

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: An Ordinance Concerning Stormwater Management

Meeting Date: November 20, 2013
Department: Public Works
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Agenda Item Number: B
Staff Contact: Peggy Keppler
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ISSUE STATEMENT

This work session will provide the City Council with an overview of the proposed changes to the City's stormwater development standards that fulfill the requirements of the City's Municipal Stormwater Permit in advance of the council's public hearing scheduled for December 9, 2013. The work session discussion will include an explanation of the ordinance that will be considered at the public hearing, which includes proposed changes to the Planning Commission's recommendation that were the result of outreach to the Homebuilders Association (HBA) subsequent to the Planning Commission's action.

BACKGROUND

Stormwater development standards regulate the siting, designing, constructing, and maintaining of stormwater management facilities applicable to the development of new and replaced impervious surfaces. The current stormwater development standards, required by the federal Clean Water Act and the City's National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Discharge Permit (Municipal Stormwater Permit), have been in place since July 2006. They are an important element of the City's comprehensive stormwater program aimed at protecting and improving the water quality of Eugene's receiving streams including Amazon Creek and the Willamette River as well as reducing the risks and impacts of flooding events.

The existing stormwater development standards have proven to successfully protect development sites from flooding and reduce pollutants in stormwater runoff from development sites before discharging to the public stormwater system. Land use applications (such as subdivisions, partitions, planned unit developments, site reviews, and conditional use permits) and development permit applications are reviewed to ensure that stormwater quality facilities and flood control facilities are appropriately sited and sized. Developers choose their preferred type of stormwater quality facility from a range of options provided in Eugene's adopted Stormwater Management Manual and show how they intend to convey stormwater runoff from the site to the public system.

Water quality treatment facilities are sized for a relatively small storm event and can be categorized into three types - infiltration, filtration, and mechanical:

- Infiltration facilities collect and treat stormwater runoff from impervious surfaces before absorbing the runoff into the soil structure on-site.
- Filtration facilities collect and treat stormwater runoff from impervious surfaces before discharging the runoff off-site.
- Mechanical facilities treat stormwater runoff from impervious surfaces as the runoff passes through a pollutant settling manhole structure before being discharged off-site.

All three types of facilities provide water quality treatment, but the degree to which they mitigate the runoff volume, duration, time of concentration and rate of stormwater runoff, varies significantly. Infiltration facilities are most effective at reducing the amount of runoff (and duration, time of concentration and rate of runoff) from a site. Filtration facilities reduce the amount of runoff from a site to some degree, dependent largely on soil type and construction. Mechanical facilities do not reduce the amount of runoff from a site.

On December 30, 2010, the Oregon Department of Environmental Quality re-issued the City's Municipal Stormwater Permit. The new permit expands upon existing requirements and necessitates that the City revise its stormwater development standards to further reduce pollutants and mitigate the volume, duration, time of concentration and rate of stormwater runoff from developing sites. Stormwater pollutant loading from developed areas is a function of the type and intensity of land use and the increase in stormwater runoff volume and flow rates resulting from increased impervious surfaces. Low impact development and green infrastructure approaches employ infiltration and filtration mechanisms that mimic a site's hydrology prior to development, thereby reducing the negative effects of stormwater runoff volume on receiving streams. Infiltration and filtration water quality facilities can be integrated into most urban landscapes.

Eugene is one of seven Oregon municipal agencies responsible for revising its program and implementing a hierarchy of best management practices that emphasize and promote low impact development and green infrastructure approaches to reduce runoff volumes and improve water quality.

PUBLIC PROCESS

A public hearing was held before the Eugene Planning Commission on May 14, 2013, and the public record was held open until 5:00 p.m., May 21, 2013, to allow public testimony on the proposed amendments. On June 17, 2013, the Planning Commission moved to recommend the council approve the proposed amendments to implement a hierarchy of best management practices of on-site infiltration and filtration stormwater management and on-site mechanical treatment if site conditions restrict implementing on-site infiltration and filtration.

Following the Planning Commission's recommendation, staff met with the Lane County Homebuilder's Association to discuss the applicability and implementation of stormwater treatment for construction of one- and two-family dwellings. Based on these meetings with the HBA, City staff have made changes to the proposed ordinance that was presented to, and recommended by, the Planning Commission. The following chart explains the proposed amendments presented to, and recommended by, the Planning Commission and the proposed

amendments that are included in the ordinance for the council’s December 9, 2013, public hearing. City staff believe that the modifications made to the ordinance that was presented to, and recommended by, the Planning Commission are responsive to the issues raised by the HBA and consistent with the City’s Municipal Stormwater Permit.

Code Section	Planning Commission Recommendation	Proposed Modification
9.6792 (2)	Applicability: all development permits for new and replaced impervious surface area greater than 1000 square feet (including one- and two-family dwellings).	Exempt stormwater quality treatment of stormwater runoff from one- and two-family dwellings constructed on lots and parcels created by a land division approved by the City prior to the 2006 implementation of stormwater quality standards.
9.6792 (2)	Applicability: stormwater quality treatment required at the development site level.	Allow the developer creating public streets and private streets and driveways to size infiltration and filtration facilities to accommodate treatment of adjoining one- and two-family dwellings as well as the runoff from impervious surface of the street or driveway.
9.6792(2)(e)(4)		Exempt stormwater quality treatment requirements for runoff discharged to on-site underground injection systems otherwise approved and authorized by DEQ.
9.6792 (3)	Standards: Include “mechanical treatment” as a third tier in the hierarchy of on-site stormwater management practices for those lots/parcels that don’t have sufficient room for infiltration or filtration treatment facilities.	Remove “mechanical treatment” requirements in the hierarchy and utilize public off-site stormwater quality facilities funded through payment of higher stormwater system development charges for sites that don’t have sufficient room for infiltration or filtration treatment.
9.6792 (3)	Standards: Treat all stormwater runoff from impervious surfaces unless an adjustment review application is requested for areas that cannot be practicably treated.	Exempt stormwater quality treatment for impervious surface area less than 500 square feet that cannot gravity-feed to the treatment facility without going through the adjustment review process and allow applicants to treat existing equivalent impervious surface areas instead.

PROPOSED AMENDMENTS

Proposed amendments include implementing three treatment priorities:

Priority 1 – Private on-site infiltration facilities (stormwater planters, rain gardens, and ponds) which reduce pollutants and mitigate the volume, duration, and time of concentration and rate of stormwater runoff from new and replaced impervious surface areas greater than 1,000 square feet.

Priority 2 – Private on-site filtration facilities (i.e. stormwater planters, rain gardens, ponds, swales, and filter strips with underdrains) which reduce pollutants and mitigate the volume, duration, and time of concentration and rate of stormwater runoff to a lesser degree than the infiltration treatment from new and replaced impervious surface areas greater than 1,000 square feet.

Priority 3 – Public off-site infiltration and filtration treatment facilities designed and constructed utilizing stormwater system development charges collected from development applications that are not able to construct private infiltration or filtration due to site constraints.

Applicants must demonstrate they meet the exception criteria to utilize a lower management priority.

The council will be asked to amend the rate methodology for stormwater System Development Charges (SDC's), following adoption of the proposed amendments to stormwater development standards. The proposed methodology will include a rate component, paid only by development in the Priority 3 treatment category, to construct public infiltration and filtration treatment facilities compliant with Eugene's Municipal Stormwater Permit. No other changes in those stormwater SDC rates paid by the majority of development are proposed. Existing SDC credits and reductions will continue to be available for applicants constructing private on-site infiltration and filtration treatment facilities. The proposed SDC modifications will be made available to interested persons and the Mayor and City Council not later than November 22, 2013, with a public hearing tentatively scheduled for January 21, 2014.

RELATED CITY POLICIES

The proposed code amendments are intended to implement stormwater development standards as a component of the City's Stormwater Program initiated with the adoption of the Comprehensive Stormwater Management Plan (CSWMP) in 1993 and as required through the Department of Environmental Quality issuance of the City's Municipal Stormwater Permit.

COUNCIL OPTIONS

This is an informational work session. No action is required at this time, however, options will be provided at the time of City Council deliberations and action scheduled following the December 9, 2013, public hearing.

CITY MANAGER'S RECOMMENDATION

No recommendation at this time. This item is scheduled for a December 9, 2013, public hearing. Following the City's receipt of all testimony, the City Manager will make a recommendation to be

included in the council packet scheduled for action on January 13, 2014.

SUGGESTED MOTION

None.

ATTACHMENTS

A. Proposed Ordinance

FOR MORE INFORMATION

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