



General Information for Grade, Fill, & Excavation Determinations



Performing grade, fill, and excavation (GF&E) activities can be a simple or complicated process depending upon several variables. Activities involving GF&E can cause costly damage to other properties, to public utilities, and to protected natural resources if they are performed improperly. The City of Albany reviews GF&E proposals to evaluate for the potential of such impacts.

GF&E activities may require a permit from the City of Albany's Public Works Department, or the City's Planning Division in the Community Development Department, depending on the nature and location of the activities. A permit may also need to be obtained from the Oregon Department of State Lands, and/or the United States Army Corps of Engineers if it is in a wetland or water body.

This document is intended to assist you in determining if your proposed grade/fill/excavation project requires a City permit.

Public Works Department Permit



The following grade/fill/excavation activities require a permit which is managed by the City of Albany Public Works Department under Title 12 of the Albany Municipal Code:

- When any grading is proposed in any watercourse shown in the City of Albany Drainage Master Plan, in any watercourse receiving drainage from a public roadway, or in any watercourse lying within a public easement or right-of-way.
- When placement of a structure is proposed in a watercourse shown in the City of Albany Drainage Master Plan, or within a public easement or right-of-way.
- When grading involving more than 50 cubic yards is proposed in areas that have an average slope of 12 percent or greater.
- When grading is proposed over an existing public storm drain, sanitary sewer, or water line.



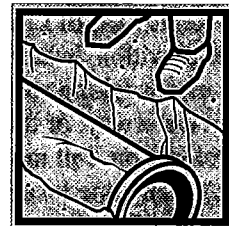
When Public Works Department GF&E Permits Are Not Required

Even if you meet one of the above criteria, a permit may not be required if you meet one of the following:

- Grading and/or excavation is incidental to a valid building permit.
- Construction of driveways or underground utilities
- Grading involving less than 50 cubic yards
- Grading, fill, or excavation associated with public works projects, roads, public ways, graves, or work controlled by other processes or regulations, such as well, tunnels, utilities, or disposal sites.
- Minor adjustments in active grading permits or applications when necessary in order to adhere to City requirements or good engineering practices.
- Grading or excavation determined by the Public Works Director or designee to be in substantial compliance with the intent of the grading ordinance. Such a determination shall be appealable to



A watercourse is any natural or manmade stream, river, creek, ditch, drainageway, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.



the City Council. In the event of such an appeal, the determination of the City Council shall be final.

- ⊙ Grading proposed in areas that have an average slope of 12 percent or greater that has been approved through a land-use decision under Article 6 of the Albany Development Code.
- ⊙ GF&E activities occurring in the floodplain are controlled through the Community Development Department and do not require any concurrent Public Works Department permit.

More information about GF&E permits can be obtained from the Public Works Department's website at www.cityofalbany.net/departments/public-works; or by calling (541) 917-7676.

Community Development Department/Planning Division
Floodplain Development Permits



Grade, fill, and excavation activities may be subject to requirements for a floodplain development permit under provisions of Article 6 of the Albany Development Code. This includes:

- Any development in the 100-year floodplain that could potentially divert or obstruct the flow of water, and create a danger or hazard to life or property
- Any development that could potentially increase areas subject to the 100-year flood or could affect the floodway

Development is defined as any man-made change to real property, including but not limited to, construction or placement of buildings or other structures, fencing, mining, dredging, filling, grading, paving, excavating, land clearing, drilling, or Continuous Storage Operations in the Special Flood Hazard Area (100-year floodplain).

Always check with the Community Development Department at 541-917-7550 (Planning) or 541-917-7553 (Building); visit the website <http://www.cityofalbany.net/departments/community-development>; or visit the customer counter on the second floor of City Hall before you build on or alter your property.

Other Permits and Requirements



- ❖ Other City permits or requirements may include:
 - Building permits
 - Erosion Prevention and Sediment Control
 - State Land Use Goal 5 approvals including wetlands, wildlife habitats, and riparian corridors
 - Historical preservation land use approvals
 - Zoning restrictions
- ❖ Oregon's Removal-Fill Law (ORS 196.795-990) requires any person who plans to "remove or fill" material within "waters of the state" to obtain a permit from the Department of State Lands. Removal means taking rock, gravel, sand, silt and other inorganic substances from the bed or banks of a waterway, or their movement by artificial means within the bed or banks, including channel relocation. Fill means the deposit by artificial means of any material (organic or inorganic) at any one location in the bed or banks. Waters of the state include wetlands on private and public land.
- ❖ The United States Army Corps of Engineers requires a permit under Section 404 of the Clean Water Act for any volume of fill or excavation, including placing rip rap, within all waters of the United States (including wetlands).



Plan Submittal Requirements for Proposed Grade/Fill/Excavation Activities

Plan submittals for proposed work involving grade/fill/excavation activities shall include or show the items listed below. Please note that not all grade/fill/excavation activities require a permit. See the handout "General Information for Grade, Fill, & Excavation Determinations" for more information about when permits are required.

Plans shall be submitted as scaled drawings on sheets 24" x 36". Multiple sheets may be required for clarity.

Plans shall show:

- Contours
 - Existing topography (grayscale)
 - Proposed final topography (darker shades)
 - Base Flood Elevation (BFE)/ 100-yr flood elevation
Note: BFE shall be shown in a distinct line type
- 100 year floodplain overlay from FEMA maps
- Floodway Boundary
- Watercourses (including swales, ditches, and other drainage ways)
- Arrows to indicate direction of flow; existing (gray scale) and proposed (black)
- Wetlands
- Riparian Corridors
- Natural Resource Areas/Habitats
- Easements
- Public Utilities
 - Sanitary Sewer
 - Water
 - Storm Sewer
- Trees with a diameter equal to or greater than 8" at 4'8" above the top of the root ball or ground level
- Footprint of existing and proposed structures
- Wells
- Underground tanks (septic, heating oil, etc.)
- Septic Fields
- Public and private streets, roads, and driveways on and/or adjacent to the subject property

Plans shall include:

- Oregon Professional Engineer's stamp
- North arrow
- Scale
- Symbols legend
- Vicinity map
- Bench Mark used
- The following statement:
"Elevations shown are referenced to the North American Vertical Datum of 1988 (NAVD 1988)"
Note: NAVD 1929 elevations shall not be used.
- Site Information
 - Site Address
 - Map and Tax Lot
 - Size of lot/parcel
 - Size of proposed affected area of grade/fill/excavation
 - Owner name, address, and phone number
- Grade/Fill/Excavation information
 - Gross excavation quantity
 - Gross fill quantity
 - Net excavation or fill quantity
- List other permits obtained or applied for in conjunction with the proposed grade/fill/excavation activities

In performing reviews for permits, the City attempts to assure that new developments address drainage to and from adjacent properties. However, drainage patterns between properties are ultimately the responsibility of the private property owners involved, their contractors performing the work, and the engineers responsible for designing the improvements. The City's issue of permits for proposed activities does not relieve the owner, contractor, and engineer of their legal obligations and responsibilities.