



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 11, 2012

**TO:** Mayor and Councilmembers

**FROM:** Community Development Department, Building and Safety Division

**SUBJECT:** Introduction Of Erosion And Sedimentation Control Ordinance

**RECOMMENDATION:** That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 22.85 to the Santa Barbara Municipal Code Relating to Erosion and Sedimentation Control Standards for Construction; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Building and Safety Division Erosion and Sedimentation Control Program.

### EXECUTIVE SUMMARY:

The proposed ordinance continues the City's practice of managing erosion and sedimentation during construction projects. Adoption of this ordinance satisfies a requirement of the City's Storm Water Management Program (SWMP) and will enable more effective enforcement of the erosion control standards.

### DISCUSSION:

Since at least 2003, the Building and Safety Division of the Community Development Department has had policies in place to properly manage erosion and sediment during construction activities. These policies specify erosion and sedimentation control standards and best management practices that are to be applied when a construction project disturbs soil.

When the City prepared the Storm Water Management Program (SWMP) in 2006-2009, the City identified the Building and Safety Division's erosion and sedimentation control policies as the means of satisfying the State's NPDES General Permit (State Permit) requirements for storm water management on construction sites.

The City's erosion and sedimentation control policies employ a tiered approach where smaller projects on generally flat land can satisfy the policy requirements by selecting from a menu of best management practices applicable to the project site, while larger projects on steeper slopes or projects located adjacent to critical areas, such as creeks, are required to provide a more detailed plan for controlling erosion and sediment during construction. These standards have been applied as conditions of approval for building permits or grading permits with good success. The staff of the Regional Water Quality Control Board of (Regional Board) has acknowledged the effectiveness of the City's approach.

Despite the effectiveness of the City's program, the Regional Board has identified the lack of an erosion control ordinance as a deficiency under the State Permit and has ordered the City to correct the program deficiency by December 31, 2012. In response to the order from the Regional Board, City staff has prepared an ordinance that incorporates the erosion and sedimentation control policy into the Municipal Code. The proposed ordinance would:

1. Require the preparation of erosion control plans for all projects requiring a grading permit or building permit that will disturb soil,
2. Require erosion control measures to be installed and maintained in accordance with the approved erosion control plan, and
3. Enable enforcement of erosion control policy violations as violations of the Municipal Code enforceable by stop work orders, administrative citations, or criminal sanctions.

The requirements of the erosion control policy are not changing; but the City's ability to enforce the policy is improving. While the City has had good success in incorporating the erosion control best management practices into grading permits and building permits, the proposed ordinance will provide clear authority to require compliance with the policy when the City discovers construction without permits. This will ensure consistency and fairness in the application of the requirements.

The Ordinance Committee reviewed a draft of the ordinance on November 20, 2012 and voted unanimously to forward the ordinance to the City Council with recommendations for staff to clarify which projects must comply with the standards and to more clearly identify the City staff responsible for implementing the ordinance. The ordinance presented to the City Council for introduction includes the requested revisions.

**ENVIRONMENTAL REVIEW:**

The City Environmental Analyst has reviewed the draft Erosion and Sediment Control Ordinance and found that it is exempt from environmental review pursuant to CEQA Guideline Section 15308 as an action of a regulatory agency for the protection of the environment.

**SUSTAINABILITY IMPACT:**

The ordinance is a required action item under the City's adopted Storm Water Management Program and, by improving the scope and consistency of enforcement of existing City environmental policies, will serve to protect and improve water quality within the City's watersheds.

**PREPARED BY:** Lonnie Cassidy, Building Plan Check/Inspection Supervisor

**SUBMITTED BY:** Paul Casey, Assistant City Administrator

**APPROVED BY:** City Administrator's Office