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PLANNING DEPARTMENT

Staff Report for PAC meeting 12/07/16

REZN-12-16-2472

Text Amendment Change to the UDO

Subject: (REZN-12-16-2472) Request to amend the text of the Unified Development Ordinance (UDO) in regards to The Stormwater & Floodplain Programs in section 8.4

UNIFIED DEVELOPMENT ORDINANCE REVISIONS

Explanation of Revisions: Changes the Stormwater Discharge permit sections as issued by Georgia Environmental Protection Division (EPD).

ARTICLE 4. - SOIL EROSION AND SEDIMENTATION CONTROL

Section 8.4.1. - Statement of Purpose.

Soil erosion and sediment deposition onto lands and into waters within the Columbus, Georgia area are occurring as a result of failure failing to apply proper soil erosion and sedimentation control practices in land clearing, soil movement and construction activities. This sediment deposition results in pollution of waters and damage to domestic, agricultural, recreational, fish and wildlife and other resource uses. The purpose of this Article, as authorized by the legislature of the state of Georgia in the Erosion and Sedimentation Act of 1975, and as further amended, is to control and minimize the extent of erosion and sedimentation, to conserve and protect land, water, air and other resources and to promote the public health, safety, and general welfare. The Erosion and Sedimentation Act of 1975, and all amendments thereto, are hereby adopted as fully set forth and incorporated by reference herein into this UDO.

Section 8.4.2. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

~~Best management practices (BMP's) [means] a collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b). means sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.~~

Board means the Board of Natural Resources.

Buffer means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

City Engineer shall mean the duly designated Director of the Department of Engineering of Columbus, Georgia licensed and registered in Georgia to perform the duties of Engineer, as herein specified, or his duly authorized agent.

Coastal Marshlands shall have the same meaning as in O.C.G.A. 12-5-282.

Commission means the Georgia Soil and Water Conservation Commission (GSWCC).

CPESC means certified professional in erosion and sediment control with current certification by ~~Certified Professional in Erosion and Sediment Control~~ EnviroCert Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

Cutting means the removal of any soil or other solid material from a natural ground surface.

Department means the Georgia Department of Natural Resources (DNR).

Design professional means 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 ~~Certified Professional in Erosion and Sediment Control Inc.~~ EnviroCert Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Development permit [means] the authorization necessary to begin a land disturbing activity under the provisions of this ordinance. See also "site development permit."

Development project or "project" means the entire proposed development project regardless of the size of the area of land to be disturbed.

Director means the Director of the Environmental Protection Division or an authorized representative.

District means the Pine Mountain Soil and Water Conservation District.

Division means the Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage structure means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

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; and for which runoff from precipitation is the primary source of water flow.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, sedimentation and pollution control plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the state general permit, best management practices, and requirements in section ~~IV-G~~ 8.4.6 of this ordinance.

Existing grade ~~[means]~~ means the vertical location of the existing ground surface prior to cutting or filling.

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Filling means the placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

Final stabilization means 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 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent 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). ~~or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region.~~ Final stabilization applies to each phase of construction.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flood plain, one-hundred-year means land in the floodplain subject to a 1 percent or greater statistical occurrence probability of flooding in any given year.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

~~*Lake* means a body of water one acre or more in surface area, created either by a manmade or natural dam or other means of water impoundment.~~

Land-disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 8.4.3.

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcations such as boundary signs, lot stakes, or surveyor markings, indicating that construction markings, indicating that construction activities may occur on a specific plot.

Local issuing authority means the governing authority of any county or municipality, which is certified pursuant to subsection (a) O.C.G.A. § 12-7-8.

Manual for Erosion and Sediment Control in Georgia means that publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time.

Metropolitan River Protection Act (MRPA) means a state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters certain metropolitan river corridors and their drainage basins.

Natural ground surface means the ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI means a notice of intent form provided by EPD for coverage under the State General Permit.

NOT means a notice of termination form provided by to EPD to terminate coverage under the state general permit.

Operator means the party or parties that have: ~~(A) day-to-day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit conditions, such as a person authorized to direct works at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.~~ (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Owner means the legal titleholder to real property. For the purpose of erosion control, the owner is the legal titleholder of the real property on which is located the facility or site where the construction activity takes place.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of ~~this State~~ the State of Georgia, any interstate body, or any other legal entity.

Phase or *phased* means sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Pond ~~means a body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.~~

Primary Permittee ~~means the Owner or Operator or both of a tract of land for a common development.~~

~~*Project* means the entire proposed development project regardless of the size of the area of land to be disturbed.~~

~~*Properly designed* means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.~~

~~*Qualified personnel* means a person who has successfully completed an erosion and sedimentation control short course eligible for continuing education units, or an equivalent course approved by EPD and the State Soil and Water Conservation Commission which meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19. After December 31, 2006, a qualified person means a person who has successfully completed the appropriate certification course approved by the State Soil and Water Conservation Commission.~~

Roadway drainage structure means a device such as a bridge, culvert or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

~~*Secondary Permittee* means an individual builder, utility company, or utility contractor that conducts a construction activity within a common development.~~

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

~~*Site development permit* means a permit issued giving authorization to begin land-disturbing activities for all nonexempt land-disturbing activities other than those requiring a Residential Development Permit (RDP) or UDP (Utility Development Permit) or MLD (Minor Land Disturbance Permit) as defined in Chapter 10 of this UDO.~~

~~*Slope* means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.~~

~~*Soil and Water Conservation District* means the Pine Mountain Soil and Water Conservation District.~~

Soil and Water Conservation District approved plan means an erosion and sedimentation control plan approved in writing by the Pine Mountain Soil and Water Conservation District.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State general permit means the National Pollution Discharge Elimination System general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A. § 12-5-3(f).

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or

artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

~~Stream buffer [means] the area of land immediately adjacent to the banks along State waters to be maintained in an undisturbed and natural state of vegetation which facilitates the protection of water quality and aquatic habitat.~~

Structural erosion and sedimentation control measures means measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout streams means all streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, 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 water 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.

Vegetative erosion and sedimentation control measures means measures for the stabilization of erodible or sediment-producing areas by covering the soil with: (1) permanent seeding, sprigging or planting, producing long-term vegetative cover; or (2) temporary seeding, producing short-term vegetative cover; or (3) sodding, covering areas with a turf of perennial sod-forming grass. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

~~*Wetlands, protected* means those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.~~

(Ord. No. 10-35, § 1, 7-13-10)

Section 8.4.3. - Exemptions.

A. *Activities Exempt from Permitting Process.*

1. This Article applies to any land disturbing activity undertaken by any person on any land, including land disturbing activities associated with larger common plan of development or sale with land disturbance equaling to one acre or greater, except for those activities listed in this Section.

2. Exemptions as contained in this Section do not authorize any such exempted person to violate the principal of the Soil Erosion and Sediment Act to control and minimize soil erosion and sedimentation. In any event in which significant soil erosion and sedimentation leave the boundary of any project, either by surface or by a storm water system, the issuing authority of this chapter may take such action as is authorized under Chapter 12 of this UDO.
 3. Further, no provision of this Section shall authorize any person to violate Article 2 of Chapter 5 of the "Georgia Water Quality Control Act" or the rules and regulations promulgated and approved thereunder or to pollute any water of State of Georgia as defined thereby.
 4. Where this Section requires compliance with the minimum requirements set forth in Section 8.4.6., the Department of Engineering shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.
- B. *Exempt Activities.* This Article shall apply to any land-disturbing activity undertaken by any person on any land except for the activities listed below.
1. *Surface Mining.* Surface mining, as the same is defined in O.C.G.A. § 12-4-72, Mineral Resources and Caves Act."
 2. *Granite Quarrying.* Granite quarrying and land clearing for such quarrying.
 3. *Minor Activities.* Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities, which result in minor soil erosion.
 4. *Single-family Dwellings.* Single-family detached dwellings, as provided below:
 - (A) *Owner Constructed Single-family Residences.* The construction of single-family residences, when such are constructed by or under contract with the owner for his or her own occupancy.
 - (B) *Other Single-family Residences.*
 - (1) The construction of single-family residences when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph.
 - (2) However, that construction of any residence shall conform to the minimum requirements as set forth in Section 8.4.6.C of this Article and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a small buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a small buffer shall be granted.

The minimum requirements of this Section of this UDO and the buffer zones provided by this Section shall be enforced by the issuing authority.

5. *Agricultural Operations.* Agricultural operations as defined in O.C.G.A. § 1-3-3 to include the following:
 - (A) Raising, harvesting, or storing of products of the field or orchard;
 - (B) Feeding, breeding, or managing livestock or poultry;
 - (C) Producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep and rabbits or for use in the production of poultry, including but not limited to chicken, hens, and turkeys;
 - (D) Producing plants, trees, fowl, or animals;
 - (E) The production of aqua culture, horticultural, dairy, livestock, poultry, eggs, and apiarian products; and
 - (F) ~~Forestry land management practices, including harvesting and farm~~ Farm buildings and farm ponds.
6. *Forestry Practices.* Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land disturbing or other activities otherwise prohibited in a stream buffer, as established in the Environmental Protection Chapter of this UDO, no other land disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.
7. ~~Natural Resources Conservation Service Projects.~~ *Natural Resources Conservation Projects* Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.
8. *State of Georgia Road Projects.* Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1, except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the ~~local issuing authority~~ Columbus Consolidated Government, the ~~local issuing authority~~ Columbus Consolidated Government shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.
9. *Electrical Utilities.* Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electric system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the Federal Energy

Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the ~~local issuing authority~~ Columbus Consolidated Government shall enforce compliance with the minimum requirements set in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.

10. *Public Water System Reservoir.* Any public water system reservoir.
11. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the ~~Local Issuing Authority~~ Columbus Consolidated Government from regulating any such project which is not specifically exempted by ~~paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10~~ of this section;

Section 8.4.4. - Application Procedures.

See Chapter 10, Article 4, for applications procedures for land-disturbing permits.

Section 8.4.5. - Plan Requirements.

See Chapter 10, Article 5, regarding Soil Erosion and Sediment Control plans, Sedimentation and Pollution Control Plans.

Section 8.4.6. - Minimum Requirements for Erosion and Sedimentation Control.

- A. *General Provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities.
 1. *Control Measures.* Plans for those land-disturbing activities that are not excluded by this Section shall contain provisions for application of soil erosion and sedimentation control measures. The provisions shall be incorporated into the erosion and sedimentation control plans.
 2. *Compliance.* Soil erosion and sedimentation control measures and practices shall conform to the requirements of this Section. The application of measures shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.
- B. *Best Management Practices.*
 1. *Required.* Best management practices as set forth in this Section shall be required for all land-disturbing activities. Proper design, installation and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Section 8.4.6.B.2 of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As

used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

2. *Violations.* A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by ~~a Local Issuing Authority~~ the Columbus Consolidated Government or of any state general permit issued by the Division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on said discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family, which is not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than one acre.
 3. *Determination of Violation.* Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by ~~a Local Issuing Authority~~ the Columbus Consolidated Government or of any state general permit issued by the Division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 4. *Monitoring.* The EPD Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
- C. *Specific Minimum Requirements.* The permittee and exempt persons who are required to comply with this Article shall follow, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia in effect as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. *Vegetation Removal.* Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion.
 2. *Cut-fill Operations.* Cut-fill operations must be kept to a minimum.
 3. *Topography and Soils.* Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
 4. *Natural Vegetation.* Whenever feasible, natural vegetation shall be retained, protected and supplemented.
 5. *Exposure of Disturbed Area.* The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.
 6. *Stabilization.* Disturbed soil shall be stabilized as quickly as ~~practical~~ practicable.
 7. *Temporary Measures.* Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
 8. *Permanent Control Measures.* Permanent vegetation and structural erosion control measures shall be installed as soon as ~~practical~~ practicable.
 9. *Trapping of Sediment.* To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until

the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.

10. *Surface Water Damage.* Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
 11. *Protection of Adjoining Property.* Cuts and fills may not endanger adjoining property.
 12. *Encroachment of Fill.* Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
 13. *Crossing of Flowing Streams.* Grading equipment must cross-flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any case, that such crossings are kept to a minimum.
 14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in 8.4.6.B.2.
- D. *Sediment Control Ponds.* When a pond, either new or existing, is incorporated into a development, the developer shall note on his plans if the pond is to be used for sediment control or retention during construction. If the pond is to be used for sediment control, the developer will be required to dredge, clean and grass the pond upon completion of construction of the project. Further, sediment control devices shall be required to protect downstream property during construction.
- E. *Reserved.*
- F. *Prohibited Land Disturbing Activities.* Land-disturbing activities shall not be conducted within the 100-year flood plain except in compliance with the Flood Damage Prevention Section of this Article.

(Ord. No. 09-4, § 1, 1-27-09)

Section 8.4.7. - Stream Buffers.

A buffer is established along the banks of any state waters, as measured from the point where vegetation has been wrested by normal stream flow or wave action. See the Environmental Protection chapter of this Ordinance for details.

Section 8.4.8. - Education and Certificate.

~~After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.~~

A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

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.

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.

Section 8.4.9. - Inspection, Enforcement and Penalties.

See Chapter 12 for inspection, enforcement and penalties related to land development activities.

The Planning Advisory Commission (PAC) considered this text amendment at their meeting on XXXXXXXX. The PAC recommended XXXXXXXX. The Planning Department recommends XXXXXXXX.

Sincerely,

Rick Jones, AICP
Director, Planning Department