

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: 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: January 13, 2014
Department: Public Works
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Peggy Keppler
Contact Telephone Number: 541-382-2869

ISSUE STATEMENT

The City Council is scheduled to take action 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 clarify 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 include:

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

The council held a public hearing on December 9, 2013, to receive public input on the proposed ordinance; one person, Boyd Iverson, provided oral and written testimony at the public hearing. Mr. Iverson's December 9, 2013, written testimony is Attachment B to this agenda item summary. Following the public hearing, Mr. Iverson submitted additional information to City staff and requested that staff provide it to the City Council (see Attachment C). Additional correspondence between City staff and Mr. Iverson (on which the City Council was copied) has been added to the notebook of record documents available for review at the City Manager's Office (CMO).

At the December 9 public hearing, the City Council asked two specific questions regarding the proposed amendments. City staff answered these questions in a December 12, 2013, memorandum to the Mayor and City Council. In addition to including staff's memo in the December 12 council packet, the memo (with attachment) has been added to the notebook of record documents available for review at the CMO.

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's (DEQ) issuance of the City's Municipal Stormwater Permit.

COUNCIL OPTIONS

1. Adopt the 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 as proposed.
2. Amend the proposed ordinance concerning stormwater management.
3. Direct staff on additional amendments of the proposed ordinance concerning stormwater management.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the Mayor and City Council adopt the 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.

SUGGESTED MOTION

Move to adopt Council Bill 5105, 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.

ATTACHMENTS

- A. Ordinance and Exhibit A of the Ordinance
- B. Public testimony received at the December 9, 2013, public hearing.
- C. Public testimony received following the December 9, 2013, public hearing.

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

- 1. City Council Information: Information memo (with attachment), December 12, 2013, City Council Public Hearing agenda item summary, public testimony (received at and subsequent to the December 9, 2013, public hearing), Triple Bottom Line Memo, November 20, 2013, City Council Work Session agenda item summary 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 Department of Land Conservation and Development (DLCD) Notice, April 15, 2013
- 6. Public hearing notices and mailing lists
- 7. DLCD Notice, April 1, 2013

FOR MORE INFORMATION

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