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DEPARTMENT
OF UTILITIES

ENGINEERING
SERVICES DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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August 4, 2003

Law & Legislative Committee
Sacramento, California

Honorable Members in Session:

**SUBJECT: ADOPTION OF GRADING ORDINANCE AND EROSION AND SEDIMENT
CONTROL FEE RESOLUTION**

LOCATION AND COUNCIL DISTRICTS: All Districts

RECOMMENDATION:

Staff recommends that the Law and Legislation Committee approve the attached Ordinance and Fee Resolution and forward to the City Council for consideration.

CONTACT PERSON: David Brent, Engineering Division Manager, 264-1420
Bill Busath, Supervising Engineer, 264-1434

FOR COMMITTEE MEETING OF: August 19, 2003

SUMMARY:

The revisions in the Grading Ordinance and the Erosion and Sediment Control (ESC) Development Fee will enable the City to fully fund the ongoing-erosion and sediment control construction inspection program required under the National Pollution Discharge Elimination System (NPDES) stormwater permit.



CITY OF SACRAMENTO
DEPARTMENT
OF UTILITIES

Making a Difference in Your Neighborhood

BACKGROUND INFORMATION:

The Department of Utilities has an ESC Inspection Program to enforce the City Erosion and Sediment Control Ordinance and to comply with the Stormwater NPDES Permit issued by the California Regional Water Quality Control Board. The program currently consists of 2.4 FTE for field inspection and .4 FTE for management and oversight. The total cost to the City for this program is approximately \$305,000 (this includes all overhead and vehicle costs)

The current fee structure (see table below), instituted in January of 1994 and authorized by the City's grading ordinance, covers only a small portion of the program cost. In the 02/03 fiscal year, program revenue is projected to be \$20,000. If the proposed fee structure had been implemented for the 02/03 fiscal year, program revenue would have been estimated at \$295,000.

Current ESC Inspection Fee Structure:

CATEGORY	FEES	
	< or = 1 ACRE	> 1 ACRE
Single family residential	No Fee	No Fee
Residential Infill projects as defined by the Zoning Ordinance	No Fee	No Fee
Multiple family residential	\$150.00	\$300.00
Commercial/Industrial	\$150.00	\$300.00
Single lot projects with four or more dwelling units	\$150.00	\$300.00

The existing fee is collected at the issuance of the grading permit on specified development projects and exempts single family residential projects. The bulk of the inspection effort (about 75%) however, takes place during the actual home construction phase of single family residential projects.

Accordingly, the new fee schedule proposes to increase the fee collected at the issuance of the grading permit (including single family residential projects) and includes a \$70 fee per single family unit collected at the issuance of the building permit. The proposed fee schedule is attached to the Fee Resolution.

The Grading ordinance is being revised to authorize the collection of an ESC fee at the issuance of the building permit. Attached are the redlined ordinance changes and a clean copy.

FINANCIAL CONSIDERATIONS:

The estimated annual program costs are \$305,000. The current fee recovery annually totals \$20,000, which covers only 6.6% of program costs. Approval of the recommended fee structure will result in revenue estimated at \$296,000, which would recover 97% of program costs.

ENVIRONMENTAL CONSIDERATIONS:

The activity that is funded by the proposed fee increase is exempt from the provisions of CEQA pursuant to Section 15308, *Actions by Regulatory Agencies for Protection of the Environment*. This exemption relates to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

POLICY CONSIDERATIONS:

The proposed revisions make the ESC fee clearer and more consistent and will fund the permit required ESC construction inspection program. The proposed revision is consistent with the City's Strategic Goals of enhancing and preserving neighborhoods and promoting and supporting economic vitality.

ESBD CONSIDERATIONS:

Not applicable. There are no goods or services being purchased as a direct result of this report.

Respectfully submitted,



David L. Brent
Engineering Services Manager

RECOMMENDATION APPROVED:



Ken Nishimoto
Deputy City Manager

APPROVED:



Gary A. Reents
Director of Utilities

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 15.88.050, 15.88.250, 15.88.310 AND 15.88.360 OF THE SACRAMENTO CITY CODE, RELATING TO GRADING, EROSION AND SEDIMENT CONTROL

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

In Section 15.88.050 of the Sacramento City Code, the definition of "best management practices" is amended to read as follows:

"Best management practices" means any program, technology, technique, process, siting criteria, operating method, measure or device which controls, prevents, removes or reduces pollution, erosion, and sediment transport, including but not limited to any best management practices required or implemented under the City's Stormwater Management and Discharge Control Code, set forth in Chapter 13.16 of this code.

SECTION 2.

In Section 15.88.050 of the Sacramento City Code, the definition of "erosion and sediment control plan (ESC plan)" is amended to read as follows:

"Erosion and sediment control plan (ESC plan)" consists of a set of best management practices or equivalent measures designed to control surface runoff and erosion, retain sediment on a particular site, and prevent pollution of site runoff during the period in which beginning when any preconstruction and/or construction related grading and/or soil storage first occurs, and before until all final improvements or and permanent structures are completed.

SECTION 3.

Section 15.88.250 of the Sacramento City Code is amended to read as follows:

15.88.250 Erosion and sediment control plans (ESC plan).

The An ESC plan shall be prepared for all projects to control surface runoff and erosion and to retain sediment on a particular site and prevent pollution of site runoff during the period beginning when any preconstruction and/or construction related grading activities or soil storage first occurs, but before until all final improvements or and permanent structures are complete. The ESC plan shall be prepared and submitted concurrently with the final grading plan. The ESC plan may be incorporated on the same plan sheet as the final grading plan unless it makes the sheet cluttered, or it may be submitted on a clean separate sheet. The separate sheet shall be drawn clearly and legibly and entitled "erosion and sediment control plan," shall contain a statement of the purpose of the proposed best management practices to be used, and shall include all of the information required and contained in the Manual of Standards, Chapter 2, Section 3.

SECTION 4.

Section 15.88.310 of the Sacramento City Code is amended to read as follows:

15.88.310 Fees.

~~A. Before grading approval is issued, t~~The applicant shall deposit with the director cash or a check, in a sufficient sum to cover the fee for issuance of the approval, charges for review of pay a fee or fees to cover the City's costs of reviewing plans, specifications and reports, other, reports and other materials related to grading approval, and performing all engineering services, field investigations, necessary inspection or other work and inspections, routine laboratory tests of materials and compaction, a~~ll~~or other work or services, in connection with the issuance of grading approval or to determine or enforce compliance with any requirement or provision set forth in this chapter or in chapter 13.16 of this code (Stormwater Management and Discharge Control Code).

B. The fee or fees required by subsection A, above, shall be established from time to time by resolution of the city council, and shall be paid to the director either before grading approval is issued or before the issuance of a building permit, or both, in accordance with the fee schedule of fees and costs established and adopted by resolution of the city council. If the initial deposit does not cover the cost of review and inspection, t~~The~~ director

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may charge additional fees in any case where the City incurs costs that are not covered by the initial fee payment(s).

BC. If grading work is done in violation of the grading ordinance or does not comply with the terms and conditions of a grading approval issued for such grading, ~~a fee covering investigation of any violation and the violator shall be required to pay the City for all costs actually incurred by the City to inspect or investigate such violation and to perform inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all costs actually incurred by the city.~~ the violation.

SECTION 5.

Section 15.88.360 of the Sacramento City Code is amended to read as follows:

15.88.360 Other responsibilities of applicant.

A. Protection of Utilities. The applicant shall be responsible for the prevention of damage to any public utilities or services.

B. Protection of Adjacent Property. The applicant shall be responsible for the prevention of damage to adjacent property. No person(s) shall excavate on land sufficiently that is so close to the property line as to endanger any adjoining public street, sidewalk, alley, structure, or other public or private property, or easement, without supporting and protecting such property from any damage which that might otherwise result.

C. Advance Notice. The applicant shall notify the director at least twenty-four (24) hours prior to the start of work.

D. Erosion and Sediment Control. It shall be the sole responsibility of the applicant to prevent discharge of sediment from the site, in quantities any quantity greater than was discharged before the grading occurred, to any watercourse, drainage system, or adjacent property.

E. Compliance with Stormwater Management and Discharge Control Code. At all times during the preconstruction and construction of any project for which grading approval is issued, until all final improvements and permanent structures are complete, the applicant shall fully comply with all applicable requirements of the City's Stormwater Management and Discharge Control Code, set forth in Chapter 13.16 of this code.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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SECTION 4.

Section 15.88.310 of the Sacramento City Code is amended to read as follows:

15.88.310 Fees.

A. The applicant shall pay a fee or fees to cover the City's costs of reviewing plans, specifications, reports and other materials related to grading approval, and performing all engineering services, field investigations, inspections, routine laboratory tests of materials and compaction, or other work or services, in connection with the issuance of grading approval or to determine or enforce compliance with any requirement or provision set forth in this chapter or in chapter 13.16 of this code (Stormwater Management and Discharge Control Code).

B. The fee or fees required by subsection A, above, shall be established from time to time by resolution of the city council, and shall be paid to the director either before grading approval is issued or before the issuance of a building permit, or both, in accordance with the fee schedule adopted by resolution of the city council. The director may charge additional fees in any case where the City incurs costs that are not covered by the initial fee payment(s).

C. If grading work is done in violation of the grading ordinance or does not comply with the terms and conditions of a grading approval issued for such grading, the violator shall be required to pay the City for all costs actually incurred by the City to inspect or investigate such violation and to perform inspection and plan checking of work required to correct the violation.

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C. Advance Notice. The applicant shall notify the director at least twenty-four (24) hours prior to the start of work.

D. Erosion and Sediment Control. It shall be the sole responsibility of the applicant to prevent discharge of sediment from the site, in any quantity greater than was discharged before the grading occurred, to any watercourse, drainage system, or adjacent property.

E. Compliance with Stormwater Management and Discharge Control Code. At all times during the preconstruction and construction of any project for which grading approval is issued, until all final improvements and permanent structures are complete, the applicant shall fully comply with all applicable requirements of the City's Stormwater Management and Discharge Control Code, set forth in Chapter 13.16 of this code.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION ESTABLISHING GRADING APPROVAL FEES

WHEREAS, Chapter 15.88 of the Sacramento City Code establishes regulatory requirements for grading, erosion and sediment control in the City of Sacramento; and

WHEREAS, Chapter 13.16 of the Sacramento City Code establishes regulatory requirements for stormwater management and discharge control in the City of Sacramento; and

WHEREAS, Section 15.88.310 A of the Sacramento City Code, as amended by Ordinance No. _____ adopted by the City Council on _____, 2003, requires applicants for grading approval to pay fees to cover the City's regulatory costs to perform services in connection with grading approval and the enforcement of compliance with the provisions of City Code Chapter 15.88, as well as City Code Chapter 13.16; and

WHEREAS, Section 15.88.310 B of the Sacramento City Code, as amended by Ordinance No. _____, provides that these fees shall be established from time to time by resolution of the City Council; and

WHEREAS, the City Council now desires to establish these regulatory fees.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The fees required to be paid by applicants for grading approval, pursuant to Section 15.88.310 of the Sacramento City Code, as amended by Ordinance No. _____ adopted by the City Council on _____, 2003, shall be in the amounts specified in, and shall be paid in accordance with, the fee schedule attached hereto as Exhibit A.
2. Based upon the information presented to it in the staff report, at hearing, and other

information in the public record, and in compliance with Public Resources Code Section 21080(b)(8), the City Council finds that these fees are being established in order to meet operating expenses.

3. The fees adopted by this Resolution shall replace and supercede any fees previously approved pursuant to Section 15.88.310 A of the Sacramento City Code.
4. This Resolution shall become effective on the date that Ordinance No. _____ becomes effective.

MAYOR

ATTEST:

CITY CLERK

Exhibit A

The Erosion and Sediment Control Fee Schedule is amended as follows:

Grading Permit		
Acreage		Fee
Min	Max	
0	0.99	\$100
1	1.99	\$200
2	4.99	\$500
5	9.99	\$800
10	----	\$1,500

Comm/MFR Building Permit		
Square Footage		Fee's
Min	Max	Fixed
0	4,999	\$50
5,000	9,999	\$100
10,000	19,999	\$200
20,000	49,999	\$500
50,000	----	\$1,000

Single Family Residential		
Square Footage		Fee
----	----	\$70.00