



## PLANNING AND DEVELOPMENT SERVICES

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# Planning and Development Services Building Division Policy

<b>Title:</b>	Erosion and Sediment Control (ESC) Permit Policy
<b>Code Name:</b>	Boise City Code – Title 9, Chapter 14, Construction Site Erosion Control
<b>Code Sections:</b>	9-14-2-1A: General Requirements and Prohibitions: Permit Required 9-14-2-1C: Erosion Control Plan Required 9-14-2-2A: Erosion Control Permits: Categories 9-14-2-2D: General Permit Requirements

### Code Language:

**9-14-2-1A: Permit Required:** Every person shall obtain an erosion control permit (hereinafter "permit") before commencing any construction activity, unless performing work covered by an existing City approved erosion control permit or otherwise exempted by this chapter.

**9-14-2-2A: Categories:** The following categories of permits shall be issued upon approved application. An erosion control plan (ECP) is required on all site specific, special site projects (including single-family residential projects) and annual permits. Applicants may submit a plan waiver request letter in lieu of an ECP for minor disturbances:

1. General Permit: Issued for construction, demolition and site development for single-family homes and duplexes, and utility trench excavation.
2. Site Specific Permit: Issued for construction, demolition and site development for multiple-home developments, apartment complexes and commercial sites.
3. Special Site Permit: Issued for the following sites:
  - a. Development regulated by the City hillside and foothill area development ordinance, title 11 of this Code.
  - b. Predevelopment slopes greater than fifteen percent (15%).
  - c. Ground disturbance of a natural vegetative buffer within fifty feet (50') of wetlands or water bodies.
  - d. Sites located entirely or partially within an environmentally sensitive area as declared by the Director, or State or Federal authorities.
  - e. Any other site determined by the Director to have conditions necessitating additional control measures.

**Definitions/Key Terms:**

**Construction Activity:** Activities occurring in furtherance of a construction project, including, but not limited to, **land disturbing activities**; temporary crushing and screening operations lasting less than one hundred eighty (180) calendar days, and hauling of soil and rock; explosive and abrasive blasting; implosion; handling of building materials; concrete, stone and tile cutting; operation of motorized and nonmotorized machinery; and operation of motor vehicles on the site, staging areas, parking areas, storage areas, or any access routes to the construction site. (BCC 9-14-1-3)

**Environmentally Sensitive Area(ES):** Projects located within fifty feet (50') of the Boise River, irrigation canals, or any other redefined tributary or conveyance (freeflowing or intermittent) or wetland from the area of disturbance and/or projects located on slopes fifteen percent (15%) or greater. (BCC 9-14-1-3)

**ESC Stand-alone permit:** issued for construction activities with significant soil disturbance that do not require a building or grading permit based on the scope of project. Stand-alone permits may be classified as either General or Site-specific based on the risk of stormwater pollution due to size and location. \*

**General Permit** - permit issued for projects with lower risk of stormwater runoff pollution. Does not require submittal of ESC plan during the building permit application process prior to construction. \*

**Land disturbing activity:** A human induced change to improved or unimproved land, including, but not limited to, new home or building construction, expansion of an existing building or home, demolition activity, clearing, grubbing, leveling, excavation, fill operations, clearing, trenching, landscaping, grading, drainage, pipe installation, drilling, mining, dredging, road construction or improvement, paving, construction of earthen berms, and improvements for use as parking or storage. (BCC 9-14-1-3)

**Significant Soil Disturbance:** Greater than 2500 sq. ft. (0.057 acres) surface area disturbance and/or building additions greater than 500 sq. ft in a basement or ground floor. \*

**Surface area disturbed:** the amount of pre-existing surface area (sq. ft./acres) that is disturbed/excavated during construction activities. Includes new building footprint, related exterior site work and utilities, construction entrance/site access for heavy equipment, onsite material staging and stockpile area. \*

**Unclassified area:** parcels not in the hillside zone nor considered environmentally sensitive (ES).\*

**Site-specific ESC permit:** permit issued for projects with an increased risk of stormwater pollution. Requires submittal and approval of ESC plan prior to construction during building permit application review. \*

\*Note: These definitions are not listed in BCC 9-14 and are specific to this policy.

**Scope of Policy:**

This policy clarifies the listed Code Language by establishing criteria that determines whether a construction activity requires ESC permit as well as the ESC permit type category based on the surface area disturbed, intended use, and project location.

**Policy:**

Except as otherwise provided, land disturbing construction activities with significant soil disturbance (greater than 2500 sq. ft. (0.057 acres) surface area disturbance and/or building additions greater than 500 sq. ft in a basement or ground floor) on a City of Boise parcel are required to obtain an ESC permit.

If a construction activity involves significant soil disturbance, it will be classified per the following:

## General Permit:

- New residential single family/duplex/townhouse in unclassified area
- Residential additions
- Residential demolition
- ESC Stand-alone permit not required by ESC Section to submit ESC Plan
- Commercial demolition

## Site Specific Permit:

- New residential single family/duplex/townhouse in hillside or ES area
- Residential additions in hillside or ES area
- Residential or commercial site development requiring a grading permit
- New commercial building or multi-family building
- Added commercial building or tenant improvement
- Commercial demolition (Unless determined to be General)
- ESC Stand-alone permit required by ESC Section to submit ESC Plan

If a site does not have significant soil disturbance (< 500 sq ft addition and/or < 2500 sq ft surface disturbance), no ESC permit required:

- Residential addition
- Added commercial/tenant improvement
- If the project's disturbed surface area listed in building application is covered by an already issued ESC permit. For phased projects with multiple permit applications.

Pursuant to 9-14-2-2A, The ESC Section may require applicable construction projects to obtain an ESC permit regardless of the amount of significant soil disturbance based on site characteristics, type of construction activity, or if a construction activity not requiring an ESC permit has committed a significant violation of the ESC ordinance.

**Intent:**

To provide clear guidelines, for the public and City employees, on which construction projects require an ESC permit as well as the type of ESC permit required. The revised guidelines are intended to simplify the permitting process and increase ESC Inspection frequency for projects with significant soil disturbance and increased risk of stormwater runoff pollution.



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Jason Blais  
**Building Official**

8/4/23

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Effective Date



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Andrew Long  
**Erosion Control Coordinator**

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Date Retired