



**City of Albany**  
**Public Works – Engineering**  
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## GRADING – FILL – EXCAVATION

This handout contains the City of Albany Public Works Department's requirements for regulating grading, fill, and excavation in the City. If you have questions, please contact the Public Works Department at (541) 917-7676. Grading (including excavation and fill) proposed in the floodplain is regulated and permitted through Article 6 of the Albany Development Code and does not require an additional grading permit from the Public Works Department.

### Work Requiring Permits

Permits for grading, fill, or excavation are required by the City of Albany **in the following five circumstances:**

1. 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. A watercourse is any natural or artificial 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.
2. 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.
3. When grading involving more than 50 cubic yards is proposed in areas that have an average **slope of 12 percent or greater.**
4. When grading is proposed **over an existing public storm drain, sanitary sewer, or water line.** This does not include grading authorized under a Public Works contract awarded by the City of Albany, grading approved as part of a Permit to construct Public Facilities as provided in Chapter 15.06 of the Albany Municipal Code, or grading conducted by City of Albany maintenance forces.

**While the City of Albany does not regulate grading other than in these circumstances, you should beware that any diversion of the natural flow of surface water which causes damage to another property owner may subject you to civil liability for all such damages.**

### Work Not Requiring Permits

Notwithstanding any of the foregoing, a grading permit is not required in any of the following circumstances:

1. Grading incidental to a valid building permit and excavation below grade for basements, foundations, or footings for retaining walls or other structures authorized by a valid building permit.
2. Construction of driveways or underground utilities.
3. Grading or landscaping when less than 50 cubic yards of earth is moved.
4. Grading or excavation associated with public works projects, roads, public ways, graves, or work controlled by other processes or regulations, such as wells, tunnels, utilities, or disposal sites.
5. Minor adjustments in active grading permits or applications when necessary in order to adhere to City requirements or good engineering practices.
6. 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 the City Council. In the event of such an appeal, the decision of the City Council shall be final.
7. 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.

## REVIEW/APEAL PROCESS

A grading permit application is filed with Public Works - Engineering. An application fee, dependant on the size and complexity of the project, will be charged at the time of application. The application is reviewed by City staff. During the review phase, additional information may be requested from the applicant. It is the applicant's responsibility to provide staff with the information they request. Failure to provide this information will delay action on the application. The City will send a Notice of Filing to adjacent property owners, soliciting their comments within 14 days of notification.

The Public Works Director or designee will approve the grading permit application if he/she determines it meets the City's approval standards. The status of the grading application, if approved, shall be pending (tentative) and shall not allow grading action until the time for appeal has passed with no appeal made, or in the event of an appeal, until the appeal has been resolved by the City.

The decision of the Public Works Director or designee may be appealed to City Council as provided in Sections 12.35.070 and 12.35.080 of the Albany Municipal Code. A person must have raised an issue in writing in order to be able to appeal the Public Works Director or designee's decision to the City Council. Only those persons who own property adjacent to the premises on which grading is proposed and who have previously submitted written comments shall have standing to appeal. Any person who submitted comments in writing in response to the Notice of Filing will receive a copy of the Notice of Decision. No appeal shall be timely unless a notice of appeal is actually received at the office of the Public Works Director not later than 14 days after the Notice of Decision is mailed.

## APPLICATION CONTENTS

It is the applicant's responsibility to provide the following information:

- Address the Approval Standards in this document
- Four (4) sets of Engineering plans
- Copy of the plot plan (11" x 17" or smaller) for the purpose of identifying the fill site in relation to the surrounding properties. This can be in addition to the regular size plot plan.
- A list of adjacent parcel owners. This is to include all adjacent parcels (360-degree radius).
- A narrative for all property owners detailing the work proposed, in common terms.

### Drawing(s)

- The first sheet of each set must show the location of the work, the name and address of the owner, and the person preparing the plans.
- The quantity of cut/fill involved.
- Accurate contours of existing ground and details of terrain and area drainage. Existing ground contours and contours proposed after grading. Typical cross sections shall also be shown.
- Limiting dimensions, elevations or finish contours to be achieved by the grading, proposed drainage channels, and related construction.
- Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work and the map showing the drainage area and the estimated runoff of the area served by any drains.
- Location of any buildings or structures on the property where the work is to be performed and the location of any building or structures on the land of adjacent owners that is within 15 feet of the property or which may be affected by the proposed grading operations. Property lines of all abutting properties, including street or other rights-of-way.
- Location of any existing watercourse.
- Location and type of any known geologic hazards such as landslide areas and/or springs.
- Proposed bank protection and erosion control.
- Provisions for maintenance access, such as easements or land dedications.

- Base flood (100-year flood) elevations of the site (when grading is proposed in a floodplain).
- Location of any designated floodway and base flood boundary.
- Location and identification of any Oregon Land Use Planning Program Goal 5 resources.

Recommendations included in any soils engineering and/or engineering geology reports shall be reflected in the drawing.

### Calculations

The applicant shall submit calculations that identify the carrying capacity of and freeboard of any watercourses on the site. These calculations shall be prepared by a professional engineer registered in the state of Oregon and must be approved by Public Works Engineering staff.

### Reports

The Public Works Director or designee may require a soils and/or geology report.

## **APPROVAL STANDARDS**

Grading permit applications will be approved if the applicant has shown that each of the following criteria, which are applicable, has been met:

1. Provisions have been made to maintain adequate flood carrying capacity of existing watercourses, including future maintenance of that capacity.
2. No grading will be permitted over an existing public storm drain, sanitary sewer, or water line unless it can be demonstrated to the satisfaction of the City Engineer that the proposed grading will not be detrimental to the anticipated service life, operation, and maintenance of the existing utility.
3. The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading activity that will result in alteration or relocation of a watercourse.
4. All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the Public Works Director or designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains or other devices.
5. Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Public Works Director or designee; except the gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area:
  - (a) No proposed fills are greater than 10 feet in maximum depth.
  - (b) No proposed finished cut or fill slope faces have a vertical height in excess of 10 feet.
  - (c) No existing slope faces, which have a slope face steeper than 10 horizontal to 1 vertical, have a vertical height in excess of 10 feet.
6. In areas that have an average slope of twelve percent or greater, the following requirements also apply:
  - (a) Cut and fill slopes shall not exceed a two (horizontal) to one (vertical) ratio. Slopes that are steeper (e.g., 1-1/2:1, or 1:1) may be approved by the Public Works Director or designee, upon certification by a qualified soils engineer or geologist that the slope will remain stable under foreseeable conditions. The certification must delineate any specific stabilization measures deemed necessary by the soils engineer or geologist.

### **Additional Requirements and Information**

If the Public Works Director or designee determines that any excavation, embankment, or fill on private property has become a hazard he/she may order the hazard abated by the owner or responsible party. The owner of the property upon which the excavation or fill is located, or the responsible party, upon receipt of notice in writing, shall repair or eliminate such excavation or embankment so as to eliminate the hazard.

Excavation, grading, and fill activities may require state and/or federal permits. Such permits are likely to be required if hydric soils are present on the site or if the site contains other wetland characteristics. Grading or fill activities associated with subdivisions and planned developments require a public hearing if the property is located in the floodplain.

The issuance of a Fill permit by the City of Albany does not eliminate the need for compliance with other state, federal, or local regulations. Issuance of this permit does not authorize activities that will have an adverse environmental impact on Goal 5 resource areas including significant wetlands, protected habitats, riparian corridors, and other targeted natural resources. This permit does not authorize impacts upon the 100 year floodplain or development within a floodway. These activities will require separate land use approvals from the City of Albany Community Development Department

### **Relationship to Planning Applications**

Review of storm drainage facilities for development proposals that are processed through the Planning Division include an evaluation of whether drainage systems, which include existing drainageways are adequate. Adequacy will be evaluated under criteria that require adequacy of public facilities and consideration of special features of the site.

## FILL PERMIT FEE SCHEDULE

Number of Cubic Yards	Permit Fees	Plus fees per Additional Cubic Yards	Plan Review Fee
0- 1,000	\$190.00 for first 100 cubic yards	\$ 10.50 each additional 100 cubic yards or fraction	\$ 187.50 <b>plus \$500.00*</b>
1,001 - 10,000	\$282.00 for first 1,000 cubic yards	\$ 9.00 each additional 1,000 cubic yards or fraction	\$195.00 <b>plus \$500.00*</b>
10,001 - 100,000	\$363.00 for first 10,000 cubic yards	\$ 40.50 each additional 10,000 cubic yards or fraction	\$195.00 for first 10,000 cubic yards <b>plus</b> \$15.00 each additional 10,000 cubic yards or fraction <b>plus \$800.00*</b>
100,001 - 200,000	\$727.50 for 1st 100,000 cubic yards	\$40.50 each additional 10,000 cubic yards or fraction	\$330.00 for first 100,000 cubic yards <b>plus</b> \$9.00 each additional 10,000 cubic yards or fraction <b>plus \$800.00*</b>
200,001 or more	same as above	same as above	\$424.00 for first 200,000 cubic yards <b>plus</b> \$4.50 each additional 10,000 cubic yards or fraction <b>plus \$1,000.00*</b>

**\*Deposit for expected engineering review costs. Unused deposits or partial credits will be credited to permit at time of issuance. Deposit may be waived by Public Works Director on small projects that do not require engineering.**

**Other Fees:** *(minimum charge-one-half hour)*

- Additional plan review/inspection required because of the uniqueness **or size** of the project or by changes, additions or revisions to approved plans as determined by the Public Works Director or designee. \$65.00 per hour<sup>1</sup>
- Inspections outside of normal business hours \$50.00 per hour<sup>1</sup>
- Reinspection fee \$50.00 per hour<sup>1</sup>
- Inspections for which no fee is specifically indicated \$50.00 per hour<sup>1</sup>
- Document Imaging Charge \$1.00 per page

<sup>1</sup>Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, fringe benefits of the employees involved and any cost incurred by the City for special inspectors or consultants as required by the Public Works Director or designee.