

**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.