

**GRADING, EROSION, AND SEDIMENT CONTROL**

**ORDINANCE**

**FOR  
THE CITY OF BLUE LAKE**

As adopted by the City of Blue Lake  
\_\_\_\_\_, \_\_, 2015

**CITY OF BLUE LAKE**

**GRADING, EROSION, & SEDIMENT CONTROL  
ORDINANCE**

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**ORDINANCE NO. \_\_\_\_**

**GRADING, EROSION, AND SEDIMENT CONTROL  
ORDINANCE**

**SECTION 1.0  
PURPOSE**

This Ordinance provides procedures and minimum standards for the regulation of grading activities within the City. These provisions are intended to promote the public safety and welfare by preventing unreasonable or unnecessary erosion and sediment production and related degradation of natural resources and the City's stormwater drainage systems.

**SECTION 2.0  
APPLICABILITY OF GRADING REGULATIONS**

- A. Compliance Required.** The provisions of this Ordinance apply to all excavation, fill, or other grading activities occurring within the City. It shall be unlawful and a violation of this Ordinance for any person to:
1. Cause, conduct, allow, or furnish equipment or any labor for any grading activities without first obtaining any planning permit required by the Zoning Ordinance, a grading permit when required by Section 5.0 (Grading Permit Requirements), and complying with all applicable grading standards of this Ordinance.
  2. Violate or fail to comply with any term or condition of the approval of any grading permit issued in compliance with this Ordinance.
- B. Project approval required prior to grading.** No grading permit shall be issued and no grading shall occur unless a development project has been first authorized on the site in compliance with the City's Zoning Ordinance (Ord. 382 as Amended) and Subdivision Ordinance (Ord. 435 as Amended).
- C. Hazards.** Whenever the Building Official and/or City Engineer determines that any excavation, embankment, or fill on private property constitutes a hazard to public safety, endangers property, or adversely affects the safety, use or stability of adjacent property, an overhead or underground utility, or a public way, watercourse, or drainage channel, or could adversely affect the water quality or any water bodies or watercourses, the owner or other person in control of the subject property shall be contacted and advised of the problem. Upon receipt of written notice from the Building Inspector and/or City Engineer, the property owner shall repair or eliminate the excavation, embankment or fill so as to eliminate the hazard and conform with the requirements of this Ordinance.

**D.** **Inadvertent Discovery Protocol for Archeological Resources.** If archaeological resources are encountered during permitted or non-permitted grading activities in the City of Blue Lake, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified locally experienced archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with Native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers (THPOs) for the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent or property owner, City of Blue Lake, and consulting archaeologist, develop a treatment plan in any instance where significant impacts per the California Environmental Quality Act (CEQA) cannot be avoided. Prehistoric materials may include, but are not limited to, obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include, but are not limited to, 19<sup>th</sup> century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies. Should known or suspected Native American skeletal remains or burials be inadvertently discovered, the provisions of Section 7050.5 of the California Health & Safety Code and Section 5097.98 of the Public Resources Code shall apply (see at <http://www.nahc.ca.gov/profguide.html>).

**D. E.** **Enforcement.** The provisions of this Chapter shall be enforced by the Building Official and/or City Engineer. The engineer for a project may be required to inspect work and certify compliance with the approved grading plan, erosion and sediment control plan, and the provisions of this Ordinance.

**E. F.** **Violations.** Any person, firm, corporation, or other entity, whether as principal, agent, employee or otherwise, violating or causing violation of any provision of this Ordinance shall be guilty of a misdemeanor. Violations may also be subject to stop work orders, corrective action orders, and/or the suspension of issuance of occupancy permits.

**F. G.** **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any Court of competent jurisdiction, such decision shall not affect the validity or effectiveness or the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional or invalid or ineffective.

**G. H.** **Savings Clause.** To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, Resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or

conflicting provisions or prior ordinances, motions, Resolutions, rules, or regulations, are hereby repealed.

### **SECTION 3.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. **Approval** shall mean the building official has determined that the proposed work or completed work conforms to this Ordinance.
2. **As-Graded** is the extent of surface conditions on completion of grading.
3. **Bedrock** is in-place solid rock.
4. **Bench** is a relatively level step excavated into earth material on which fill is to be placed.
5. **Best Management Practices (BMPs)** are physical and managerial practices that, when used separately, or in combination, prevent or reduce erosion, sedimentation, or pollution of water. An example of a guide for BMPs is the State Water Resource Control Board Best Management Practices Construction Handbook.
6. **Borrow** is earth material acquired from an off-site location for use in grading on a site.
7. **Building Official** is an official responsible for planning, organizing, managing, and coordinating Building Division activities including building permit processing, plan checking, building permit plan review, building inspection, and building code compliance.
8. **Channel or Drainage Way** is a natural or artificial open watercourse with definite bed and banks which periodically or continuously contains moving water or forms a connecting link between two bodies of water.
9. **Civil Engineer** is a professional engineer registered in the state to practice in the field of civil works and is qualified in accordance with Section 6730 et seq. of the Business and Professions Code, or successor provisions.
10. **Civil Engineering** is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.
11. **Compaction** is the densification of a fill by mechanical means.

12. **Construction Activities; Excavation and Earth Moving** means activities that are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments.
13. **Discharge** is the outflow rate of surface water.
14. **Drainage Improvement** is any element in a drainage system which is made or improved by a human.
15. **Earth Material** is any rock, natural soil or fill or any combination thereof.
16. **Engineering Geologist** is a registered geologist experienced and knowledgeable in engineering geology and certified by the State of California to practice as a “Certified Engineering Geologist.”
17. **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 works.
18. **Erosion** is the wearing away of the ground surface as a result of the movement of wind, water or ice.
19. **Erosion and Sediment Control Plan** is a plan that fully indicates necessary land treatment and structural measures, including a schedule of timing for their installation, which will effectively minimize soil erosion and sediment yield. Such measures shall be in accordance with standards contained in Section 7.0 (Grading Standards) of this Ordinance.
20. **Excavation** is the physical removal of earth material.
21. **Fill** is the deposit of earth material caused or placed by artificial means.
22. **Grade** is the vertical location of the ground surface.
  - a. **Existing Grade** is the grade prior to grading.
  - b. **Finish Grade** is the final grade of the site which conforms to the approved plan.
  - c. **Rough Grade** is the stage at which the grade approximately conforms to the approved plan.

23. **Grading** means all grading, filling, land contouring, clearing and grubbing, drainage activities, site preparation, and road building.
24. **Key** is a designed compacted fill placed in a trench excavated in earth material beneath the toe of proposed fill slope.
25. **Land Disturbing Activity** is any land change which may result in soil erosion from water, wind, and the movement of sediments onto adjacent properties. Such activities include but are not limited to clearing, grading, excavating, transporting and filling of land.
26. **Mulch** is a natural or artificial layer of material placed on exposed earth to provide more desirable moisture and temperature relationships for plant growth. It is also used to control the occurrence of unwanted vegetation.
27. **Plans, Preliminary**, are those drawings required which are: drawn to scale, and in sufficient detail to indicate the anticipated areas of impact owing to grading and related activities. The plans are to include the proposed methods of mitigating the impacts to a level of less than significant through the use of best management or equivalent techniques.
28. **Plans, Final**, are those drawings provided in sufficient detail for use in the control of construction or related activities and for use in the issuance of permits or approval of improvement plans. The plans are to be accompanied by supporting calculations.
29. **Professional Inspection** is the inspection required by this code 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.
30. **Registered Geologist** is a registered geologist experienced and knowledgeable in geology and certified by the State of California to practice in the field of geology.
31. **Registered Geotechnical Engineer** is an engineer experienced and knowledgeable in the practice of geotechnical (soils) engineering and licensed by the State of California to practice. A Registered Civil Engineer may prepare the required geotechnical engineering (soils) report where the engineer has at least fifteen (15) years of experience in preparing such reports for private or public projects which have been accepted for use by public agencies, and is qualified in accordance with Section 6736.1 of the Business and Professions Code, or successor provisions.
32. **Sediment** is a solid material, both mineral and organic, that is in ~~suppression~~ suspension, is being transported, or has been moved from its site or origin by air, water, or gravity.

33. **Sedimentation** is the process of deposition of fragmented rock, soils, or organic particles displaced, transported, and deposited by erosive processes.
34. **Sediment Detention Basin** is a sediment detention basin is a reservoir which retains flows sufficiently to cause deposition of transported sediment.
35. **"Short Form [Erosion and Sediment Control Plan]"** is a simplified form, issued by the Building Official, for erosion and sediment control plans for certain qualifying minor grading projects.
36. **Site** is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
37. **Slope** is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
38. **Slope, Determination of Cross Slope** means the cross slope of a parcel shall be determined by measurement, at fifty-foot intervals, of the average slope perpendicular to the contour lines.
39. **Soil** is naturally occurring superficial deposits overlying bedrock.
40. **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.
41. **Storm Water Pollution Prevention Plan (SWPPP)** is a plan required for various construction and industrial activities pursuant to the Federal Clean Water Act and related State regulations.
42. **Storm Water Runoff** is the water which results from rainfall flowing over the surface of the ground.
43. **Swale** is a low lying stretch of land which gathers or carries surface water runoff.
44. **Terrace** is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
45. **Vegetation Maintenance** is lawn and yard maintenance, brush and tree pruning, home gardening, compliance with defensible space requirements around structures and along roads and driveways, removal of exotic (non-native) plant species, and other land maintenance activities involving cutting, removal, or planting of non-exotic vegetation by manual, mechanical, or chemical methods.

46. **Winter Operations** are activities conducted pursuant to a grading permit during the period of 15 October through 15 April.

#### **SECTION 4.0 INCOPORATION OF CALIFORNIA BUILDING CODE**

The provisions of this Ordinance supplement and are in addition to the requirements of the latest edition of the California Building Code Appendix Chapter 33 (Excavation and Grading). Each project that includes grading shall also comply with the applicable requirements of CBC Chapter 33.

#### **SECTION 5.0 GRADING PERMIT REQUIREMENTS**

##### **A. General Requirements**

1. Except as provided in this Ordinance, no person shall commence any grading, ground disturbing, clearing of vegetation, or other land-disturbing activity without having first obtained a grading permit from the Building Official. A separate permit shall be obtained for each site, and may cover both excavation and fills.
2. In geologic/seismic safety hazard areas, areas identified as “medium risk” and “high risk” slope/soil stability hazard areas, and areas identified as having a high liquefaction potential, as described in the Public Safety Element, other relevant publications (e.g. Humboldt County Hazard Mitigation mapping), or as determined by the Building Official and/or City Engineer, no grading or clearing of vegetation shall commence without obtaining approval from the Planning Department, Building Department, and City Engineer, in addition to the grading permit required by Subsection A.1.

##### **B. Exceptions.** Except in the areas noted in Subsection A.2 above, a grading permit shall not be required if the work meets any of the following conditions:

1. Clearing of vegetation does not exceed 1,000 square feet in area, or does not expose or disturb soil surface;
2. Cultivation of land for agricultural purposes, provided that normal and customary agricultural practices are followed to minimize potential erosion;
3. Grading associated with timber harvesting that has been authorized in compliance with regulations of the California Department of Forestry and Fire Protection;
4. Refuse disposal site controlled by regulations of other agencies;

5. Excavation for wells or tunnels or utilities;
6. An excavation does not exceed four feet in vertical depth at its deepest point, measured from the original surface, and does not exceed 200 square feet in area;
7. A fill that does not exceed three feet in vertical height at its highest point, measured from the natural ground surface, and does not cover more than 200 square feet;
8. Exploratory excavations under the direct supervision of soils engineers or engineering geologists which do not exceed and aggregate area of 200 square feet.
9. An excavation below finished grade for basements and footings of a building if authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from the excavation; or
10. Excavations for cemetery graves.

**C. Grading in geologic hazard areas.** All grading located in geologic hazard areas as described in the Public Safety Element, other relevant publications (e.g. Humboldt County Hazard Mitigation mapping), or as determined by the Building Official and/or City Engineer, shall be subject to Geologic Hazard Review as detailed below. A report or waiver required in compliance with this section shall be included with any grading permit application. Final Soil Grading and Geologic Grading Reports shall also be required for all grading activities in these areas, except that borings and related analyses will be sufficient in liquefaction hazard areas.

The Geologic Hazard Land Use Matrix in Table 1 shall apply throughout the City. Engineering geologic and/or soils engineering reports shall be required for new development in compliance with the schedule identified in the matrix.

1. **‘R1’ report requirements.** An engineering geologic report and a soils engineering report shall be prepared for the classes of development and hazard areas indicated by ‘R1’ in the Geologic Hazards Land Use Matrix.
2. **‘R2’ report requirements.** An engineering geologic report shall be prepared for the classes of development and hazard areas indicated by an ‘R2’ in the Geologic Hazards Land Use Matrix.
3. **‘D’ discretionary report requirements.** For the classes of development and hazard areas indicated by a ‘D’ in the Geologic Hazards Land Use Matrix, the Building Official and/or City Engineer, after consultation with the City Planner, shall use the considerations listed below in Subsection 3(a) (Criteria for requiring a report), to determine whether or not a report is required. Conditions which

typically indicate that a report should be required are identified in Subsection 3(b) (Soils Engineering Report) and 3(c) (Engineering Geology Report), below.

**Table 1 – Geologic Hazard Land Use Matrix**

| Building Type/<br>Land Use | Earthquake<br>Shaking<br>Hazard | Fault Rupture<br>Hazard |     | Slope/Soil Stability<br>Hazard |     |      | Liquefaction<br>Potential |     |      |
|----------------------------|---------------------------------|-------------------------|-----|--------------------------------|-----|------|---------------------------|-----|------|
|                            |                                 | SSZ                     | PAF | Low                            | Med | High | Low                       | Med | High |

**Critical Facilities**

|   |    |    |    |   |   |    |    |    |   |
|---|----|----|----|---|---|----|----|----|---|
| Hazardous substances storage, reservoirs, natural gas storage tanks   | R1 | R2 | R2 | D | D | R1 | R1 | R1 | P |
| Hospitals, fire and police stations, emergency control centers, power plants, power and communications substations, schools, theaters |    |    |    |   |   |    |    |    |   |
| Auditoriums, hotels, large motels, major office buildings, high density residential   |    |    |    |   |   |    |    |    |   |

**Non-Critical Facilities – Moderate Risk**

|  |    |    |    |   |    |    |    |    |    |
|--|----|----|----|---|----|----|----|----|----|
| Residential structures on existing lots with footing loads greater than typical two-story wood frame dwellings, or residential structures with three stories or more | D  | R2 | D  | D | R2 | R1 | D  | R1 | R1 |
| Major subdivisions   | D  | R2 | R2 | D | R2 | R1 | D  | R1 | R1 |
| Heavy industrial   | R2 | R2 | R2 | D | R2 | R1 | R1 | R1 | R1 |

**Non-Critical Facilities – Low Risk**

|  |   |    |   |   |    |    |   |    |    |
|--|---|----|---|---|----|----|---|----|----|
| Multi-family structures larger than 4-plexes                           | D | R2 | D | D | R2 | R1 | D | R1 | R1 |
| Minor subdivisions   | D | R2 | D | D | R2 | R1 | D | R1 | R1 |
| Light industrial, warehousing, commercial                              | D | R2 | D | D | R2 | R2 | D | R1 | R1 |
| Residential wood frame structures two stories or less on existing lots | D | D  | D | D | R2 | R2 | D | D  | D  |

**Notes:**

- P Development Prohibited
- R1 Engineering geologic report and soils engineering report required. Engineering geologic shall be prepared by a Certified Engineering Geologist, certified and licensed by the State of California. Soil engineering report shall be prepared by a California licensed Registered Civil Engineer with appropriate knowledge and experience, or by a California Certified Engineering Geologist with appropriate geotechnical knowledge and experience.
- R2 Engineering geologic report required. The report shall be prepared by a California Registered Geologist with appropriate geotechnical knowledge and experience.
- D Report requirement is left to the discretion of the Building Official.
- SSZ Refers to the Alquist-Priolo Special Study Zone
- PAF Potentially Active Fault.

In lieu of making a determination, the Building Official and/or City Engineer, after consultation with the City Planner, may choose to accept a statement as described in Subsection 4 (Report Waiver), below.

- a. **Criteria for requiring a report.** Considerations in determining whether a report is required shall include:
  - 1. A site visit;
  - 2. A review of geologic maps and report covering the area;
  - 3. An evaluation of the potential of the development to adversely affect adjacent property or improvements;
  - 4. Consideration of the degree of public exposure to the risk;
  - 5. A consideration of the size and scale of the proposed development;
  - 6. The proposed project is not exempt from reporting requirements in compliance with Subsection 5 (Projects exempt from reporting requirements), below.
- b. **Soils engineering report.** A soils engineering report is indicated when one or more of the following conditions exist or are proposed:

1. Depth (or height) of cut or fill is three feet or greater;
2. Fill is used to support structural footings;
3. Engineered cut or fill is required;
4. Soils are or may be subject to significant shrink-swell; or
5. The project area is underlain by material that may be subject to settlement or subsidence.

**c. Engineering geology report.** An engineering geology report is indicated when one or more of the following conditions exist or are proposed:

1. Finish cut or fill faces with vertical heights in excess of 10 feet;
2. On-site natural slopes steeper than five horizontal to one vertical;
3. Existing cut slopes having a vertical height in excess of 10 feet;
4. Existing stream banks in excess of 10 feet;
5. Significant existing or suspected seismic hazards;
6. Areas that are underlain by landslides or soil creep or by rock material susceptible to landslide or soil creep activity;
7. Areas that are underlain by materials that may be subject to settlement or subsidence; or
8. Areas subject to drifting or loose sand.

**4. Report Waiver.** The R1 and R2 report requirements listed in the notes to Table 1 above may be waived or the contents modified by the Building Official and/or City Engineer when:

- a. An adequate geologic and/or soil assessment at a useable scale already exist for similar project measures on the site proposed for development.
- b. Reports are not indicated under the criteria listed in Subsection 3 ('D' discretionary report requirements), above.
- c. A geologist or engineer, according to the type of report require in compliance with Subsection 3 ('D' discretionary report requirements)

above, submits a statement that a report is not necessary with supporting reasons and any appropriate recommendations.

**5. Projects exempt from reporting requirements.**

- a. Alterations, additions, or repairs to an existing structure; provided, the aggregate value of the work does not exceed 50 percent of the replacement cost of the existing structure and does not adversely affect the structural integrity of the existing structure.
- b. Values shall be determined as “Replacement in Kind” as defined in the California Building Code. No change shall be allowed in use, character, or occupancy, which results in the conversion of a structure from one not intended for human occupancy to one which is so intended, unless the structure complies with the provisions of the Alquist-Priolo Earthquake Fault Zoning Act.

**6. Report Contents**

**a. Engineering Geologic Report.**

1. The above required engineering geologic reports, ‘R1’ and ‘R2’ shall provide a geotechnical reconnaissance and evaluation of the project site and surrounding terrain. The degree of analysis should be appropriate to the degree of potential risk presented by the site and the magnitude of the proposed project.
2. Reports shall be prepared in compliance with the California Geological Survey (CGS) Note #44, “Recommended Guidelines for Preparing Engineering Geology Reports.” CGS Notes #37, #43 and #49 shall be utilized as applicable when seismic or fault rupture hazards are identified as concerns.
3. In citing the Notes, it is not the intent of the City to seek lengthy dissertations on the area geology, but rather to provide uniform guidelines to serve as checklists with points to be discussed as applicable.

**b. Soils engineering report.**

1. The above required soils engineering report shall describe the nature and/or layout of the proposed development. The report shall include the locations and logs of test borings and percolation test results, if on-site sewage disposal is proposed.

2. The report shall delineate areas or issues of concern which require additional engineering or geologic evaluation. These reports shall, as a minimum, be prepared in compliance with the California Building Code Appendix Chapter 33, as applicable.
  - c. **Consultation.** Should it become apparent that an adequate development or subdivision design and/or building structural solution requires additional geologic input, it is incumbent upon the project engineer to consult a registered geologist. It is incumbent upon the project geologist to recommend that a soils engineering report shall be prepared when it becomes apparent that a soils mechanics analyses are needed.
  - d. **Qualification of preparers.** The engineering geologic report shall be prepared by a State licensed certified engineering geologist. The soils engineering report shall be prepared by a State licensed registered civil engineer having geotechnical knowledge and experience or by a State licensed certified engineering geologist having geotechnical knowledge and experience.
7. **Development Standards.**
- a. **Avoid significant geologic hazards.** The applicant shall either provide additional information as recommended by the geologic and/or soils report, or modify the proposed development to avoid identified areas of significant geologic hazard. The proposed project shall be sited, designed, and constructed in compliance with the recommendations of the report(s) in order to minimize risk to life and property on the project site and for any other affected properties.
  - b. **California Building Code.** Each project shall be constructed in compliance with California Building Code (CBC) Earthquake Regulations, as a minimum. As referred to in the CBC, the seismic zone boundaries shall be defined as follows: Seismic Zone 4 applies south and west of the Grogan Fault. The Grogan Fault is located approximately 15 miles north of the City of Blue Lake.
- D. **Compliance with CEQA.** All grading activities shall comply with the California Environmental Quality Act (CEQA).
- E. **Other permits may be required.** Nothing in this Chapter shall eliminate the need for development activities involving grading to also obtain any other planning or construction permits, subdivision approval, or permits or authorizations required City ordinances, or required by County, State, or Federal Agencies.

- F. Issuance of other City permits.** Each City department, official and employee that is vested with the duty or responsibility to issue permits or licenses shall comply with the provisions of this Ordinance and shall issue no permit or license for a use, structure or purpose where they would conflict with the provisions of this Ordinance, or for a site where a violation of this Ordinance exists.
- G. Submittal requirements.** An application for a grading permit shall include a completed City application form and the following materials:
1. A site map, report, and grading plan. The site map and plans shall be a minimum paper size of 11" x 17". The plans shall be drawn to scale upon substantial paper 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 code and all relevant laws, ordinances, rules, and regulations.
  2. An erosion and sediment control plan, except that a short form may be submitted if all of the following conditions are met:
    - a. The existing or natural slope is less than 15 percent;
    - b. The total area of grading is less than one-quarter acre; and
    - c. The proposed grading is not within a creek zone or wetland, and springs are not present.
  3. A revegetation plan if vegetation removal exceeds 1,000 square feet in area.

## **SECTION 6.0 GRADING PERMIT APPLICATION PROCESS**

- A. Application Requirements.** An application for a grading permit shall include a completed City application form, the information required by the Building Department, and the required filing fee. The application shall be filed with the Building Official.
- B. Application review and approval.** Upon receipt of a complete application, the application shall be reviewed by the Building Official. In considering an application, the Building Official shall refer the application materials to the City Planner, Public Works Department, and City Engineer to other applicable agencies for review and recommendations. The final determination as to the adequacy of the application materials and compliance of the proposed grading with the requirements of this Ordinance shall be by the Building Official with the consent of the City Engineer and City Planner.
- C. Fees.** The City Council shall, by resolution or ordinance, establish fees for these permits and appeals. The City shall recover all costs incurred with administering this Ordinance.

**D. Approval criteria.** Grading permit and/or erosion and sediment control plan approval shall require that the Building Official first determine that the project is in substantial compliance with the provisions of this Ordinance, Planning Department recommendations on revegetation plans, and any other applicable provisions of City law, policy, and environmental review.

**E. Terms and conditions of grading permits.** In approving an application, the Building Official or City Engineer may require any revisions or conditions as are necessary to achieve compliance with the requirements of this Ordinance. The following terms and conditions shall be attached to all grading permits.

1. All soil erosion and sediment control measures shall be implemented in strict compliance with this Ordinance and in compliance with the approved erosion and sediment control plans.
2. All erosion and sediment control measures shall be adequately maintained by the permittee for a period of three years or until the site is stabilized as determined by the City.
3. If the City determine that the work does not comply with the provisions of the approved erosion and sediment control plan or with the provisions of this Ordinance, the Building Official may issue a Stop Work Order stopping all work until such time as compliance is ensured.
4. The costs of any remedial work determined by the Building Official or City Engineer to be necessary to protect completed work or to prevent damage shall be the responsibility of the permittee.

**F. Appeals.** ~~The Planning Commission~~ Board of Appeals of the City of Blue Lake shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this Ordinance. The findings and decision of the Board of Appeals on all appeals shall be final and conclusive in the matter.

~~1. — The applicant may appeal the decision of the Planning Commission to the City of Blue Lake Council, as provided in Section 760-763 of the City of Blue Lake Zoning Ordinance #382 as amended or replaced.~~

~~2.~~ 1. Appeals will be considered only after payment of processing fees as specified in the City's Fee Resolution #969, as amended or replaced from time to time.

~~3.~~ 2. The appellant is required to submit, as part of the appeal application, supporting information prepared by a registered or licensed professional, as specified herein, substantiating that their alternative interpretation to any requirement, decision or

determination by the Building Official is consistent with the administration of this Ordinance and other applicable regulations.

## **SECTION 7.0 GRADING STANDARDS**

All grading, other land-disturbing activities, grading plans, revegetation plans, and erosion and sediment control plans shall comply with the standards in this Section.

- A. General Standards.** All grading or other land-disturbing activities and erosion and sediment control plans shall comply with the following general principles.
1. The design, scope, and location of the proposed grading shall be compatible with adjacent areas and should result in minimal disturbance of the terrain and natural land features.
  2. The grading shall preserve, match, or blend with the natural contours and undulations of the land.
  3. Whenever practicable, trees and native vegetation should be retained to stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient run-off, and to preserve the natural scenic beauty of the area.
  4. Scars from cuts and fills should be minimized; the amount of cuts and fills should be reduced and sharp angles at the top and sides of all necessary cut and fill slopes shall be rounded off, and/or a retaining wall acceptable to the City shall be constructed. Where a cut or fill slope occurs between two lots, the slope should normally be made a part of the downhill lot.
  4. Geologic hazards and adverse soil conditions shall be mitigated.
  6. All cleared slopes in cuts and fills and other areas vulnerable to erosion shall be stabilized.
  7. Construction, clearing of vegetation, or disturbance of the soil shall be limited to areas of proven stability.
  8. Sediment or other material deposited off the site shall not exceed that which would have been deposited if the land had been left in its natural state.
  9. The natural geologic erosion of hillsides, slopes, graded areas, cleared areas, filled areas, or stream banks should not be exceeded.

10. New or modified erosion and sediment control techniques may be used provided there is mutual agreement between the City and permittee that the technique meets the intent of the erosion and sediment control plan and this Ordinance.

**B. Sediment control standards.**

1. Sediment being transported by runoff generated from the site shall be retained on-site through the use of sediment basins, silt traps, or similar measures.
2. All subsurface flows and surface runoff shall be contained and dispersed at non-erosive velocities into the common natural watercourse of the drainage area.
3. Concentration of runoff shall only be permitted in swales or watercourses.
4. In order to prevent polluting discharges from occurring, approved erosion and sediment control devices shall be required for all grading and filling. Control devices and measures which may be required, but are not limited to, the following:
  - a. Energy dissipating devices to reduce the velocity of runoff water; and
  - b. Sediment controls such as sediment debris basins and sediment traps. Any trapped sediment shall be removed to a disposal site approved by the permit-issuing authority.
5. Temporary seeding and mulching or other City approved method shall be required once an area is denuded for fourteen days after October 1.
6. Mud shall be prevented from being tracked onto public roadway or rights-of-way by either:
  - a. Travel over a temporary gravel construction entrance;
  - b. Washing off vehicle tires before entering a public road; or
  - c. Other City approved method.
7. All existing or newly-installed storm drainage structures shall be protected from sediment clogging by providing inlet protection and maintenance for any drains.
8. A vegetative barrier shall be retained around property boundaries.

**C. Standards for revegetation.**

1. A permanent vegetation cover shall be established on denuded areas not otherwise stabilized.
2. Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.
3. The type of plants used shall: be self-sustaining, require little or not maintenance, and not increase the fire hazard.
4. Native plant species are encouraged.

**D. Slope construction standards.**

1. Slopes, both cut and fill, shall not be steeper than two run to one rise (2:1), unless a thorough geological and engineering analysis indicates that steeper slopes are safe and erosion and sediment control measures are specified.
2. Long or steep slopes should be terraced at regular intervals to slow runoff and provide a place for sediment to settle out.

**E. Standards for protection of watercourses and drainage inlets.**

1. Fills shall not encroach on natural watercourse or constructed channels.
2. Stockpiled soil shall be covered, and located so that if any erosion occurs, it would not migrate off-site.
3. Stockpiled soil shall be located sufficient distance from streams or drainageways so that surface runoff cannot carry sediment downstream.
4. Trenches and pits shall be promptly backfilled and compacted to reduce the risk of erosion and sediment.
5. Mulch or other protective coverings shall be applied on stockpiled material or bare soils with an area larger than 200 square feet which will be exposed through the winter season.
5. Excavated material not used at the site shall be disposed of at a location approved by the City.

**SECTION 8.0  
COMPLETION OF GRADING**

Upon completion of the rough grading work and at the final completion of the work, the Building Official and/or City Engineer may require the following reports:

- A. An As-Graded Plan prepared by the civil engineer including a certification that the work was done in accordance with the final approved grading plan.
- B. A Soil Grading Report prepared by the soil engineering geologist including a certification as to the adequacy of the site for the intended use and as affected by geologic features.

**SECTION 9.0  
ORDINANCE ADOPTION CERTIFICATION**

This ordinance shall be in force and effect thirty (30) days after its adoption.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following role call vote:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Mayor, City of Blue Lake

ATTEST:

\_\_\_\_\_  
City Clerk, City of Blue Lake

**CLERK'S CERTIFICATE**

**THIS IS TO CERTIFY** that Ordinance No. \_\_\_\_ of the City of Blue Lake was introduced and read at the regular meeting of the City Council of the City of Blue Lake, California, held \_\_\_\_\_, 2015. This Ordinance, again read at the regular meeting of the

Blue Lake City Council, held \_\_\_\_\_, 2015, and at that time, passed by roll call vote, the vote on the adoption of the Ordinance being as follows:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
City Clerk, City of Blue Lake