

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: 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; and Providing an Effective Date

Meeting Date: December 9, 2013
Department: Public Works
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Peggy Keppler
Contact Telephone Number: 541-682-2869

ISSUE STATEMENT

The City Council is scheduled to hold a public hearing on the proposed code amendments to Chapter 9 (Attachment A: Ordinance) implementing a hierarchy of best management practices (BMP) of on-site stormwater management techniques that emphasize and promote low impact development (LID) and green infrastructure approaches to improve water quality and clarifying flood control approval criteria.

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.

On December 30, 2010, the Oregon Department of Environmental Quality re-issued the City's Municipal Stormwater Permit. The new permit expands upon existing pollution reduction 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.

The proposed amendments fulfill the City's Municipal Stormwater Permit by implementing a hierarchy of low impact development practices, which includes:

- On-site infiltration facilities
- On-site filtration facilities
- Off-site publicly designed infiltration and filtration facilities

Proposed Amendments

EC 9.0500; 9.4780; 9.6790: Terminology "pollution reduction" is changed to "stormwater quality" to represent the integrated water quality benefits of pollution reduction and mitigated volume, duration, time of concentration and rate of stormwater runoff.

EC 9.6791: Terminology "destination" is changed to "flood control" to represent storm drainage and flood controls through design and construction of stormwater management facilities to have the capacity to protect life and property from flood and drainage hazards. Development permits that are discharging stormwater runoff into systems that were designed to convey the stormwater runoff from vacant properties as if they were developed will not require additional submittal information for permit approval.

EC 96792: This code section has been completely rewritten to reflect the low impact development and green infrastructure hierarchy of stormwater quality management. Unless exempt, all development permits, submitted after the effective date of the proposed ordinance, will be required to implement the hierarchy of on-site infiltration, on-site filtration, and payment to construct off-site public infrastructure. The threshold for impervious surface will remain at 1,000 square feet, or more, of new and replaced impervious surface area. Exempted development permits include:

1. Construction of less than 1,000 square feet impervious surface area.
2. Interior alterations of existing structures.
3. Maintenance or repair of existing impervious surfaces greater than 1,000 square feet provided improvements do not include replacing 50 percent or more of the stormwater facilities.
4. Construction of impervious surface area that has its runoff discharged to on-site privately maintained underground injection systems registered and approved by DEQ.
5. Construction of one- and two-family dwellings on lots and parcels created by land divisions approved by the City prior to the effective date of the proposed ordinance, that are consistent with the approved land use application and stormwater standards in place at the time of approval.
6. Construction of one- and two-family dwellings on lots and parcels created by land divisions approved by the City after the effective date of the proposed ordinance, which drain to treatment facilities constructed to treat runoff from streets and shared driveways and sized for the adjoining lots/parcels.

Land use applications without streets and shared driveways will be required to submit a site development plan that delineates site conditions that indicate whether infiltration facilities would be suitable but the hierarchy would not be implemented until builders submitted their development permit applications for new and replaced impervious surface.

Land use applications that include streets and shared driveways will be required to implement a modified hierarchy for the proposed streets and/or shared driveways as a condition of land use approval. Land use applicants can choose to upsize infiltration or filtration facilities to treat stormwater from the adjoining lots and parcels. If a land use applicant does not elect to construct an infiltration or filtration facility that is large enough to treat the stormwater runoff from streets/shared driveways and the adjoining lots/parcels, the lots/parcels created by a land division application will be required to address stormwater quality at the time of development permit application.

EC 9.6796: Amendments to this section to clarify that applicants must dedicate public easements for facilities located outside of the public right-of-way, providing treatment for runoff from public right-of-way and will be maintained by the City.

EC 9.6797: Amendments to this section to provide that, unless the applicant proposes private maintenance of a facility, the runoff from the public right-of-way will be constructed as a publicly owned and maintained facility; and, also deletes most of the code provisions regarding stormwater facility operation and maintenance that was applied at the land use application stage.

EC 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: Terminology for “pollution reduction” and “destination” are amended to stormwater “quality” and “flood control.”

EC 9.8320(9) and 9.8325(13): These sections are being deleted because the proposed code amendments in the stormwater development standards include stormwater management practices that address negative impacts on drainage ways due to increased impervious surface areas.

Public Notice and Testimony

The public hearing notice was sent to the City of Springfield, Lane County, all neighborhood organizations, as well as community groups and individuals who have requested notice. In addition, notice was published in *The Register Guard*.

As of the writing of this report, Boyd Iverson submitted written testimony (Attachment B). Mr. Iverson’s written testimony was submitted to the City Council anticipating the public hearing tentatively set for October 21, 2013. The hearing was postponed to provide further discussions on the code amendments with the Homebuilder’s Association of Lane County. Based on those conversations, the code was amended and most of Mr. Iverson’s concerns were addressed.

Additional written testimony that is received by staff before the hearing will be presented to the council at the hearing.

Code Approval Criteria

Attached are the findings of consistency with the applicable state land use criteria and related standards as provided at EC 9.8065 (Exhibit A to the Ordinance).

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) and as required through the Department of Environmental

Quality (DEQ)'s issuance of the City's National Pollutant Discharge Elimination System (NPDES) Permit.

COUNCIL OPTIONS

None, this is a public hearing only.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the Mayor and City Council convene the public hearing. Action on the ordinance is scheduled for the council meeting to be held on January 13, 2014.

SUGGESTED MOTION

None; this is a public hearing only.

ATTACHMENTS

- A. Ordinance and Exhibit A of the Ordinance
- B. Public Testimony received to date

ADDITIONAL INFORMATION: The following documents have been bound in a notebook labeled *Stormwater Development Standards and the City's NPDES Permit* and are available for review at the City Manager's Office and hereby expressly incorporated into the record before the City Council:

1. City Council Information: TBL Memo, November 20, 2013, City Council Work Session AIS and staff's presentation outline.
2. Eugene Website Public Outreach.
3. Eugene Planning Commission Agenda Item Summaries, Memos, Presentations and Minutes dated November 18, 2013, June 17, 2013, May 14, 2013, April 22, 2013, March 25, 2013, and August 7, 2012.
4. Memo to Interested Parties (with mailing list), January 15, 2013.
5. Update to DLCD Notice, April 15, 2013.
6. Public Hearing Notices and Mailing Lists.
7. DLCD Notice, April 1, 2013.
8. City of Eugene's December 30, 2010, National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) Discharge Permit and the Oregon Department of Environmental Quality's Summary of Permit Action.

FOR MORE INFORMATION

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