issued.**

### **Step 6 – Submission of Workplan**

Submit remediation workplan package to Development Services for review. The Remediation Workplan Package must contain the following:

- ✓ Building permit application.
- ✓ Engineered wet stamped plans for any necessary corrective work, including but not limited to slope stabilization, setbacks, grade, compaction, etc.
- ✓ Associated drawings and documentation, including but not limited to test results, description of evaluations conducted, an accurate site plan which identifies all structures, improvements, property lines, setbacks and areas grading/excavations on the property.
- ✓ Plan check fee (only cash or checks accepted at this time).

Additional items may be required by the County after initial review. The Department requesting the additional information will contact the owner/agent to discuss.

### **Step 7 – Approval of Workplan(s) and Obtain Necessary Permits**

Upon approval of workplan(s), owner and/or consultant will be notified (owner will be responsible to make clear who is to be contacted). All permit fees and penalties must be paid in full before permits are issued by the Building Department. This permit will include violation fees up to a maximum of ten times the standard permit fee. This permit is good for 180 days. Should additional time be required it must be requested in writing prior to the expiration of the permit. No more than three extension will be granted regardless of the reason. Extensions will only be granted if continued active remediation and inspections have occurred at the site in the period preceding the requested extension.

### **Step 8 –Begin Work**

Perform any work required by the geotechnical engineering company/design professional of record to correct any issues. Upon completion all work must be supervised/certified by the corresponding professional. That professional will be responsible to certify that work was completed in compliance with local, state, and federal laws and regulations (for more definition see Section “Description of Duties”).

### **Step 9 – Certification of Grading/Excavation**

Upon completion of all remediation work and/or compaction testing, the contracted professional must provide a certification that the property meets the applicable codes and is safe for intended use.

### **Step 10 – Verification of Condition and Release of Non-Compliance**

The Building Department will conduct final inspection to verify and document condition. If all compliance issues have been resolved, compliance case will be closed and a Release of Non-Compliance will be issued after all remaining fees have been paid, including the fee for the Release of Non-Compliance.

## **EXPLANATION OF DUTIES/SERVICES**

### **Geotechnical Engineer and/or Design Professional of Record**

1. The property owner shall be required to retain a Geotechnical Engineer or Design Professional of Record appropriately qualified and holding necessary licenses to assess the grading/excavation performed without permits. Geotechnical Engineer/Design Professional of Record for the project, shall recommend necessary repairs/corrections, require necessary compaction testing, supervise the repairs, and certify upon completion of the work that the work complies with applicable provisions of the current California Building Code and any/all other applicable regulations. The Design Professional can either be a California Licensed Architect or a California Registered Engineer or a properly licensed Geotechnical Engineer.
2. The Geotechnical Engineer/Design Professional of Record shall be responsible to ensure that all elements associated with the unpermitted grading/excavation(s) are brought into compliance pursuant to all applicable codes and shall be approved by the Building Official. A designer, draft person, or general contractor does not qualify for this requirement.

3. The Design Professional of Record shall inspect, document, and verify (or commission appropriate trade contractors for survey under their responsibility) all hazardous/unpermitted/illegal conditions created/related to the unpermitted work. This includes, but is not limited to compaction, slope, grade, setbacks, erosion, and drainage. Then create a workplan for submission to Mariposa County to engineer and/or remediate those conditions.
4. The workplan shall include all drawings, accurate detailed site plans (site plan must include all structures and setbacks from property lines), as built drawings (as needed), copies of test results on compromised systems, and any other documentation required to define or correct the unpermitted grading.
5. The Design Professional of Record and/or property owner or his assigned agent shall then submit a workplan and appropriate drawings, site plans or other requirement documentation to the Mariposa County Building Department for review and permitting. Submission must include four complete sets of documents (three originals with wet stamps and one copy) for review.
6. At the time of submission only a plan check fee (including penalties) must be paid. Upon approval of the workplan, the balance of the all required fees and penalties must be paid in full. ***Required fees include but are not limited to plan check, building permit, and inspection fees. Penalty fees will be assessed at an amount of up to 10 times applicable normal permit fee.*** The final fee amount cannot be calculated (only estimated) until all paperwork has been properly submitted, reviewed, and approved by the Building Department.
7. Upon approval of the workplan and issuance of the required permits, periodic inspections shall be requested by the owner of record, or their designated agent, and conducted by Mariposa County staff from the Building Department or as requested by the Design Professional of Record. Additional inspection fees may apply.
8. Upon approval, and during the remediation process, the Design Professional of Record shall make appropriate phase inspections of the project and submit letters of acceptance to the Building Department.
9. The Design Professional of Record shall also submit a final letter of acceptance stating that the grading and associated work done without permits now conforms to the applicable codes; intended, permitted use, and the project has been completed to his/her satisfaction.

### **Property Owner(s)**

1. Property owners are ultimately responsible to ensure that their representatives and/or contractors meet timelines and completion dates for work.
2. Correspondence regarding changes to any agreement, arrangement, or submittals, must be in writing. This includes any requests for time extensions.
3. All permit fees must be paid in full prior to the issuance of permits. Permit fees shall include penalties which are assessed up to ten times the standard permit fee.