



## MEMORANDUM

### City of Angels City Council

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**Date:** May 6, 2025

**To:** City of Angels City Council

**From:** Amy Augustine, AICP – City Planner

**Re:** **WAIVE SECOND READING, HOLD PUBLIC HEARING AND CONSIDER APPROVAL OF ORDINANCE 543 FOR A NEW CHAPTER 15.30 (GRADING, DRAINAGE AND EROSION CONTROL) FOR THE ANGELS MUNICIPAL CODE**

**Recommendation:**

Re-Introduce, waive second reading, hold a public hearing, consider approval of Ordinance 543 approving a new Chapter 15.30 (grading, drainage and erosion control) for the Angels Municipal Code.

The City Council may adopt the code revisions and guidelines with changes, or as presented (See recommended revision in the following)

**Background:**

On April 15, 2025, the City Council approved Resolution 25-18, on a vote of 4-1, adopting an update to the City's Design Standards adding a new Chapter 19 with standards for implementing the grading, drainage, and erosion control provisions. At that meeting, Council also set May 6, 2025, for a second reading and consideration of adopting Ordinance 543.

During discussions, questions were raised related to the 50 cubic yard exemption for a grading permit when the project involves a single-family residence on an existing lot. It was suggested that the County has an adopted standard of 200 cubic yards for a single-family residence. Staff checked with the Calaveras County Public Works Director on April 16, 2025, and was informed that the County uses a 50-cubic yard threshold. Staff checked the Calaveras County Municipal Code and confirmed that Section 15.05.080 of the code establishes a 50 cubic yard threshold as follows:

***Section 15.05.080 Grading Permit Exemptions.***

*Except as provided otherwise in this Chapter, a grading permit is not required for the following exempted activities:*

*A. Grading that meets any one of the following criteria:*

- 1. The total volume of material is less than 50 cubic yards; or,*
- 2. Fills that include less than one acre of land area, are less than one foot in depth, and are placed on natural terrain with a slope flatter than one unit vertical for every five units horizontal; or,*
- 3. Cuts that include less than one acre of land area, extend to less than two feet below ground surface, and do not result in the off-site disposal of more than 50 cubic yards of material.*

Staff further discussed the item with the City Engineer. **The 50 cubic yard threshold is a standard established in the California Building Code.** Based on the preceding, the City Engineer and City Planner recommend retaining the 50 cubic yard threshold. However, the following clarification is proposed to address issues that may be associated with an added cost of requiring a grading permit for a single-family residence and for consistency with general practice in most jurisdictions.

**Where a building permit is issued for a single-family residence on a pre-existing residential parcel and construction will result in moving a total volume of material greater than 50 cubic yards, grading will be addressed as part of the building permit and a separate grading permit will not be required.**

The City of Angels City Council approved Resolution 20-46 on November 17, 2020, adopting the City of Angels Camp hazard mitigation projects for the 2021 Calaveras County Operational Area Multi-Jurisdictional Hazard Mitigation Plan). Mitigation Projects included:

MU-6: Update Local Mitigation, Disaster Recovery, and All Hazards Planning Codes. Update or prepare and adopt in the City Codes:

- Fire Safety Standards,
- Flood Hazard Prevention;
- Grading, Drainage and Erosion Control Standards; and
- Post Disaster Recover Standards.

Funding was secured through the California Governor's Office of Emergency Services (CAL OES) Hazard Mitigation Grant Program to prepare the codes. Interwest was hired through a Request for Proposals to prepare the code amendments in consultation with the All Hazards Planning Codes Steering Committee composed of:

City Council Member  
Planning Commission Member  
Fire Chief  
Fire Marshal  
Police Chief

City Engineer  
City Planner  
Public Works  
City Administrator

Public workshops were held on December 12, 2024, and January 16, 2025, to gather public input.

A staff presentation summarizing the program was provided to the Planning Commission at its November 14, 2024, meeting and to the City of Angels City Council at its November 19, 2024, meeting.

The Grading, Drainage and Erosion Control Ordinance and Grading, Drainage and Erosion Control Standards presented here are the results of those efforts.

A summary of Ordinance highlights includes, but are not limited to:

**15.30.070 Anticipatory Grading** - Grading in anticipation of new or expanded construction or development requiring a building or planning permit is prohibited.

**15.30.080 (Exemptions). A Grading permit is NOT REQUIRED for:**

- Less than 50 cubic yards;
- Fills that include less than one acre of land area, less than one foot in depth, natural terrain with a slope flatter than 1 vertical:5 horizontal (20%)
- Cuts that include less than one acre of land area, less than two feet below ground surface, no more than 50 cubic yards of material disposed of off-site
- Geotechnical, geological, or soil investigations

#### **15.30.090 Grading Permits are not required for:**

- Maintenance of existing firebreaks, driveways, and roadways with no significant grade or drainage changes
- Trenching and grading incidental to the siting, construction or installation of City-approved underground utilities
- Permitted solid waste disposal facilities, mining, quarrying, processing, and sale of aggregate products
- Cemetery excavations and fills for individual burials.
- Planting and growing row or field crops. Incorporate use of “best management practices”
- Fuel reduction and fire protection measures that do not substantially change the natural contour of the land and disturb less than one acre of soil.
- Emergency work

#### **15.30.070 Grading Permits are generally required:**

- If not exempted, or
- Requires engineered design, or
- Will obstruct the flow of water (e.g., dam construction, regardless of size), in a floodplain, or
- Requires a streambed or lakebed alteration agreement under California Fish and Game Code Section 1600 et seq; or
- Requires a United States Army Corps of Engineers permit under Section 10 or Section 404 of the federal Clean Water Act; or
- Is subject to **California Environmental Quality Act (“CEQA”)** review; or
- May:
  - a. Endanger a structure intended for human or animal occupancy, or
  - b. Threaten stability of any public roadway, or
  - c. Adversely impact existing drainage, water, sewer, or other public facilities; or
  - d. Exacerbate existing flood conditions, or
  - e. Divert or modify drainage onto an adjacent parcel

The City of Angels Planning Commission adopted Resolution of Intent 25-03 on March 13, 2025, recommending to the City Council adoption of the Chapter 15.30 of the Angels Municipal Code with the following changes:

Change “Director” to “City Engineer” in the following:

##### **15.30.210 Time Limits on Permits.**

- B. If permitted work is not initiated or completed within the time frame specified in *Section 15.04.045-A Time Limits—Renewals--Refunds*, if the grading permit has not been renewed, no further earthwork shall be done until the grading permit is renewed or until a new grading permit is issued. Notwithstanding this prohibition, the ~~Director~~ Engineer may require that specific measures to be immediately implemented to ensure stabilization of the site.

##### **15.30.240 Corrective Work.**

- A. If any existing excavation or embankment or fill on public or private property constitutes a hazard to life and limb, threatens public health, safety, or welfare, endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, such excavation, embankment, or fill is hereby declared a public nuisance and the owner of the property on which the excavation, embankment, or fill is located, or other person or agent in control of such property, upon receipt of a written notice from the City, shall, within the period of time specified in the written notice, repair or eliminate such excavation, embankment, or fill as needed to satisfactorily abate the nuisance. Such remedial work shall be subject to the grading permit requirements of this Chapter unless emergency conditions exist, in which case work may be done pursuant to Section 15.30.250 Emergency Work .

Such hazards include the following:

1. Alteration of drainage patterns that has caused, or has the potential to cause, flooding, erosion, or siltation on any downstream property as determined by the ~~Director~~ City Engineer.
2. Grading activities that cause or have the potential to cause erosion, sedimentation or landslides that could affect offsite property, sensitive environmental resources or public safety as determined by the ~~Director~~ City Engineer.

The City of Angels Planning Commission adopted Resolution of Intent 25-03 on March 13, 2025, recommending to the City Council adoption of Chapter 19 of the City of Angels Design Standards without changes.

### **STRATEGIC PLAN ALIGNMENT**

A3. Conservation and Open Space *Protect the health and safety of people and property in the city from natural and man-made hazards*

All of the proposed code amendments relative to grading, erosion control, and drainage, plus the associated implementation standards, are established to protect the health and safety of people and property in the City from natural and man-made disasters.

### **ANALYSIS/DISCUSSION**

Pursuant to Angels Municipal Code Section 17.90.040, decisions pertaining to code amendments shall be made upon the following findings of fact:

- A. The proposed change or amendment is consistent with the city of Angels Municipal Code; and
- B. The proposed change or amendment is consistent with the city of Angels general plan; and
- C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the city.

### **Findings A & B – Consistency with the Angels Municipal Code and General Plan**

Applicable general plan goals, policies and programs include:

**1.C.f, 4.C.f, 4.G.a, 6.A.I, 11.A.c** *Note: These programs were adopted as both General Plan 2020 programs and General Plan mitigation measures*

#### ***Prepare and Grading Ordinance/Promote Best Management Practices***

*Prepare a grading ordinance addressing: when a grading permit is required, when a grading plan shall be prepared, required contents of a grading plan, anticipated grades before and after construction, the total amount of soil to be removed, location and design of retaining walls, erosion control standards, preparation of erosion control plans, recommended erosion control methods, soil disposal, vegetation retention, revegetation, drainage, requirements for erosion and sediment control plans and other elements, as identified. The ordinance, or a companion publication (either prepared as an origination publication or adopted from existing publications), should be prepared in conjunction with the grading ordinance and illustrate best management practices. Resources for Best Management Practices are listed in Angels Camp 2020 General Plan **Appendix 4C**.*

*The ordinance should further establish that no grading permit or permits to allow grading or vegetation removal of more than ten percent of a parcel shall be issued until a site plan,*

development plan, building permit or other entitlement has been issued for a specific development project unless otherwise necessary for reasons of health and safety as declared by the city.

The grading ordinance should further specify that applications for discretionary entitlements for development of one acre or more on slopes averaging 10% or greater, will, at a minimum, be accompanied by a grading plan indicating, at least, the amount of soil to be disturbed, a tree plan indicating the number, size, species and location of trees to be removed and proposals for replacing trees; a vegetation management plan and revegetation plans.

Provisions of a Grading Ordinance should be combined with those of a Hillside Management Ordinance to the maximum extent feasible.

#### **1Ee, 9Ad, 11Ad, 6.A.m; Establish Standards for Erosion and Dust Control**

Establish and adopt standards for erosion and dust control to be included as conditions of approval, conditions of site development or to be otherwise attached as requirements of entitlements issued by the city, as necessary to reduce dust and erosion during construction activities. Methods to be addressed include, but are not limited to:

- Revegetating cut and fill slopes
- Hydroseeding
- Re-vegetation using native grasses
- Use of on-site water trucks or similar devices during non- precipitation periods to control dust emissions and maintain water quality during demolitions, construction, or other dust-generating activities
- Installation of erosion control devices (e.g., silt fences, hay bales) prior to the rainy season
- Measures for protecting soil stability (See 2020 General Plan **Program 6Ak**)
- Tire-washing stations for trucks leaving construction sites

#### **6.A.k Require Engineering Studies for Development in Unstable Areas, Soil Testing for Expansive Soils**

[2020 GENERAL PLAN MITIGATION MEASURE, MM-GEOLOGY- 03]

Require engineering studies to evaluate development in unstable areas (e.g., slopes exceeding 30%). Evaluate the effects of grading on slope stability including standards limiting fill slopes to 2:1 unless a registered civil engineer or certified engineering geologist can demonstrate that the fill slope will be stable and not prone to erosion. Require soil testing on soils with a moderate to high potential for expansion. The city engineer may further require engineering studies on erosive soils of testing indicates that necessity.

#### **6.B.f, 7Hc Mitigate Impacts on Downstream Drainage Facilities and Property**

In conjunction with 2020 General Plan **Program 6.A.k**, address requirements for preparation of drainage plans addressing potential impacts on downstream drainage facilities and properties and requiring implementation of measures identified to reduce or eliminate those impacts. Continue to require drainage plans for private development to prevent inundation of the city's Storm Drainage Facilities.

(Public Facilities & Services), 7He (Public Facilities & Services)

Adopting the proposed code amendment in the Angels Municipal Code with the accompanying implementation standards and guidelines referenced in the code, will allow for implementation of these multiple (approximately one dozen) General Plan goals, policies, programs, and mitigation measures.

Based on the preceding, findings A and B may be made.

**Finding C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the city.**

The purpose of the proposed code amendments is to protect the health, safety, and general welfare of the city against threats to life and property related to soil disturbances or practices that may result in excessive erosion, drainage, and/or grading. This is being accomplished by adopting building code standards, establishing best management practices, and identifying those standards and practices to provide predictability and consistency for developers to ensure the health, safety, and general welfare of the city.

Based on the preceding, Finding C can be made.

**FISCAL IMPACT:**

The proposed amendments were prepared through a CAL OES grant with time expended by the City as a “soft match” for the grant. Implementation of the code amendments and standards are covered by permit fees charged by the City. Therefore, no fiscal impact is anticipated.

It is noted, however; that the establishment of predictable and consistent standards for grading, drainage, and erosion control for the development community is expected to expedite the permitting process in the City. Because “time is money,” this is expected to reduce overall project costs. The adoption of consistent standards will assist City Staff in expediting project reviews, thereby reducing staff time spent in project review.

**ENVIRONMENTAL FINDING:**

Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendments are exempt from further review, because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

**ATTACHMENT:**

- A. Planning Commission Resolution of Intent 25-03
- B. Ordinance 543 with Proposed Chapter 15.30 incorporating Planning Commission recommended changes and clarification for single-family residential building permits**