

Construction Site Storm Water Runoff Control

BMP #1 Legal Authority

Construction waste requirement:

Ordinance currently in place: Article 11, Section 1114.01(b) of the Unified Development Code of Oconee County addresses the construction waste requirement.

Results of evaluation: The existing ordinance does adequately require erosion and sediment controls at construction sites, including sanctions for failure to comply. The ordinance requires construction site operators to control wastes at the construction site that may cause adverse water quality impacts.

Ordinance modifications: None needed at this time.

E&S Ordinance:

Amendments to the relevant sections of Article 11 of the Unified Development Code were adopted during the reporting period in order to comply with the latest revisions to the E&S Act. The adopted amendments are attached.

**RESOLUTION
TO ADOPT AMENDMENTS TO THE
UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA**

WHEREAS, the Oconee County Board of Commissioners has adopted a Unified Development Code on October 4, 2006; and

WHEREAS, it is necessary to make certain Amendments to the Unified Development Code (UDC): (1) Article 11 – Section 1104; to modify definitions of CPESC, Design Professional, Final Stabilization, and Trout Streams, (2) Article 11 – Section 1106; to modify wording of the title, (3) Section 1106.01.b.15- to add reference to another section of the code, (4) Section 1106.01.a.5 – to add reference to subparagraph 16, (5) Section 1106.01.b.15 – to add reference to particular paragraphs in the UDC, (6) delete Section 1106.01.b.17, (7) Section 1107.02.e – to add reference to particular paragraphs in the UDC, (8) Section 1107.03; to modify the first line of paragraph b and to delete subsections 1107.03.b. 1-10 & 1107.03.c, (9) Section 1107.04.b – to add reference to particular paragraphs in the UDC, and (10) Section 1110 – to add language to further clarify education and certification requirements; and

WHEREAS, on December 5, 2017, a first reading and public hearing for said Amendment was conducted by the Oconee County Board of Commissioners, and on December 19, 2017 at a second reading and public hearing for said Amendment having been conducted by the Oconee County Board of Commissioners; and

NOW THEREFORE, be it resolved that the Oconee County Board of Commissioners adopts the Amendments to the Unified Development Code of Oconee County which are attached hereto as "Exhibit A" and incorporated herein by reference, to become effective on adoption; and

BE IT FURTHER RESOLVED, that the Oconee County Planning Director is directed to make the changes set forth in Amendments to the Unified Development Code as provided for in said "Exhibit A" and to renumber any such sections, paragraphs or pages as are necessary to reflect said Amendments; and

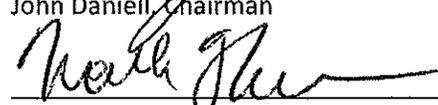
BE IT FURTHER RESOLVED, that the Unified Development Code of Oconee County, Georgia, as Amended, is hereby Ratified, Confirmed and Readopted as of this **19th day of December, 2017**.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:



John Daniell, Chairman



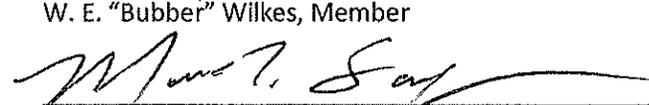
Mark Thomas, Member



Chuck Horton, Member



W. E. "Bubber" Wilkes, Member



Mark Saxon, Member

ATTEST:



Kathy Hayes
Clerk, Board of Commissioners

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Sec. 1104. Definitions related to erosion, sedimentation and pollution control.

- *Modify existing definition as follows to specify EnviroCert, Inc., certification requirement:*

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

- *Modify existing definition as follows to specify EnviroCert, Inc., certification requirement:*

Design Professional: A Professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

- *Modify existing definition as follows to delete permanent stabilization measures, to delete permanent vegetation description, and to add reference to a landscaped plan:*

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final Stabilization applies to each phase of construction.

- *Modify existing definition to change "Game and Fish" to "Wildlife Resources" Division:*

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of O.C.G.A. 12-5-20 et. seq., in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Sec. 1106. Minimum requirements for erosion, sedimentation and pollution control using best management practices.

- *Modify section title to include phrase "best management practices."*

Sec. 1106.01.b(15)

- *Clarify reference to same section by specifying paragraphs 15 and 16:*

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(15) Except as provided in Sec. 1106.01.b paragraphs 15 and 16, and the Environmental Protection Article of this Code relating to stream buffers and conservation corridors, there is established a 25 foot stream buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action except where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground water table year round; for which ground water is not a source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the Georgia Water Quality Control Act, shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

Sec. 1106.01.a(5)

- *Modify paragraph to include reference to subparagraph (16) as follows:*

The LIA may set more stringent buffer requirements than stated in Sec. 1106.01.b(15) & (16) in this Code, in light of O.C.G.A. 12-7-6(c).

Sec. 1106.01.b(15)

- *Modify paragraph to include reference to subparagraphs (15) & (16) as follows:*

Except as provided in Sec. 1106.01.b paragraphs 15 and 16, and the Environmental Protection Article of this Code relating to stream buffers and conservation corridors, there is established a 25 foot stream buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action except where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground water table year round; for which ground water is not a source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the Georgia Water Quality Control Act, shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

Sec. 1106.01.b(17)

- *Delete subparagraph 17 in its entirety*

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Sec. 1107.02.e

- *Modify as follows to reference subparagraphs 15 & 16:*

e. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the Soil & Water District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. A Soil & Water District shall approve or disapprove a plan within 35 days of receipt. Failure of a Soil & Water District to act within 35 days shall be considered an approval of the pending plan. The results of the Soil & Water District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the Soil & Water District, and any variances required by Sec. 1106.01.b paragraphs 15 and 16 are obtained, and bonding requirements, if necessary, as per Sec. 1107.02.g, have been met. Such review will not be required if the Local Issuing Authority and the Soil & Water District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the Soil & Water District.

Sec. 1107.03.b

- *Modify first sentence and delete subsections 1107.03.b. 1- 10 and all of 11.07.03.c.*

b. Data required for erosion, sedimentation and pollution control plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land disturbing activity was permitted.

Sec. 1107.04.b

- *Modify paragraph to include reference to subparagraphs 15 & 16 as follows:*

b. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the Soil & Water District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Sec. 1106.01.b paragraphs 15 and 16 are obtained, and bonding requirements, if necessary, as per Sec. 1107.02.g, are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

Sec. 1110. Education and certification.

- *Modify section to add three (3) paragraphs as follows:*

b. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

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c. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

d. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.