

COUNTY OF HUMBOLDT



**Departments of
Community Development Services
And
Public Works**

***Grading, Erosion Control, Geological Hazards, Streamside Management Areas,
and Related Ordinance Revisions***

Board of Supervisors Approved Ordinances

June 2002

Grading, Erosion Control, Geological Hazards, Streamside Management Areas, and Related Ordinance Revisions

In May 2002, the Humboldt County Board of Supervisors adopted ordinance revisions dealing with grading, erosion control, geological hazards, streamside management areas, and related ordinance revisions. This action completes efforts to codify and implement comprehensive provisions for dealing with grading, erosion control and potential impacts to streamsides.

In summary, the topics of the ordinances are as follows:

- Update Building regulations pertaining to incorporation of updated uniform codes (last updated 1977).
- Creation of a subsection within the Building Regulations pertaining to Grading, Excavation, Erosion, and Sedimentation.
- Modification of other sections relating to geologic hazards and processing of grading and building permits within or affecting Streamside Management or Other Wet Areas.
- Addition of Geologic Hazards Regulations, including the incorporation of “area of demonstration of stability” provisions to be applied county-wide.
- Streamside Management Ordinance which serves to codify the Interim Implementation Standards for the Open Space Element of the General Plan (Applicable to the Non-Coastal areas only) (Resolution 95-53, April 25, 1995).
- Ordinance revisions addressing the topic of vegetation removal or other land disturbing activities (Section 316-25), and an ordinance revision needed to assure consistency between County regulations (affects sections of the Subdivision Ordinance 323-5 and 323-6).

The purposes of the ordinance changes include:

- To Update the County Code to reflect the uniform codes in force within the County.
- To Implement various General Plan (Volume I, Framework) policies and standards pertaining to: water quality, biological resources, hazards, conservation and open space.
- To provide additional guidance in application of erosion and sediment control measures to various developments.
- To establish an Streamside Management Ordinance to implement the Open Space Element as required by State Planning Law (Government Code Section 65910).

The amendments serve to avoid significant effects upon the environment, they are in the public interest, and they maintain general plan consistency because they:

- Serve to implement portions of the County’s General Plan policies or standards pertaining to:
 - water quality
 - critical and sensitive habitats
 - open space
 - erosion and sediment control
 - biological resources
 - geologic hazards
 - conservation
- Maintain and enhance existing zoning regulations which conform with all local, state and federal requirements to protect property rights, sensitive habitats and coastal and other resources.
- The amendments are in furtherance of the goals of minimizing risk in geologically unstable areas and improving erosion control regulations.
- The revisions serve to implement to varying degrees, numerous mitigation measures included within the Environmental Impact Report prepared and adopted for the County’s General Plan, Volume 1, Framework Plan.

THE REVISIONS

A. Building Regulations – Revisions to the Building Regulations (Title III, Division 3, Chapter 1) do the following:

- Updates definitions and references to the standard state and national codes.
- Adds mechanical code and references to historical building code and accessibility standards (ADA) which were not previously referenced.
- Make the Planning Commission the Board of Appeals for building code issues
- Provides additional clarity and details on when permits are required and expands the list of activities which are exempt from needing building permits.
- Updates the water quantity standards per dwelling unit.

B. Grading, Excavation, Erosion, and Sedimentation Control – A new section added to the Building Regulations (Section 322-12). The County has historically administered grading and related activities through Chapter 70 of the Uniform Building Code. The more recent uniform code addresses grading in Appendix 33 and related sections. This ordinance codifies Appendix 33 as County Code Section 331-12. This new section is added for the purposes of:

- Regulating grading and related activities on private and public property.
- To control and reduce erosion.
- To reduce sediment delivered to drainages and streams.
- To protect fishery habitat and other biological resources by providing best erosion control and sediment management practices.

This new section provides for

- Definitions relevant to grading and fill permits.
- Specifies when permits are required and what is exempted from needing grading permits.
- Specifies what information is necessary to be submitted for a grading permit application.
- Provides Grading Standards to which grading activities shall conform including setbacks from cut and fill slopes, drainage and terracing requirements (slopes greater than 33%)
- Maintenance and Inspection requirements.
- Erosion and Sedimentation Control provisions required for all projects requiring building, grading, and development permits.
- Requires a site-specific Erosion and Sediment Control Plan (ESCP) be prepared and allows for use of a Preliminary Stormwater Pollution Prevention Plan in lieu of the specified Erosion and Sedimentation Control Plan under certain conditions (i.e. it addresses all of the standards and conditions of an ESCP).
- Provides for the administration of erosion and sediment control measures by the Department of Public Works following approval of a tentative subdivision map as a part of project improvement plans.
- Includes examples of Best Management Practices.

C. Geologic Hazards – Established a section within the Building Regulations pertaining to development subject to various geological hazards outside of the Coastal Zone (Note: within the Coastal Zone similar provisions are contained within the local coastal plans).

- Establishes a requirement to prepare a geologic report, including stability analysis, for development proposed with an “area of demonstration of stability.” (I.e. expands the circumstances in which site-specific geological reports must be prepared).
- Specifies supplementary information for reports for development located in the coastal zone (e.g. historic, current and foreseeable cliff erosion, ground and surface water conditions,

potential erodibility, mitigation measures, effects of marine erosion on seacliffs, and engineering stability analysis).

- Includes Development Standards applicable when a geologic report is required.
- Includes requirements for execution of a “Deed Restriction and Hold Harmless Agreement” to run with the land as a standard condition when a geological report is required.

D. Streamside Management Area Ordinance – This ordinance serves to codify the “Interim Implementation Standards for the Open Space Element of the General Plan (Non-Coastal Zone).” (Note: within the Coastal Zone similar provisions are contained within the local coastal plans).

- Provides standards pertaining to development within streamside management and other wet areas; Defines Streamside Management Areas (SMAs).
- Identifies allowed development and prohibited activities within SMAs, within stream channels, and within other wet areas.
- Specifies minimum mitigation measures.
- Specifies that a “Biological Report” is required for development proposed within SMAs and other wet areas.
- Identifies the required contents of a “Biological Report” necessary for delineating SMAs, identifying impacted resources, and providing recommended mitigation and monitoring.

E. Amendment of Related Regulations – To ensure internal consistency between regulations or to add clarity to development requirements, a number of additional minor regulation changes were adopted. These changes include provisions for:

- Removal of natural materials.
- Data on Tentative Subdivision Maps.
- Water quantity information for subdivisions.

Context

The Grading, Erosion Control, Geological Hazards, Streamside Management Areas, and Related Ordinance Revisions fill the Local Government niche for comprehensive regulations addressing the subject areas and address numerous resource issues relevant to: water quality, biological resources, critical and sensitive habitats, geologic hazards, open space, conservation, and erosion and sediment control. State and federal regulatory programs which serve to complete this comprehensive approach include the following:

- State Water Resources Control Board and the California Coastal Commission – California Nonpoint Source Pollution Control Program. The ordinance revisions carry out some of the directives for local government under this program.
- California Department of Forestry and Fire Protection proposed rule changes affecting riparian and related areas.
- State Water Resources Control Board – general permits to cover General Construction Activities and Industrial Activities, and Municipal Stormwater Programs.
- California Department of Fish and Game Lake and Streambed Alteration Program (recently modified to require compliance with the California Environmental Quality Act).
- US Environmental Protection Agency, in concert with the State Water Resources Control Board, program to establish Total Maximum Daily Loads (TMDLs) for designated streams.
- US Army Corps of Engineers (ACOE) changes to the Nationwide Permits affecting wetlands under Section 404 of the federal Clean Water Act. Certain activities require consultation with the US Fish and Wildlife Service and the National Marine Fisheries Service.

SECTION A

Building Regulations

TITLE III - LAND USE AND DEVELOPMENT
DIVISION 3
BUILDING REGULATIONS

CHAPTER 1

CODES: BUILDING, PLUMBING, ELECTRICAL AND OTHERS

331-1. SHORT TITLE.

This division shall be known and cited as the "Building, Plumbing, Electrical, and Mechanical Code of the County of Humboldt." In any administrative action taken by any public official under the authority set forth in this Code, the use of the term "Building Code," unless further modified, shall also refer to and mean this division. (Ord. 777 § 2, 7/13/71)

331-2. PURPOSE.

The purpose of this division is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling building, plumbing, electrical, mechanical, heating, comfort-cooling and sign details of certain buildings and structures within the unincorporated portion of the County. (Ord. 777 § 3, 7/13/71)

331-3. SCOPE OF APPLICATION.

This division, including the building, plumbing, electrical, mechanical, heating, comfort-cooling, accessibility, energy-compliance, and sign provisions thereof, shall be applicable to all buildings and structures or parts thereof or installations connected thereto. (Ord. 777 § 6, 7/13/71)

331-4. DEFINITIONS.

Whenever any of the following names or terms are used in any of said codes referred to herein, such name or term shall have the following meaning:

(a) Building Department, Department Having Jurisdiction. "Building department" and "department having jurisdiction" mean the Community Development Services Department.

(b) Building Official, Administrative Authority, Chief Electrical Inspector. "Building official," "administrative authority" and "chief electrical inspector" mean the Chief Building Official.

(c) Assistants, Deputies. "Assistants" and "deputies" mean the assistants or deputies of the Chief Building Official.

(d) Municipality, City, City Limits, Political Jurisdiction. "Municipality," "city," "city limits" and "political jurisdiction" mean the County.

(e) City Council, Mayor. "City council" and "mayor" mean the Board of Supervisors.

(f) City Treasury. "City treasury" means the County Treasury.

(g) County Engineer. "County engineer" means the Director of the Department of Public Works or duly registered designee.

(h) Board of Appeals, Board of Plumber Examiners. "Board of appeals" and "board of plumber examiners" mean the Humboldt County Building Appeals Board.. (Ord. 777 § 5, 7/13/71)

331-11. INCORPORATION OF UNIFORM CODES BY REFERENCE.

Each of the following compilations, except as modified hereinafter, are hereby designated and adopted by reference as a part of this chapter with the same force and effect as if they were set out in full herein:

(a) California Building Code and Building Code Standards.

1998 California Building Code, Volumes 1, 2, and 3, based on the 1997 UBC™, California Building Standards Commission and their respective successor provisions.

(1) The following provisions of the California Building Code relating to administration are deleted:

Sections 103, 104.1, 104.2.1, and 104.2.2

(2) Section 105, relating to administration, of the California Building Code is amended to read as follows:

Section 105. BOARD OF APPEALS. -

Section 105.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of the members of the Planning Commission and who are not employees of the jurisdiction. The Building Official shall be ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Section 105.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. In addition, the board is limited to appeals filed pursuant to:

1. Section 110, Administration, California Mechanical Code
2. Section 203, Enforcement, Uniform Housing Code
3. Section 103.3, Title, Scope and Enforcement, Uniform Sign Code
4. Section 207, Enforcement and Permits, California Code for Building Conservation

(3) Appendix 33, Grading and Excavation is found as Section 331-12 of the Humboldt County Code.

(4) Section 106.2, Work Exempt from Permit, of the California Building Code relating to administration is amended to read as follows:

Section 106.2. PERMITS REQUIRED - EXCEPTIONS. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the County or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Building Official except the following:

1. Fences up to six feet (6') (1.8 m) and freestanding masonry walls up to forty-eight inches (48") (1.2 m) in height.
2. Curbs, retaining walls and planter boxes that are not over 4 feet (1.2 m) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
3. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
4. Television and radio antennas supported on roofs of Group R, Division 3 and Group U occupancies.
5. Window awnings supported by an exterior wall of Group R, Division 3, and Group U occupancies when projecting not more than 54 inches (1.3 m).
6. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over One Hundred Dollars (\$100.00) in valuation in any twelve (12) month period and do not affect any electrical, plumbing, or mechanical installations. Repairs exempt from permit requirements shall not

include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.

7. Specifically excepted from permit requirements without limit to valuation are:

- a. Decorating.
- b. Painting, papering and similar finish work.
- c. Installation of floor covering.
- d. Cabinet work.
- e. Moveable cases, counters and partitions not over 5 feet 9 inches (1.7 m) high.

This section shall not be construed to require separate building permits for a dwelling and accessory buildings or structures on the same property which are described in the building permit application, plot plan and other drawings.

8. Agricultural buildings, other than milking barns, not intended for the use of the general public, on lands zoned Agriculture Exclusive, Agriculture General, or Timberland Production, or on lands shown by The General Plan as Agricultural and zoned Unclassified or on any other land zoned to permit agricultural uses as a principal use. The Chief Building Inspector shall issue an exemption upon confirming that the subject parcel is so zoned, and that all setbacks or other requirements will be observed.

Agricultural buildings are defined by Section 202-A of the Uniform Building Code as "a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public."

9. Detached patio covers which are less than 120 square feet in size and which are at least six feet (6') from any other structure. (Ord.1101, Sec.1, 9/14/76; amended by Ord.1353, Sec.1, 9/18/79; amended by Ord. 1876 Sec.16, 9/26/89)

10. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2:1.

11. Platforms and walks not more than 30 inches (762 mm) above grade and not over any basement or story below.

12. Prefabricated swimming pools accessory to a Group R, Division 3 occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18927 L).

(5) Any building or structure exempt from a building permit pursuant to subsection (4) above shall comply with all applicable zoning requirements, including setbacks, height, lot coverage, and permitted uses.

(6) Section 3303, Protection of Pedestrians during Construction or Demolition. The following paragraph is added as the last paragraph of Section 3303.1, General, of the Building Code:

ENCROACHMENT PERMITS. Pursuant to Chapter 1, Division 1, of Title 4 (commencing with Section 411-1) of the Code of Humboldt County, an encroachment permit must be obtained prior to performing work in or placing materials on a County right of way. (Ord. 1101 § 4, 9/14/76)

(b) California Mechanical Code.

1998 California Mechanical Code, based on the 1997 UMC™

(1) The following sections, subsections, and paragraphs of the **California** Mechanical Code relating to administration are deleted:

Section 108.1, General, and Section 108.2, Deputies

(c) California Plumbing Code.

1998 California Plumbing Code, based on the 1997 UPC™

(1) The following provisions are hereby deleted from the Uniform Plumbing Code which has been incorporated by reference herein-above:

Sections 308.1, 312.0, Part II - Building Sewers, Sections 713 - 716, 718, 719, and 721 - 723

Building sewers shall comply with the County's water and sewer regulations.

(d) California Electrical Code.

1998 California Electrical Code, based on 1996 National Electrical Code®

(e) Uniform Housing Code.

Uniform Housing Code, 1997 Edition, adopted and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Ord. 1101 § 1, 9/14/76)

- (1) The following provisions of the Uniform Housing Code relating to enforcement are deleted:

Sections 201.1, Authority

- (2) Section 202 relating to the enforcement of the Uniform Housing Code is amended to read as follows:

Section 202. SUBSTANDARD BUILDINGS. All buildings or portions thereof which are determined to be substandard as defined in this Code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided in Sections H-1101 et seq. of this Code or as otherwise provided by law. (Ord. 1101 § 4, 9/14/76)

- (f) Uniform Sign Code.

Uniform Sign Code (including the appendices thereto), 1997 Edition, adopted and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Ord. 1101 § 1, 9/14/76)

- (1) The following provisions of the Uniform Sign Code are deleted:

Sections 103.1, Authority

- (g) California Building Conservation Code.

1998 California Code for Building Construction, based on the 1997 UCBC™, California Building Standards Commission.

- (h) Historical Building Code.

1998 California Historical Building Code, California Building Standards Commission.

- (i) Energy Code 1998 California Energy Code, California Building Standards Commission

- (j) For all of the above cited codes, it is intended that the references include all of their respective successor provisions

331-11.5 WATER SUPPLY REQUIREMENTS.

- (a) An applicant for a building permit must provide proof acceptable to the Chief Building Inspector and Health Department that each dwelling unit will be served by an individual water supply which will supply at least 720 gallons of potable water per day or by a

public water supply which conforms to the requirements of the State of California Waterworks Standards (22 California Administrative Code § 64551 et seq.).

(b) A "individual water supply" is a water system not required to conform with the California Safe Drinking Water Act (Health & Safety Code § 4010 et seq.).

(c) If the available water is not potable, the plans provided shall include the equipment needed to make the water potable.

(d) Violation of this section alone is not sufficient grounds for a building code abatement proceeding. (Added by Ord. 1518 § 1, 3/30/82)

CHAPTER 2

PARKING AND SAFETY REGULATIONS

332-1. SOIL REPORTS FOR BUILDING PERMITS.

The Building Department shall review each building permit application and require a soil or geologic report prepared in the manner required in this chapter and the County geologic hazard development regulations (Chapter 6 of these regulations) when the proposed building site and improvements including, but not limited to, driveways or access roads are in a location that may have mudslide hazards, or when such a building site is on land composed of filled areas, on marsh land, on land which has an average slope of fifteen percent (15%) or more, and when said Building Department has reason to believe that the proposed building site contains expansive soils or other soil problems which, if not corrected, might lead to structural defects in buildings proposed to be constructed upon said proposed building site.

Soil or geologic reports shall be prepared by a qualified professional (i.e., Registered Geotechnical Engineer, Registered Geologist, Civil Engineer, and Certified Engineering Geologist) who is registered in the State and qualified in geology and soils engineering. The soil or geologic report shall recommend corrective action which is likely to prevent structural damage to each building or structure, including driveways and access roads, proposed to be constructed and which will not aggravate the existing hazard. (Ord. 988 §§ 2 & 3, 7/23/74)

332-2. BUILDING PERMITS IN FLOOD-PRONE AREAS. (Deleted by Ord. 1541 § 3, 7/13/82)

332-3. SWIMMING POOLS.

(a) All persons who own, control or are in possession of land upon which is situated a swimming pool shall be required to maintain a fence or wall on the lot or premises upon which the pool or body of water is located. The provisions of this Code section will be applicable to any swimming pool or other artificial, outside body of water designed or used for swimming, dipping or emersion by men, women or children and which exceeds a depth of eighteen inches (18"). The fence or wall required herein shall be constructed of durable material and shall not be less than six feet (6') in height. Such fence or wall shall completely ...

Section B

Grading, Excavation, Erosion, and Sedimentation Control

**TITLE III, LAND USE AND DEVELOPMENT
 DIVISION 3, BUILDING REGULATIONS
 SECTION 331-12
 GRADING, EXCAVATION, EROSION, AND SEDIMENTATION CONTROL**

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(See DRAWINGS document)

331-12. GRADING, EXCAVATION, EROSION, AND SEDIMENTATION CONTROL

A. PURPOSE

The purpose of this section is to safeguard life, limb, property and the public welfare, including the protection of water resources and their related habitats by regulating grading and related activities on private and public property, to control and reduce erosion, to reduce sediment delivered to drainages and streams, and to protect fishery habitat and other biological resources by providing best erosion control and sediment management practices.

B. SCOPE

This section sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments *and* erosion and sedimentation controls. This section also establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

C. DEFINITIONS

Whenever the words listed below are used in the County Code, they shall have the following meaning:

1. **APPROVAL** shall mean the building official has determined that the proposed work or completed work conforms to this chapter.
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 Resources 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. **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.
8. **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.

9. **CLEARING** is the destruction or removal of vegetation by manual, mechanical, or chemical methods resulting in exposed soils.
10. **COMPACTION** is the densification of a fill by mechanical means.
11. **COUNTY ENGINEER** means Director of Department of Public Works or duly licensed designee.
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. **EARTH MATERIAL** is any rock, natural soil or fill or any combination thereof.
14. **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."
15. **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.
16. **EROSION** is the wearing away of the ground surface as a result of the movement of wind, water or ice.
17. **EXCAVATION** is the mechanical removal of earth material.
18. **FILL** is a deposit of earth material placed by mechanical means.
19. **GEOTECHNICAL ENGINEER.** See "Registered Geotechnical Engineer."
20. **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.
21. **GRADING** means all grading, filling, land contouring, clearing and grubbing, drainage activities, site preparation, and road building.

22. **KEY** is a designed compacted fill placed in a trench excavated in earth material beneath the toe of proposed fill slope.
23. **LAND DISTURBANCE ACTIVITY** is any activity that results in a change in the soil cover or the soil topography.
24. **OTHER WET AREA** as defined within the Streamside Management Area Ordinance Section 314-61.1 et seq.
25. **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.
26. **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.
27. **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.
28. **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.
- 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.
29. **SEDIMENTATION** is the process of deposition of fragmented rock, soils, or organic particles displaced, transported, and deposited by erosive processes.
30. **SITE** is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
31. **SLOPE** is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

32. **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.
33. **SOIL** is naturally occurring superficial deposits overlying bedrock.
34. **SOILS ENGINEER (GEOTECHNICAL ENGINEER)** see Registered Geotechnical Engineer.
35. **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.
36. **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.
37. **STREAMSIDE MANAGEMENT AREA** as defined in the Streamside Management Area Ordinance, Section 314-61.1.
38. **TERRACE** is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
39. **VEGETATION MAINTENANCE** is lawn and yard maintenance, brush and tree pruning, home gardening, compliance with CDF 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.
40. **WINTER OPERATIONS** are activities conducted pursuant to a grading permit during the period of 15 October through 15 April.

D. PERMIT REQUIRED

1. Permit Required. Except as specified in subsection (2) below of this section, no person shall do any grading without first having obtained a grading permit from the building official.
2. Exempted Work. Except as provided herein and in Section 331-12(D)(3) below, a grading permit is not required for the following:
 - a. When approved by the building official, grading in a self-contained area if there is no danger to private or public property nor damage to the environment, to fisheries habitat or other aquatic resources or no runoff concerns or indications of wet areas.
 - b. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit.

This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1.5 m) after the completion of such structure.

- c. Cemetery graves.
- d. Solid waste disposal sites regulated by the State Integrated Waste Management Act.
- e. Excavations for wells, tunnels or utilities.
- f. Surface mining in conformance with County and State Surface Mining and Reclamation Act regulations.
- g. Exploratory excavations under the direction of soil engineers, geologists or engineering geologists.
- h. An excavation which (1) is less than 2 feet (0.6 m) in depth, or (2) which does not create a cut slope greater than 5 feet (1.5 m) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope), and does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course nor encroach upon a wetland.
- i. A fill less than 1 foot (0.3 m) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (0.9 m) in depth, which is not intended to support structures, ~~which~~ does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course nor encroach upon a wetland.
- j. Routine tilling and field preparation activities associated with agricultural operations and those activities involved in the production of crops or livestock for wholesale trade.
- k. Routine vegetation maintenance.
- l. Any grading or related activity conducted as a part of a County of Humboldt Public Works project, such as new road, bridge or trail construction, or landfill activities, or activities related to maintenance or repair of an existing County facility.
- m. Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities which are not exempt from the local regulation pursuant to Public Resources Code Section 4516.4 are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.

- n. Routine road and drainage facility maintenance to include culverts.
3. Exception to Exemption.
- a. The above permit exemptions shall not apply to activities conducted:
 - within a Streamside Management Area or other wet area unless exempted by the provisions of the Streamside Management Area Ordinance (see Zone Regulations Section 314-61.1);
 - nor to areas of moderate to high geologic instability as delineated upon the County Geologic Hazards Maps;
 - nor to activities which require a floodplain development permit.
 - b. Activities conducted by the County of Humboldt Public Works Department within a Streamside Management or other wet area when the activity is an activity allowed in the Streamside Management Area Ordinance Section 314-61.1 et seq., or within areas of moderate to high geologic instability, are not required to obtain grading permits.
 - c. Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.
 - d. New development in hazard areas shall comply with the applicable hazard regulations of the County found within Chapter 6 of these regulations.
 - e. Whenever the building official determines that any existing excavation or 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 building official, 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 code.

E. **GRADING PERMIT REQUIREMENTS**

- 1. **Permits Required.** Except as exempted in Section 331-12(D)(2) and 331-12(c)(3) above of this code, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.
- 2. **Application.** The application standards found in California Building Code Section 106.3.1 are applicable to grading. In addition, the application shall state the estimated quantities of work involved.

3. **Grading Designation.** Grading in excess of 5,000 cubic yards (3825 m³) 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 (3825 m³) shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

4. **Engineered Grading Application Requirements.** Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications.
 - a. Specifications shall contain information covering construction and material requirements.

 - b. 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. The first sheet of each set of plans shall give location of the work, the name and address of the owner and the person by whom they were prepared.

 - c. The plans shall include the following information:
 - (1) General vicinity of the proposed site.

 - (2) Property limits and accurate contours of existing ground and details of area drainage.

 - (3) Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.

 - (4) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains. The map shall show or provide by narrative the location of discharge points to the nearest natural area (creeks, ponds, rivers, etc.).

 - (5) 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 (4.6 m) of the property or which may be affected by the proposed grading operations.

 - (6) Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific

recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

- (7) The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

5. **Soils Engineering Report.** When a soils engineering report is required, it 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.** When an engineering geology report is required, it 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. **Liquefaction Study.** The building official shall require a geotechnical investigation in accordance with Sections 1804.2 and 1804.5 when, during the course of an investigation, all of the following conditions are discovered. The report shall address the potential for liquefaction:
- a. Shallow groundwater, 50 feet (15.24 m) or less.
 - b. Unconsolidated sandy alluvium.
8. **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. Dimensions, grade and depth of cut and fill, shown on a plot plan with typical cross-sections.
 - c. Method and standard for compaction.
 - d. Location of structures, utilities, existing and proposed drainageways, and major vegetation on the property. Show these features on adjacent property if they might be affected or are within 30 feet (9.14 m) of the proposed grading. A

map shall show or provide by narrative the location of discharge points to the nearest natural area (creeks, ponds, rivers, etc.).

- e. Description of erosion control methods.
 - f. If applicable, excess soil stockpile locations or disposal plans.
9. **Issuance.** The issuance provisions of Section 106.4 are applicable to grading permits. The building official 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.

The building official may require professional inspection and testing by a soils engineer. When the building official has cause to believe that adverse geologic factors may be involved, the grading will be required to conform to engineered grading.

F. **GRADING FEES**

- 1. **General.** Fees shall be assessed in accordance with the provisions of the fee schedule adopted by the County.

G. **BONDS**

- 1. The building official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.
- 2. In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

H. GRADING STANDARDS

1. **General.** Unless otherwise recommended in the approved soils engineering or engineering geology report, grading activities shall conform to the provisions of this section.
 - a. **Cut Slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) 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 property or the environment.
 - b. **Fill Slope and Preparation**
 - (1) **Preparation of Ground.** Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). 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 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet (1.52 m), by benching, into sound bedrock or other competent material as determined by the Geotechnical Engineer or a Certified Engineering Geologist. The bench under the toe of a fill on a slope steeper than 1 unit vertical in 5 units horizontal (20% slope) shall be at least 10 feet (3.05 m) wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved 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 (3.05 m) wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.
 - (2) **Fill Material.** Amounts of organic material detrimental to structural integrity shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than 12 inches (0.31 m) shall be buried or placed in fills.
 - (3) **Exception.** The building official 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) Rock sizes greater than 12 inches (0.31 m) in maximum dimension shall be 10 feet (3.05 m) or more below grade, measured vertically.
- (c) Rocks shall be placed so as to assure filling of all voids with well-graded soil.
- (4) **Compaction.** All fills shall be compacted to a minimum of 90 percent of maximum dry density with sufficient testing for documentation of compliance with this standard.
- (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 1 unit vertical in 2 units horizontal (50% slope).

2. **Setbacks**

- a. **General.** Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 1.
- b. **Top of Cut Slope.** The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet (0.61 m) and a maximum of 10 feet (3.05 m). The setback may need to be increased for any required interceptor drains.
- c. **Toe of Fill Slope.** The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet (0.6 m) and a maximum of 20 feet (6.1 m). Where a fill slope is to be located near the site boundary and the adjacent offsite property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:
 - (1) Additional setbacks.
 - (2) Provision for retaining, or slough walls.
 - (3) Mechanical or chemical treatment of the fill slope surface to minimize erosion.
 - (4) Provisions for the control of surface waters.
- d. **Modification of Setbacks.** The building official may approve alternate setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

3. **Drainage and Terracing for Slopes Steeper Than 33%**

- a. **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 1 unit vertical in 3 units horizontal (33.3% slope).
- b. **Hill Terrace.** Terraces at least 6 feet (1.83 m) in width shall be established at not more than 30-foot (9.14 m) 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 (18.29 m) and up to 120 feet (36.58 m) in vertical height, one terrace at approximately mid-height shall be 12 feet (3.66 m) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36.58 m) in height shall be designed by the civil engineer and approved by the building official. 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 paved with reinforced concrete not less than 3 inches (76 mm) in thickness or an approved equal paving as approved by the building official. They shall have a minimum depth at the deepest point of 12 inches (305 mm) and a minimum paved width of 5 feet (1.52 m).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1254.2 m²) (projected) without discharging into a down drain.

- c. **Subsurface Drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
- d. **Surface Drainage Disposal.** All drainage facilities shall be designed to carry waters to the nearest practicable drainageway approved by the building official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the building official. The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

- (1) No proposed fills are greater than 10 feet (3.05 m) in maximum depth.
- (2) No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet (3.05 m).

- (3) No existing slope faces, which have a slope face steeper than 1 unit vertical in 10 units horizontal (10% slope), have a vertical height in excess of 10 feet (3.05 m).
- e. **Interceptor Drains.** Paved 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 (12.19 m) measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches (305 mm) and a minimum paved width of 30 inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the building official.
4. **Maintenance Required.** The property owner shall be responsible for adequately maintaining all drainage facilities installed pursuant to this section.
5. **Grading Inspection**
- a. **General.** Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, or the engineering geologist, as applicable, retained to provide such services for engineered grading, and as required by the building official for regular grading.
- b. **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.
- c. **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 chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official and the civil engineer.
- d. **Engineering Geologist.** The engineering geologist shall provide professional inspection within such professional's area of technical specialty, which shall include professional inspection of the excavation to determine if 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.

- e. **Permittee.** The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.
 - f. **Building Official.** The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.
 - g. **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 chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the building official.
 - h. **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 building official in writing of such change prior to the re-commencement of such grading.
6. **Erosion and Sedimentation Control**
- a. **Administration**
 - (1) The erosion and sediment control provisions of this section shall be applicable to all facilities and activities under the supervision of the Director of the Department of Public Works.
 - (2) The administration of this section, as it affects County facilities and activities, is the responsibility of the Director of the Department of Public Works.
 - (3) The administration of this section as it affects other building, grading, and related activities is the responsibility of the Chief Building Official.

b. **Relationship to Other Regulations**

- (1) The County's Subdivision Regulations (Title III, Land Use and Development, Division 2, Subdivision Regulations, Section 323-6(a)(6), require the submission of a grading permit as a part of a tentative subdivision map application. The Director of the Department of Public Works shall be responsible for the administration of these regulations where a grading permit application is submitted as a part of a tentative subdivision map application.
- (2) For any County project over 50 cubic yards in size which involves the use of private property outside of existing public easements or rights-of-way, the Department of Public Works shall provide copies of all preliminary or final project plans or information which affects the private property to the Building Division of the Community Development Services Department.
- (3) Any soils or geologic reports prepared for any project where a grading permit is submitted as a part of a tentative subdivision map application, or related environmental document, shall be placed in the records of the Chief Building Official.

c. **Erosion and Sedimentation Control.** These minimum erosion and sedimentation control standards shall apply to all projects requiring building, grading, and development permits, and County of Humboldt Public Works activities, to prevent sedimentation or damage to onsite and offsite property. These standards shall be incorporated into the project design and shall be adhered to during project construction:

- (1) General Guidelines
 - (a) Minimize soil exposure during the rainy season by proper timing of grading and construction.
 - (b) Retain trees and natural vegetation to stabilize hillsides, retain moisture, reduce erosion, minimize siltation and nutrient runoff and preserve scenic qualities.
 - (c) Vegetate and mulch denuded areas to protect them from winter rains.
 - (d) Divert runoff away from steep, denuded slopes or other critical areas with barriers, berms, ditches or other facilities.
 - (e) Design grading to be compatible with adjacent areas and result in minimal disturbance of the terrain and natural land features.

- (f) Limit construction, clearing of vegetation and disturbance of the soil to areas of proven stability. Mitigate geologic hazards and adverse soil conditions when they are encountered.
- (g) Reduce sediment transport off the site to the maximum extent feasible through the use of Best Management Practices (BMPs).
- (h) Propose a new or modified erosion and sediment control technique if the technique is preferred and meets the intent of these regulations. Obtain approval from the County prior to implementation.
- (i) Conduct frequent site inspections to ensure that control measures are working properly and to correct problems as needed.
- (j) Employ other means of erosion and sediment control as required by the Chief Building Official or Director of the Department of Public Works as applicable.

(2) Sediment Control

- (a) Use sediment basins, silt traps, or similar measure to retain sediment transported by runoff water onsite.
- (b) Collect and direct surface runoff at non-erosive velocities to the common natural watercourse of the drainage area.
- (c) Avoid concentrating surface water anywhere except swales or watercourses.
- (d) Prevent mud from being tracked onto the public roadway by traveling over a temporary gravel construction entrance or washing off vehicle tires before entering a public or private driveway.

(3) Slope Construction

- (a) Minimize length and steepness of slopes by benching, terracing or constructing diversion structures.
- (b) Preserve, match, or blend cuts and fills with the natural contours and undulations of the land.
- (c) Round sharp angles at the top and sides of cut and fill slopes.

- (d) Maintain cut and fill slopes at less than two-to-one (2:1, run:rise) slope unless a geological and engineering analysis indicates that steeper slopes are safe and erosion and sediment control measures can successfully prevent erosion.
- (e) Where a cut or fill slope occurs between two lots, make the slope a part of the downhill lot if possible.

(4) Protection of Watercourses and Drainage Inlets

- (a) Prepare drainageways to handle concentrated or increased runoff from disturbed areas by using appropriate lining materials or energy absorbing devices to reduce the velocity of runoff water.
- (b) Trap sediment-laden runoff in basins to allow soil particles to settle out before flows are released to receiving waters, storm drains, streets or adjacent property. This standard is not mandatory for grading conducted between April 15 and October 15 and when the site is fully winterized and stabilized prior to October 15. Remove trapped sediment to a suitable location on-site or at a disposal site approved by the County.
- (c) Do not grade or drive equipment in a Streamside Management or Other Wet Areas except as allowed through the County Streamside Management Area Ordinance.
- (d) Deposit or store excavated materials away from watercourses.
- (e) Protect all existing or newly installed storm drainage structures from sediment clogging.
- (f) Use straw bales, filter fabric wraps and drainage inlet protections in a manner that does not cause additional erosion or flooding of a roadway.

(5) Disposal of Excavated Materials

- (a) Stockpile topsoil on the site for use on areas to be revegetated.
- (b) Place stockpiled soil in locations, so that if erosion occurs, it will not contribute to offsite sediment discharge.
- (c) Protect stockpiled soil promptly through the use of appropriate BMPs to reduce the risk of erosion and sediment transport. Apply mulch or other protective coverings on stockpiled material that will be exposed through the winter season.

(d) Dispose of excavated material not used at the site at a location approved by the County.

(6) Dust Control

(a) All construction areas, including disposal sites, shall be treated and maintained as necessary to minimize the emission of dust. Maintenance shall be conducted as necessary to prevent a nuisance to offsite properties.

(b) All construction sites, including driveways, shall be maintained as necessary to minimize the emission of dust and prevent the creation of a nuisance to adjacent properties.

(7) Revegetation

(a) Apply temporary seeding and mulching to denuded areas prior to October 15 unless the project is conditioned otherwise.

(b) Establish a permanent vegetative cover on denuded areas not otherwise stabilized. Permanent vegetation ground cover must control soil erosion satisfactorily and survive severe weather conditions.

(c) Retain a vegetative barrier whenever possible around property boundaries.

(d) Use self-sustaining, non-invasive plants that require little or no maintenance and do not create an extreme fire hazard.

(e) Use native plant species whenever feasible.

d. **Erosion and Sediment Control Plan Requirements**

(1) Preparation

A site-specific erosion and sediment control plan shall be prepared and submitted with any development application which involves grading or related activities which has any one of the following characteristics:

(a) The total area of grading and related activities is one (1) acre or more.

(b) The slope is 15% or steeper (of the area to be developed).

- (c) The grading is located within an area of moderate or high geologic instability.
- (d) The grading is within a Streamside Management or Other Wet Area.
- (e) The grading is within a floodplain.
- (f) The grading is for a driveway or road which exceeds 300 feet in length.
- (g) The grading is proposed to occur during winter land disturbing operations (15 October - 15 April).

In addition, the Chief Building Official may require, at any time during design or construction of any project, an erosion and sediment control plan prepared by a qualified professional at the owner's expense.

The plan shall be prepared by a person or firm qualified by training and experience to have expert knowledge of erosion and sediment control methods. The professionally qualified person or firm may be a duly licensed or registered architect, civil engineer, engineering geologist, landscape architect, professional forester, professional soil erosion and sediment control specialist, or a soil conservation service employee working under the responsible charge of a qualified professional. When approved by the Chief Building Official, such plan shall be implemented by the owner. Costs incurred by the County for the checking of plans or calculations or for inspection as a result of preparation of an erosion and sediment control plan shall be borne by the owner or permittee per the adopted County fee schedule.

(2) Implementation Measures

The proposed measures shall be based on recommendations contained in the latest edition of *the State of California Erosion and Sediment Control Handbook* or *State Water Resources Control Board Best Management Practice Construction Handbook* or equivalent Best Management Practice erosion and sediment control guides.

(3) Contents. The plan shall conform to the requirements found in this section.

(a) General

- (1) Identify the owner, plan preparers, project location and activity.

- (2) Include a declaration that the plan was prepared by a person or firm qualified by training and experience to have expert knowledge of erosion and sediment control methods. If the plan is not prepared by a licensed or registered professional, state the justification for the declaration.
- (3) Identify BMP guide(s) used for plan preparation.
- (4) Outline the construction schedule and provide specific deadlines for implementation of erosion control features, specific grading and erosion control activities that will occur subsequent to Final Map recordation.
- (5) Include a schedule for inspection and maintenance of erosion control features by date, project milestone or rainfall event. Specify the individuals responsible for the inspection and their reporting requirements.

For winter land disturbing operations (15 October - 15 April)

include:

- (6) Necessity for working during the winter and efforts to minimize land disturbance.

(b) Sediment Control, Slope Construction and Protection of Watercourses

- (1) Identify existing and proposed drainage patterns, channels and facilities.
- (2) Calculate changes in flow quantities or velocities and specify necessary slope protection or drainage channel and facility improvements.

For winter land disturbing operations (15 October - 15 April)

identify:

- (3) Temporary slope stabilization measures such as mulching with protective coverings. Specify timing of application.
- (4) Temporary channels, interceptors and diversions necessary to control surface water flow over cut and fill slopes.
- (5) Measures to reduce drainage flow velocities such as, benches, vegetation filter strips and earth dams.

- (6) Identify temporary sediment detention basins necessary to retain sediment transported by surface water onsite, including:
 - (i) Location, dimensions and design.
 - (ii) Design criteria and hydraulic sizing calculations.
 - (iii) Construction method.
 - (iv) Maintenance requirements and schedule.
- (7) Methods to prevent vehicle tracking of mud onto public roadways.
- (c) Disposal of Excavated Materials
 - (1) Type and quantity of material.
 - (2) Location of disposal area.
 - (3) Methods to prevent erosion.

For winter land disturbing operations (15 October - 15 April) include:

- (4) Methods to direct drainage away from stockpile.
- (5) Methods to prevent erosion of stockpile during construction.
- (d) Dust Control
 - (1) Measures to keep dust to a minimum during the construction period.
 - (2) Measures to prevent wind erosion of exposed soil.
- (e) Removal of Vegetation and Revegetation
 - (1) Identify the area and type of vegetation to be removed and the necessity for removal.
 - (2) Identify methods for protecting existing vegetation.
 - (3) Specify area to be revegetated.
 - (4) Name the type, quantity and method of application of mulch, seed or plants.

- (5) Describe plans for fertilization and irrigation.
- (6) Comment on the ability of cut or fill surfaces to support permanent vegetation.

For winter land disturbing operations (15 October - 15 April) include:

- (7) Identify temporary revegetation measures such as stage seeding and/or planting of fast germinating seeds. Describe seed protection and vegetation maintenance requirements.
- (f) For winter land disturbing operations, the conditions identified above may be modified or deleted by the Director of Community Development Services based upon weather reports, the proposed construction period, the type and size of the activity and site attributes such as location, slope and soil stability.

(4) Storm Water Pollution Prevention Plans (SWPPP)

For projects subject to the requirement to prepare a SWPPP, a preliminary SWPPP may be submitted in lieu of the erosion and sediment control plan required by these regulations, so long as the SWPPP addresses all the standards and conditions contained within these regulations.

e. **Samples of Best Management Practices**

Found within Attachment 1 to these regulations are schematic drawings which show various Best Management Practices. Specific drawings may be cited for projects where they are proposed for use. Where included within a erosion and sediment control plan, the drawings are to be drawn to scale, with placement shown upon a site plan of the project area. Narrative may be included upon the grading and drainage plan sheet or may be contained in a separate report.

I. **COMPLETION OF WORK**

- 1. **Final Reports.** Upon completion of the permitted rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading, or when professional inspection is performed for regular grading, as applicable.
 - a. A set of record drawings prepared by the civil engineer retained to provide such services shall show the original ground surface elevations, as-graded ground surface elevations, lot 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.

- b. Civil engineers shall submit a written statement that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.
 - c. A report prepared by the soils engineer retained to provide such services shall include the 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. Soils engineers 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 chapter.
 - d. A report prepared by the engineering geologist retained to provide such services shall include a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved 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 this chapter.
 - e. The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plan and the specifications.
2. **Notification of Completion.** The permittee shall notify the building official 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.

ATTACHMENT 1
TO SECTION 331-12
GRADING, EXCAVATION, EROSION AND SEDIMENTATION
CONTROL

STANDARD DRAWINGS

- 1 TYPICAL INTERCEPTOR SWALE / OUTFALL DETAIL**
- 2 SOIL STABILIZATION**
- 3 SILT FENCE**
- 4 STRAW BALE BARRIER**
- 5 DIKES AND SWALES**
- 6 EROSION CONTROL BLANKETS**
- 7 BRUSH BARRIER**
- 8 SANDBAG BERM**
- 9 SEDIMENTATION POND BAFFLES**
- 10 ROCK CHECK DAMS**
- 11 SEDIMENT TRAP OUTLET**
- 12 SHALLOW WATER SETTLING POND**
- 13 DEEP WATER SETTLING POND**
- 14 STEPPING SLOPES**
- 15 URBAN CONSTRUCTION ROUTE**
- 16 RURAL CONSTRUCTION ACCESS ROUTE**
- 17 PIPE SLOPE DRAINS**
- 18 ENERGY DISSIPATOR**

Refer to DRAWINGS document.

Section C

Geologic Hazards

**TITLE III, LAND USE AND DEVELOPMENT
DIVISION 3, BUILDING REGULATIONS
CHAPTER 6 - GEOLOGIC HAZARDS**

GEOLOGIC HAZARDS

336-1. Purpose. The purpose of these regulations is to ensure that risks to life and property in moderate and high geologic hazard areas shall be minimized and further, to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of development sites or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

336-2. Applicability. The Geologic Hazards Regulations shall apply throughout Humboldt County for those projects and activities which fall within the County's land use and development jurisdiction.

336-3. Modifications Imposed by Geologic Hazards Regulations. The provisions of the Geologic Hazards Regulations shall be in addition to requirements imposed by all other Zoning and Development Regulations. Whenever the provisions of these regulations conflict with or are inconsistent in application with any other regulations, including any conflict with the County Grading Ordinance (Section 331-12), the most restrictive regulations shall apply.

336-4. Natural Hazards/Land Use Rating Matrix. New development shall be reviewed, approved and sited in accordance with the "Geologic Hazards Land Use Matrix", Figure 1 of this section, and the regulations pertaining to the "Area of Demonstration of Stability," Section 336-5.(4)(a)vii, below.

336-5. Reports Required. Engineering geologic and/or soil engineering reports shall be required according to the following:

(1) RI Report Requirements.

(a) A preliminary engineering geologic report and a preliminary soils engineering report shall be prepared for the classes of development and hazard areas indicated by "RI" in the Geologic Hazards Land Use Matrix found as Figure 1 of these regulations.

(b) The preliminary engineering geologic report shall be prepared by a registered geologist or a registered engineering geologist and shall provide a geological reconnaissance and evaluation of the project site and surrounding terrain. The preliminary report shall identify areas or issues which either do or do not require further engineering geologic and/or soils engineering evaluation.

(c) The preliminary soil engineering report shall describe the nature of the subsurface soils and any soil conditions which would affect the design and/or layout of the proposed development. The report shall include the locations and logs of any test borings and percolation test results if onsite sewage disposal is proposed. The report shall recommend areas or issues of concern which require additional engineering or geologic evaluation.

(d) The additional information that is recommended by the preliminary reports shall be provided or the proposed development shall be modified to avoid the identified areas of potential instability. The proposed development shall be sited and designed in accordance with the recommendations of the reports in order to minimize risk to life and property on the project site and for any other affected properties.

(2) R2 Report Requirements.

(a) A preliminary engineering geologic report and a preliminary geotechnical engineering report shall be prepared for the classes of development and hazard areas indicated by "R2" in the Geologic Hazards Land Use Matrix found as Figure 1 of these regulations. These reports shall be prepared by either a registered geologist or a registered geotechnical engineer experienced and knowledgeable in the practice of soil engineering. These reports shall provide a geologic reconnaissance and evaluation of the project site and surrounding terrain. (Res. 85-126, 12/17/85)

(b) A geotechnical (soils) engineering analysis may meet the preliminary geologic report requirement for developments where the primary concerns are soils mechanics and appropriate structural design. In such cases it is incumbent upon the engineer to consult a registered geologist should it become apparent that an adequate structural solution requires additional geologic input. If, after preliminary investigation of the project site and the surrounding terrain, no geological consultation is felt by the engineer to be required, the engineer shall certify that such an evaluation is not required. It is incumbent upon the geologist to recommend that a geotechnical engineer be consulted when it becomes apparent that soils mechanics analyses are needed.

(c) The applicant shall either provide additional information as recommended by the preliminary geologic or soils report or modify the application to avoid identified areas of potential instability. The proposed development shall be sited and designed in accordance 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.

(3) Alquist-Priolo Special Study Zone Report.

(a) **Special Study Zone Report.** When a report is required pursuant to the Geologic Hazards Land Use Matrix found as Figure 1 of these regulations, or State Law, it is to be combined with the reports required under this part where feasible. The report is to be prepared by a registered geologist and consistent with State Mines and Geology Note 49, or successor regulations.

(b) **Review of Geologic Fault Evaluation Report by County Geologist.** An application for development which requires a report or waiver prepared pursuant to the Alquist-Priolo Fault Hazard Regulations shall not be accepted as complete unless and until there are fully executed agreements between:

- i. A geologist registered in the State of California and the County to either review the report required herein above or to prepare a request for waiver; and
- ii. The County and the applicant to reimburse the County for the costs incurred pursuant to the agreement specified in subparagraph (i) above.

(c) **County Geologist Review.** Within thirty (30) days of an application for development located within an Alquist-Priolo special study area, the County shall cause a geologist registered in the State of California (hereinafter called County reviewing geologist) to review the geologic report. The review shall assess the adequacy of the documentation contained in the report, and the appropriateness of the depth of study conducted in consideration of the use proposed for the project site. The County reviewing geologist shall prepare a written review which either concurs or does not concur with the scope, methodology, interpretations, conclusions, and recommendations of the geologic report. Said review shall be subject to comment and revision as may be deemed necessary by the County.

Within thirty (30) days after acceptance of the geologic report, the County shall forward it to the State Geologist to be placed on open file.

(4) **Discretionary Report Requirements.** The Chief Building Official shall determine if a preliminary geologic report or a preliminary soil engineering report is required for the classes of development and hazard areas indicated by a 'D' in the Geologic Hazards Land Use Matrix. The criteria for determining whether or not a report is required when it is designated in the Geologic Hazard Land Use Matrix as discretionary include the following; however, where evaluation of items listed below is inconclusive, a statement is required by a registered engineer that a geologic or soil report is not required for the safety of the project:

(a) Criteria for either type of report shall include:

- i. a site inspection by the building inspector;
- ii. geologic maps and reports -covering the area;
- iii. the potential for the development to affect adjacent property or improvements;
- iv. the degree to which public exposure to risk may be a factor;
- v. the size and scale of the proposed development;
- vi. for development within the Coastal Zone, the policies of certified local coastal plans; or
- vii. where any portion of a project is located within an area of demonstration of stability as described in the following subsection, a geologic report is required:

“Area of Demonstration of Stability” – As a general rule, the area of demonstration of stability (Illustration A) includes the base, face, and tops of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane included at a 20E angle from horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff whichever is greater. However, the County may designate a lesser area of demonstration in specific areas of known geologic stability (as determined by adequate geologic evaluation and historic evidence) or where adequate protective works already exist. The County may designate a greater area of demonstration or exclude development entirely in areas of known high instability.

“Bluff or Cliff Areas” – A bluff or cliff is a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass. The cliff or bluff may be simple planar or curved surface or it may be steplike in section. For the purposes of this guideline, “cliff” or “bluff” is limited to those features having vertical relief of 10 feet or more, and “seacliff” is a cliff whose toe is or may be subject to marine erosion.

- (b) A soil engineering report is required when one or more of the following conditions exist or are proposed:
 - i. the depth (or height) of cut or fill is three (3) feet or greater;
 - ii. the fill is to support structural footings;
 - iii. an engineered cut or fill is required;
 - iv. the soils are or may be subject to significant shrink-swell; or
 - v. material exists that may be subject to settlement or subsidence.
- (c) An engineering geologic report is required when one or more of the following conditions exist or are proposed:

- i. finish cut or fill slope faces with vertical heights in excess of 10 feet;
- ii. existing slope steeper than five (5) horizontal to one (1) vertical;
- iii. an existing cut slope having a vertical height in excess of ten (10) feet;
- iv. existing sea cliffs, stream bank cliffs, etc. in excess of ten (10) feet;
- v. existing or suspected earthquake or seismic hazards;
- vi. existing or suspected groundwater hazards;
- vii. areas that are underlain by landslides or soil creep or by rock material susceptible to landslide or creep activity;
- viii. areas where materials exist that may be subject to settlement or subsidence; or
- ix. areas subject to drifting or loose sand.

(5) **Report Waiver.** The report requirements of subsections (1), (2) or (3) above may be waived or the contents modified by the Chief Building Official when:

- (a) An adequate geologic and/or soil assessment at a suitable scale already exists for the site proposed for development; or
- (b) Reports are found not to be required following an evaluation of the criteria listed in subsection (4) by the Building Official; and
- (c) The proposed development is not within a Critical Water Supply Area as designated in the General Plan.
- (d) Report requirements may not be waived within the Coastal Zone, except that for Coastal Zone portions of Shelter Cove only, the requirements may be waived if the proposed development is within a waiver area as specified in Appendix E of the Southcoast Area Plan, and the Chief Building Official concurs.

(6) **Substitute Report.** The above required soil report may serve as a substitute for the report required by Section 326-24, where, in the opinion of the Building Official, it contains substantially the same information and addresses the concerns that may have been identified by the Department's field inspection.

F. Contents of Reports.

(1) **Engineering Geologic Report.** The above required engineering geologic reports, "R1" and "R2", shall provide a preliminary geological 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 proposed project. Reports shall be prepared in accordance with the California Division of Mines and Geology (CDMG) Note #44, "Recommended Guidelines for Preparing Engineering Geologic Reports." CDMG Notes #37, 43 and 49 shall

be utilized as applicable when seismic or fault rupture hazards are identified as concerns.

In citing the CDMG Notes, it is not the intent of the County to seek lengthy dissertations on the area geology, but rather to provide uniform outlines to serve as checklists with points to be discussed as applicable.

- (2) **Preliminary Soil Engineering Report.** The above required preliminary soil engineering report shall describe the nature of the subsurface soils and any soil conditions which would affect the design and/or layout of the proposed development. The report shall include the locations and logs of any test borings and percolation test results if on-site sewage disposal is proposed. The report shall recommend areas or issues of concern which require additional engineering or geologic evaluation. These reports shall be prepared in accordance with the applicable sections of the Uniform Building Code, including appendices.
- (3) **Supplementary Information for Reports for Development located in the Coastal Zone.** Specifically, within the coastal zone, the reports should give particular treatment and analyze the following, as applicable:
 - (a) Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport;
 - (b) Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e., introduction of sewage effluent and irrigation water to the groundwater system; alterations in surface drainage);
 - (c) Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design);
 - (d) Effects of marine erosion of seacliffs;
 - (e) Detailed mitigation measures or alternative solutions for avoiding potential impacts;
 - (f) Professional conclusions as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the life span of the project; and
 - (g) Currently acceptable engineering stability analysis method should be used, the method(s) of field analysis should be described, and the degree of uncertainty of analytical results due to assumptions and unknowns should be described.

G. Development Standards.

- (1) When a report is required by Section 336-4, the applicant shall either provide additional information as recommended by the preliminary geologic and/or soils report, or modify the proposed development to avoid identified areas of potential instability. The proposed development shall be sited, designed and constructed in accordance 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.
- (2) Projects shall be constructed in accordance with the California Building Code Section pertaining to Earthquake Regulations, as applicable.
- (3) Within the coastal zone, the following shall also apply:
 - (a) Developments shall be sited and designed to assure stability and structural integrity for their expected economic life spans while minimizing alteration of natural landforms (for the purpose of these regulations the “expected economic life span” is seventy-five (75) years; it is recognized that this is a “term of art” for the geologic profession);
 - (b) Bluff and cliff developments (including related storm runoff, irrigation, wastewater disposal and other activities and facilities accompanying such development) shall not create nor contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas;
 - (c) Alteration of cliffs and bluff tops, faces, or bases by excavation or other means shall be minimized. Cliff retaining walls shall be allowed only to stabilize slopes.

H. Standard Condition. When a report is required by Section 336-4, and in addition to any other terms or conditions imposed as development conditions, the owners of record, prior to permit issuance, shall complete and execute a “Deed Restriction and Hold Harmless Agreement.” The restriction and agreement shall be recorded and run with the land.

Figure 1

GEOLOGIC HAZARDS LAND USE MATRIX

	BUILDING TYPE/ LAND USE	Earthquake Shaking	Slope Stability				Liquefaction		Fault Rupture SSR*	Critical Water Supply Areas***
			1	2	3	4	Moderate	High		
hazardous	Nuclear power plants, major dams, hazardous chemical storage	R 1								
essential	Hospitals, fire and police stations, civil defense headquarters, life line utility systems, ambulance stations									
high risk	Schools, theaters, auditoriums, hotels, large motels, major office buildings, high density residential, redundant utility systems, major highway bridges									
low risk	Major subdivision, heavy industrial	D	R 2	R 2	R 1	R 1	D	R 2	R 2*	
	Multi-family structures greater than 4-plexes	D	D	D	R 2	R 1	D	R 2	R 2*	
	Minor subdivisions	D	D	D	R 2	R 1	D	R 2	R 2*	
	Light industrial warehousing, commercial	D	D	D	D	R 2	D	D	R 2*	
	Residential structures on existing lots with footing loads greater than typical two-story wood-frame dwellings	D	D	D	R 2	R 2	D	D	R 2*	
	Residential wood-frame structures two stories or less on existing lots	D	D	D	R 2	R 2	D	D	R 2**	

R means preliminary report is required (see Section 336-5 (1) and (2) for R 1 and R 2 requirements).

D means preliminary report is discretionary.

* SSR means Alquist-Priolo Special Studies Zone. A report prepared by a registered geologist is required in the fault rupture Special Studies Zone unless waived pursuant to the Alquist-Priolo Act.

** a single-family wood-frame structure not exceeding two stories is exempt when such dwelling is not part of a development of four more dwellings.

*** as designated on the Biological Resources Map.

Major Subdivision: defined as subdivisions requiring the filing of a final map pursuant to Subdivision Map Act (see. Gov. Code Section 66426).

Minor Subdivision: subdivisions requiring the filing of a parcel map pursuant to the Subdivision Map Act.

RECORD REQUESTED BY
AND RETURN TO:

Department of Planning and Building
County of Humboldt
3015 H Street
Eureka, CA 95502

DEED RESTRICTION AND HOLD HARMLESS AGREEMENT

I. WHEREAS, _____,
hereinafter referred to the “**OWNER**,” is the record owner of real property described as
Assessors Parcel No. _____, commonly known as
_____, California, and hereinafter referred to as the
“**PROPERTY**,” and

II. WHEREAS, the COUNTY OF HUMBOLDT, hereinafter referred to as the
“**COUNTY**,” is vested with planning, building and coastal permitting discretion and authority;
and

III. WHEREAS, the subject property is located within or adjacent to an area of
_____ as shown in the County General Plan; and

IV. WHEREAS, pursuant to the County Zoning and Subdivision Ordinances, and Local
Coastal Plan, the “**OWNER**” applied to the “**COUNTY**” for a development permit approval for
a _____ on the “**PROPERTY**” described above; and

V. WHEREAS, a Permit, hereinafter referred to as the “**PERMIT**,” was granted on
_____, by the “**COUNTY**” in accordance with the provision of the Notice of Action Taken,
attached hereto as Exhibit “A” and herein incorporated by reference; and

VI. WHEREAS, the “PERMIT” was subject to certain terms and conditions including, but not limited to, the following conditions:

1. Assumption of Risk and Waiver of Liability.

PRIOR TO ISSUANCE of the Development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the “COUNTY,” which shall provide:

a. that the landowner understands that the site may be subject to extraordinary _____ hazards and that the landowner assumes the liability from such hazards; and

b. That the landowner unconditionally waives any claim of liability on the part of the “COUNTY” and agrees to hold harmless the “COUNTY” and its employees and contractors relative to the “COUNTY” approval of the project for any damage due to natural hazards, and;

2. Further “OWNER,” for themselves, their heirs and successors in interest covenant and agree that at no time shall there be more than _____, or any appurtenant structures, on the above described property without prior written “COUNTY” approval.

The Deed Restriction and Hold Harmless Agreement shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

VII. WHEREAS, “COUNTY,” found that but for the imposition of the above conditions the proposed development could not be found consistent with the provisions of the zoning ordinance and general plan and that a permit could therefore not have been granted; and,

VIII. WHEREAS, “OWNER” has elected to comply with the conditions imposed by the “PERMIT” and execute this Deed Restriction and Hold Harmless Agreement so as to enable “OWNER” to undertake the development authorized by the “PERMIT.”

NOW, THEREFORE, in considerations of the granting of the “PERMIT” to the “OWNER” by the “COUNTY,” the “OWNER” hereby irrevocably covenants with the “COUNTY” that there be and hereby is created the following restrictions on the use and enjoyment of said “PROPERTY,” to be attached to and become a part of the deed, to the “PROPERTY.”

1. COVENANT, CONDITION AND RESTRICTION. The undersigned “OWNER,” for themselves and for their heirs, assigns, and successors in interest, covenants and agrees that:

a. “OWNER” understands that the site may be subject to _____ hazards and that the landowner assumes any and all liability from such hazards; and

b. “OWNER” shall indemnify, defend, and hold harmless “COUNTY” and it’s officers, officials, and employees from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with “OWNER” performance of work hereunder or its failure to comply with any of its obligations contained in the agreement.

C. “OWNER,” for themselves, their heirs and successors in interest covenant and agree that at no time shall there be more than _____, on the above-described property without prior written “COUNTY” approval.

2. DURATION. Said Deed Restriction and Hold Harmless Agreement shall remain in full force and effect during the period that said “PERMIT,” or any modification or amendment thereof remains effective, and during the period that the development authorized by the Permit or

any modification of said development, remains in the “**PROPERTY**” described herein, and shall bind “**OWNER**” and all their assigns or successors in interest.

3. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction and Hold Harmless Agreement is irrevocable and shall constitute an enforceable restriction within the meaning of both Article XIII, Section 8, of the California Constitution; and Section 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to the “**PROPERTY**” within the meaning of section 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

4. RIGHT OF ENTRY. “**COUNTY**” or its employees and agents may enter onto the “**PROPERTY**” at times reasonably acceptable to the “**OWNER**” to ascertain whether the use restriction set forth above is being observed.

5. REMEDIES. Any act, conveyance, contract, or authorization by the “**OWNER**” whether written or oral which uses or would cause to be used or would permit use of the “**PROPERTY**” contrary to the terms of this Deed Restriction and Hold Harmless Agreement will be deemed a violation and a breach hereof. The “**COUNTY**” and the “**OWNER**” may pursue any and all available legal or other equitable remedies to enforce the terms and conditions of this Deed Restriction and Hold Harmless Agreement. In the event of a breach, any forbearance on the part of either party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

6. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Dated:

Owner

STATE OF CALIFORNIA
COUNTY OF HUMBOLDT A

On this the ____ day of _____, before me, _____,
Notary Public, personally appeared _____, personally known to me OR proved
to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
the within instrument, and acknowledged that she/he/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

Section D

Streamside Management Area Ordinance

**TITLE 3
LAND USE AND DEVELOPMENT
DIVISION 1, PLANNING ZONING REGULATIONS
CHAPTER 6 - GENERAL PROVISIONS AND EXCEPTIONS
SECTION 314-61.1**

STREAMSIDE MANAGEMENT AREA ORDINANCE

(a) Short Title

This section shall be known and cited as the “Streamside Management Area Ordinance of the County of Humboldt” (SMAO). In any administrative action taken by any public official under the authority of this code, the use of the term “Streamside Management Area Ordinance” or “SMAO”, unless further modified, shall also refer to and mean this section.

(b) Purpose

The purpose of this section is to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas such as: natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation).

The purpose of establishing the standards are to:

- Create an Streamside Management Area ordinance within the zoning regulations of the County of Humboldt pursuant to the mandates of state law.
- Implement portions of the County’s General Plan policies and standards pertaining to open space, conservation, housing, water resources, biological resources, and public facilities.

(c) Relationship to Other Regulations

These regulations shall be in addition to regulations imposed by the principal zone, combining zone, development regulations, and other open space or resource protection regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the most protective of natural resources shall apply.

(d) Scope of Application

This section shall be applicable to all development within or affecting SMAs or other wet areas within the unincorporated areas of the County and outside the Coastal Zone.

The provisions of this section shall be applicable to all development permits issued by the County pursuant to:

- (1) Title III, Land Use and Development, Division 1, Planning.

- (2) Title III, Land Use and Development, Division 2, Subdivision Regulations.
- (3) Title III, Land Use and Development, Division 3, Building Regulations.
- (4) Title IV, Streets and Highways, Division 1, Protection and Control of County Roads and Permits.

These regulations shall not apply to:

- (1) Routine maintenance activities associated with existing public or private facilities, defined as “activities to support, keep and continue in an existing state or condition without decline.” Routine activities include the replacement of culverts and related structures when conducted pursuant to a Department of Fish and Game Streambed Alteration Agreement.

For the purpose of these regulations, routine maintenance activities do not include:

- removal of trees with a diameter of 12 inches or greater (38-inch circumference), or
- removal of trees from within a contiguous or non-contiguous area of more than 6,000 square feet as measured under the tree canopy, or
- activities that could result in significant environmental impacts where the removal will:
 - be located within a streamside management or other wet area as defined in County regulations, or
 - occur on slopes greater than 15%, or
 - will expose more than 2,000 square feet of soil to erosion.

A site evaluation shall be made where necessary to determine if a project meets the exemption standards of these regulations or if the proposed development requires a special permit.

- (2) Grading and construction activities associated with onsite wells and sewage disposal systems for single-family dwellings which have received all required County and State permits; or
- (3) Any project where a complete application for grading or construction was accepted by the Community Development Services Department prior to April 25, 1995; or
- (4) To any construction or grading on property which was subdivided and subject to discretionary and environmental review by the County after the

effective date of the 1984 General Plan, January 2, 1985, and any subsequent and applicable Community Plans, if the Responsible Department has determined that all conditions of approval and specific mitigation requirements have been fully met; or

- (5) Development activities proposed and carried out under the provisions of the County Code Title III, Land Use and Development, Division 9, Mining Operations.
- (6) Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities which are not exempt from the local regulation pursuant to Public Resources Code Section 4516.4 are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.
- (7) The exemptions contained in Section 331-12.D.2., Grading, Excavation, Erosion and Sedimentation Control do not apply in SMAs or other wet areas.
- (e) Permit Required and Processing

All development as defined in the Framework Plan within or affecting SMAs or other wet areas not exempted under subsection (d) above shall require a permit pursuant to an application for development within SMAs or other wet areas and processed as a Special Permit pursuant to the Humboldt County Zoning Regulations (Section 312-3.1.1 et seq).

For those activities subject to these regulations and conducted by the County Department of Public Works, the Director of the Department (of Public Works) shall be responsible for the environmental review and public notice requirement, be empowered to approve and issue a special permit following the making of findings, be empowered to meet with and work out solutions with impacted parties, and be required to provide notice and staff support to the Planning Commission when a hearing is requested. The impacted parties shall have a mandatory meeting with the Department of Public Works in an attempt to work out any issues before a hearing is requested or an appeal to the Planning Commission is filed.

(f) Findings of Exception - Written Report

Where there is disputed evidence, or controversy, regarding a finding of exception, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which a finding of exemption is made. Copies of the report shall be sent to CDFG or any person or group requesting such report in writing. Any person dissatisfied with the finding of exemption may request a formal review pursuant to Section 314-61.1(h).

(g) Definitions

Whenever the words listed below are used in the Zoning Regulations or other regulations related to the Streamside Management Area Ordinance, they shall have the following meaning:

- (1) “Grading” means all grading, filling, land contouring, clearing and grubbing, drainage activities, site preparation, and road building.
- (2) “CDFG” means the California Department of Fish and Game.
- (3) “Construction” means the erection or construction of, or addition to, any building or structure but shall not include the structural alteration, repair, remodeling, or demolition and reconstruction of and additions to any building or structure where the work would not increase the “footprint” of the building or structure. “Construction” does not include “minor additions” as defined in this section.
- (4) “Minor Additions” means an exception to these standards for additions to buildings or structures existing on April 25, 1995, of up to 500 square feet of floor area. From this date forward, any number of individual additions to an existing building or structure may be permitted provided the aggregated total increase in square footage for all changes does not exceed 500 square feet of floor area. A “minor addition” is not “construction” as defined in these standards. Note: Physical additions to a building or structure where a condition or a prior discretionary permit or subdivision approval indicated that any future additions would be prohibited are not minor additions as defined in these Implementation Standards.
- (5) “Project” means any “grading” or “construction” activities subject to the provisions of these standards.
- (6) “Streamside Management Areas” (SMAs) [section 3432(5) of the Humboldt County 1984 General Plan] shall be as defined in the Humboldt County General Plan (Page G-8) and includes, a natural resource area along both sides of streams containing the channel and adjacent land.
 - (a) In areas outside of Urban Development and Expansion Areas (as defined in the Humboldt County General Plan Page G-9), the outer boundaries for streams (which do not consist entirely of drainage ditch or other manmade drainage device, construction or system) shall be defined as:
 - (1) 100 feet, measured as the horizontal distance from the stream transition line (as defined in the Humboldt County General Plan Page G-8), on either side of perennial streams.

(2) 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.

(b) In areas inside of Urban Development and Expansion Areas, the outer boundaries for streams (which do not consist entirely of a drainage ditch or other manmade drainage device, construction or system) shall be defined as:

(1) 50 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams.

(2) 25 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.

(c) Where necessary, as determined by the responsible department, the width of SMAs shall be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance, as measured pursuant to subsection (a) or (b) above, as applicable.

(d) The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that:

(1) The USGS mapping of the stream as perennial or intermittent is not accurate, and typical stream flow can be shown to be less than that required to be classified as either perennial or intermittent, or,

(2) It will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability.

Such a determination will require a permit to be processed as a Special Permit pursuant to Section 312-3.1.1 et seq of the Zoning Regulations.

(7) Other Wet Areas [section 3432(10) of the 1984 General Plan], i.e., natural ponds, springs, vernal pools, marshes and wet meadows which exhibit standing water year-long or riparian vegetation. The existence of possible Other Wet Areas shall be identified by the responsible department using normal soils investigation criteria. These criteria indicate the presence of any of the following: standing water, evidencing a natural pond or poor drainage conditions, marshy soils, or hydrophilic vegetation (e.g., swamp grass).

(8) Wetlands - as defined in the California Department of Fish and Game Code Section 2785, Subdivision (g).

(h) Administration and Enforcement

The regulations of this section are to be administered and enforced by the respective Administrative or Enforcement Official designated by the Code for each section cited in subsection (d) above and hereinafter referred to as “Responsible Department.” In case of disagreement in the application of the regulations, the Director of the Community Development Services Department shall decide, subject to appeal to the Board of Supervisors pursuant to Section 312-13.

(i) Development Allowed

(1) Development within stream channels is limited to the following projects:

- (a) Fishery, wildlife, and aquaculture enhancement and restoration projects.
- (b) Road crossings consistent with subsection (j) below.
- (c) Flood control and drainage channels, levees, dikes and floodgates.
- (d) Mineral extraction consistent with other County regulations.
- (e) Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies.
- (f) Agricultural diversions and wells.
- (g) New fencing, so long as it would not impede the natural drainage or would not adversely effect the stream environment or wildlife.
- (h) Bank protection, provided it is the least environmentally damaging alternative.
- (i) Other essential public projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public’s health and safety.
- (j) Improvements to non-conforming uses and structures when consistent with Section 314-131 - 314-132 of the County Code and these regulations.

(2) Development within Streamside Management Areas shall be limited to the following:

- (a) Development permitted within stream channels.

- (b) Timber management and harvests not otherwise excluded by the Applicability Section as well as noncommercial cutting of firewood and clearing for pasturage, provided:
 - (1) Cottonwoods are retained.
 - (2) Remaining willows and alders, as well as other unmerchantable hardwoods or shrubs, are to be protected from unreasonable damage.
- (c) Road and bridge replacement or construction, where the length of the road within the SMA shall be minimized, and when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
- (d) Removal of vegetation for disease control or public safety purposes.
- (3) Bank Protection
 - (a) Protection measures for County river and stream banks may be permitted for the following purposes:
 - (1) Maintenance, replacement, or construction of necessary public or private roads;
 - (2) Maintenance, replacement, or construction of levees and dikes;
 - (3) Protection of principal structures in danger due to erosion;
 - (4) Protection of lands zoned AE, Agricultural Exclusive, from erosion.
 - (b) The bank protection measures which may be permitted are listed below in order of preference. The measures chosen for any bank protection project shall employ the highest ranking protection measure wherever feasible. The preference ranking for permitted protection measures shall be as follows:
 - (1) Piling fence;
 - (2) Rock hard points;
 - (3) Continuous revetment.

(j) Mitigation Measures

Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:

- (1) Retaining snags unless felling is required by CAL-OSHA, or by California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the appropriate County department. Felled snags shall be left on the ground if consistent with fire protection regulations as they have no economic value.
- (2) Retain live trees with visible evidence of use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.
- (3) Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall be required unless natural regeneration does not occur within two years of the completion of the development project. The mitigation and monitoring report adopted as a part of project approval shall include an alternative regeneration plan in case natural regeneration is not successful.
- (4) Revegetation along channelized streams and other wet areas shall be required where the habitat has been converted to other uses. For development allowed within a Streamside Management or Other Wet Areas where the riparian habitat has been converted to other uses, the project shall be conditioned to require the development of new riparian or wetland habitat of an area equal to the area in which the development is to occur or, the area of an existing or proposed easement or right-of-way, whichever is larger.
- (5) Erosion control measures: As found within the Building Regulations, Section 331-12, Grading, Excavating, Erosion, and Sedimentation Control.

(k) Prohibited Activities

The following prohibitions pertain to all development and related activities within Streamside Management or Other Wet Areas within the County:

- (1) The discharge of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County's Streamside Management Area Ordinance, onsite or offsite, into any Streamside Management or Other Wet Area in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.
- (2) The placement of soil, vegetation, or other organic or inorganic material from any development activity, except those authorized pursuant to the County's Streamside Management Area Ordinance, onsite or offsite, where such material

could pass into any Streamside Management or Other Wet Area in quantities which could be deleterious to fish, wildlife, or other beneficial uses.

(l) Confirmation of Development Within SMAs and Other Wet Areas

As a part of a development application review, the Responsible Department shall check USGS maps, or other information available to the department, to determine if grading, construction, or other activity is proposed to be located within a SMA or other wet area.

A preliminary onsite inspection shall be performed prior to any grading, construction, or other development permit issuance to determine if the project area contains SMAs or other wet areas.

Where there is disputed evidence or controversy regarding the confirmation of development within SMAs or other wet areas, the Administrative Official shall issue a written report containing the evidence, or referencing the evidence, upon which the confirmation is made.

Copies of the report shall be sent to CDFG and to any person or group requesting such report in writing.

(m) Biological Report Required

An application proposing development activities within a SMA or Other Wet Area shall include a site-specific biological report prepared consistent with these regulations.

The written report prepared by a qualified biologist shall be referred to CDFG for review and comment. If no reply is received from CDFG within ten (10) working days of the date of the referral, it shall be assumed that the report satisfies CDFG requirements.

(n) Incorporation of Recommendations as Conditions

The recommendations contained within the written report shall be incorporated into any development permit as conditions of approval by the Responsible Department.

(o) Project Monitoring, Security, and Certificate of Completion

The monitoring of mitigation measures and reporting of monitoring activities made as conditions to any permit issued pursuant to this section shall be performed as specified in the project's adopted mitigation and monitoring plan.

No development permit final acceptance, certificate of compliance or certificate of occupancy, nor any further development permits shall be issued unless and until all initial mitigation measures are completed and accepted by the County.

Where a project is phased or where mitigation measures are to be monitored beyond an initial building, grading, or construction period, or where mitigation measures are required beyond this initial period, as described within the development permit, the permittee shall post a bond or equal security with the Responsible Department prior to commencing any grading or

construction activities. The amount of the bond or security is to be based upon the cost of performing the required mitigation measures, the related monitoring and report activities, and the County's administrative and processing costs.

Following a written notice to the permittee of a failure to complete or fully implement mitigation or monitoring measures within the time period specified within the permit conditions, the bond or other security may be forfeited and applied to the incomplete mitigation or monitoring measures at the discretion of the Responsible Department.

(p) Waiver of Procedures for Emergencies

The provisions of Section 312-15, Subsections 1-5, of the County Zoning regulations shall be followed in cases of emergencies. Following the issuance of an emergency development permit or variance, application shall be made and processed for the required development permit or variance in accordance with the applicable provisions of the County Code.

(q) Biological Report

Where a Biological Report is required by these regulations, the report shall be prepared by a qualified professional educated, trained, and experienced in the subject matter, and the report shall contain the following:

- Section I Summary of Findings and Conclusions
- Section II Introduction, Background, and Project Understanding
- Section III Methods
 - A. Field Observation and Studies
 - B. Trustee and Other Agency Consultation
 - C. Document and Report Review
 - D. Cumulative Biological and Watershed Effects
- Section IV Results and Discussion
 - A. Existing Site Conditions
 - 1. Terrestrial
 - 2. Hydrologic and Aquatic
 - 3. Sensitive Species or Habitats
 - B. Offsite Conditions
 - 1. Terrestrial
 - 2. Hydrologic and Aquatic
 - 3. Sensitive Species or Habitats
 - C. Development Effects
 - 1. Direct
 - 2. Indirect
 - 3. Cumulative

D. Recommended Mitigation and Monitoring Measures

Section V References

A. Plant Species Observed

B. Other Species Observed directly or indirectly (e.g. nests, scats, tracks, etc.)

C. Sensitive Species or Habitats in the Project Vicinity (listing)

(f) Mitigation and Monitoring Plan

When a mitigation or monitoring plan is required, information sufficient to answer all of the following is required:

- (1) Statement of project/mitigation goals – what do you want to create?
 - (a) Map and/or description of existing site conditions.
- (2) Schedule for implementation, inspection, and maintenance.
- (3) Description of site preparation; i.e., excavation, grading, stockpile of topsoil, etc.
- (4) Identify the planting material; i.e., cuttings, seedlings, seed, plugs, container size (source if not obtained from commercial nursery).
 - (a) Use of mulch and/or fertilizers.
 - (b) Description of plant preparation, if necessary; i.e., how cuttings were obtained, size, treatment with rooting hormone.
 - (c) Necessity for irrigation and/or fencing.
- (5) Performance Standards – how to measure success through defined criteria; i.e., number of viable species, cover values, height, growth, etc. For example:
 - (a) Year one – 80% tree species viable and achieving at least 4 inches of growth from initiation of planting.
 - (b) Year three – plugs of silverweed shall cover at least 30% of project site.
- (6) Monitoring Requirements – (standard is five years of monitoring).
 - (a) Conduct during June each year; however, may be modified if specific species are involved (i.e., annual that blooms in April).
 - (b) Photos.

- (7) Reporting – listing of appropriate agencies to receive copies of monitoring report.
- (8) Remedial Measures – plan shall include measures for mitigation not achieving specified performance criteria; i.e., replanting, irrigation, fencing, etc.

Section E

Amendment of Related Regulations

AMENDMENT OF RELATED REGULATIONS

The following amendments to other County Regulations are proposed for the purpose of maintaining internal consistency between the regulations or add clarity to development requirements:

1. Title III, Land Use and Development, Division 1, Planning, Zone Regulations Inland Areas. Section 314-60.1, Removal of natural Materials, is amended to provide:

314-60.1. REMOVAL OF NATURAL MATERIALS.

Surface removal of minerals and natural materials, including building and construction materials to be used for commercial purposes, shall be allowed in any zone with a use permit. A discretionary (special or conditional use) permit is not required for onsite excavation and removal of material for normal construction of buildings, structures or underground facilities, or where such removal is primarily for grading and land leveling, except where the activity is subject to the Streamside Management Area Ordinance, Section 314-61.1. (Ord. 519 Sec. 617, 5/11/65)

2. Title III, Land Use and Development, Division 2, Subdivision Regulations. Section 323-5, Data on Tentative Map.

323-5. DATA ON TENTATIVE SUBDIVISION MAP.

- (a) The Tentative Subdivision Map is essentially a study plan which when approved will serve as a basis for the preparation of a Final Map or Parcel Map. Each Tentative Subdivision Map shall be clearly and legibly drawn and shall show the proposed design of the subdivision. It shall be at least eighteen inches by twenty-six inches (18" x 26"), and of such scale as to show clearly all details thereof.
- (b) The Tentative Subdivision Map shall contain the following information:
 - (1) A key or location map on which shall be shown the general area including adjacent property, subdivisions and roads together with the distance to the nearest publicly maintained road.
 - (2) The tract name or other designation, the date, north point, scale, and sufficient description to define the location and boundaries of the proposed tract.
 - (3) Names and addresses of record owner(s) and subdivision name and address of the engineer, surveyor or the individual who prepared the map; and the name and Assessor's parcel numbers of all contiguous ownerships.
 - (4) The approximate dimensions and areas of all lots.

- (5) Accurate location of all existing structures and the distance to all existing and proposed property lines, right of way lines, roads, creeks, streamside management and other wet areas, wells, sewage disposal fields, steep banks (over 15%), fill, etc. Distances less than fifty feet (50') must be accurate to the nearest whole foot based on field measurements. However, if the distance is questionable or cannot be determined, it shall be estimated and labeled plus or minus (\pm).
- (6) The location of existing and proposed sanitary sewers, sewage disposal systems, wells, storm drains, gas, water, power, and telephone lines and other public utilities and the width and location of all easements required for same. The width, locations and purposes of all other easements shall likewise be shown on the Tentative Subdivision Map.
- (7) The approximate location of all areas subject to inundation or inundated, and the location, width and direction of flow of all surface water, water sources, streamside management and other wet areas, and areas subject to overflow by tidal waters.
- (8) The location, names and widths of present traveled ways and/or rights of way or adjacent roads, streets, highways, or ways.
- (9) The locations, names and widths of all roads, streets, highways and ways in the proposed subdivision.
- (10) The location of official plan lines of projected streets or highways as shown on the General Plan and the official plan lines of the County.
- (11) Contour lines having the following intervals (the method of developing the contours shall be stated):
 - A. Two-foot (2') contour intervals for ground slopes between level and five percent (5%), plus spot elevations as required.
 - B. Five-foot (5') contour intervals for ground slopes exceeding five percent (5%) but less than twenty-five percent (25%).
 - C. Ten-foot (10') or twenty-foot (20') contour intervals for ground slopes exceeding twenty-five percent (25%).
 - D. For subdivisions with no lot less than twenty (20) acres, aerial planimetric maps without contours and blow-up of USGS contours may be submitted in lieu of a more detailed contour map.
- (12) The approximate radii of all curves. A Tentative Subdivision Map for a Parcel Map subdivision need not show this information.

- (13) Any area for public use. A Tentative Subdivision Map for a Parcel Map subdivision need not show this information.
- (14) Typical sections of all streets, highways, ways and alleys, and details of required improvements, such as curbs, gutters and sidewalks, or reference to established standards for curbs, gutters and other improvements, shall accompany the Tentative Subdivision Map and shall be of such scale as to show clearly all details thereof. A Tentative Subdivision Map for a Parcel Map subdivision need not show this information.
- (15) Typical sections and all details of any grading to be performed in connection with the development of the site. A Tentative Subdivision Map for a Parcel Map subdivision need not show this information. An erosion and sediment control plan if required by the County Grading, Excavation, Erosion and Sediment Control Ordinance, Section 331-12.
- (16) Any of the foregoing requirements may be modified or waived by the Director of Public Works when they are deemed unnecessary and written findings are made. (Ord. 1146 § 34, 7/19/77)

3. Title III, Land Use and Development, Division 2, Subdivision Regulations. Section 323-6, Statements to Accompany Tentative Subdivision Map.

323-6. STATEMENTS TO ACCOMPANY TENTATIVE SUBDIVISION MAP.

The following information shall appear on or accompany the Tentative Subdivision Map:

- a. A subdivider’s statement shall be submitted with each Tentative Subdivision Map. The subdivider’s statement shall contain the following information:
 - (1) The existing use or uses of the property.
 - (2) The proposed use or uses of the lots including the remainder, if any, with an description of the area or location of each use.
 - (3) The source, quality and quantity of the proposed water supply and a general description of the proposed water system. The statement *shall* also provide evidence as required by the appendix that water can be developed on or supplied to each lot, together with an estimate of the cost of developing water at each site. Such evidence shall not be required for any lot sixty (60) acres in size or larger. Division 3 of Title 6 of this Code regulates the construction of wells.

(4) The proposed provisions for sewage disposal, drainage and flood control. Proposed provisions for sewage disposal need not be stated for any lot which is sixty (60) acres [one and one-half (1-1/2) quarter sections] or larger.

(5) Subdivision improvements will be based upon the ultimate density for the subdivided land as planned for in the Humboldt County General Plan. Therefore, if the subdivider proposes reduced subdivision improvements premised upon a lesser density than shown in the General Plan, the subdivision application shall be accompanied by:

A. An application for zoning implementing the subdivider's plan for density of development; or

B. A statement that the subdivider agrees to put a statement of record in the office of the Humboldt County Recorder, to read substantially as follows:

Further subdivisions of the lots created by the _____ (Name) _____ Subdivision, _____ (Recording Data _____), may require the performance of additional on-site and off-site improvements to the road connecting the subdivision to the County road or other publicly maintained road. If the County deems necessary, this work could require the road to be developed to the County road standards by the subdivider.

(6) The proposed grading, erosion and sediment control plan, fire protection, street improvement and other improvements together with an application for a grading permit if required by Section 331-12 of the County Code.

4. Appendix to Title III, Land Use and Development, Division 2, Subdivision Regulations, Section 3, Other Policies.

Subsection 3-4, Erosion and Water Pollution, add as next (second) paragraph:

The examples of Best Management Practices found within the appendix to the County Grading, Excavation, Erosion and Sediment Control regulations (Section 331-12) may be proposed by applicants or utilized by County staff in the conditioning of any development related application or approval pursuant to the County Subdivision Regulations.

5. Appendix to Title III, Land Use and Development, Division 2, Subdivision Regulations, Section 8, Sewage Disposal and Water Supply, is amended as follows:

8-2. WATER.

The subdivider shall provide information as to the source, quality and approximate quantity of water supply and general description of proposed system, and evidence as required by the County Health Department for lots less than sixty (60) acres [one and one-half (1-1/2) quarter sections] in size provided by test wells, geologists, civil engineers, licensed well drillers, or licensed surveyors when the quantity is in a measurable form, that 720 gallons of water per twenty-four (24) hour period can be developed or supplied to each parcel, together with an estimate of the cost of developing water at each site.