

ORDINANCE NO. 25- 05

AN ORDINANCE AMENDING ARTICLE 3 OF THE ASTORIA DEVELOPMENT CODE PERTAINING TO EROSION CONTROL AND STORMWATER MANAGEMENT.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1: Astoria Development Code Sections 3.300 – 3.330, EROSION CONTROL AND STORMWATER MANAGEMENT is hereby deleted in their entirety and replaced to read as follows:

“3.300 REGULATION OF EROSION CONTROL AND STORMWATER MANAGEMENT”

A. Purpose. The purpose of this ordinance is to:

1. Minimize the erosion of land during clearing, excavation, grading, construction and post-construction activities;
2. Prevent the transport of sediment and other soil borne pollutants into the Columbia River estuary and its tributaries, wetlands and riparian areas;
3. Prevent the transport of sediment onto adjacent property and into City rights of way and storm systems;
4. Prevent the unnecessary clearing, excavation, and stripping of land; and
5. Minimize the amount of soil exposure during construction.

B. Definitions. The following definitions shall apply for this ordinance:

CLEARING: Any activity that removes vegetative cover while leaving the root system intact.

EROSION: Movement of soil by water or wind.

EXCAVATION: Removal of topsoil, gravel, sand, rock or any other type of soil material.

FILL: Placement of topsoil, gravel, sand, rock or any other type of soil material.

FILL, STRUCTURAL: Fill that is intended to provide a stable foundation, support structures and create level surfaces.

GRADING: Any combination of excavation and/or fill activities.

PERMIT: A Grading and Erosion Control Permit.

REGULATED ACTIVITIES: The clearing, grading, excavation, filling, or stripping of land.

SEDIMENTATION: Deposition of soil moved by water or wind from its site of origin.

STRIPPING: Removal of vegetation and roots.

TRACKING: Movement of soil from a disturbed area onto streets, sidewalks, or adjacent property by vehicle tracks or tires.

UNDEVELOPED SITE: A lot or parcel of land with no permanent structure such as a dwelling or commercial building or other permanent man made structure.

3.305 PERMITS

- A. Permit Required. Anyone proposing to commence any of the following activities must obtain a Permit unless exempted elsewhere by this ordinance:
1. Any regulated activity within 100 feet of a river, bay, stream, watercourse or wetland; or
 2. Any regulated activity located more than one hundred feet from a river, bay, stream, watercourse or wetland that exceeds a volume of 10 cubic yards for a single permit or cumulatively within a 12 month period; or
 3. Any regulated activity within 100 feet of a known geologic hazard as indicated by the Astoria Landslides (Observed) on the most current version of the City of Astoria Geologic Hazard Map; or
 4. Any regulated activity if the disturbed area has a slope of 35% or greater.
- B. Permits in Conjunction with Building Permits. A Permit for regulated activities in conjunction with a structure requiring a building permit shall be reviewed and issued as part of the City's building permit process using the standards herein.
- C. Permits in Conjunction with a Partition or Subdivision. A Permit for regulated activities in conjunction with a partition or subdivision shall be reviewed and issued in conjunction with the partition or subdivision process using the standards herein. New subdivisions or housing developments should cause minimal earth disturbance and removal of trees.

D. Exceptions. The following activities are exempted from the Permit requirements of this ordinance:

1. Residential landscaping and gardening activities up to 1,000 square feet.
2. Forest management activities in an area zoned Land Reserve (LR) for forest management.
3. Utility construction by public or private utility agencies, involving less than 20 cubic yards of excavation or fill.
4. Emergency repair work by a utility agency involving less than 20 cubic yards of excavation or fill.
5. Fences and walls in accordance with Development Code Section 3.035.
6. Walls four feet in height and under, in accordance with Development Code Section 3.035.
7. Excavation for the purpose of installing a post or posts as part of a structure less than 200 square feet.
8. Decks less than 30 inches above ground.
9. Replacement or the repair of existing driveways provided the impervious area is not expanded and grades are not altered.
10. Boring, potholing and other excavations for site investigations less than four cubic yards total for the site.
11. Emergency repairs to private water, sewer or stormwater laterals provided that a plumbing permit and/or right-of-way permit is acquired within 48 hours of the start of repairs and does not exceed 20 cubic yards.
12. Ground-mounted mechanical equipment serving single-family, two-family, accessory dwelling units or accessory structures on a residential lot with a footprint of less than 200 square feet.

E. Permit Review and Approval. Permits shall be obtained from the Engineering Division. All Permits shall be reviewed and approved by both the Engineering Division and Community Development Department for compliance with this Ordinance and other City codes and building codes.

F. Permit Fees. Permit fees shall be established by City Resolution.

3.310 INFORMATION REQUIRED

The following information is required for Permits:

- A. Site Plan. A site plan, drawn to an appropriate scale with sufficient dimensions, showing the property line locations, roads, areas where clearing, grading, excavating, stripping, or filling is to occur, the area where existing vegetative cover will be retained, the location of any springs, streams or wetland areas on or immediately adjacent to the property, the general direction of slopes with slope arrows showing direction of water flow on existing slopes and graded slopes, construction access, the location of the proposed development, and the location of soil stock piles, if any.
- B. Erosion Control Methods. The type and location of proposed erosion and sedimentation control measures, both short term and post construction.
- C. Stormwater Management Methods. The type and location of proposed stormwater management from roofs, parking and other impervious surfaces. Stormwater calculations prepared by a Registered Professional Engineer may be required by the City Engineer as part of the Permit application.
- D. Grading Plan in Steep Areas. The City shall require a grading plan prepared by a Registered Professional Engineer and/or Registered Engineering Geologist where the disturbed area has an average slope of 35% or greater, the disturbed area is located in known geologic hazard area, or is part of a partition or subdivision. Such grading plan shall, at a minimum, include the following additional information:
 - 1. Existing and proposed contours of the property at two foot contour intervals;
 - 2. Location of existing structures and buildings, including those within 25 feet of the development site on adjacent property;
 - 3. Design details for proposed retaining walls; and
 - 4. The direction of drainage flow and detailed plans and locations of all surface and subsurface drainage devices to be constructed.

- E. Sedimentation and Erosion Control Plan. The City shall require that the sedimentation and erosion control plan be prepared by a Registered Professional Engineer where the disturbed area is greater than 20,000 square feet, or the disturbed area has an average slope of 35% or greater.
- F. Development Plan. The City shall require a development plan for the site where the disturbed area is greater than 2,000 square feet to assure the least amount of earth disturbance as necessary, and to assure that the development is consistent with zoning and other City regulations. Such development plan shall, at a minimum, include the following additional information:
1. Site plan as described above;
 2. Location of existing and proposed structures;
 3. Location of existing and proposed parking, access and egress; and
 4. Location and square footage of proposed landscaped areas.
- G. Ground and Surface Water Diversion Plan. If construction will result in alterations of existing hydrology, the City shall require that any known ground or surface water be diverted to an alternate natural path or to a dedicated system to prevent any damage to other properties that may be affected by the water.

3.315 GRADING STANDARDS

- A. Cuts. The following Grading Standards shall be required for cuts:
1. The slope of cut surfaces shall not be steeper than two horizontal to one vertical (2:1) unless an engineering geology report determines that a cut at a steeper slope will be stable and not create a hazard to public or private property.
 2. Cuts shall not remove the toe of any slope where a known potential or historic land slide exists as determined by the City Engineer, unless an engineering geology report, prepared in accordance with the current version of the Oregon State Board of Geologic Examiners' Guidelines for Preparing Engineering Geology Reports, determines that a cut at the toe

of any slope will be stable and not create a hazard to public or private property.

3. Cuts shall be set back a minimum of five (5) feet from property lines so as to minimize danger and disturbance to adjoining property.
4. Retaining walls shall be constructed in accordance with the Structural Specialty Codes as adopted by the City.

B. Fills. The following Grading Standards shall be required for fills:

1. The slope of fill surfaces shall not be steeper than two horizontal to one vertical (2:1) unless an engineering geology report determines that a steeper slope will be reasonably stable and not create a hazard to public or private property. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical.
2. Fills shall be set back from property lines a minimum of five (5) feet so as to minimize impact on adjoining property. Retaining walls shall be required when height of wall exceeds four (4) feet or when required by engineering report.
3. The ground surface shall be prepared to receive fill by removing vegetation, inappropriate fill, topsoil, and other unsuitable materials, and shall be scarified to provide a bond with the new fill.
4. Any structural fill shall be designed by a Registered Professional Engineer, in accordance with standard engineering practices.
5. Fill material shall be broken into pieces no larger than 12 inches to assure proper compaction.
6. The following items are unsuitable materials and shall not be used for fill:
 - a. Roofing material, fiberglass, metals, asphalt, or large slabs of concrete, and other fabricated/constructed debris inappropriate for fill.
 - b. Stumps, organic materials, and other natural debris inappropriate for fill.
7. A compaction report shall be required for any area with fill prior to any construction on the site.

C. Drainage. The following Grading Standards shall be required for drainage:

1. Proposed grading, cuts or fills shall not alter drainage patterns so that additional stormwater is directed onto adjoining property.
2. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

D. Streets. Refer to the current Astoria "Engineering Design Standards" on file in the Engineering Division Office and on the City's website.

3.320 EROSION AND SEDIMENTATION CONTROL STANDARDS

A. Authority. Review and approval of Permits for regulated activities shall be based on the conformance of the development plans with the standards of this section. Conditions of approval may be imposed to assure that the development plan meets the standards. The City Engineer shall require modifications to the erosion and sedimentation control plan at any time if the plan is ineffective in preventing the discharge of sediment to City streets and storm drains, surface waters, wetlands, or adjacent property.

B. Department of Environmental Quality (DEQ) Standards. The current DEQ "Construction Stormwater Best Management Practices Manual" document are incorporated as part of this ordinance by reference.

C. General Erosion and Sedimentation Control Standards.

1. Natural vegetation shall be retained and protected wherever possible.
2. Stream and wetland areas shall only be disturbed in accordance with US Army Corps of Engineers and Oregon Division of State Lands permits, as well as riparian preservation requirements in Astoria Development Code Article 4, "Columbia River Estuary and Shoreland Regional Standards".
3. Sedimentation barriers, as described in the DEQ "Construction Stormwater Best Management Practices Manual" document shall be placed to control sedimentation from entering the river, bay, streams, wetlands, adjacent property or City streets and storm sewers. The barriers shall be installed prior to site clearance or grading activities.

4. The City Engineer or Building Official may require areas to be temporarily stabilized with straw mulch, sod, mat or blanket in combination with seeding, or other acceptable sediment control method. Prior to the completion of construction, such areas shall be permanently stabilized by seeding or other vegetative ground cover.
5. Stormwater catch basins, inlets or culverts shall be protected by sediment traps or filter barriers such as "bio bags".
6. Soil storage piles or fill shall be located so as to minimize the potential for sedimentation of streams, wetlands, adjacent property, City streets or storm sewers. The City Engineer or Building Official may require temporary stabilization of soil storage piles or fill.
7. Temporary sedimentation control, not in conjunction with a structure, shall be required in any situation where the City Engineer or Building Official determine that sedimentation or erosion may affect streams, wetlands, adjacent property, City streets or storm sewers.
8. Erosion and sedimentation control measures shall be continually maintained during the period of land disturbance and site development in a manner that ensures adequate performance. Soil that has been transported by any means to a street or any area where stormwater flows to a storm drain or surface water, shall be cleaned up to prevent transport to the drain or surface water. All temporary erosion and sedimentation control measures shall remain in place until the disturbed area is stabilized with permanent vegetation.
9. The City shall require a rock construction road or access of sufficient length, depth, width, and rock size to prevent sedimentation from being tracked onto City streets.
10. Sediment trapped by sediment control methods shall be redistributed on-site, removed, or permanently stabilized to prevent further erosion and sedimentation.

11. The City Engineer shall require the cleanup of any streets, catch basins or storm sewers affected by regulated activities on a site at the expense of the person responsible for those regulated activities. Measurable amounts of sediment that leave the site shall be cleaned up and placed back on the site or disposed of in an approved manner.
12. Under no conditions shall soil on sidewalks, streets, or equipment be washed or hosed into storm sewers, drainage ways, streams or other water bodies.
13. The City shall make periodic inspections to ascertain that erosion and sediment control measures as proposed have been implemented and are being effectively maintained. The City Engineer or the Building Official are authorized to place an immediate "stop work" order on any project that does not meet the standards imposed in this ordinance.

3.325 STORMWATER MANAGEMENT STANDARDS

Projects that are 40,000 square feet (land area) or larger shall install a stormwater management system as part of the landscaping requirements. Such a system shall be designed by a Registered Professional Engineer and/or Registered Landscape Architect and shall be capable of meeting the standards in the current version of the Oregon Department of Transportation Hydraulic Design Manual, or other guidelines acceptable to the City Engineer.

3.330 ENFORCEMENT

- A. Final Inspection. The City shall review all regulated activities one year after completion and/or installation of permanent vegetation to assure that any erosion control or regulated activity measures installed continue to meet the standard imposed in this ordinance. The applicant shall be responsible for continued maintenance until the City Engineer and Building Official have approved a final inspection on the project.


- B. Responsible Party and/or Change of Ownership. The applicant shall be responsible for the work to be performed in accordance with the approved plans and specifications in conformance with the provisions of this code. In the event of a change of ownership prior to the Final Inspection, the applicant shall enter into a Performance Agreement with the City and proposed new property owner. The Performance Agreement shall, at minimum, identify the party responsible for completion of the project until a Final Inspection has been approved by the City.
- C. Continued Maintenance. If an erosion control or regulated activity measure system fails due to lack of maintenance or breakage, and there are impacts to adjacent property owners, or downstream water quality or quantity as a result of the failure, the City shall perform the maintenance or repair and charge the current property owner for the required repairs.
- D. Penalties. In addition to any other method of enforcement available to the City, including City Code Section 1.010, the provisions of this ordinance may be enforced by the issuance of citations by duly appointed officers of the City pursuant to Astoria City Code Section 6.135.
- E. Additional Costs. Where the City Engineer, Community Development Director, or Building Official deem it necessary, in the interest of public health, safety, or welfare, to incur additional costs such as, but not limited to, the hiring of independent geotechnical experts or other technical expertise, or costs to complete or correct work not completed by the applicant during the course of the project, such costs shall be borne by the applicant. Such costs shall not exceed actual costs.
- F. Performance Bond. The City Engineer or Community Development Director may require that the applicant furnish to the City a performance bond up to, and not to exceed, the value of the cost of the required improvements in order to assure that the conditions imposed are completed in accordance with the plan and specifications as approved by the City Engineer or Community Development Director and that the standards established in granting the Permit are observed.

G. Time Limit on Permit. Authorization of a permit shall be void after 180 days unless substantial construction or use pursuant thereto has taken place. However, the City Engineer or Building Official may, at their discretion, extend authorization for an additional 180 day period upon written request by the applicant and a determination that the conditions of the project or permit application have not changed sufficient to warrant review of a new permit application.”

Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS 7 DAY OF April, 2025.

APPROVED BY THE MAYOR THIS 7 DAY OF April, 2025.


Sean Fitzpatrick, Mayor

ATTEST:


Scott Spence, City Manager

ROLL CALL ON ADOPTION:	YEA	NAY	ABSENT
City Councilor			
Adams	X		
Davis	X		
Lump	X		
Mazzarella	X		
Mayor Fitzpatrick	X		