

Chapter 15.05 FILL, GRADING AND EXCAVATION

Sections:

- 15.05.010 Purpose and scope.
- 15.05.020 Permits. 15.05.030 Hazards. 15.05.040 Definitions.
- 15.05.050 Grading permit requirements. 15.05.060 Bonds.
- 15.05.070 Cuts. 15.05.080 Fills. 15.05.090 Setbacks.
- 15.05.100 Drainage and terracing. 15.05.110 Erosion control. 15.05.120 Grading inspection.
- 15.05.130 Completion of work. 15.05.140 Grading fees. 15.05.150 Local interpretation.
- 15.05.160 Violation--Penalty.

15.05.010 Purpose and scope. A. Purpose. The purpose of this chapter is to safeguard life, limb, property and the public welfare by regulating grading on private property. This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

B. Standards. The standards listed below are the guideline standards adopted as part of this chapter.

1. Testing:

- a. ASTM D 1557, Moisture-Density Relations of Soils and Soil Aggregate Mixtures.
- b. ASTM D 1556, In Place Density of Soils by the Sand-Cone Method.
- c. ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method.
- d. ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method.
- e. ASTM D 2922 and D 3017, In Place Moisture Content and Density of Soils by Nuclear Methods. (Ord. 638 §2(part), 1996)

15.05.020 Permits. A. Except as specified in subsection B of this section, no person shall do any grading without first having obtained a grading permit approved by the planner, the building inspector, and the public works director.

(Scappoose 8/99)

188b

15. 05.020

B. Exempt. A grading permit is not required for the following:

- 1. When approved by the building inspector, grading in an isolated, self-contained area if there is no danger to private or public property;
- 2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five feet after the completion of such structure;
- 3. Cemetery graves;
- 4. Refuse disposal sites controlled by other regulations;

5. Excavations for wells or tunnels or utilities;
 6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property;
 7. Exploratory excavations under the direction of soil engineers or engineering geologists;
 8. An excavation which: (1) is less than two feet in depth, or (2) which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical;
 9. A fill less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed fifty
- 188c (Scappoose 8/99)

15.05.030--15.05.040

cubic yards on any one lot and does not obstruct a drainage course.

C. Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. (Ord. 638 §2(part), 1996)

15.05.030 Hazards. Whenever the building inspector determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building inspector, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of the Uniform Building Code. (Ord. 638 §2(part), 1996)

15.05.040 Definitions. For the purposes of this chapter, the definitions listed hereunder shall be construed as specified in this section.

"Approval" means the proposed work or completed work conforms to this chapter in the opinion of the building inspector.

"As-graded" is the extent of surface conditions on completion of grading.

"Bedrock" is in-place solid rock.

"Bench" is a relatively level step excavated into the earth material on which fill is to be placed.

"Borrow" is earth material acquired from an off-site location for use in grading on a site.

"Civil engineer" is a professional engineer registered in the state to practice in the field of civil works.

"Civil engineering" is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

"Compaction" is the densification of a fill by mechanical means.

"Earth material" is any rock, natural soil or fill or any combination thereof.

"Engineering geologist" is a geologist experienced and knowledgeable in engineering geology.

"Engineering geology" is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

188-1 (Scappoose 10/96)

15.05.050

"Erosion" is the wearing away of the ground surface as a result of the movement of wind, water or ice.

"Excavation" is the mechanical removal of earth material.

"Fill" is a deposit of earth material placed by artificial means.

Geotechnical Engineer. See "Soils engineer."

"Grade" is the vertical location of the ground surface.

1. "Existing grade" is the grade prior to grading. 2. "Rough grade" is the stage at which the grade

approximately conforms to the approved plan.

3. "Finish grade" is the final grade of the site

which conforms to the approved plan.

"Grading" is any excavating or filling or combination thereof.

"Key" is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Professional inspection" is the inspection required by this chapter to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

"Site" is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Slope" is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

"Soil" is naturally occurring superficial deposits overlying bedrock.

"Soils engineer (geotechnical engineer)" is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

"Soils engineering (geotechnical engineering)" is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

"Terrace" is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes. (Ord. 638 §2(part), 1996)

15.05.050 Grading permit requirements. A. Except as exempted in Section 15.05.020(B), no person shall do any grading without first obtaining a grading permit approved by the planner and the building inspector. A separate permit shall be obtained for each site, and may cover both excavations and fills.

(Scappoose 10/96)

188-2

15.05.050

B. The provisions of Uniform Building Code, Section 302(a) are applicable to grading and in addition the application shall state the estimated quantities of work involved.

C. Grading in excess of five thousand cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than five thousand cubic yards shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building inspector determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

D. Application for a grading permit shall be accompanied by two sets of plans and specifications. In addition, an engineered grading permit shall require supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when

required by the building inspector. Specifications shall contain information covering construction and material requirements.

E. Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of the Uniform Building Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner and the person by whom they were prepared. The plans shall include the following information:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage;
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction;
4. 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 together with a map showing the drainage area and the estimated runoff of the area served by any drains;
5. Location of existing buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifteen feet of the property or which may be affected by the proposed grading operations;
6. Recommendations included in the soils engineering report and the engineering geology report shall be

188-3 (Scappoose 10/96)

15.05.060

incorporated in the grading plans or specifications when required by the building inspector. When approved by the building inspector, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference;

7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

F. The soils engineering report required by subsection D of this section shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

G. The engineering geology report required by subsection D of this section shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

H. The provisions of Section 303 of the Uniform Building Code are applicable to grading permits. The building inspector may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued. The building inspector may require professional inspection and testing by the soils engineer. When the building inspector has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading. (Ord. 638 §2 (part), 1996)

15.05.060 Bonds. The planner or the building inspector may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. With the approval of the city

manager, the applicant may file a cash bond or instrument of credit with the city in lieu of a surety bond and in an amount equal to that which would be required in the surety bond. (Ord. 638 §2 (part), 1996)
(Scappoose 10/96) 188-4

15.05.070--15.05.080

15.05.070 Cuts. A. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

B. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two horizontal to one vertical unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. (Ord. 638 §2(part), 1996)

15.05.080 Fills.A. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

B. Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 2:1. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 5:1 and the height is greater than five feet, by benching into sound bedrock or other competent materials as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5:1 shall be at least ten feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least ten feet wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as approved by the building inspector, no rock or similar irreducible material with a maximum dimension greater than twelve inches shall be buried or placed in fills. Exception: The buildings inspector may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

188-5 (Scappoose 10/96)

15.05.090

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan. Rock sizes greater than twelve inches in maximum dimension shall be ten feet or more below grade, measured vertically.

3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

D. Compaction. All fills shall be compacted to a minimum of ninety percent of maximum density.

E. Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two horizontal to one vertical.

F. Floodplain. In addition to the requirements of this chapter, any fill proposed for placement in the Scappoose Creek floodplain shall require the applicant obtain a separate floodplain development permit and any necessary

state and federal permits. (Ord. 638 §2 (part), 1996)

15.05.090 Setbacks. A. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 1.

B. Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of two feet and a maximum of ten feet. The setback may need to be increased for any required interceptor drains.

C. Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one-half the height of the slope with a minimum of two feet and a maximum of twenty feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building inspector deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks;
2. Provision for retaining or slough walls;
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion;
4. Provisions for the control of surface waters.

F. Modification of Slope Location. Alternate setbacks are subject to approval by the planner and the building inspector. The building inspector may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

(Scappoose 10/96)

188-6

15.05.100

Figure 1.

15.05.100 Drainage and terracing. A. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than three horizontal to one vertical.

B. Terraces. Terraces at least six feet in width shall be established at not more than thirty-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at midheight. For cut or fill slopes greater than sixty feet and up to one hundred twenty feet in vertical height, one terrace at approximately midheight shall be twelve feet in width. Terrace widths and spacing for cut and fill slopes greater than one hundred twenty feet in height shall be designed by the civil engineer and approved by the building inspector. Suitable access shall be provided to permit proper cleaning and maintenance.

C. Swales or ditches on terraces shall have a minimum gradient of five percent and must be paved with reinforced concrete not less than three inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of one foot and a minimum paved width of five feet. A single run of swale or ditch shall not collect runoff from a tributary area exceeding thirteen thousand five hundred square feet (projected) without discharging into a down drain.

D. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

188-7

(Scappoose 10/96)

15.05.110--15.05.120

E. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building inspector, the planner, and the public works director as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive downdrains or other devices.

F. Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the building inspector. Exception: The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than ten feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of ten feet.
3. No existing slope faces, which have a slope face steeper than ten horizontal to one vertical, have a vertical height in excess of ten feet.

G. Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than forty feet measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of twelve inches and a minimum paved width of thirty inches measured horizontally across the drain. The slope of drain shall be approved by the building inspector. (Ord. 638 §2(part), 1996)

15.05.110 Erosion control. A. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

B. Other Devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety. (Ord. 638 §2 (part), 1996)

15.05.120 Grading inspection. A. General. Grading operations for which a permit is required shall be subject to inspection by the building inspector or the public works director. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services (Scappoose 10/96)

188-8

15.05.120

for engineered grading and as required by the building inspector or the public works director for regular grading.

B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports

shall be submitted to the permittee, the building inspector and the civil engineer.

D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building inspector. In the event of changed conditions, the permittee shall be responsible for informing the building inspector of such change and shall provide revised plans for approval.

F. Building Inspector. The building inspector shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the building inspector.

188-9

(Scappoose 10/96)

15.05.130

H. Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building inspector in writing of such change prior to the recommencement of such grading. (Ord. 638 §2 (part), 1996)

15.05.130 Completion of work. A. Final Reports.

Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 15.05.120, showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan;

2. A report prepared by the soils engineer retained to provide such services in accordance with Section 15.05.120, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the

work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter;

3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 15.05.120, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter;

(Scappoose 10/96)

188-10

15.05.140--15.05.150

4. The grading contractor shall submit in a form prescribed by the building inspector a statement of conformance to said as-built plan and the specifications.

B. Notification of Completion. The permittee shall notify the building inspector when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted. (Ord. 638 §2(part), 1996)

15.05.140 Grading fees. A. General. Fees shall be assessed in accordance with the resolution approved by the City Council for the purpose of establishing fees for fill, grade and excavation permits.

B. Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee shall be paid to the city at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth by city resolution. Separate plan review fees shall apply to retaining walls or major drainage structures as required based on the volume of excavation or fill, whichever is greater.

C. Grading Permit Fees. A fee for each grading permit shall be paid to the city as set forth by city resolution. Separate permits and fees shall apply to retaining walls or major drainage structures. There shall be no separate charge for standard terrace drains and similar facilities. (Ord. 638 §2(part), 1996)

15.05.150 Local interpretation. The building inspector may approve a material or a method of construction not specifically prescribed by code:

A. Provided the proposed design is satisfactory; and

B. The material, method or work offered is for the purpose intended at least the equivalent of that specifically prescribed by this chapter in quality, effectiveness, fire resistance, durability, safety and energy conservation; and

C. The administrator of the building codes agency has not issued a report disapproving the material or method for the purpose. Any person affected by the ruling of the building inspector may appeal such ruling to the administrator of the building codes agency within thirty days of the date of the ruling by the building inspector.

The provisions of this section shall not be interpreted to preclude a person from requesting a ruling from the administrator of the building codes agency prior to withdrawing a previously submitted application. (Also refer to ORS 455.010(1) and (2).) (Ord. 638 §2(part), 1996)

188-11

(Scappoose 8/99)

15.05.160

15.05.160 Violation--Penalty. All persons engaged in fill, grading or excavation shall comply with these codes. it is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert to, demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of the provision of this chapter.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a violation; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted; and upon conviction of any such violations such persons shall be punishable by a fine of not more than one hundred dollars per day for each continuing violation. (Ord. 638 §2(part), 1996)

(Scappoose 8/99)

188-12