

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

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Staff: Robert Merrill
Staff Report: June 25, 1999
Hearing Date: July 15, 1999
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Steven Scholl, Deputy Director
Robert Merrill, North Coast District Manager

SUBJECT: **Arcata LCP Amendment No. 2-96 Minor, (Grading Ordinance)** (Meeting of July 15, 1999, in San Rafael)

1. LCP Amendment and Discussion.

The City proposes to amend its certified Implementation Plan to replace the existing grading ordinance with a new grading ordinance that will establish stronger standards and add requirements for erosion and sediment control plans for certain land disturbing activities.

The proposed amendment would rescind the existing Article 4 of Chapter 3 of the Land Use and Development Guide (the main portion of the City's Implementation Plan) and create a new Article 4. The new Article 4 would emphasize erosion and sediment control more than the existing ordinance. Among other things, the amendment would: (1) create detailed requirements for the content of erosion and sediment control plans while allowing applicants for grading permits to submit a "short form" for instances where the proposed grading is relatively minor; (2) establish procedures for City review and approval of grading permits and required conditions of approval; (3) create various standards pertaining to erosion and sediment control; (4) establish procedures for City review and approval of grading permits and required conditions of approval; (5) allow the City to collect a new City fee for processing those grading applications that include a detailed erosion and sediment control plan; (6) provide that appeals of decisions on grading permits would be made to the Planning Commission; and (7) identify procedures for enforcement and penalties for violations.

The amendment will not affect the density, intensity, or kind of use that can be made of any particular parcel. The amendment involves measures that will protect coastal resources, such as creeks and wetlands, from excess drainage and erosion which could occur under existing grading ordinance provisions. The amendments do not allow any activities, not already allowed in the

code, that will adversely affect coastal streams and wetlands. In addition, the amendment would have no effect on coastal access. Therefore, the Executive Director finds that the proposed amendment is consistent with the Coastal Act and is minor in nature.

2. Public Participation and Commission Review.

The proposed LCP amendment was the subject of local public hearings before the City Planning Commission and the City Council. All of these public hearings were properly noticed to provide adequate public participation. The LCP amendment is consistent with Section 30514 of the Coastal Act and Section 13553 of Title 14 of the California Code of Regulations. The City Council's Ordinance are attached as Exhibit No. 1.

The Executive Director has determined that the proposed LCP amendment is "minor" in nature under Sections 13554 and 13555 of Title 14 of the California Code of Regulations, since the development will not result in the change to the kind, density, or intensity of use of the subject property. The Executive Director has informed all interested parties by mail of this determination on June 25, 1999. The Commission will consider the Executive Director's determination at the July 15 meeting in San Rafael. At that time, the Executive Director will report to the Commission any objection to this determination which is received at this office within ten (10) days of the posting of this notice. Anyone wishing to register an objection to the proposed "minor" LCP amendment determination should contact Robert Merrill at (415) 904-5260 at the Commission's North Coast District Office in San Francisco by July 13, 1999.

If one-third of the appointed members of the Commission so requests, the determination of a minor amendment shall not become effective and the amendment shall be processed as a "major" amendment under Section 13555(b) of Title 14 of the California Code of Regulations. If the Commission concurs with the Executive Director's determination that the LCP amendment request is minor in nature, then the amendment will take effect ten (10) working days after the Commission meeting and notice to the City of Arcata under Section 30514(C) of the Coastal Act.

3. Staff Recommendation.

Staff recommends that the Commission concur with the Executive Director's determination that the LCP amendment is minor.

ORDINANCE NO. 1255

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
AMENDING TITLE IX OF THE MUNICIPAL CODE, LAND USE AND
DEVELOPMENT GUIDE, CHAPTER III, ARTICLE 4: GRADING,
RESCINDING SAID ARTICLE AND ADOPTING A NEW ARTICLE 4:
GRADING, AND EROSION AND SEDIMENT CONTROL.**

The City Council of the City of Arcata does hereby ordain as follows:

SECTION 1. Rescission of existing Article 4: Grading

The existing Article 4, titled "Grading," of Chapter III of Title IX of the Arcata Municipal Code, said Title being the Arcata Land Use And Development Guide (LUDG), is hereby rescinded.

SECTION 2. Adoption of new Article 4: Grading, and Erosion and Sediment Control

A new Article 4 of Chapter III of Title IX of the Arcata Municipal Code, titled "Grading, and Erosion and Sediment Control" is hereby adopted and shall read as follows:

"ARTICLE 4: GRADING, AND EROSION AND SEDIMENT CONTROL

SECTION 3-0401	General Purpose and Scope
SECTION 3-0402	Incorporation of Uniform Building Code (UBC)
SECTION 3-0403	Definitions
SECTION 3-0404	Permits Required
SECTION 3-0405	Application Submittal Requirements
SECTION 3-0406	Application Review and Approval
SECTION 3-0407	Standards
SECTION 3-0408	Enforcement and Penalties

SECTION 3-0401 GENERAL PURPOSE AND SCOPE

The purpose of this Article is to establish minimum standards and regulations for grading activities. The intent is to promote the public safety and general welfare by preventing unreasonable or unnecessary erosion and sediment production and related degradation of natural resources and ~~natural~~ the City's stormwater drainage systems.

SECTION 3-0402 INCORPORATION OF UNIFORM BUILDING CODE (UBC)

The provisions of this Article supplement and are in addition to the requirements of the latest edition of the Uniform Building Code's Chapter on Excavation and Grading (Chapter 70). Projects which include grading shall also comply with the provisions of that Chapter.

SECTION 3-0403 DEFINITIONS

The following definitions shall govern the interpretation and enforcement of this Article:

- a. Bench A relatively level step excavated into earth material on which fill is to be placed.
- b. BMP Best Management Practices, as defined by the State Water Resources Control Board's *Best Management Practices Construction Handbook*.
- c. Channel, or drainage way A natural or artificial open watercourse with definite bed and banks which periodically or continuously contains moving water or forms a connecting link between two bodies of water.
- d. Discharge The outflow rate of surface water.
- e. Drainage improvement Any element in a drainage system which is made or improved by a human.
- f. Erosion The weathering away of the ground surface as a result of the movement of wind or water.
- g. Erosion and Sediment Control Plan A plan which fully indicates necessary land treatment and structural measures, including a schedule of timing for their installation, which will effectively minimize soil erosion and sediment yield. Such measures shall be in accordance with standards shown in the *City of Arcata Erosion and Sediment Control Handbook*.
- h. Excavation The physical removal of earth material.
- i. Fill The deposit of earth material caused or placed by artificial means.
- j. Grading Any excavating, filling, or any combination thereof.
- k. Land disturbing activity Any land change which may result in soil erosion from water, wind and the movement of sediments onto adjacent properties. Such activities include but are not limited to clearing, grading, excavating, transporting and filling of land.
- l. Mulch A natural or artificial layer of material placed on exposed earth to provide more desirable moisture and temperature relationships for plant growth. It is also used to control the occurrence of unwanted vegetation.
- m. Sediment Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity.
- n. Sediment Detention Basin A sediment detention basin is a reservoir which retains flows sufficiently to cause deposition of transported sediment.
- o. Short Form [Erosion and Sediment Control Plan] A simplified form, issued by the Building Official, for erosion and sediment control plans for certain qualifying minor grading projects.
- p. Storm water runoff The waters which result from rainfall within a tributary drainage basin; flowing over the surface of the ground; or collected in channels or conduits.
- q. Swale A low lying stretch of land which gathers or carries surface water runoff.

- r. Terrace A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

SECTION 3-0404 PERMITS REQUIRED

A. General Requirement

Except as provided in this Article, no person shall commence or perform any grading, clearing of vegetation, or other land-disturbing activity without having first obtained a grading permit from the Building Official. In the following areas of special consideration, no grading or clearing of vegetation shall commence without also obtaining approval by the Director of Community Development, **Director of Environmental Services**, and City Engineer:

1. Geologic/Seismic Safety hazard areas: The Falor-Korbel Fault Hazard Management *Zone*, areas identified as "medium risk" and "high risk" landslide hazard areas, and areas identified as having a high liquefaction potential, as shown on the Arcata Public Safety and Seismic Safety Element Maps.
2. Areas within the Forest/Hillside or F-H zoning *district*.

B. Exceptions

Except in areas of special consideration as noted above, a grading permit shall not be required if the work meets any of the following conditions:

1. clearing of vegetation does not exceed 1,000 square feet in area, or does not expose or disturb soil surface;
2. cultivation of land for agricultural purposes, provided that normal and customary agricultural practices are followed which minimize potential erosion;
3. grading associated with timber harvesting which has been authorized pursuant to regulations of the California ~~Division~~ **Department of Forestry and Fire Protection**;
4. refuse disposal sites controlled by regulations of other agencies;
5. excavations for wells or tunnels or utilities;
6. the excavation does not exceed four (4) feet in vertical depth at its deepest point, measured from the original surface, and does not exceed 200 square feet in area;
7. the fill does not exceed three (3) feet in vertical height at its highest point, measured from the natural ground surface, and does not cover more than 200 square feet;
8. exploratory excavations under the direct supervision of soils engineers or engineering geologists which do not exceed an aggregate area of 200 square feet; or
9. an excavation below finished grade for basements and footings of a building if authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from such excavation.
10. excavations for cemetery graves.

C. Grading in Geologic Hazard Areas.

All grading located in geologic hazard areas, as shown on the Arcata Public Safety and Seismic Safety Element Maps, shall be subject to the Geologic Hazard Review Procedures described in Article 3 of Chapter IV of this Title. Reports or waivers required pursuant to said procedures shall be included with any grading permit application. Final Soil Grading and Geologic Grading Reports shall also be required for all grading activities in these areas, except that borings and related analyses will be sufficient in liquefaction hazard areas.

D. Grading and Clearing in the Coastal Zone.

When any proposed development or grading in the Coastal Zone requires a grading permit, a Coastal Development Permit pursuant to Section 1-0408 *Coastal Development Permits* shall be required, except as specifically excluded in section 1-0408.2(b) of this Title.

E. Compliance with CEQA.

All grading activities shall comply with the California Environmental Quality Act (CEQA) and Article 1 of Chapter IV of this Title.

SECTION 3-0405 APPLICATION SUBMITTAL REQUIREMENTS

A. General

An application for a grading permit shall include a completed City application form and the following materials, each of which is described in the subsequent parts of this section:

1. A site map and report.
2. A grading plan.
3. An erosion and sediment control plan, except that a short form may be submitted if all of the following conditions are met:
 - a. the existing or natural slope is less than 15%;
 - b. the total area of grading is less than one-quarter acre; and
 - c. the proposed grading is not within a creek zone or wetland and springs are not present.
4. Applicable City fees for processing the permit application.

B. Site Map and Report

The site map shall be derived from base maps available from the City or other base maps of equal quality. It shall be of a scale large enough to distinguish existing and proposed features of the site but not smaller than one inch equals 50 feet (1"=50'). The site map and report shall include the following:

1. The exterior boundaries of the property on which the grading is to be performed.
2. **Existing site conditions, including any structures, and** ~~E~~contour lines which shall conform to minimum intervals as follows:
 - a. two-foot contours for slopes equal to or less than 15%.
 - b. five-foot contours for slopes over 15%.
3. A soil description, including type and erodability.
4. Evaluation of subsurface information where the stability will be lessened by proposed grading or filling, or where any of the following conditions are discovered or proposed:
 - a. where a fill slope is to be placed above a cut slope.
 - b. where proposed cuts exceed twenty feet in height unless in competent rock as determined by an engineering geologist.
 - c. Where side hill fills are to be placed on existing slopes steeper than 15%.
 - d. Wherever groundwater from either the grading project or adjoining properties is likely to reduce the stability.
 - e. Where the topography is indicative of landslides, as determined by an engineering geologist or City liquefaction map.
 - f. Location where drainage leaves/will leave the property.
5. Where any of the particular conditions listed above or other weaknesses are found, subsurface investigations shall consist of drilling, excavations, or observations of naturally exposed soil and bedrock exposures at sufficient intervals and depths to indicate the type of material or condition to be encountered at final grading. The person or firm making the investigation shall submit a written report of their findings and recommendations.

C. Grading Plan

The gGrading plans shall include the following information which may be shown on the site map:

1. Elevations, dimensions, including quantity, location, and extent of proposed cut and fill.
2. A report showing extent and manner of tree cutting and vegetation clearing, including a plan for disposing of cut trees and vegetation.
3. Provision for stockpiling topsoil.

D. Erosion and Sediment Control Plans

The following requirements apply to erosion and sediment control plans, except when a Short Form is permitted pursuant to paragraph A of this section:

1. Preparation: 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.
2. Implementation measures: The proposed measures may be based on recommendations contained in the latest editions of the *State of California Erosion*

and Sediment Control Handbook or State Water Resources Control Board Best Management Practice Construction Handbook.

3. Standards: The plan shall conform to the requirements in the sections on "Standards" and "Implementation" of Articles IV and V, respectively.
4. Construction Schedule: A construction schedule for the contractor shall be included in the plan. The schedule shall provide for prompt establishment of protective vegetation.
5. Sediment Detention Measures: The following information shall be required only when work is to be undertaken in the winter period from November October 15 to April 15:
 - a. The location and dimensions of sediment basins.
 - b. The hydrologic and sediment transport data used to determine the proper capacity of the needed basins.
 - c. The construction procedure and schedule.
 - d. The source of borrow material.
 - e. The maintenance schedule.
 - f. The type and manner of vegetating the erodible slopes.
 - g. Location of natural drainageways, curbs, and drop inlets.
 - h. Methods to prevent vehicle tracking of mud onto public roadways.
6. Fill Slopes: Where fill slopes are to be constructed, the following information shall be included:
 - a. Location of fill area.
 - b. Slope and height of fill.
 - c. Slope and condition of original ground.
 - d. The number and dimensions of benches.
 - e. Source of fill material.
 - f. Ability of fill to support vegetation.
 - g. Percent organic content of fill.
 - h. Maximum thickness of layers of fill to be compacted.
 - i. Percent Compaction.
 - j. Methods of protecting the slope surface of the fill.
7. Cut Slopes: Where slopes are to be formed from cuts, the following information shall be included:
 - a. Location of cuts.
 - b. Slope and height of cuts.
 - c. Identification of cuts to be vegetated or not subject to erosion.
 - d. Number and width of drainage terraces provided.
 - e. The ability of the ground to support vegetation.
8. Disposal of Spoil Material: Information concerning the disposal of spoil materials shall include the following:
 - a. Type of spoil material.
 - b. Location of disposal area.
 - c. Method of processing and disposing of spoil material.

- d. Procedures to prevent soil loss to adjacent watercourses.
- 9. Stockpile: Stockpiled material shall be identified according to:
 - a. Source of material.
 - b. Location, slope, and height of stockpile.
 - c. Duration that the material is to be stockpiled.
 - d. Provisions to prevent erosion and sediment loss from rain and wind action.
- 10. Dust Control: The following provisions for dust control shall be included:
 - a. Measures to keep dust to a minimum during equipment operation.
 - b. Measures to prevent wind erosion of exposed soil.
- 11. Slope Surface Stabilization: The following shall be included:
 - a. Temporary mulching, seeding, or other stabilization measures to be used to protect exposed critical areas during construction or other land disturbance.
 - b. Earth and paved interceptors and diversions to be installed at the top of cut or fill slopes where there is a potential for surface runoff.
- 12. Removal of Vegetation and Revegetation Plan: When vegetation is to be removed, the following information shall be provided:
 - a. A description and list of vegetation to be removed and the criteria used to determine removal.
 - b. The methods of removing and disposing of vegetation.
 - c. Measures to protect existing vegetation, particularly trees.
 - d. A revegetation plan, including temporary and permanent revegetation measures; areas to be revegetated; type and quantity of seeds or plants; type and quantity of mulch; and method and schedule of seeding, mulching, planting and fertilizing.
- 13. Additional Information: The Building Official may require the submittal of additional information when necessary to judge the adequacy of the planned erosion and sediment control measures.

E. City Processing Fees

Applicable City fees shall be submitted at the time of making application. The City fee schedule for plan checking and grading permits shall be as set forth in the UBC and is based upon the extent (cubic yards) of the grading operation. An additional fee may be established to compensate the City for its costs in review and approval of applications which include an erosion and sediment control plan, except where a short form has been determined to be adequate. The amount of the additional fee shall be as established by resolution of the City Council.

SECTION 3-0406 APPLICATION REVIEW AND APPROVAL

A. Submittal of Applications

All required information and materials shall be submitted at the time of making application. All application materials, including a completed City application form, shall be submitted to the

Building Official.

B. Review and Approval of Applications

Upon receipt of a complete application, the application shall be reviewed by the Building Official ~~or his or her designee~~. In considering an application, the Building Official ~~may~~ shall refer the application materials to the Environmental Services and ~~Community Development~~ Public Works Departments and to other agencies for their review and recommendations. The final determination as to the adequacy of the application materials and conformance of the proposed grading with the requirements of this Article shall be made by the Building Official and City Engineer.

C. Approval Criteria

Approval of a grading permit and/or erosion and sediment control plan shall not be granted by the Building Official unless or until a determination is made that the project is in substantial compliance with the provisions of this Article and any other applicable provisions of City law and policy.

D. Terms and Conditions of Grading Permits

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

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

E. Appeals

Appeals from decisions under this Article may be made by any aggrieved person to the City of Arcata in writing within ten days from the date of such decision. The appellant shall be entitled to a hearing before the Planning Commission within thirty days from the date of appeal. The appeal

request shall be noticed and conducted in the manner specified in Section 1-0405 of this Title, *Hearings And Appeals*.

SECTION 3-0407 STANDARDS

All ~~grading or other land-disturbing activities~~ ~~grading plans~~ and erosion and sediment control plans shall conform to the standards set forth in this Section and to any additional applicable standards in sections 1-0228, *Wetland And Creek Protection Combining (:WCP) Zone*, and 1-0312, *Diking, Filling, Or Dredging*, of this Title.

A. General Standards

All ~~G~~grading plans or other land-disturbing activities and erosion and sediment control plans shall conform to the following general principles:

1. The design, scope, and location of the proposed *grading* shall be compatible with adjacent areas and should result in minimal disturbance of the terrain and natural land features.
2. The *grading* shall preserve, match, or blend with the natural contours and undulations of the land.
3. Whenever practicable, trees and native vegetation should be retained to stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient run-off, and to preserve the natural scenic beauty of the area.
4. Scars from cuts and fills should be minimized; the amount of cuts and fills should be reduced and sharp angles at the top and sides of all necessary cut and fill slopes should be rounded off. Where a cut or fill slope occurs between two *lots*, the slope should normally be made a part of the downhill *lot*.
5. Geologic hazards and adverse soil conditions shall be mitigated.
6. All cleared slopes in cuts and fills and other areas vulnerable to erosion shall be stabilized.
7. Construction, clearing of vegetation, or disturbance of the soil shall be limited to areas of proven stability.
8. Sediment or other material deposited off the site shall not exceed that which would have been deposited if the land had been left in its natural state.
9. The natural geologic erosion of hillsides, slopes, graded areas, cleared areas, filled areas, or stream banks should not be exceeded.
10. New or modified erosion and sediment control techniques may be used provided there is mutual agreement between the City and permittee that the technique meets the intent of the erosion and sediment control plan and this Article.

B. Sediment Control Standards

1. Sediment being transported by runoff water shall be retained on-site through the use of sediment basins, silt traps, or similar measures.

2. On-site surface runoff shall be collected and disposed of at non-erosive velocities to the point of discharge into the common natural watercourse of the drainage area.
3. Concentration of surface water runoff shall only be permitted in swales or watercourses.
4. In order to prevent polluting discharges from occurring, approved erosion and sediment control devices shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:
 - a. Energy absorbing devices to reduce the velocity of runoff water.
 - b. Sediment controls such as sediment debris basins and sediment traps. Any trapped sediment shall be removed to a disposal site approved by the permit-issuing authority.
5. Temporary seeding and mulching shall be required once an area is denuded for fourteen days after November ~~October~~ 15. Oil treatment is unacceptable.
6. Mud shall be prevented from being tracked onto the public roadway by either:
 - a. Travel over a temporary gravel construction entrance.
 - b. Washing off vehicle tires before entering a public road.
7. All existing or newly-installed storm drainage structures shall be protected from sediment clogging by providing inlet protection for area drains and curb drains.
8. A vegetative barrier shall be retained around property boundaries.

C. Standards for Revegetation

1. A permanent vegetative cover shall be established on denuded areas not otherwise stabilized.
2. Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.
3. The type of plants used shall: be self-sustaining, require little or no maintenance, and not increase the fire hazard.
4. Native plant species are encouraged.

D. Slope Construction Standards

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

E. Standards for Protection of Watercourses and Drainage Inlets

1. Fills shall not encroach on natural watercourse or constructed channels except as specified in Chapter 1, Article 3, Section 1-0312 *Diking, Filling, or Dredging*.

2. Grading equipment shall not cross or disturb creek zones.
3. Excavated materials shall not be deposited or stored in or alongside watercourses where the materials can be washed away by high water or storm runoff.
4. Any storm drain inlet protection measure which completely blocks the drain entrance shall not be used. Straw bales or filter fabric wraps are to be used in a manner which does not cause erosion, or flooding into roadway.

F. Standards for Disposal of Excavated Materials

1. Some or all of the topsoil on the site shall be stockpiled for use on areas to be revegetated.
2. Stockpiled soil shall be located so that if erosion occurs, it would not become a source for off-site sediment damage.
3. Stockpiled soil shall be located sufficient distance from streams or drainageways so that surface runoff cannot carry sediment downstream.
4. Stockpiled soil shall be promptly backfilled and compacted into trenches and pits to reduce the risk of erosion and sediment.
5. Mulch or other protective coverings shall be applied on stockpiled material which will be exposed through the winter season or which faces a high risk of intensive summer rains.
6. Excavated material not used at the site shall be disposed of at a location approved by the City of Arcata.

SECTION 3-0408 ENFORCEMENT AND PENALTIES

A. Inspection and Enforcement

The provisions of this Article shall be enforced by the Building Official and City Engineer. The engineer for a project may be required to inspect work and certify compliance with the approved grading plan, erosion and sediment control plan, and the provisions of this Article.

B. Completion Reports

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

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

C. Penalties for Violations

Violations of the provisions of this Article shall be enforced pursuant to Chapter 3 of Title I of the Arcata Municipal Code. Violations may also be subject to stop work orders, corrective action orders, and suspension of issuance of occupancy permits."

SECTION 3. Amendments of various Code sections to achieve consistency with the new Article 4: Grading, and Erosion and Sediment Control

The following sections of Title IX are hereby amended as follows:

A. Deletion of paragraph 4 of Section 0-0103

Paragraph 4 of Section 0-0103 is hereby deleted.

~~Other relevant portions of the Guide (such as portions of the Subdivision Ordinance, grading ordinance, etc.) can also be provided to the applicant, so that the applicant is not forced to wade through the entire Guide to discover what regulations and procedures apply to the proposed action.~~

B. Amendment of a portion of Section 0-0104, subsection titled "City-wide Ordinances"

The portion of Section 0-0104 titled "City-wide Ordinances" is hereby amended to read as follows:

- * **Grading, and Erosion and Sediment Control.** Applies when the topography is to be altered, **vegetation removed, or soil disturbed**, for construction or other purposes.

C. Amendment of Section 1-0408.2 (b) 5. (Categorical Exclusions from Coastal Development Permits)

Section 1-0408.2(b)5. is hereby amended to read as follows:

- 5. Grading as provided in Section ~~3-0402.1 subsections (b), (e), (d), (g), (h), (i)~~ **3-0404 A. 4., 6., 7., 8., 9.,** except in a wetland, riparian corridor, or buffer area as defined in Section 1-0228 :WCP COMBINING ZONE.

D. Amendment of Section 3-0504 (c)

Section 3-0504(c) is hereby amended to read as follows:

SECTION 3-0504 OTHER REGULATIONS

- (c) No development in the Forest/Hillside District or in any other residential district

when these standards apply shall be approved unless it is consistent with the purposes of this Article, the purposes of the Forest/Hillside District regulations, the ~~Criteria to Evaluate Grading Plans at Section 3-0403 (e) (Criteria To Evaluate Grading Plans)~~ provisions of Article 4 (GRADING, AND EROSION AND SEDIMENT CONTROL) of this Chapter, the Hillside Development principles at Section 3-0502 HILLSIDE DEVELOPMENT PRINCIPLES, and the relevant standards contained in the Arcata Basic Subdivision Design Standards Handbook, if the development entails a subdivision.

E. Amendment of Section 4-0505, definition of "Floodplain Management Regulations"

Section 4-0505 is hereby amended to read as follows:

SECTION 4-0505 DEFINITIONS

Floodplain Management Regulations means zoning Articles, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, **and** grading, ~~ordinance~~ and erosion **and** sediment control ordinance) and other applications of the police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

SECTION 4. Categorical Exemption from CEQA

The amendments herein are hereby declared categorically exempt from the California Environmental Quality Act (CEQA) per Section 15308 of the CEQA Guidelines. Per said exemption, CEQA exempts "... actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." This amendment enhances protective measures of the grading regulations and does not permit construction activities beyond, or relaxation of standards, provided in Title IX prior to adoption of this amendment.

SECTION 5. Severability

If any part of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 6. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

SECTION 7. Effective Date

This Ordinance amends the Local Coastal Program of the City of Arcata and shall not be effective until the amendment is certified by the California Coastal Commission. The Community Development Department is hereby directed to transmit the ordinance to the California Coastal Commission for certification. This amendment is submitted as a program that shall take effect immediately upon Council adoption of a Resolution accepting California Coastal Commission certification, but shall not be effective until such local review and adoption has taken place.

SECTION 8. Implementation of Local Coastal Program

The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformance with the provisions of the Public Resources Code Section 30000 et seq.

DATED:

ATTEST:

City Clerk, City of Arcata

Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. ____, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the __th day of _____, 1996, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

City Clerk, City of Arcata