



STAFF REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley

From: Michael D. Malinoff, City Manager

Date: February 21, 2023

Subject: 0-55-22 Sediment Control Inspections Process, Fees, and Milestone Inspections

For the purpose of adding conditions for reinspections; creating milestone inspections; adjusting buildings and construction fees to pay for inspector positions; updating the code format of these sections; and generally related to grading, erosion and sediment control inspections.

The major revisions to the sediment and erosion control provisions of the City Code are as follows:

1. For projects with multiple phases, new milestone inspection fees must be paid before each major phase of development projects. Developers will contact City staff and pay a fee for these inspections. The inspector must be satisfied with the work performed before the developer can proceed to the next phase of construction. Milestone inspection schedules will be established by City staff and detailed on approved plans. These “milestone inspections” are supplemental to the inspections already required by Code at development sites.
2. To ensure adequate frequency of inspections, site inspections will be required once per week at large, active sites (sites with greater than an acre of disturbance) and not less than every two weeks for smaller sites. The frequency of the inspections is deemed adequate and manageable by the Department of Public Works.
3. To address off-site pollution, receiving waters (waters or wetlands to which a project drains) will be inspected after “rainfall events” (more than a half-inch of rainfall in the construction area during a 24-hour period.) Off-site receiving waters are not part of current inspections, but have increasingly become the subject of scrutiny. NOTE: The ordinance does not specify the distance from the site boundaries that must be inspected in the “receiving waters.”

4. To ensure full documentation of site conditions and corrective action required, inspection reports must list deficiencies and violations, along with the types of corrective action ordered and required time(s) for compliance, and unresolved deficiencies noted from previous inspections.
5. In the interest of transparency, inspection reports must be posted within three (3) days post-inspection. NOTE: The ordinance does not specify whether these are three (3) business days or three (3) calendar days.
6. To ensure swift corrective action, deficiencies must be corrected within three (3) business days from their identification by the inspector. A longer period may be requested in writing by the developer and the inspection supervisor will review and approve or disapprove the request.
7. In the interest of tracking and responding to complaints, the Department of Public Works must keep a log of complaints either online or on a public permit tracking system.
8. To provide more thorough documentation of site conditions, inspectors must not only identify but must also photograph site deficiencies and make the photographs part of the written inspection reports.

Prepared by: *Michael D. Malinoff, City Manager*