



City of Portland Bureau of Development Services

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PERMANENT RULE

RELATING TO:
Title 10
Erosion and Sediment Control

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TOPIC: Erosion and Sediment Control Manual

AUTHORITY:

Under Section 10.10.30.D of Title 10, the Director of the Bureau of Development Services (BDS) has the authority to adopt rules and supplemental regulations regarding Title 10. Such rules shall apply to all permitted development activity. Furthermore such rules must be found to be in conformance with the intent and purpose of the title.

CITATION:

Section 10.10.030.D reads, in part:

“D. Rulemaking.

1. The Director of the BDS shall have the authority to adopt rules and supplemental regulations for permitted development activities with the concurrence of the Directors as specified in Subsection A., above. Each of the Directors shall have the authority to adopt amendments to the Erosion Control Manual with the concurrence of the other Directors specified in Subsection A. above. All the Directors specified in Subsection A. above shall have the authority to administer and enforce such rules and regulations. Such rules and regulations shall be in conformance with the intent and purpose of this Title.

The Director of BES shall have authority to adopt rules and supplemental regulations for non-permitted ground disturbing activities with the concurrence of the Directors as specified in Subsection A., above.

2. Permanent Rules.

a. Prior to the adoption of a permanent rule, the Director developing the rule shall:

(1) Publish a notice in a newspaper of general circulation in the City. The notice shall be published not less than thirty days before the hearing. The notice shall identify the place, time and purpose for the hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained. A copy of notice shall be provided to the Office of Neighborhood Involvement at least thirty days before the hearing.

(2) At the hearing, a designee of the Director shall hear testimony and receive written comments regarding the proposed rules. The designee shall provide a recommendation to the Directors. The recommendation shall take into consideration the comments received.

(3) The Director shall review the recommendation of the designee, and with the concurrence of the Bureaus shall either adopt the proposed rule, modify or reject it.

(4) If a substantial modification is made to the proposed rule, the Director may adopt the modification as an Interim Rule or shall provide an additional public review prior to adoption.

b. Unless otherwise stated, all rules shall be effective two weeks after adoption by the Director. "

FINDINGS:

1. The purpose of Title 10 is to "provide(s) requirements for development and construction related activities in order to control the creation of sediment and to prevent the occurrence of erosion at the source during construction and development."

The purpose of the Erosion Control Manual is to "provide(s) technical guidance for temporary and permanent erosion prevention, sediment control, and control of other development activities that can cause pollution during the construction process (before, during, and after clearing, grubbing, grading, and excavation)."

The manual provides the technical specifics that will allow applicants to meet the requirements of Title 10. The Erosion Control Manual is therefore in accordance with Title 10.

2. The designee of BDS worked to update the Erosion Control Manual with the designated representatives of the Bureaus specified in Subsection A of Title 10. At the

