

HILLSIDE GRADING, CLEARING AND PLANT REMOVAL

Chapter 19.64

City of Twentynine Palms Development Code Regulations and Standards
Adopted January 27, 2004

Sections:

19.64.010 Purpose

19.64.020 Hillside Grading

19.64.030 Clearing and Plant Removal

19.64.010 Purpose. The purpose of this Chapter is to provide regulations to preserve and protect desert plants, to regulate clearing of native vegetation as a means of minimizing wind and water erosion, to provide appropriate storm drainage containment and control, to minimize disturbance to fragile desert ecosystems, to reduce the amount of fugitive dust, and to protect natural hillside formations when graded and developed.

19.64.020 Hillside Grading.

A. Hillside Grading regulations shall be applied to the following:

1. Foothill areas having a predominant slope of thirty percent (30%) or greater,
2. Foothill watershed areas, and
3. Geologically unstable hillside areas

B. Hillside Grading Guidelines. The following guidelines shall be applied to hillside grading areas:

1. Avoid a manufactured appearance by creating smooth flowing contours with varying gradients.
2. Avoid sharp cuts and fills and long linear slopes that have a uniform grade.
3. Slope banks should be softened by contoured grading at the top and toe of slopes.
4. Terracing should be designed with small incremental steps, avoiding side step terracing.
5. Grading should be minimized within twenty (20) feet of all perimeter property lines of the development, unless the grading is similar to the existing adjacent slopes.
6. Landscaping should be planted to break up long linear elements and reflect irregular forms, as well as provide erosion control and stability for the slope.

C. Slope Analysis. A slope analysis shall be submitted with all development permits and land use applications that would result in the construction of structures or the division of land on which hillside grading regulations apply pursuant to section 19.64.020A.

1. Slope percentages shall be calculated by dividing the vertical rise between the contours as shown on the required topographic map by the horizontal distance between such contours multiplied by 100.

2. The slope analysis shall be in compliance with Appendix Chapter 33, of the latest edition of the Uniform Building Code as adopted by the City, and shall include:

a. A topographic map of the proposed project area and all adjoining properties within one hundred fifty (150) feet at a scale of not less than one inch to two hundred feet (1" = 200'). The contour interval shall be not more than two (2) feet, except where the predominant slope is more than ten percent (10%) the contour interval may be no more than five (5) feet. Contour lines are to be obtained by aerial or field survey, done under the supervision of a Land Surveyor, Registered Engineer or Registered Landscape Architect.

b. Contours of the finished slope shown at intervals similar to that on the topographic base map.

c. Street grades, pad elevations, maximum heights of those slopes and approximate total cubic yard of cut and fill.

D. Geologic Report. A detailed report shall be filed with all development permits and land use application that would lead to the construction of roads or structures or the division of land where the area to be developed contains slopes of thirty percent (30%) or greater.

E. Approval Authority and Findings. The Building Official may approve, approve with conditions, or deny applications for Hillside Grading. Prior to taking action to approve an application for Hillside Grading, the Building Official shall make the following findings:

1. The proposed grading complies with the General Standards for grading and the Hillside Grading Guidelines.

2. The site is suitable in size, shape, and topography for the proposed development.

3. The grading will not adversely affect or be materially detrimental to the adjacent properties or uses.

F. Grading permits shall be issued and otherwise administered pursuant to Appendix Chapter 33 of the latest edition of the Uniform Building Code as adopted by the City of Twentynine Palms.

19.64.030 Clearing and Plant Removal.

A. On parcels of one (1) acre or greater in size, land may only be cleared of natural vegetation in order to provide for the installation of building pads, driveways, landscaping, agriculture or other use allowed in the underlying zone. Such clearing may only occur after issuance of a building permit, where required, or a grading permit, issued by the City's Building Official in conformance with the Building Code. The purpose of

this regulation is to reduce disturbances to fragile desert soils as much as practical and reduce the amount of fugitive dust that can for long periods of time adversely affect residents on the subject parcel and those residents and land uses downwind of the subject parcel.

B. The Planning Commission may approve further grading or clearance of vegetation subject to the requirements of Chapter 19.28 *Site Plan Review*. In submitting an application for a Site Plan

Review, the applicant shall pay a permit fee as established by City Council resolution.

The Site Plan Review application shall include, but shall not be limited to, the following:

1. A site plan of sufficient detail to show the area to be cleared.
2. A Soil Erosion and Sediment Control Plan sufficient to control dust, soil, and water erosion during and after the clearing activity. The erosion control plan shall identify revegetation and/or other measures to adequately control or prevent such erosion on a long term basis, and shall be prepared and maintained to control erosion and to establish vegetative growth compatible with the area. This control may consist of any one or a combination of the following:
 - a. Effective temporary planting such as a fast-germinating native seed, and/or mulching with straw, pine needles, chippings, embankment retention netting, and other slope and/or stabilization material.
 - b. Permanent planting of compatible drought-resistant species of ground cover, shrubs, trees, embankment retention netting, or other vegetation.
 - c. Mulching, fertilizing, watering or other methods necessary to establish new vegetation.
 - d. The protection required by this section shall be installed prior to calling for final approval of the project. Such protection shall be maintained for at least one year or until permanent protection is established.

C. Approval Authority and Findings. Prior to taking action to approve a Site Plan Review for plant removal, the Planning Commission shall make the following findings:

1. The proposed clearing and/or plant removal complies with the General Standards for grading.
2. The clearing and/or plant removal will not adversely affect or be materially detrimental to the adjacent properties or uses.
3. Appropriate measures have been taken, or planned for, to control storm drainage, soil erosion and sedimentation.

E. Upon completion of the clearing/plant removal activity, the applicant or contractor shall call for a final inspection to demonstrate that approved erosion control measures have been completed.