

## Chapter 17.17

### EROSION PREVENTION AND SEDIMENT CONTROL

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#### **17.17.010 Purpose**

The purpose of this provision, consistent with Goal 5 of the Port Orford Comprehensive Plan, is 1) to preserve or enhance the health, safety, welfare and quality of life of the inhabitants of Port Orford by providing clean water, and by minimizing risk to inhabitants and property through control of erosion and management of storm water and 2) to maintain or improve water quality within Port Orford consistent with the requirements of the State of Oregon and the United States government.

This provision seeks to accomplish these goals by requiring measures to prevent erosion, control sediment, and properly manage runoff from sites with disturbed soils and on structures and improvements that are associated with development activities. It is within this purpose to require measures that are both temporary and permanent in order to achieve these purposes for the long term. (ORD. 2006-10, 2006)

#### **17.17.020 Area of Applicability**

This section is applicable to all lands within the City of Port Orford at the date of an application for approval of development activity, provided, however, that lands within areas that are subject to an approved comprehensive storm water management plan which has been adopted by Port Orford are excluded from the provisions regulating the management of storm water drainage.

#### **17.17.030 Review by Director**

1. The Director shall review all applications for development activity for conformance with the standards and criteria of this section.
2. The Director may retain decision-making authority over matters subject to review or may refer such matters to the Planning Commission.
3. The Director or the Planning Commission, as the case may be, may approve, approve with conditions, require changes to or deny the application based upon the criteria or standards listed in Chapter 17.17. The decisions in such matters may be appealed

consistent with the provisions of Chapter 17.08 (Administration) of the Port Orford Municipal Code.

#### **17.17.040 Erosion Prevention and Sediment Control**

All development activity shall comply with the requirements for erosion prevention and sediment control. The intent of these provisions is to minimize the amount of sediment and pollutants that exit the site of development activity and, thereby, minimize the amount of such material that reaches waterways, wetlands, public improvements and the property of others. These provisions are intended to require that temporary and permanent measures be taken for all development activity that require or result in the disturbance of the surface of soil and/or vegetation.

#### **17.17.050 Development Affected**

1. All development activity can result in altered or increased runoff, erosion and sediment both during and following vegetation removal, grading, construction of improvements, landscaping and other activities that disturb the surface of the soil. Measures must be taken to manage site hazards such as water runoff, soil erosion and sediment deposition. The requirements of this section must be met by all development activities that:
  - a) Will result in the excavation of 800 square feet or more of soil surface or
  - b) Will result in the construction of either

2,000 square feet of impervious surface on a site or will result in the coverage of 25% or more of the area of a site in impervious surfaces, whichever is less.

2. The activities of home gardening that disturb less than one half an acre of land and agricultural activities undertaken pursuant to ORS 215.203(2) **are excluded** from this requirement.
3. Activities undertaking to control invasive bush species for fire control purposes or for the preservation of pre-existing clearings or meadows **are excluded** from the requirements of Chapter 17.17.
4. Activities undertaking exploration activity such as backhoe pits and bore holes not requiring newly constructed road access **are excluded** from the requirements of Chapter 17.17.

#### **17.17.060 Erosion Prevention and Sediment Control Plan**

1. Applications for authorization to undertake development and other activities described in Chapter 17.17.050 must be accompanied by an Erosion Prevention and Sediment Control Plan.
2. The provisions of an Erosion Prevention and Sediment Control Plan shall:
  - a) demonstrate that the subject property will not be disturbed, excavated, filled or developed so as to cause movement of

mud, soil, rock, vegetative material or any products of erosion or other depositional material onto, deposited upon or transported to the property of another;

- b) include specific interim and permanent measures that will prevent erosion and control sedimentation on the subject property.
- c) include a strategy to minimize the removal of vegetation cover, particularly tree cover, necessary for access, building placement or to establish views for proposed structures or improvements.
- d) in cases of development activity that will result in the division of land, include both interim and permanent measures and improvements that must be taken and installed during the development of each lot or parcel created.

### 3. Preparation of Erosion Prevention and Sediment Control Plans

- a) On a single lot or parcel on which the development activity will occur on slopes of less than 15%, the plan may be prepared by the applicant utilizing best management practices (BMP's). Plans for development activities

that will result in the division of land **may not** be prepared pursuant to this subsection.

- b) Development activities on properties that were created pursuant to an application and for which an Erosion Prevention and Sediment Control Plan was approved shall comply with the provisions of that plan and may submit that plan in compliance with the requirements of Chapter 17.17.
- c) On lands on which the development or other activity will occur on slopes of 15% or greater, the plan must be prepared by a geologist.
- d) Plans prepared in Geologic Hazard Areas must also be prepared in consultation with, and be signed by, a geologist.
- e) Final recorded plats and subdivision maps shall indicate that all lots or parcels must be developed consistent with the approved Erosion Prevention and Sediment Control Plan and that the measures and improvements specified in the plan must be maintained by the owner of each lot or parcel.
- f) The applicant or owner of any lot or parcel on which an Erosion Prevention

and Sediment Control Plan has been approved shall record on the title to the subject property a notification of the existence of the plan, of the fact that it can be reviewed in the Planning Division files and that also specifies the obligation of subsequent land owners to refrain from interfering with such measures or improvements and to maintain them.

#### **17.17.070 Review and Approval of an Erosion Prevention and Sediment Control Plan**

1. The Director shall review the proposed Erosion Prevention and Sedimentation Control Plan for consistency with the requirements and purposes of these provisions and may approve, approve with conditions, require changes to or deny the application based and such review.
2. No activities may be conducted on the property that is the subject of such a plan prior to the Director's written approval thereof or prior to the installation of the approved erosion prevention and sedimentation control measures.
3. If prior to applying for a permit or other authorization vegetation removal is required to allow surveying and/ or site study, the applicant shall submit a plot plan to the Director describing the amount and location of vegetation

removal. If the property has slopes greater than 15%, vegetation can only be cut off at or above ground level. Stumps and roots shall not be removed. The Director must approve this plan prior to any removal of vegetation.

#### **17.17.080 Installation and Certification of Erosion Prevention and Sediment Control Measures**

1. The approved erosion prevention and sediment control measures shall be installed and maintained as required by the approved plan.
2. The installation of measures required in a plan prepared under Chapter 17.17.060 (3)(a) may be certified by the applicant.
3. The installation of measures required in a plan prepared under Chapter 17.17.060 (3)(c,d) shall be inspected by Port Orford or may be certified by the engineer or by a geologist who prepared the plan.