

MEMORANDUM

TO: Amador County Land Use Committee

FROM: Todd Barr, Chief Building Official

DATE: January 14, 2020

SUBJECT: Update and Adoption of Amador County Code 15.40 Erosion Control Ordinance

Section 15.40, Amador County Code, is referred to as the Erosion Control Ordinance. 15.40 also refers to the grading project itself and with this update establishes enforcement responsibilities of the individual land use departments, and a standardized permitting process and fees for grading projects within the area of County responsibility. The fees and permit requirements are consistent with the latest fee update adopted for the Building Department and the latest adoption of the California Building Code.

Throughout the updated document you will see references to the "enforcing agency". In some situations grading related to other projects fall within the scope of an existing well, septic or public right of ways and are not related to site specific work as it relates to building or residential, commercial, and industrial construction. Section 15.40.040 Inspection and enforcement – designates which Land Use department is responsible for specific projects. These designations reflect the most efficient use of staff time, talents and abilities as related to the potential projects that may be encountered.

Erosion control measures are required for all grading projects as stated in 15.40.090 and the land use department responsible for those projects will also monitor the erosion control measures required as related to those specific projects.

The majority of changes are under 15.40.090. G. numbers 1 thru 5. At first glance there is a small increase in fees, however in some circumstances the new fees may be less. Rather than take a deposit the actual fee is charged up front at the adopted hourly rate. As a matter of policy these fees include plan updates throughout (precluding a significant change in scope of the project), and a re-inspections if required. This prevents burdensome and excessive documentation that result in unnecessary administrative costs while producing the required necessary documentation to maintain accurate records.

I am requesting the Land Use Committee consider the changes and forward to the Board of Supervisors for adoption.

AN ORDINANCE REPEALING CHAPTER 15.40 OF THE AMADOR COUNTY CODE AND ADDING A NEW CHAPTER 15.40 OF THE AMADOR COUNTY CODE RELATING TO EROSION CONTROL, ENFORCEMENT RESPONSIBILITY, AND FEES FOR GRADING AND EXCAVATION.

The Board of Supervisors of the County of Amador, State of California, ordains as follows:

SECTION 1. Chapter 15.40 of the Amador County Code is hereby repealed in its entirety.

Section 2. A new chapter 15.40 is hereby added to the Amador County Code which shall read as follows:

**Chapter 15.40
EROSION CONTROL ORDINANCE**

Sections:

15.40.010 Purpose.

15.40.020 Scope.

15.40.030 Erosion control measures to be included in county permits.

15.40.040 Inspection and enforcement.

15.40.050 Enforcement process.

15.40.060 Property owner responsible for erosion control.

15.40.070 Standard erosion control measures.

15.40.080 Erosion control fees.

15.40.090 Procedure for issuance of grading permits where required.

15.40.010 Purpose.

The purpose of this chapter is to safeguard private and public property together with the environment by establishing procedures governing grading and erosion control through the establishment by the county of a review and permit procedure.

15.40.020 Scope.

This chapter sets forth rules and regulations by which excavation, grading, and earthwork construction, including fills and cuts, embankments and impoundment structures (collectively "excavation") are to be reviewed and permitted by the county. It establishes an administrative procedure for the issuance of required permits involving excavation, the approval of plans and

inspection of all permitted excavation, and the establishment of measures to control erosion and other adverse impacts of excavation ("erosion control measures").

15.40.030 Erosion control measures to be included in county permits.

All permits issued by the county causing land disturbance shall include erosion control measures except for permits and reclamation plans which are separately reviewed and permitted. Those permits covered by this chapter include but are not limited to conditional use permits, on-site septic system permits, county road encroachment permits, well permits and grading permits. All building permits shall include erosion control measures as part of the building permit.

15.40.040 Inspection and enforcement.

The Building Department shall have jurisdiction over the permitting, inspecting, and enforcing of erosion control measures and grading permits pertaining to site specific grading. Grading pertaining to public roads and encroachments in new development will be overseen by the Department of Public Works. Grading specifically related to onsite sewage disposal systems and wells will be overseen by Environmental Health providing a separate permit for grading is not required to gain access to the septic or well work site.

15.40.050 Enforcement process.

The ~~Public Works Agency~~ enforcing agency's inspector shall verify that the erosion control measures are in place prior to approving completion of the permitted activity. If a permittee (which includes the site's owner, his/her contractor, or other agent) does not comply, or is not complying, with any correction notice or erosion control measures, the enforcement process may take the following form in the following order at the discretion of the ~~public works enforcement agency~~ based upon site conditions. Where there is an imminent threat to public health or safety or to private property, the enforcement process may be accelerated at the reasonable discretion of the ~~public works enforcing agency~~ providing to the permittee reasonable notice of any intended action by ~~said public works~~ the enforcing agency.

A. The inspector shall use reasonable efforts to assist the permittee in understanding what the permittee must do in order to comply with the applicable erosion control measures. No county agency/department shall proceed with further inspections until the erosion control measures have been inspected and approved by the public works agency.

B. If an inspector returns to a site for a second or additional times because erosion control measures have not been completed when an inspection has been called for, the enforcing agency may charge a reinspection fee as set forth in the applicable resolution of the board of supervisors.

C. After a second or subsequent inspection where the inspector finds that erosion control measures have not been completed, the inspector shall issue a stop work notice and the permittee shall immediately stop all work on the site ~~inconsistent with erosion control measures and good erosion control practices.~~

The permittee shall immediately correct erosion control damage and implement erosion control measures.

D. If the ~~public works~~ enforcing agency determines after proceeding through the prior steps that the permittee is not complying with erosion control measures, and giving ten days' notice thereof to the permittee except where immediate remediation work is required, the public works agency may refer the matter to the Amador County Code Enforcement Department, which is empowered to enforce all Amador County codes as set forth in Section 2.06.070 of the Amador County Code.

15.40.060 Property owner responsible for erosion control.

At all times the property owner shall be responsible for erosion control on his/her site whether or not a county permit has been issued under a contractor's name or to an agent.

15.40.070 Standard erosion control measures.

Standard erosion control measures shall be established by the ~~Public Works Department~~ local enforcing agency. The standard erosion control measures shall be used by all county departments. The standard erosion control practices shall be a guide for the departments, permittees, and contractors. Specific erosion control measures required for any permit shall depend upon the type of permit and may differ according to the type of permit, the scope of work, and the site.

15.40.080 Erosion control fees.

Fees for establishing and inspecting erosion control measures shall be included in the fees for other land use fees, such as fees for a well permit or building permit, and there shall be no separate fee for establishing and inspecting erosion control measures.

15.40.090 Procedure for issuance of grading permits where required.

A. Erosion control measures shall be required for all excavations. ~~except those which, cumulatively, are less than fifty cubic yards.~~

B. Where the excavation is over fifty cubic yards but less than five thousand cubic yards, an application for grading permit is required and may be issued by the enforcing agency after review. If the excavation is between fifty and two hundred fifty cubic yards and is related to a septic system or well permit application, the environmental health department may include the excavation as part of the well or septic permit. The public works agency may require the applicant to acknowledge that additional building department requirements shall be satisfied before a building or structure is constructed on the site. The ~~public works~~ enforcing agency shall determine if engineered plans are needed and, if so, shall issue a grading permit when the engineered plans are received, reviewed, and approved by the agency. The grading permit shall contain erosion control measures.

C. For an excavation of five thousand cubic yards or more, the applicant shall submit engineered plans, prepared and signed by an individual licensed by

the state to prepare such plans and specifications, to the enforcing agency for its review and approval of the plans. When approved, the grading permit shall contain erosion control measures.

D. Grading Permit Inspection and Enforcement. The ~~public works~~ **enforcing agency** shall inspect and enforce work done pursuant to a grading permit. The enforcing agencies shall develop a grading manual to identify required technical specifications for grading permits.

E. Certification. **The local enforcing** ~~public works~~ agency may require certification at the conclusion of the excavation prior to final inspection.

F. Unauthorized Activities. Any violation of this chapter, including both unauthorized grading or failure to implement required erosion control measures, shall constitute a misdemeanor and may be punishable by a fine of five hundred dollars or six months' imprisonment or both. Each day that the violation occurs constitutes a separate violation.

G. Fees for Grading Permits shall be established by the local enforcement agencies and are as follows: ~~The public works agency shall establish a fee schedule for the review and inspection of grading permits.~~

1. Pre-inspection **and additional required inspections** of the site (~~optional at request of permittee~~): **One hundred twenty two dollars (\$122.00) per hour one hour minimum. Pre-inspection is mandatory for any new construction or change in footprint for alterations.**
2. Excavation ~~between of fifty-one to two hundred fifty~~ **five hundred cubic yards: deposit of four hundred thirty nine dollars (\$439.00) four** **Four hundred forty-one dollars (441.00) – includes up to three inspections and plans examination. (Grading up to 500 cubic yards and the requirement for engineered grading plans may be considered exempt at the discretion of the local enforcement agency. (Reference Amador County Code 15.04.060.c.ii.)**
3. Excavation ~~over two hundred cubic yards~~ **501 cubic yards to 1000 cubic yards: deposit of four hundred thirty nine dollars plus twenty cents per cubic yard to one thousand cubic yards. Five hundred sixty-three dollars (563.00) – includes up to four inspections and the plans examination.**
4. Excavation ~~over 1000 cubic yards through 500 cubic yards~~ : **deposit of five hundred thirty dollars plus fifteen cents per cubic yard over 1000** **1001 cubic yards to 5000 cubic yards six hundred eighty five dollars (685.00) – includes up to five inspections and the plans examination.**
5. Excavation in excess of five thousand cubic yards: **submittal of engineered plans: review and inspection fee of two and one-half percent (2.5%) of engineers estimate.**