

# OPRD Rooster Rock EV Charging Project

## Ground Disturbance Standards – Development Codes (Type I Process<sup>2</sup>)

### ***MCC 39.6210 Permits Required***

(A) Unless exempt under this Code, whether under MCC 39.6215, 39.5080, 38.5510 or otherwise, no ground disturbing activity shall occur except pursuant to one of the following permits: a **Minimal Impact Project (MIP) permit**, an Erosion and Sediment Control permit (ESC), an Agricultural Fill permit (AF), a Geologic Hazards permit (GH), or a Large Fill permit (LF). (B) The permits referenced in subsection (A) are required in addition to and not in lieu of any other local, state or federal permit, including but not limited to permits required for ground disturbing activities within a water body regulated by the Oregon Department of State Lands, the U.S. Army Corps of Engineers or the Oregon Department of Fish and Wildlife. (C) No ground disturbing activity shall occur except in support of a lawfully established use or in support of the lawful establishment of a use. (D) No permit identified in subsection (A) shall be issued in any case where the planning director or a building official determines that the proposed ground disturbing activity will be hazardous by reason of flood, geological hazard, seismic hazard, or unstable soils; or is liable to endanger any other adjacent property; or result in the deposition of debris on any public right-of-way or property or water body; or otherwise create a nuisance. (E) Responsibility. For any ground disturbing activity authorized under a permit listed in subsection (A): (1) Whenever sedimentation is caused by ground disturbing activity, the person, corporation or other entity shall be responsible to remove that sedimentation from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project. (2) It is the responsibility of any person, corporation or other entity doing ground disturbing activity on, in, under or around a water body, or the floodplain or right-of-way, to maintain as nearly as possible in its present state the water body, floodplain, or right-of-way during such activity, and to return the same to a functional condition equal to or better than the condition existing immediately prior to the ground disturbing activity. (F) Implementation. (1) Performance bond. A performance bond may be required in the amount of the full cost of the establishment and maintenance of all erosion, sedimentation and stormwater control measures for activity authorized through any permit listed in subsection (A). The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the director determines the scale and duration of the project and the potential problems arising therefrom will be minor. CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE 6-3 (S-1 2022) (2) Inspection and enforcement. The director may take steps to ensure compliance with the requirements of any permit listed in subsection (A) and 39.6235, including but not limited to, inspections, peer review of engineering analysis (at the applicant's expense), post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site. The requirements of this subpart of MCC Chapter 39 shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the permit, work may be stopped until appropriate correction measures are completed. (G) Final approvals. A certificate of occupancy or other final approval shall be granted for development subject to the provisions of this subpart of MCC Chapter 39 only upon satisfactory completion of all applicable requirements.

***RESPONSE:*** This application is seeking an erosion and sediment control permit.

### ***MCC 39.6225 Erosion and Sediment Control Permit***

(A) An application for an Erosion and Sediment Control permit shall include two copies of each of the following: (1) A scaled site plan showing the following, both existing and proposed: (a) Property lines; (b) Buildings, structures, driveways, roads and right-of-way boundaries; (c) Location of wells, utility lines, site drainage measures, stormwater disposal, sanitary tanks and drainfields (primary and reserve); (d) Trees and vegetation proposed for removal and planting and an outline of wooded areas; (e) Water bodies; (f) Boundaries of ground disturbing activities; (g) Location and height of unsupported finished slopes; (h) Location for wash out and cleanup of concrete equipment; (i) Storage location and proposed handling and disposal methods for potential sources of non-erosion pollution including pesticides, fertilizers, petrochemicals, solid waste, construction chemicals, and wastewaters; (j) Ground topography contours (contour intervals no greater than 10- feet); and (k) Erosion and sediment control measures. (2) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill that has been deposited on the site over the 20- year period preceding the date of application, and existing and proposed slopes in areas to be disturbed (percent slope). Such calculations are not required for fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code. For purposes of this subsection, the term "site" shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area; (3) A written description of the ground disturbing activity and any associated development, including: (a) Specific timelines for all phases of work; (b) With respect to fill: (i) Description of fill materials, compaction methods, and density specifications (with calculations). The planning director may require additional studies or information or work regarding fill materials and compaction. (ii) Statement of the total daily number of fill haul truck trips, loaded haul truck weight, and haul truck travel route(s) to be used from any fill source(s) to the fill deposit site. (c) A description of the use that the ground disturbing activity will support or help facilitate. (4) Surcharges to sanitary drainfields have been reviewed by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems; and (5) Any new discharges into public right-of-ways have complied with the governing agencies discharge review process; (6) Written findings, together with any supplemental plans, maps, reports, or other information necessary to demonstrate compliance of the proposal with all applicable provisions of the Multnomah County code including Erosion and Sediment Control permit standards in subsection (B). Necessary reports, certifications, or plans may pertain to: engineering, soil characteristics, stormwater drainage control, stream protection, erosion and sediment control, and replanting. (7) Approval of any new stormwater surcharges to sanitary drainfields by the City of Portland Sanitarian and any other agency having authority over the matter; and (8) Approval of any new stormwater discharges into public right-of-ways by each governing agency having authority over the matter. (B) An Erosion and Sediment Control (ESC) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards: (1) The total cumulative deposit of fill, excluding agricultural fill pursuant to an Agricultural Fill permit, on the site for the 20-year period preceding the date of the ESC permit application, and including the fill proposed in the ESC permit application, shall not exceed 5,000 cubic yards. Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code is not included in this 5,000 cubic yard calculation. For purposes of this section, the term "site" shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area. (2) Fill shall be composed of earth materials only. (3) Cut and fill slopes shall not exceed 33 percent grade (3 Horizontal; 1 Vertical) unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that a grade in excess of 33 percent is safe (including, but not limited to, not endangering or disturbing adjoining property),

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and suitable for the proposed development. (4) Unsupported finished cuts and fills greater than 1 foot in height and less than or equal to 4 feet in height at any point shall meet a setback from any property line of a distance at least twice the height of the cut or fill, unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that the cuts or fill will not endanger or disturb adjoining property. All unsupported finished cuts and fills greater than 4 feet in height at any point shall require a Certified Engineering Geologist or Geotechnical Engineer to certify in writing that the cuts and fills will not endanger or disturb adjoining property. (5) Fills shall not encroach on any water body unless an Oregon licensed Professional Engineer certifies that the altered portion of the water body will continue to provide equal or greater flood carrying capacity for a storm of 10-year design frequency. (6) Fill generated by dredging may be deposited on Sauvie Island only to assist in flood control or to improve a farm's soils or productivity, except that it may not be deposited in any SEC overlay, WRG overlay, or designated wetland. (7) On sites within the Tualatin River drainage basin, erosion, sediment and stormwater drainage control measures shall satisfy the requirements of OAR 340-041-0345(4) and shall be designed to perform as prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual. Ground disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or within 100 feet of a wetland: unless a mitigation plan consistent with OAR 340-041-0345(4) is approved for alterations within the buffer area. (8) Ground disturbing activity shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction. (9) Development plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff. (10) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development. (11) Whenever feasible, natural vegetation shall be retained, protected, and supplemented; (a) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100 feet of a wetland; (b) The buffer required in subsection (11)(a) may only be disturbed upon the approval of a mitigation plan which utilizes erosion, sediment and stormwater control measures designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River drainage basin in OAR 340-041-0345(4). (12) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical. (13) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary. (14) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized. (15) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding. (16) All drainage measures shall be designed to prevent erosion and adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural water bodies, drainage swales, or an approved drywell system. (17) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion. (18) Erosion and sediment control measures must be utilized such that no visible or measurable erosion or sediment shall exit the site, enter the public right-of-way or be deposited into any water body or storm drainage system. Control measures which may be required include, but are not limited to: (a) Energy absorbing devices to reduce runoff water velocity; (b) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule; (c) Dispersal of water runoff from developed areas over large undisturbed areas. (19) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into water bodies by applying mulch or other protective covering; or by location at a sufficient distance from water bodies or by other sediment reduction measures. (20) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. (21) Ground disturbing activities within a water body shall use instream best management practices prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual. (22) The total daily number of fill haul truck trips shall not cause a transportation impact (as defined in the Multnomah County Road Rules) to the transportation system or fill haul truck travel routes. (23) Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way. (24) No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill.

**RESPONSE:** (A)(1) The required scaled plan is included in **Appendix A**. (2) Total proposed ground disturbance show about 250' of directional boring that will displace little ground materials. Less than 2 square feet will be removed per pedestal (two) foundation installation. (3) Refer to page 8 on **Appendix A** for full ground disturbance details, trench detail and bore section detail. (4) No waste disposal systems needed. (5) No discharges to public right of ways. (6) **Appendix A** contains information. (7) No stormwater surcharges occurred. (8) No stormwater surcharges occurred. (B)(1) Does not exceed 5,000 cubic yards. Looking at about 3 square feet of total materials removed and 250' of directional boring. (2) Fill is of earth materials. (3) The cut and fill slopes shall not exceed 33 percent grade. (4) There will not be any unsupported finished cuts and fills greater than 1 foot in height and less than or equal to 4 feet in height at any point. (5) Fills will not encroach on any water body for this project. (6) No fills will be dredged nor need to be deposited to Sauvie Island for this project. (7) This does not apply to this project; this site is on the Tualatin River. (8) The directional boring minimizes soil erosion and stabilizes soil with minimal impact. (9) Development plans comply. (10) Temporary mulching can be available if needed. (11) Natural vegetation will be retained. (12) Permanent plantings nearby will help with erosion control. (13) Surface conditions will not be different. (14) Sediment runoff will be minimal and contained. (15) No additional drainage needed. (16) All measured designed to minimize or prevent erosion. (17) No drainage swales. (18) No visible or measurable erosion will exit the site.

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(19) There will be no spoils or stockpiled topsoil. Any fill or sediment piles will be contained and covered. (20) Will adhere. (21) This does not apply to this project, there are no ground disturbance activities within a body of water in this project. (22) Will not impact. (23) No fill into right of way. (24) No compensation received by State of Oregon for receipt or placement of fill.