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ORDINANCE NO. 3565

AN ORDINANCE AMENDING SECTION 7.4.9 OF THE ZONING REGULATIONS FOR THE BARTLESVILLE CITY PLANNING AREA, PERTAINING TO THE GENERAL DEVELOPMENT STANDARDS, SOIL EROSION AND SEDIMENT CONTROL.

WHEREAS, the Bartlesville City Planning Commission (CPC) held a public hearing on December 13, 2022, to consider proposed amendments to the Zoning Regulations of the Bartlesville-Washington County Metropolitan Planning Area; and

WHEREAS, the City Council reviewed the Planning Commission's recommendation and, after conducting a second public hearing on January 3, 2023, concluded the proposed amendments to be appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BARTLESVILLE, OKLAHOMA:

Section 1. That Section 7.4.9, Soil Erosion and Sediment Control, of the Zoning Regulations of the Bartlesville City Planning Area (aka: Appendix A, Sec 7.4.10, Soil Erosion and Sediment Control, of the Bartlesville City Municipal Code) is hereby amended as shown on the annotated copy attached hereto as Exhibit A.

PASSED by the City Council and APPROVED by the Mayor of the City of Bartlesville, Oklahoma this 3rd day of January, 2023.

Dale Copeland, Mayor

City of Bartlesville
401 S Johnstone Ave.
Bartlesville, OK 74003

ATTEST:

Jason Muninger, City Clerk
(SEAL)

CITY OF BARTLESVILLE OFFICIAL SEAL OKLAHOMA

VOTE:		
MR. ROSZEL	aye	no
MR. DORSEY	aye	no
MS. ROANE	aye	no
VICE MAYOR CURD	aye	no
MAYOR COPELAND	aye	no

EXHIBIT A

7.4.9 *Soil Erosion and Sediment Control* ~~Soil erosion and sediment control-related measures are required for any regulated land disturbance activity, in accordance with the standards of this Section. All temporary measures and permanent erosion control and sediment control shall be maintained continuously in an effective working condition.~~

Soil erosion and sediment control-related measures are required during any construction activities causing land disturbance. Persons conducting any land disturbing construction activity must provide, implement, and maintain adequate structural and/or nonstructural Best Management Practices (BMPs) to control erosion and prevent the discharge of pollutants to the area waterways and municipal stormwater drainage system. All temporary construction site stormwater runoff control BMPs and post-construction stormwater runoff BMPs shall comply with the current City of Bartlesville Construction Standards and all ODEQ stormwater discharge requirements.

Additionally, any project with construction activities resulting in a total land disturbance of greater than or equal to one (1) acre or a disturbance of less than one (1) acre if the construction site is part of a larger common plan of development or sale that totals at least one (1) acre, must obtain a Stormwater General Permit for Construction Activities within the State of Oklahoma (OKR10) through the state of Oklahoma's Department of Environmental Quality (ODEQ). The required 'Sediment and Erosion Control Plan' and 'Stormwater Pollution Prevention Plan (SWP3)' must both be prepared following permit requirements and submitted to the City, as part of the construction plans submittal for review. Both the plans must comply with good engineering practices and meet all provisions of the OKR10 permit and follow City Stormwater Design Requirements. Proof of authorized state permit may be required in a form acceptable to the Environmental Administrator prior to the allowing of any construction activities to begin.

A. *General*

1. Soil disturbance shall be conducted in such a manner as to minimize erosion. Soil stabilization shall consider the time of year, site conditions, and the use of temporary and permanent measures.
2. Properties and channels located downstream from development sites shall be protected from erosion and sedimentation. At points where concentrated flow leaves a site, stable downstream facilities are required.
3. Soil erosion and sediment control features shall be constructed prior to the commencement of upland disturbance.
4. If de-watering devices are used, adjacent properties shall be protected. Discharges shall enter an effective sediment and erosion control measure.
5. For detached single-family residential development occurring one lot at a time, alternatives to the standards of this Section may be approved by the City Engineer.

B. Soil Stabilization

1. Temporary soil stabilization ~~shall be applied to disturbed areas within 14 days of the end of soil disturbance to all areas that will not be final graded and stabilized within 45 days.~~ **must be initiated immediately on any disturbed areas where construction activities have permanently ceased on any portion of the site or will be temporarily inactive for 14 or more calendar days on any portion of the site. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.**
2. Permanent stabilization shall be ~~done within 14 days~~ **completed as soon as practicable, but no later than 14 calendar days after stabilization measures have been initiated, or 7 calendar days if discharging to an impaired water, or ORW, or ARC as defined and required in ODEQ's OKR10 Permit.** Permanent soil stabilization measures shall be applied to channels (including bed and banks) within 14 days of the end of primary disturbance of the channel.
3. Permanent or temporary vegetation shall not be considered established until sufficient ground cover is mature enough to control erosion.
4. Earthen embankments shall be constructed with side slopes with a vertical to horizontal ratio no steeper than 1:3.

(END OF REVISIONS - REMAINDER OF SECTION 7.4.9 WILL REMAIN UNCHANGED)