

ORDINANCE NO. 5328

AN ORDINANCE AMENDING AMC 18.04.015, TO EXEMPT CERTAIN WORK FROM THE REQUIREMENTS OF A GRADING PERMIT; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 5265, adopted on December 18, 1996, amended AMC Title 18 to prescribe circumstances under which grading permits are required; and

WHEREAS, the implementation of Ordinance No. 5265 has revealed certain deficiencies that require amendment to exempt incidental grading work that should not be burdened by the requirements of obtaining a grading permit.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Amendment of AMC 18.04.015: AMC 18.04.015 is amended to read as follows:

**18.04.015 Grading - When permits are required.**

Grading permits are not required by the City of Albany for grading activities (including excavation and fill) within the city limits, except in the following circumstances:

(1) When any grading is proposed in floodplains. Floodplains are those areas subject to inundation from a 100-year flood and identified on federal Flood Insurance Rate Maps (FIRMS) and Floodway Maps by the letter A, A1-A30, AE, or AO.

(2) 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, drainage way, 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.

(3) 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.

(4) When grading involving more than 50 cubic yards is proposed in areas that have an average slope of 12 percent or greater.

(5) When grading is proposed over an existing public storm drain, sanitary sewer, or waterline. 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.

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

(a) 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.

(b) Construction of driveways or underground utilities.

(c) Grading or landscaping when less than 50 cubic yards of earth is moved.

(d) 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.

(e) Minor adjustments in active grading permits or applications when necessary in order to adhere to City requirements or good engineering practices.

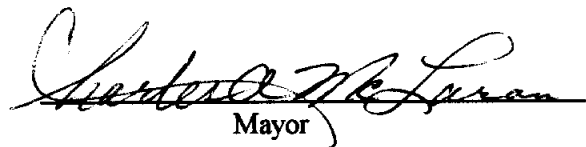
(f) Grading or excavation determined by the Building Official to be in substantial compliance with the intent of the grading ordinance. Such a determination shall be appealable to the Building Board of Appeals if made as an interpretation of the Oregon Building Code. In the event of such an appeal, the decision of the Building Board of Appeals shall be final.

Section 2: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, and an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: November 5, 1997

Approved by the Mayor: November 5, 1997

Effective Date: November 5, 1997

  
Mayor

ATTEST:

  
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City Recorder