

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING STORMWATER MANAGEMENT AND AMENDING SECTIONS 9.0500, 9.4780, 9.6790, 9.6791, 9.6792, 9.6796, 9.6797, 9.8030, 9.8055, 9.8090, 9.8100, 9.8215, 9.8220, 9.8320, 9.8325, 9.8440, 9.8445, 9.8515, AND 9.8520 OF THE EUGENE CODE, 1971.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 9.0500 of the Eugene Code, 1971, is amended by revising the definition of “Pollution reduction facility” to provide as follows:

**9.0500** **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

~~[Pollution reduction]~~ ***Stormwater quality facility.*** Any structure or drainage device that is designed, constructed, and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of maintaining or improving surface and/or groundwater quality.

**Section 2.** Subsection (2)(e) of Section 9.4780 of the Eugene Code, 1971, is amended to provide as follows:

**9.4780** **/WQ Water Quality Overlay Zone - Permitted and Prohibited Uses.** Uses are permitted or prohibited within the /WQ Water Quality Overlay Zone based on whether they occur outside or within the /WQ Management Area as follows:

(2) **Uses Permitted Within /WQ Management Areas.** Subject to any applicable development permits, the following uses are the only uses permitted outright within the /WQ Management Area:

(e) **Construction and Maintenance of Vegetated Stormwater Management Facilities.** Swales, filter strips, constructed wetlands, and other vegetated stormwater management facilities for ~~[pollution reduction]~~ ***stormwater quality*** or flow control are permitted if otherwise approved through the provisions of EC 9.6791 through 9.6797 in accordance with the Stormwater Management Manual adopted by administrative order of the city manager;

**Section 3.** Subsection (5) of Section 9.6790 of the Eugene Code, 1971, is amended to provide as follows:

**9.6790** **Stormwater Management Manual.** In order to implement Section 9.6791 through 9.6797 of this code, the City Manager shall adopt in accordance with EC 2.019, City Manager – Administrative and Rulemaking Authority and Procedures, a Stormwater

Management Manual. The Stormwater Management Manual may contain forms, maps and facility agreements and shall include requirements that are consistent with the following goals:

- (5) Reduce pollutants of concern that are generated by identified site uses and site characteristics that are not addressed solely through the ~~[pollution reduction]~~ **stormwater quality** measures by implementing additional specific source control methods including reducing or eliminating pathways that may introduce pollutants into stormwater, capturing acute releases, directing wastewater discharges and areas with the potential for relatively consistent wastewater discharges to the wastewater system, containing spills on site, and avoiding preventable discharges to wastewater facilities, surface waters or ground waters.

**Section 4.** Section 9.6791 of the Eugene Code, 1971, is amended to provide as follows:

**9.6791 Stormwater ~~[Destination]~~Flood Control.**

- (1) **Purpose.** The purpose of EC 9.6791 is to protect life and property from flood and drainage hazards by maintaining the capacity of the city's stormwater conveyance system through the establishment of ~~[destination]~~ **flood control** regulations for stormwater runoff ~~[from development]~~.
- (2) **Applicability and Exemptions.**
  - (a) **Except as provided in EC 9.6791(2)(b), ~~[Destination]~~ flood control standards apply to all development permit applications and land use applications.**
  - (b) **The standards in EC 9.6791(3) do not apply to development permit applications where the proposed development will be served by a flood control facility that is a manmade drainage system designed to accommodate stormwater run-off generated by the stormwater basin area.**
- (3) **Standards.**
  - (a) Stormwater ~~[drainage]~~ **flood control** facilities shall be designed and constructed according to adopted plans and policies, and in accordance with standards in EC Chapters 6 and 7, and the stormwater ~~[destination]~~ **flood control** provisions and the facility design requirements set forth in the Stormwater Management Manual. ~~[On-site infiltration is the preferred stormwater destination for development in the River Road-Santa Clara Basin. An applicant proposing a new development must submit documentation to the city showing the stormwater destination into which the proposed development will be disposed.]~~
  - (b) **Based on the Rational Method flow calculation, stormwater runoff from the development site for the flood control design storm shall be:**
    1. **Discharged** ~~[The documentation must establish that the new development will be disposed of]~~ into existing stormwater ~~[drainage]~~ **flood control** facilities that, considering all developments that have received tentative or final plan approval as of the date the ~~[developer]~~ **applicant** submits a complete application, have the capacity to handle the stormwater runoff ~~[that will be generated by the proposed new development for the flood control design storm, or, if the applicant cannot establish that~~

~~existing stormwater drainage facilities have such capacity, the applicant must construct storm drainage facilities to accommodate the stormwater draining from the proposed development]; or~~

2. **Retained or detained onsite; or**
  3. **Discharged into a new stormwater flood control facility constructed by the applicant.**
- (4) **Underground Injection Control Systems.** Stormwater runoff [disposed of] **discharged** in underground systems is also regulated through the federal Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act (42 U.S.C. § 300, Chapter 6A, Subchapter XII) and Oregon Administrative Rule Chapter 340, Section 044.

**Section 5.** Section 9.6792 of the Eugene Code, 1971, is amended to provide as follows:

~~9.6792~~ **Stormwater Pollution Reduction.**

- ~~(1) Purpose.~~ The purpose of EC 9.6792 is to reduce the impacts that urbanization is having on the city's water quality by providing standards for the capture and treatment of stormwater runoff from development.
- ~~(2) Applicability and Exemptions.~~
- (a) ~~Except as exempt under EC 9.6792(2)(c), the standards in EC 9.6792(3) apply to all land use applications submitted after July 14, 2006 requesting approval of one or more of the following:~~
1. ~~A cluster subdivision tentative plan (EC 9.8055);~~
  2. ~~A conditional use (EC 9.8090 or 9.8100);~~
  3. ~~A partition tentative plan (EC 9.8215 or 9.8220);~~
  4. ~~A planned unit development tentative plan (EC 9.8320 or 9.8325);~~
  5. ~~Site review (EC 9.8440 or 9.8445);~~
  6. ~~A subdivision tentative plan (EC 9.8515 or 9.8520).~~
- (b) ~~Except as exempt under EC 9.6792(2)(c), the standards in EC 9.6792(3) apply to all applications for development permits submitted after July 14, 2006.~~
- (c) ~~The standards in EC 9.6792(3) do not apply to:~~
1. ~~A land use application that will result in the construction or creation of less than 1,000 square feet of new or replaced impervious surface at full buildout of the development.~~
  2. ~~A development permit application for any of the following:~~
    - a. ~~Development of a lot or parcel included in a land use application that was determined by the city to comply with the standards in EC 9.6792(3). For such a development permit, the approved land use plan shall control.~~
    - b. ~~Development of a lot or parcel that was not included in a land use application that was determined by the city to comply with the standards in EC 9.6792(3) and:~~
      - (1) ~~Will result in less than 1,000 square feet of new or replaced impervious surface within a 12 month period;~~  
~~or~~
      - (2) ~~Is to construct or alter a one or two family dwelling; or~~
      - (3) ~~The replacement of more than 1,000 square feet of impervious surface for purposes of maintenance or~~

repair for the continuance of the current function, providing that as part of such maintenance and repair the applicant is replacing less than 50% of the length of the stormwater drainage system (including pipes, drainageway catch basins and drywells) on the development site.

~~(3) Standards.~~

- ~~(a) Applications shall include pollution reduction facilities selected from the Stormwater Management Manual as follows:
  - 1. For land use applications listed in EC 9.6792(2)(a) for undeveloped land, the selected pollution reduction facilities shall treat all the stormwater runoff from the development site that will result from the water quality design storm;
  - 2. For land use applications listed in EC 9.6792(2)(a) that change or add development to an already developed site, the selected pollution reduction facilities shall treat the stormwater runoff from all added and replaced impervious surface that will result from the water quality design storm;
  - 3. For development permit applications, the selected pollution reduction facilities shall treat all stormwater runoff from all new or replaced impervious surface, or an equivalent on-site area, that will result from the water quality design storm;~~
- ~~(b) All pollution reduction facilities shall be sited, designed and constructed according to the pollution reduction provisions and the facility design requirements set forth in the Stormwater Management Manual. Pollution reduction facilities must be designed using one of the three methodologies outlined in the Stormwater Management Manual.~~
- ~~(c) The standards in EC 9.6792(3) may be adjusted pursuant to EC 9.8030(24).]~~

**9.6792 Stormwater Quality.**

- (1) Purpose. The purpose of EC 9.6792 is to reduce runoff pollution and mitigate the volume, duration, time of concentration and rate of stormwater runoff from development by implementing stormwater management techniques that promote the use of natural and built systems for infiltration, evapotranspiration and reuse of rainwater and that use or mimic natural hydrologic processes while capturing and treating approximately 80% of the average annual rainfall.**
- (2) Applicability and Exemptions.
  - (a) The standard in EC 9.6792(3)(a) applies to all land use applications submitted after [effective date of this ordinance] that do not propose construction of a public street, private street or a shared driveway.**
  - (b) The standards in EC 9.6792(3)(b), (e)-(g) apply to all land use applications submitted after [effective date of this ordinance] that propose construction of a public street.**
  - (c) The standards in EC 9.6792(3)(c), (e)-(g) apply to all land use applications submitted after [effective date of this ordinance] that propose construction of a private street or shared driveway.****

- (d) **Except as exempt under EC 9.6792(2)(e), the standards in EC 9.6792(3)(d)-(g) apply to applications for all development permits submitted after [effective date of this ordinance].**
- (e) **The standards in EC 9.6792(3)(d)-(g) do not apply to development permit applications:**
  - 1. **For the construction of less than 1,000 square feet of new or replaced impervious surface within a 12 month period; or**
  - 2. **For interior alterations of an existing structure;**
  - 3. **For the construction of more than 1,000 square feet of impervious surface that replaces existing impervious surface for purposes of maintenance or repair for the continuance of the current function, providing that as part of such maintenance and repair the applicant is replacing less than 50% of the length of the stormwater drainage system (including pipes, drainageway catch basins and drywells) on the development site;**
  - 4. **For the construction of new or replaced impervious surface where all of the stormwater runoff from the impervious surface will discharge into an on-site, privately maintained underground injection control system that is registered and approved by the Oregon Department of Environmental Quality.**
  - 5. **For the construction of a one or two family dwelling on a lot or parcel that was created by a land division application submitted and approved by the City prior to [the effective date of this ordinance] that is consistent with the approved land use application and the City's stormwater quality (pollution reduction) standards in place at the time of the land division application; and**
  - 6. **For the construction of a one or two family dwelling on a lot or parcel that was created by a land division application that included the construction of a public or private street or shared driveway submitted and approved by the City after [the effective date of this ordinance] if the lot or parcel adjoins the public or private street or shared driveway and the facility within the public or private street or shared driveway is an infiltration or filtration facility designed and sized to accommodate stormwater runoff from the adjoining lots or parcels at full buildout of the lots or parcels.**

**(3) Standards.**

- (a) **For land use applications not proposing the construction of a public or private street or shared driveway, the applicant shall submit a site development plan that delineates the following conditions existing on the development site:**
  - 1. **Infiltration rates less than 2 inches per hour;**
  - 2. **Bedrock less than 5 feet below the ground surface;**
  - 3. **Groundwater elevations less than 6 feet; or,**
  - 4. **Ground surface slopes greater than 10%.**
- (b) **For land use applications proposing the construction of a public street, stormwater quality facilities to treat the stormwater runoff from the proposed public street shall be selected from the**

**Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, mechanical treatment.**

- 1. If selecting an infiltration or filtration facility to treat the stormwater runoff from the public street, the facility can be sized to also treat the stormwater runoff from the one and two family dwelling lots or parcels adjoining the public street based on full buildout of those lots or parcels.**
  - 2. If using a mechanical facility to treat the stormwater runoff from the public street or if the infiltration or filtration facility is not sized to also treat the stormwater runoff from the adjoining lots or parcels at full buildout, all lots or parcels created by the land division application shall comply with EC 9.6792(3)(d)-(g) at the time of development permit application.**
- (c) For land use applications proposing construction of a private street or shared driveway, stormwater quality facilities to treat the runoff from the proposed private street or shared driveway shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration.**
- 1. An infiltration or filtration treatment facility to treat the stormwater runoff from the shared driveway or private street can be sized to treat the stormwater runoff from the proposed one and two family dwelling lots or parcels that adjoin the shared driveway or private street based on full buildout of those lots or parcels.**
  - 2. If the infiltration or filtration facility is not sized to treat the stormwater runoff from the adjoining lots or parcels at full build out, all lots or parcels created by the land division application must comply with EC 9.6792(3)(d)-(g) at the time of development permit application.**
- (d) For development permit applications, stormwater quality facilities shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, off-site stormwater quality management.**
- 1. If selecting a filtration treatment facility, the applicant shall submit a report that demonstrates at least one of the following development site conditions exist:**
    - a. Infiltration rates are less than 2 inches per hour;**
    - b. Bedrock is less than 5 feet below the ground surface;**
    - c. Groundwater elevations are less than 6 feet; or,**
    - d. Ground surface slopes are greater than 10%.**
  - 2. If selecting off-site stormwater quality management by contributing to the public off-site stormwater quality facilities, through payment of a higher stormwater system development charge adopted as part of the City's system development charge methodology, the applicant shall submit a report that demonstrates there is insufficient land area to construct an approved infiltration or filtration facility by setting forth the required size of the smallest infiltration or filtration facility needed for the development's impervious surface area and a site plan demonstrating that an approved infiltration or**

*filtration facility cannot be located on the development site without reducing the size of the proposed development which is otherwise consistent with all other applicable lot and development standards.*

- (e) *The selected stormwater quality facilities shall treat all stormwater runoff from all new or replaced impervious surface areas, or an equivalent on-site area, that will result from the water quality design storm except that the selected the stormwater quality facility does not need to treat the stormwater runoff from new or replaced impervious surface that is 500 sq. feet or less and does not gravity-feed into the selected treatment facility.*
- (f) *All stormwater quality facilities shall be sited, designed and constructed according to the water quality provisions and the facility design requirements set forth in the Stormwater Management Manual.*
- (g) *The standards in EC 9.6792(3) may be adjusted pursuant to EC 9.8030(24).*

**Section 6.** Subsection (3)(e) of Section 9.6796 of the Eugene Code, 1971, is amended to provide as follows:

**9.6796 Dedication of Stormwater Easements.**

- (3) **Standards.** The applicant must dedicate public easements approved by the city over city maintained stormwater management facilities provided the city makes findings to demonstrate consistency with constitutional requirements. The conveyance of ownership or dedication of easements may be required in any of the following circumstances:
  - (e) Where the **facility will provide treatment for runoff from the public right-of-way and the** City [has accepted functional maintenance responsibility for pollution reduction and/or flow control facilities in accordance with EC 9.6797(4)(b)] **will be maintaining the facility.**

**Section 7.** Section 9.6797 of the Eugene Code, 1971, is amended to provide as follows:

**9.6797 Stormwater Operation and Maintenance.**

- ~~(1) [Purpose. The purpose of EC 9.6797 is to ensure that stormwater management facilities designed and constructed in accordance with EC 9.6791-9.6796 and the Stormwater Management Manual are operated and maintained in a manner that protects life and property from flood and drainage hazards, protects water quality, and protects the waterways in the headwaters area from the erosive effects of runoff.~~
- ~~(2) Applicability. Operation and maintenance standards apply to all facilities designed and constructed in accordance with EC 9.6792 through EC 9.6795 and the Stormwater Management Manual.~~
- ~~(3) Standards.
  - (a) Unless the city accepts the responsibility to operate and maintain a stormwater facility, all stormwater management facilities shall be privately operated and maintained.~~

~~(b)~~—]All stormwater facilities shall be operated and maintained in accordance with EC Chapters 6 and 7, and the Stormwater Management Manual.

**(2) Unless the applicant proposes private maintenance of the facility, a stormwater facility that will provide treatment for runoff from the public right-of-way shall be:**

- (a) Designed and constructed through the Privately Engineered Public Improvement (PEPI) process; and**
- (b) Located in public rights of way or public easements dedicated in accordance with EC 9.6796; and**
- (c) Selected from the list of stormwater facilities identified in the Stormwater Management Manual as a type of facility that the City will operate and maintain.**

~~[(e) Privately maintained facilities. Applications proposing private operation and maintenance of all or part of the stormwater facility shall include an Operations and Maintenance Plan in accordance with the forms adopted as a part of the Stormwater Management Manual.~~

~~(d) Publicly maintained facilities. Applications proposing city operation and maintenance of all or part of the stormwater facility shall include an Operations and Maintenance Agreement in accordance with the facility agreements adopted as a part of the Stormwater Management Manual.~~

~~(4) **City Maintenance.**~~

~~(a) If the conditions of EC 9.6797(4)(b) are satisfied, the city will accept functional maintenance responsibility of the following facilities:~~

- ~~1. A facility designed and constructed to provide treatment solely for runoff from the public right-of-way;~~
- ~~2. A facility designed and constructed to provide treatment solely for runoff from 4 or more one and two family residential properties that are not under common ownership;~~
- ~~3. A facility designed and constructed to provide treatment solely for runoff that is a combination of one and two family residential properties not under common ownership and the public right-of-way.~~

~~(b) The city will accept functional maintenance responsibility of a facility listed in EC 9.6797(4)(a) if all of the following conditions are met:~~

- ~~1. The city has approved the dedication of the easement or public way to the city the property on which the facility is located or the city has approved plans allowing the facility to be placed within the public right-of-way; and~~
- ~~2. The city has approved plans dedicating the drainage system conveying runoff from the residential properties to the stormwater facility as a public drainage system; and~~
- ~~3. The stormwater facility access routes have been located within a dedicated public easement on private or commonly held property, within the public right-of-way or on city owned property; and~~
- ~~4. Sufficient easement area, right-of-way width or property have been provided to accommodate the construction and maintenance of all existing and proposed utilities and public infrastructure; and~~
- ~~5. The facility is designed and constructed in accordance with the city's Stormwater Management Manual; and~~
- ~~6. Access to the proposed facility allows maintenance to be performed using city owned maintenance equipment; and~~



~~7. As construct plans of the drainage system shall be submitted designating all facilities that are proposed for public maintenance within 30 days of the city accepting maintenance responsibilities; and~~

~~8. The facility is designed and constructed in compliance with the city's Public Improvement Design Standards Manual.~~

~~(c) Notwithstanding EC 9.6797(4)(a) and (b), the city will not accept operation and maintenance responsibility of eco-roofs, roof gardens, pervious pavement, contained planters, tree credits, rainwater harvesting or private drywells.~~

~~(5) **Private Operation and Maintenance.** All privately operated and maintained stormwater management facilities shall be operated and maintained in accordance with EC Chapter 6.]~~

**Section 8.** Subsection (24) of Section 9.8030 of the Eugene Code, 1971, is amended to provide as follows:

**9.8030 Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

**(24) Stormwater [Pollution Reduction]Quality, Flow Control, Oil Control and Source Control Standards Adjustment.**

(a) The requirement in EC 9.6792(3)(a)1 and EC 9.6792(3)(a)3(e) that selected [pollution reduction] **stormwater quality** facilities shall treat all the stormwater runoff that will result from the water quality design storm may be adjusted upon a finding that the [selected pollution reduction] **stormwater quality** facility will treat as much of the runoff as possible and [one of the following applies:

~~1. The area generating untreated runoff is less than 500 square feet of impervious surface and is isolated from the pollution reduction facility;~~

~~2. The area generating untreated runoff is less than 500 square feet of impervious surface and it is not technically feasible to drain the untreated runoff to the pollution reduction facility;~~

~~3. Constructing [pollution reduction] **stormwater quality** facilities to treat the runoff from the area at issue would require removal of trees or damage to other natural resources[; or~~

~~4. The area generating untreated runoff is less than 500 square feet of impervious surface and limited access to the area would prevent regular maintenance of the pollution reduction facility].~~

(b) The requirement in EC 9.6792(3)(b)(f) that all [pollution reduction] **stormwater quality** facilities be selected from and sited, designed, and constructed according to the [pollution reduction] **stormwater quality** provisions and the facility design requirements set forth in the Stormwater Management Manual and that [pollution reduction] **stormwater quality** facilities must be designed using one of the methodologies outlined in the Stormwater Management Manual may be adjusted upon finding that all of the following requirements are met:

1. The proposed alternative design will achieve equal, or superior, results for function (reducing pollution), maintainability and safety, and the proposed siting does not adversely affect structures or other properties.
  2. The applicant's written description of the proposed alternative design has been reviewed and approved by the City Engineer. The description of the proposed design submitted for review must include all of the following information for each component of the proposed alternative design:
    - a. Size, technical description, capacity, capital cost, design life, construction process and costs, consequences of improper construction, operation and maintenance requirements and costs;
    - b. Data on the effectiveness of proposed alternative technologies, if available, including data from laboratory testing and pilot/full-scale operations, and information regarding the operations of any full-scale installations;
    - c. Any other available information about the proposed design, including peer review articles, scientific or engineering journals, and approvals from other jurisdictions.
  3. The applicant has submitted a method and schedule for monitoring the effectiveness of the proposed design once constructed, and a schedule for its maintenance.
  4. The applicant has submitted a signed statement that the applicant will replace the alternative [~~pollution reduction~~] **stormwater quality** facility if the facility does not function as proposed.
- (c) The requirement in EC 9.6793(3)(a) and EC 9.6793(3)(b) may be adjusted upon a finding that the flow control facility will control flow rates as much as possible and one of the following applies:
1. The area at issue generating runoff is less than 500 square feet of impervious surface and is isolated from the flow control facility;
  2. The area at issue generating runoff is less than 500 square feet of impervious surface and it is not technically feasible to drain the untreated runoff to the flow control facility;
  3. Constructing facilities to control the flow of runoff from the area at issue would require removal of trees or damage to other natural resources;
  4. The area at issue generating runoff is less than 500 square feet of impervious surface and limited access to the area would prevent regular maintenance of the flow control facility.
- (d) The requirements in EC 9.6793(3)(d) that all flow control facilities be selected from and sited, designed, and constructed according to the flow control provisions and the facility design requirements set forth in the Stormwater Management Manual may be adjusted upon finding that all of the following requirements are met:
1. The proposed alternative design will achieve equal, or superior, results for function (maintaining flow or restricting flow or both), maintainability and safety, and the proposed siting does not adversely affect structures or other properties;
  2. The applicant's written description of the proposed alternative design has been reviewed and approved by the City Engineer.

The description of the proposed design submitted for review must include all of the following information for each component of the proposed alternative design:

- a. Size, technical description, capacity, capital cost, design life, construction process and costs, consequences of improper construction, operation and maintenance requirements and costs;
  - b. Data on the effectiveness of proposed alternative design, if available, including data from laboratory testing and pilot/full-scale operations, and information regarding the operations of any full-scale installations;
  - c. Any other available information about the proposed design, including peer review articles, scientific or engineering journals, and approvals from other jurisdictions.
3. The applicant has submitted a method and schedule for monitoring the effectiveness of the proposed design once constructed, and a schedule for its maintenance;
  4. The applicant has submitted a signed statement that the applicant will replace the alternative flow control facility if the facility does not function as proposed.
- (e) The requirement in EC 9.6795(3) that oil control facilities be sited, designed and constructed according to the oil control provisions and the facility design requirements set forth in the Stormwater Management Manual may be adjusted if the applicant can demonstrate that the selected oil control facility will achieve the same result as those listed in the Stormwater Management Manual.
- (f) The requirement in EC 9.6796(3) that source controls be sited, designed and constructed according to source control provisions set forth in the Stormwater Management Manual may be adjusted if the applicant can demonstrate that the selected source control will achieve the same result as those listed in the Stormwater Management Manual. Applicants seeking an adjustment to EC 9.6796(3) must submit a completed authorization request form adopted as part of the Stormwater Management Manual.

**Section 9.** Subsection (1)(d) of Section 9.8055 of the Eugene Code, 1971, is amended to provide as follows:

**9.8055**     **Cluster Subdivision- Approval Criteria - General.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:

- (1) The proposed subdivision complies with:
  - (d) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

**Section 10.** Subsection (8)(d) of Section 9.8090 of the Eugene Code, 1971, is amended

to provide as follows:

**9.8090** **Conditional Use Permit Approval Criteria - General.** A conditional use permit shall be granted only if the proposal conforms to all of the following criteria:

- (8) The proposal complies with all applicable standards, including but not limited to:
- (d) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance; and

**Section 11.** Subsection (4)(h) of Section 9.8100 of the Eugene Code, 1971, is amended

to provide as follows:

**9.8100** **Conditional Use Permit Approval Criteria- Needed Housing.** The hearings official shall approve, conditionally approve, or deny the conditional use permit application. Unless the applicant elects to use the general criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a conditional use based on compliance with the following criteria:

- (4) The proposal complies with all applicable standards, including, but not limited to:
- (h) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

**Section 12.** Subsection (1)(j) of Section 9.8215 of the Eugene Code, 1971, is amended

to provide as follows:

**9.8215** **Partition, Tentative Plan Approval Criteria- General.** The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria:

- (1) The proposed partition complies with all of the following:
- (j) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

**Section 13.** Subsection (2)(j) of Section 9.8220 of the Eugene Code, 1971, is amended

to provide as follows:

**9.8220** **Partition, Tentative Plan Approval Criteria- Needed Housing.** The planning

director shall approve, conditionally approve, or deny the partition application. Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a partition based on compliance with the following criteria:

- (2) The proposed partition complies with all of the following:
  - (j) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

**Section 14.** Subsections (5)(a), (10) and (11)(j) of Section 9.8320 the Eugene Code, 1971, are amended; and subsection (9) of that Section is repealed to provide as follows. Subsections (10) through (16) of that Section are renumbered to (9) through (15).

**9.8320 Tentative Planned Unit Development Approval Criteria- General.** The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions shall be based on compliance with the following criteria:

- (5) The PUD provides safe and adequate transportation systems through compliance with the following:
  - (a) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection [(11)](10) below).

~~(9) Stormwater runoff from the PUD will not create significant negative impacts on natural drainage courses either on site or downstream, including, but not limited to, erosion, scouring, turbidity, or transport of sediment due to increased peak flows or velocity.~~

- (409) Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards or as modified according to subsection [(11)](10) below.

(4110) The PUD complies with all of the following:

- (j) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

**Section 15.** Subsection (7)(j) of Section 9.8325 of the Eugene Code, 1971, is amended; and subsection 13) of that Section is provide as follows:

**9.8325 Tentative Planned Unit Development Approval Criteria - Needed Housing.** The hearings official shall approve, conditionally approve, or deny the PUD application with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a PUD based on compliance with the following criteria:

- (7) The PUD complies with all of the following:
  - (j) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
- ~~(13) Stormwater runoff from the PUD will not damage natural drainage courses either on-site or downstream by eroding or scouring the natural drainage courses or by causing turbidity, or the transport of sediment due to increased peak flows or velocity.~~

**Section 16.** Subsection (5)(j) of Section 9.8440 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8440 Site Review Approval Criteria-General.** The planning director shall approve, conditionally approve, or deny the site review application. Approval or conditional approval shall be based on compliance with the following criteria:
- (5) The proposal complies with all of the following standards:
    - (j) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

**Section 17.** Subsection (4)(j) of Section 9.8445 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8445 Site Review Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the site review application. Unless the applicant elects to use the general criteria contained in EC 9.8440 Site Review Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a site review based on compliance with the following criteria:
- (4) The proposal complies with all of the following standards:
    - (j) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

**Section 18.** Subsection (10)(h) of Section 9.8515 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8515 Subdivision, Tentative Plan Approval Criteria - General.** The planning director shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:
- (10) The proposed subdivision complies with all of the following unless specifically exempt from compliance through a code provisions applicable to a special area zone or overlay zone:
    - (h) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

**Section 19.** Subsection (3)(k) of Section 9.8520 of the Eugene Code, 1971, is amended

to provide as follows:

**9.8520 Subdivision, Tentative Plan Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the subdivision application. Unless the applicant elects to use the general criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision based on compliance with the following criteria:

- (3) The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
  - (k) EC 9.6791 through 9.6797 regarding stormwater [~~destination, pollution reduction~~]**flood control, quality**, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

**Section 20.** The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 21.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 22.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Passed by the City Council this**  
\_\_\_ day of \_\_\_\_\_, 2013

**Approved by the Mayor this**  
\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**