COUNCIL ORDINANCE NUMBER 20369

COUNCIL BILL NUMBER 4922

AN ORDINANCE CONCERNING STORMWATER PROVISIONS; AMENDING SECTIONS 9.0500, 9.6420, 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; REPEALING SECTION 9.6510 OF THAT CODE; AND ADDING SECTIONS 9.6790, 9.6791, 9.6792, 9.6793, 9.6794, 9.6795, 9.6796, AND 9.6797 TO THAT CODE.

ADOPTED: June 12, 2006

PASSED: 8:0

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EFFECTIVE: July 14, 2006

ORDINANCE NO. 20369

AN ORDINANCE CONCERNING STORMWATER PROVISIONS; AMENDING SECTIONS 9.0500, 9.6420, 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; REPEALING SECTION 9.6510 OF THAT CODE; AND ADDING SECTIONS 9.6790, 9.6791, 9.6792, 9.6793, 9.6794, 9.6795, 9.6796, AND 9.6797 TO THAT CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.0500 of the Eugene Code, 1971 is amended by adding the following definitions in alphabetical order to the existing definitions, to provide:

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

Destination. The ultimate discharge point for the stormwater runoff from a particular site. Destination can include on-site infiltration such as surface infiltration facilities, drywells and sumps, and soakage trenches, and off-site flow to ditches, drainage ways, rivers and streams, and off-site storm pipes.

Equivalent on-site area. An area of existing impervious surface that: (1) does not have facilities or structures to treat stormwater runoff; (2) is of equal or greater square footage to the area of proposed new impervious surface on the same site; and, (3) is of equal use.

Flood control design storm. A theoretical storm for evaluating the capacity of the storm drainage system and designing improvements for the required level of protection, in accordance with the Stormwater Management Manual.

Flow control facility. Any structure or drainage device that is designed, constructed, and maintained to collect, retain, infiltrate, or detain surface water runoff during and after a storm event for the purpose of controlling post-development water quantity leaving the development site.

Headwaters Area. The area within Eugene city limits that is above 500 feet.

Headwater streams. Streams that: (1) are identified on the Headwater Streams Map (an Appendix to the Stormwater Management Manual) as having all or a portion of their length located on slopes greater than 10%; (2) are identified on the Sensitive Areas Map as having all or a portion of their length located in areas with

highly erodible soils; (3) are at least 500 feet or longer; and, (4) drain at least 10 acres.

Impervious surface/area. Any surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from conditions pre-existing to development. Types of impervious surface include, but are not limited to, rooftops, asphalt and concrete parking lots, driveways, roads, sidewalks, and pedestrian plazas. *Note:* Slatted decks are considered pervious. Gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their runoff coefficient to exceed 0.8.

Oil control facility. Any structure or drainage device that is designed, constructed, and maintained to remove oil and grease from storm runoff.

Pollution reduction 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.

Property suspected or known to contain contaminants in the soil or groundwater. Any real property where the presence of any hazardous substance or petroleum product indicates an existing release, past release, or threatened release of a hazardous substance or petroleum product into the ground, ground water, or surface water of the property.

Source control. Any structure, device, or design that is used to eliminate or reduce pollution from a source.

Stormwater Management Manual. The City of Eugene Stormwater Management Manual adopted by the city in the manner set forth in EC 2.019, City Manager – Administrative and Rulemaking Authority and Procedures. .

Stormwater Management Facility. Any structure or configuration of the ground that is used or, by its location, becomes a place where stormwater flows or is accumulated, including but not limited to, pipes, sewers, curbs, gutters, manholes, catch basins, ponds, open drainage ways, runoff control facilities, wetlands, and their accessories.

Water Quality Design Storm. A theoretical storm for estimating the amount of stormwater runoff to be treated. Facilities designed to store and treat a volume of stormwater shall be sized in accordance with the Stormwater Management Manual.

Section 2. Subsection (2) of Section 9.6420 of the Eugene Code, 1971, is amended as follows.

9.6420 **Parking Area Standards.**

(2) **Drainage.** All parking areas, except those in conjunction with a single family or two family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting property. Drainage improvements shall be provided as required by the stormwater provisions of EC 9.6790 to 9.6797.

Section 3. Section 9.6510 of the Eugene Code, 1971, is repealed.

Section 4. Sections 9.6790, 9.6791, 9.6792, 9.6793, 9.6794, 9.6795, 9.6796, and 9.6797 are added to the Eugene Code, 1971, to provide:

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:

(1) Reduce runoff pollution from development by reducing impervious surfaces and capturing and treating approximately 80% of the average annual rainfall.

(2) Control and minimize flows from development in the Headwater Areas using a variety of techniques to release water to downstream conveyance systems at a slower rate and lower volume, thereby reducing the potential for further aggravation of instream erosion problems.

(3) Emphasize stormwater management facilities that incorporate vegetation as a key element, and include design and construction requirements that ensure landscape plant survival and overall stormwater facility functional success.

(4) Operate and maintain stormwater management facilities in accordance with facility-specific O & M Plans.

(5) Reduce pollutants of concern that are generated by identified site uses and site characteristics that are not addressed solely through the pollution reduction 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.

9.6791 **Stormwater Destination.**

(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 regulations for stormwater runoff from development.

(2) **Applicability.** Destination standards apply to all development.

(3) **Standards.** Stormwater drainage 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 provisions and the facility design requirements set forth in the Stormwater Management Manual. An applicant proposing a new development must submit documentation to the city showing the stormwater destination into which the proposed development will be disposed. The documentation must establish that the new development will be disposed of into existing stormwater drainage facilities that, considering all developments that have received tentative or final plan approval as of the date the developer 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.

(4) Underground Injection Control Systems. Stormwater runoff disposed of 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.

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).

9.6793 <u>Stormwater Flow Control (Headwaters)</u>.

(1) Purpose. The purpose of EC 9.6793 is to protect waterways in the headwaters area from the erosive affects of increases in stormwater runoff peak flow rates and volumes resulting from development.

(2) Applicability and Exemptions.

(a) Except as exempt under EC 9.6793(2)(c), the standards in EC 9.6793(3) apply to all land use applications for development sites in the headwaters area that drain directly into a headwater stream or drain into a pipe that discharges into a headwater stream that are 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 9.6793(2)(c), the standards in EC 9.6793(3) apply to all applications for development permits for development sites in a headwaters area that drain directly into a headwater stream or drain into a pipe that discharges into a headwater stream that are submitted after July 14, 2006.

(c) The standards in EC 9.6793(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 9.6793(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 9.6793(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) Is for 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. Development sites within a drainage basin for which the city has constructed or approved a project to restore the receiving waterway, and the entire downstream system has been designed to accommodate full build-out conditions within the drainage basin.

(3) Standards.

(a) Applications shall demonstrate, using methodology in the Stormwater Management Manual, that peak rates of flow delivered to an existing open waterway at a point above 500 feet in elevation will not increase during storms larger than the water quality design storm and smaller than the flood control design storm as a result of the development that is the subject of the application;

(b) For purposes of designing the system as required by the standards in this section, the amount of impervious surface per lot is assumed to be

the maximum lot coverage allowed for the use in the zone in which it is located, unless the applicant demonstrates otherwise.

(c) All facilities to control the rate of stormwater runoff shall be sited, designed and constructed according to the flow control provisions and the facility design requirements set forth in the Stormwater Management Manual. Flow control facilities must be designed using one of the methodologies outlined in the Stormwater Management Manual.

(d) The standards in EC 9.6793(3) may be adjusted pursuant to EC 9.8030(24).

9.6794 Stormwater Oil Control.

(1) Purpose. The purpose of EC 9.6794 is to protect the city's stormwater system from oil and grease from stormwater runoff of impervious surface areas on properties that produce high concentrations of these pollutants.

(2) Applicability. Oil control standards set forth in EC 9.6794(3) apply to:

(a) All new commercial and industrial development with parking lots that store wrecked or impounded vehicles; or

(b) Any development that would result in an expected daily traffic count greater than one hundred vehicles per 1,000 square feet of gross building area, based on the most recent version of The Institute of Transportation Engineers' Trip Generation Manual; or

(c) Any development that would result in 100 or more off-street parking spaces; or

(d) Any commercial or industrial development that receives an adjustment approving the installation of 125 percent or more of the minimum off-street parking spaces required by EC 9.6410(3), Minimum Number of Required Off-Street Parking Spaces and that adjustment will result in, at least, a total of 10 parking spaces.

(3) Standards. Unless adjusted pursuant to EC 9.8030(24), all oil control facilities shall be sited, designed and constructed according to the oil control provisions and the facility design requirements set forth in the Stormwater Management Manual.

9.6795 Stormwater Source Controls.

(1) Purpose. The purpose of EC 9.6795 is to prevent stormwater pollution by eliminating pathways that may introduce pollutants into stormwater.

(2) Applicability and Exemptions. Except as exempted below and except when the source control would duplicate source controls required by a state or federal permit obtained by the applicant, source control standards set forth in EC 9.6795(3), apply to all land use applications, development permits and tenant improvements that result in any of the defined site uses or characteristics listed in EC 9.6795(2)(a)–(h).

(a) Fuel dispensing facilities and surrounding traffic areas where vehicles, equipment, or tanks are refueled on the premises. A fuel dispensing facility is the area where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers. Exempt from this subsection are:

1. Propane tanks.
2. Fuel dispensing areas generally used to service oversized equipment, for example cranes, that cannot maneuver under a roof or canopy.

3. Existing fueling areas where scope of work is limited to a new canopy installation over an existing fuel pad that is not being upgraded, an underground tank replacement for compliance with state regulations, or the replacement of a fuel pump on an existing fuel pad that is not being upgraded.

(b) Exterior storage of liquid materials, for example chemicals, food products, waste oils, solvents, process wastewaters, or petroleum products in aboveground containers, in quantities of 50 gallons or more, including permanent and temporary storage areas. Exempt from this subsection are underground storage tanks or installations requiring a Water Pollution Control Facility (WPCF) permit and containers with internal protections (such as double-walled containers).

(c) All facilities that store solid waste. A solid waste storage area is a place where solid waste containers, including compactors, dumpsters, and garbage cans, are collectively stored. Solid waste storage areas include, areas used to collect and store refuse or recyclable materials collection areas. Exempt from this subsection are solid waste storage areas for one and two family dwelling and areas used for the temporary storage of wood pallets or cardboard.

(d) Developments that stockpile or store high-risk or low-risk bulk materials in outdoor containers, as the terms "high risk" and "low risk" are in the Stormwater Management Manual. Exempt from this subsection are:

1. Materials which have no measurable solubility or mobility in water and no hazardous, toxic or flammable properties.
2. Materials which exist in a gaseous form at ambient temperature.
3. Materials, except for pesticides and fertilizers, that are contained in a manner that prevents contact with stormwater.

(e) Developments proposing the installation of new material transfer areas as defined in the Stormwater Management Manual, or structural alterations to existing material transfer areas, such as access ramp re-grading and leveler installations. Exempt from this subsection are areas used only for mid-sized to small-sized passenger vehicles and restricted by lease agreements or other regulatory requirements to storing, transporting or using materials that are classified as domestic use, for example, primary educational facilities (elementary, middle or high schools), buildings used for temporary storage and churches.

(f) All development with a designated equipment or vehicle washing or steam cleaning area, including smaller activity areas such as wheel-washing stations. Exempt from this subsection are:

1. Washing activity areas generally used to service oversized equipment than cannot maneuver under a roof or canopy, for example cranes and sail boats.
2. Evaporation unit installed as part of a wash recycling system are exempt from the wastewater connection requirement.
3. One and two family dwelling sites.

Development that is intended for the storage of 10 or more fleet vehicles shall include a designated vehicle washing area.

(g) All development projects that disturb property suspected or known to contain contaminants in the soil or groundwater.

(h) All development with new covered vehicle parking areas, or existing parking structures that are being developed. Exempt from this subsection are single-level canopies, overhangs and carports.

(3) Standards. Unless adjusted pursuant to EC 9.8030(24), all source controls shall be designed and constructed according to the source control provisions set forth in the Stormwater Management Manual.

(4) Enforcement. Failure to construct, operate and maintain source controls when a land use application, development permit or tenant improvement has resulted in a defined site use or characteristic listed in EC 9.6795(1)(a)-(h) is subject to enforcement in accordance with EC Chapter 6.

9.6796 Dedication of Stormwater Easements.

(1) Purpose. The purpose of EC 9.6796 is to ensure that city maintained stormwater management facilities designed and constructed in accordance with EC 9.6791-9.6795 and the Stormwater Management Manual can be accessed by the city for routine and/or emergency maintenance to protect life and property from flood and drainage hazards, ensure that water quality is protected, and to ensure that waterways in the headwaters area are protected from the erosive effects of runoff.

(2) Applicability. Stormwater easement standards set forth in EC 9.6791 apply to all land use applications and development permits that result in the construction of a city maintained stormwater management facility.

(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:

(a) Except for areas on the city's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any open drainage way, headwater, stream, creek, wetland, spring, or pond, including those not maintained by the city which drain onto or from city-owned property or into city maintained facilities.

(b) For areas on the city's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any water course or channel.

(c) Where necessary to extend public drainage facilities and services to adjoining undeveloped property.

(d) To provide necessary drainage from the public right-of-way.

(e) Where the City has accepted functional maintenance responsibility for pollution reduction and/or flow control facilities in accordance with EC 9.6797(4)(b).

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.

(c) 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 5. Subsection (24) is added to Section 9.8030 of the Eugene Code, 1971, to provide:

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, 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 that selected pollution reduction 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 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 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) that all pollution reduction facilities be selected from and sited, designed, and constructed according to the pollution reduction provisions and the facility design requirements set forth in the Stormwater Management Manual and that pollution reduction 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 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 6. Subsection (1) of Section 9.8055 of the Eugene Code, 1971 is amended 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:

(a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General except for the standards related to EC 9.2760 Residential Zone Lot Standards;

(b) EC 9.2750 Residential Zone Development Standards;

(c) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;

(d) EC 9.6500 through EC 9.6505 Public Improvement Standards;

(e) EC 9.6800 through EC 9.6875 Streets, Alleys, and Other Public Ways Standards; and

(f) EC 9.6791 through 9.6797 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

The residential lot and development standards may be relaxed based on

compliance with the remainder of the cluster subdivision criteria. An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 7. Subsection (8) of Section 9.8090 of the Eugene Code, 1971, is amended 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:

(a) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;

(b) EC 9.6500 through EC 9.6505 Public Improvement Standards;

(c) EC 9.6791 through 9.6797 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance; and

(d) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and other Public Ways;

(e) Where the proposal is to establish non-residential uses subject to residential density requirements on development sites in the residential zone category, it shall achieve the minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards, unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit. For purposes of calculating "net density," the acreage of land considered shall include the entire development site and exclude public property, such as public streets, parks, and other public facilities. In considering whether to grant a modification to the density requirements, the hearings official shall evaluate the following factors:

1. The availability of the development site for residential use on August 1, 2001. The term "availability" in this section shall include consideration of whether the site was already developed with non-residential uses or had other site constraints impacting its suitability for residential use.
2. The necessity of the development site to be developed with residential uses to be able to achieve the minimum residential density for the area designated on the Metro Plan Land Use Diagram for either medium- or high-density residential use.
3. Adopted plan policies indicate the suitability and appropriateness of the site for non-residential use.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard. Additional criteria may also be required based on the applicability of other sections of this land use code.

Section 8. Subsection (4) of Section 9.8100 of the Eugene Code, 1971 is amended 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:

(a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(b) EC 9.6710(6) Geological and Geotechnical Analysis.
(c) EC 9.6730 Pedestrian Circulation On-Site.
(d) EC 9.6735 Public Access Required.
(e) EC 9.6750 Special Setback Standards.
(f) EC 9.6775 Underground Utilities.
(g) EC 9.6780 Vision Clearance Area.
(h) EC 9.6791 through 9.6796 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
(i) An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 9. Subsection (1) of Section 9.8215 of the Eugene Code, 1971 is amended 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:

(a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements.
(b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways.
(c) EC 9.6500 through EC 9.6505 Public Improvement Standards.
(d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(e) EC 9.6710 Geological and Geotechnical Analysis.
(f) EC 9.6735 Public Access Required.
(g) EC 9.6750 Special Setback Standards.
(h) EC 9.6775 Underground Utilities.
(i) EC 9.6780 Vision Clearance Area.
(j) EC 9.6791 through 9.6796 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control,

easements, and operation and maintenance.

(k) All other applicable development standards for features explicitly included in the application.

(l) The applicable adopted plan policies beginning at EC 9.9500.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 10. Subsection (2) of Section 9.8220 of the Eugene Code, 1971 is amended 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:

(a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements.

(b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways.

(c) EC 9.6500 through EC 9.6505 Public Improvement Standards.

(d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.

(e) EC 9.6710(6) Geological and Geotechnical Analysis.

(f) EC 9.6735 Public Access Required.

(g) EC 9.6750 Special Setback Standards.

(h) EC 9.6775 Underground Utilities.

(i) EC 9.6780 Vision Clearance Area.

(j) EC 9.6791 through 9.6796 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

(k) EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.

(l) All other applicable development standards for features explicitly included in the application.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 11. Subsection (11) of Section 9.8320 of the Eugene Code, 1971 is amended as follows:

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:

(11) The PUD complies with all of the following:
- (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
- (b) EC 9.6500 through EC 9.6505 Public Improvement Standards.
- (c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
- (d) EC 9.6710 Geological and Geotechnical Analysis.
- (e) EC 9.6730 Pedestrian Circulation On-Site.
- (f) EC 9.6735 Public Access Required.
- (g) EC 9.6750 Special Setback Standards.
- (h) EC 9.6775 Underground Utilities.
- (i) EC 9.6780 Vision Clearance Area.
- (j) EC 9.6791 through 9.6796 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
- (k) All other applicable development standards for features explicitly included in the application except where the applicant has shown that a proposed noncompliance is consistent with the purposes set out in EC 9.8300 Purpose of Planned Unit Development.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 12. Subsection (7) of Section 9.8325 of the Eugene Code, 1971 is amended 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:
- (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
- (b) EC 9.6500 through 9.6505 Public Improvement Standards.
- (c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
- (d) EC 9.6710(6) Geological and Geotechnical Analysis.
- (e) EC 9.6730 Pedestrian Circulation On-Site.
- (f) EC 9.6735 Public Access Required.
- (g) EC 9.6750 Special Setback Standards.
- (h) EC 9.6775 Underground Utilities.
- (i) EC 9.6780 Vision Clearance Area.

(j) EC 9.6791 through 9.6796 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 13. Subsection (5) of Section 9.8440 of the Eugene Code, 1971 is amended 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:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
(b) EC 9.6500 through 9.6505 Public Improvement Standards.
(c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(d) EC 9.6710 Geological and Geotechnical Analysis.
(e) EC 9.6730 Pedestrian Circulation On-Site.
(f) EC 9.6735 Public Access Required.
(g) EC 9.6750 Special Setback Standards.
(h) EC 9.6775 Underground Utilities.
(i) EC 9.6780 Vision Clearance Area.
(j) EC 9.6791 through 9.6796 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
(k) All other applicable development standards for features explicitly included in the application.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 14. Subsection (4) of Section 9.8445 of the Eugene Code, 1971 is amended 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:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
(b) EC 9.6500 through 9.6505 Public Improvement Standards.

(c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(d) EC 9.6710 (6) Geological and Geotechnical Analysis.
(e) EC 9.6730 Pedestrian Circulation On-Site.
(f) EC 9.6735 Public Access Required.
(g) EC 9.6750 Special Setback Standards.
(h) EC 9.6775 Underground Utilities.
(i) EC 9.6780 Vision Clearance Area.
(j) EC 9.6791 through 9.6796 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
(k) All other applicable development standards for features explicitly included in the application.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 15. Subsections (1) and (10) of Section 9.8515 of the Eugene Code, 1971 are amended 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:

(1) The proposed subdivision complies with the following:
(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone;
(b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways; and
(c) EC 9.6500 through EC 9.6505 Public Improvement Standards.

(10) The proposed subdivision complies with all of the following:
(a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(b) EC 9.6710 Geological and Geotechnical Analysis.
(c) EC 9.6730 Pedestrian Circulation On-Site.
(d) EC 9.6735 Public Access Required.
(e) EC 9.6750 Special Setback Standards.
(f) EC 9.6775 Underground Utilities.
(g) EC 9.6780 Vision Clearance Area.
(h) EC 9.6791 through 9.6796 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
(i) The proposed subdivision complies with other applicable development standards for features explicitly included in the application.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 16. Subsection (3) of Section 9. 8520 of the Eugene Code, 1971 is amended 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:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.

(b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways.

(c) EC 9.6500 through EC 9.6505 Public Improvement Standards.

(d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.

(e) EC 9.6710(6) Geological and Geotechnical Analysis.

(f) EC 9.6730 Pedestrian Circulation On-Site.

(g) EC 9.6735 Public Access Required.

(h) EC 9.6750 Special Setback Standards.

(i) EC 9.6775 Underground Utilities.

(j) EC 9.6780 Vision Clearance Area.

(k) EC 9.6791 through 9.6796 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 17. 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 18. The findings set forth in Exhibit A attached hereto are adopted in support of this Ordinance.

Passed by the City Council this

12th day of June, 2006.

City Recorder

Approved by the Mayor this

14th day of June, 2006.

Mayor

Exhibit A to Ordinance No. 20369

Adoption of Code Amendments: Eugene Code Section 9.8065 requires that the following criteria be applied to a code amendment:

(1) The amendments are consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has acknowledged provisions for citizen involvement that insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action taken did not amend the citizen involvement program.

Throughout the stormwater development standards drafting process, the City provided numerous opportunities for citizen involvement. The City initiated the public involvement in 1999 when it convened a fourteen-member Stormwater Department Advisory Committee (DAC) to provide feedback to Eugene Public Works on the results of the Stormwater Basin Planning efforts. The 1999 DAC met from February 1999 through June 2000. The result of this long-term planning effort was called the proposed "stormwater management strategy," and included a capital project list, waterway protection measures and stormwater development standards. The 1999 DAC approved, with some modification, city staff's proposed stormwater management strategy. This stormwater management strategy served as the starting point for the Water Quality Implementation DAC Subcommittee (the 2005 DAC).

City staff conducted broader public outreach from October 2000 through May 2001 on the proposed stormwater management strategy (*i.e.,* capital projects list and proposed stormwater development standards) to receive further community feedback. This outreach included presentations to 10 neighborhood groups, as well as the Neighborhood Leaders Council, Long Tom Watershed Council, League of Women Voters, American Society of Landscape Architects and Oregon Landscape Contractors.

The 2005 DAC was initiated in August 2005. The membership of the 2005 DAC included representatives of special interests (Chamber of Commerce, Lane County Home Builders' Association, Citizens for Public Accountability); technical expertise in architecture, engineering, site design, land use and the environment; and a neighborhood representative. The Committee met six times between August and November 2005 to review and provide input on the draft Stormwater Development Standards ordinance (August 8, August 25, October 3, October 25, October 31 and November 10).

In an effort to solicit citizen involvement and input, presentations on the proposed Stormwater Development Standards have been made to several interest groups. Power Point presentations have

been given to the Lane County Home Builders Association with members of the Eugene Chamber of Commerce in attendance (October 4, 2005); American Society of Landscape Architects (October 20, 2005); Friends of Eugene (October 27, 2005); Design Engineers, Surveyors, and Developers (November 16, 2005) and Neighborhood Leaders Coalition (November 22, 2005). Additionally, various newsletter articles have been sent to the City Council and posted on the internet.

The City of Eugene's land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of this ordinance will begin with a Eugene Planning Commission work session on January 9, 2006. On January 10, 2006, a public hearing will be held before the Eugene Planning Commission on the proposed amendments. Department of Lane Conservation and Development notice, notice to interested parties and newspaper publication will be provided for that hearing.

The process for adopting this ordinance complies with Goal 1 because it complies with, and surpasses, the requirements of the State's citizen involvement provisions.

Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The Eugene Land Use Code specifies the procedure and criteria that were used in considering these amendments to the code. The record shows that there is an adequate factual base for the amendments.

Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. These amendments do not affect any other governmental units.

There are no Goal 2 exceptions required for these amendments. Therefore, the amendments are consistent with Goal 2.

Goal 3 - Agricultural Lands. To preserve and maintain agricultural lands.

The amendments apply to property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Goal 3 does not apply.

Goal 4 - Forest Lands. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy

The amendments apply to property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Goal 4 does not apply.

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces. To protect natural resources and conserve scenic and historic areas and open spaces.

The amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Goal 5 does not apply.

Goal 6 - Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts of those discharges. This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

The proposed amendment to provide Stormwater Development Standards is one component of the larger Stormwater Program initiated by the Oregon Department of Environmental Quality (DEQ)'s approval of the City's National Pollutant Discharge Elimination System (NPDES) permit. The City's NPDES Stormwater permit, first issued by DEQ in 1994, and subsequently re-issued in March 2004, includes measures which in total fulfill the applicable federal Clean Water Act requirements for large municipalities over 100,000 in population.

The proposed amendments will regulate the location, design, construction, and maintenance of stormwater facilities that capture and treat stormwater runoff from new development and significant re-development to reduce impacts that urbanization has on water quality; protect waterways in headwater areas from the erosive effects of increased stormwater runoff peak flow rates and volumes resulting from development; restrict the discharge of oil and grease from land uses that produce high concentrations of these pollutants; and prevent stormwater pollution by eliminating pathways that may introduce pollutants. These amendments are consistent with the City's existing measure to provide for clean air, water and land resources; therefore, these amendments are consistent with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect people and property from natural hazards.

The amendments do not affect the City's restrictions on development in areas subject to natural hazards. Further, the amendments do not allow for new development that could result in a natural

hazard. Therefore, Goal 7 does not apply.

Goal 8 - Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The amendments do not affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Goal 8 does not apply.

Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Goal 9. The stormwater development standards do not render any property unusable for commercial or industrial uses. In fact, specific provisions in the stormwater development standards ensure that the regulations do not have such an effect on a property. Those provisions are:

1. The pollution reduction and flow control regulations do not apply to: (1) land use applications that will result in the construction or creation of less than 3,000 square feet of new or replaced impervious surface at full buildout of the development; (2) development permit applications that will result in less than 3,000 square feet of new or replaced impervious surface within a 12-month period; (3) development permit applications to construct or alter one- or two-family dwellings; or, (4) development permit applications to replace more than 3,000 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 on the development site.

2. An applicant can seek an adjustment to the requirement that the selected pollution reduction facilities treat all of the stormwater runoff that will result from the water quality design storm if the selected pollution reduction 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 facilities to treat the runoff from the area at issue would require removal of trees or damage 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. EC 9.8030(22)(a).

3. An applicant can seek an adjustment to the requirement that all pollution reduction facilities must be selected, sited and constructed in accordance with the Stormwater Management Manual and that

all facilities must be designed using one of the three methodologies outlined in the Manual if all of the following requirements are met: (1) the proposed alternative design will achieve equal, or superior, results for 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; (3) the applicant has submitted a method and schedule for monitoring the effectiveness of the proposed design; and, (4) the applicant has submitted a signed statement that the applicant will replace the alternative facility if the facility does not function as proposed.

4. An applicant can seek an adjustment to the requirement that the applicant demonstrate that peak rates of flow delivered to an existing open waterway at a point above 500 feet will not increase during storms larger than the water quality design storm and smaller than the flood control design storm as a result of the subject development if the proposed flow control facility will control flow rates as much 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 flow control facility; (2) the area generating 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 facilities to treat the runoff from the area at issue would require removal of trees or damage 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 flow control facility.

5. An applicant can seek an adjustment to the requirement that all flow control facilities must be selected from and sited, designed and constructed according to the Stormwater Management Manual if all of the following requirements are met: (1) the proposed alternative design will achieve equal, or superior, results for 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; (3) the applicant has submitted a method and schedule for monitoring the effectiveness of the proposed design; and, (4) the applicant has submitted a signed statement that the applicant will replace the alternative facility if the facility does not function as proposed.

6. An applicant can seek an adjustment to the requirement that all oil control facilities be sited, designed and constructed according to the Stormwater Management Manual if the applicant can demonstrate that the selected oil control facility will achieve the same result as those listed in the Manual.

7. An applicant can seek an adjustment to the requirement that all source controls be sited, designed and constructed according to the Stormwater Management Manual if the applicant can demonstrate that the selected source control will achieve the same result as those listed in the Manual.

Considering the above-listed provisions in the stormwater development standards, the application of

these regulations to a property zoned and designated for commercial or industrial use does not result in a diminution in the area's supply of commercial or industrial land. Therefore, this ordinance is consistent with Goal 9.

Goal 10 - Housing. To provide for the housing needs of citizens of the state.

The amendments do not impact the supply of residential lands. Therefore, the amendments are consistent with Goal 10. The stormwater development standards do not render any property unusable for residential uses. In fact, specific provisions in the stormwater development standards ensure that the regulations do not have such an effect on a property. Those provisions are:

1. The pollution reduction and flow control regulations do not apply to: (1) land use applications that will result in the construction or creation of less than 3,000 square feet of new or replaced impervious surface at full buildout of the development; (2) development permit applications that will result in less than 3,000 square feet of new or replaced impervious surface within a 12-month period; (3) development permit applications to construct or alter one- or two-family dwellings; or, (4) development permit applications to replace more than 3,000 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 on the development site.

2. An applicant can seek an adjustment to the requirement that the selected pollution reduction facilities treat all of the stormwater runoff that will result from the water quality design storm if the selected pollution reduction 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 facilities to treat the runoff from the area at issue would require removal of trees or damage 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. EC 9.8030(22)(a).

3. An applicant can seek an adjustment to the requirement that all pollution reduction facilities must be selected, sited and constructed in accordance with the Stormwater Management Manual and that all facilities must be designed using one of the three methodologies outlined in the Manual if all of the following requirements are met: (1) the proposed alternative design will achieve equal, or superior, results for 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; (3) the applicant has submitted a method and schedule for monitoring the effectiveness of the proposed design; and, (4) the applicant has submitted a signed statement that the applicant will replace the alternative facility if

the facility does not function as proposed.

4. An applicant can seek an adjustment to the requirement that the applicant demonstrate that peak rates of flow delivered to an existing open waterway at a point above 500 feet will not increase during storms larger than the water quality design storm and smaller than the flood control design storm as a result of the subject development if the proposed flow control facility will control flow rates as much 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 flow control facility; (2) the area generating 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 facilities to treat the runoff from the area at issue would require removal of trees or damage 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 flow control facility.

5. An applicant can seek an adjustment to the requirement that all flow control facilities must be selected from and sited, designed and constructed according to the Stormwater Management Manual if all of the following requirements are met: (1) the proposed alternative design will achieve equal, or superior, results for 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; (3) the applicant has submitted a method and schedule for monitoring the effectiveness of the proposed design; and, (4) the applicant has submitted a signed statement that the applicant will replace the alternative facility if the facility does not function as proposed.

6. An applicant can seek an adjustment to the requirement that all oil control facilities be sited, designed and constructed according to the Stormwater Management Manual if the applicant can demonstrate that the selected oil control facility will achieve the same result as those listed in the Manual.

7. An applicant can seek an adjustment to the requirement that all source controls be sited, designed and constructed according to the Stormwater Management Manual if the applicant can demonstrate that the selected source control will achieve the same result as those listed in the Manual.

Considering the above-listed provisions in the stormwater development standards, the application of these regulations to a property zoned and designated for residential use does not result in a

diminution in the area's supply of residential land. Therefore, this ordinance is consistent with Goal 10.

Goal 11- Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The Eugene-Springfield metropolitan area has an acknowledged Public Facilities and Services Plan (PFSP). The PFSP describes the public stormwater facilities necessary to support the land uses designated in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) within the urban growth boundary. These amendments are consistent with the adopted Eugene-Springfield Metro Area PFSP. Further, these amendments do not affect the City's provision of any public facilities and services, including stormwater facilities and services. Therefore, Goal 11 does not apply.

Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.

Goal 12 is implemented through the Transportation Planning Rule (TPR). The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is enacted at the local level.

The Transportation Planning Rule (OAR 660-012-0060) states that land use changes that significantly affect a transportation facility shall require mitigation measures to address the anticipated impacts. The rule states that:

(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

- *(a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*
- *(b) Amending the TSP to provide transportation facilities to support the proposed land uses consistent with the requirements of this division.*
- *(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or*
- *(d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian-friendly development where multi modal travel choices are provided.*

(2) A plan or land use regulation amendment significantly affects a transportation facility if it:

- *(a) Changes the functional classification of an existing or planned transportation facility;*

(b) *Changes standards implementing a functional classification system;*
(c) *Allows types or levels of land uses that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or*
(d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

Adoption of these amendments will not change the functional classification of an existing or planned transportation facility. Nor will it change standards implementing a functional classification system. Further, it will not allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility or reduce the performance standards of any facility. Therefore, Goal 12 is not implicated by these amendments.

Goal 13 - Energy Conservation. To conserve energy.

The amendments do not impact energy conservation. Therefore, Goal 13 does not apply.

Goal 14 - Urbanization. To provide for an orderly and efficient transition from rural to urban land use.

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Goal 14 does not apply.

Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The Willamette River Greenway area within the Eugene Urban Growth Boundary is governed by existing local provisions that have been acknowledged as complying with Goal 15. Those provisions are unchanged by these amendments. Therefore, Goal 15 does not apply.

Goals 16 - 19. Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

These Statewide Planning Goals do not apply to the actions taken.

(2) The amendments are consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The proposed code amendments add regulations to the Land Use Code with the intent of protecting life and property from flood and drainage hazards, reducing the impacts that urbanization is having on the City's water quality, protecting waterways in the headwater areas from erosive effects of increases in stormwater runoff, protecting the City's stormwater system from oil and grease from stormwater runoff, and preventing stormwater pollution by eliminating pathways that may introduce pollutants into stormwater. Generally, the stormwater development standards fall into the following five categories:

1. EC 9.6790, Stormwater Destination, applies to all new development and redevelopment and is intended 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 regulations for stormwater runoff from development. This provision requires applicants proposing new development to submit documentation showing the stormwater destination into which the development will be disposed. The documentation must establish that the existing stormwater drainage facilities into which the stormwater from the proposed development will dispose has the capacity to handle the stormwater runoff that will be generated by the proposed new development for the flood control design storm. If the applicant cannot establish that existing stormwater drainage facilities have such capacity, the applicant must construct new storm drainage facilities to accommodate the stormwater draining from the proposed development.

2. EC 9.6791, Stormwater Pollution Reduction, applies to land use applicants requesting approval of a cluster subdivision, a conditional use, a partition, a planned used development, site review, or a subdivision tentative plan and is intended 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. This provision requires that applicants include pollution reduction facilities selected from the Stormwater Management Manual that treat all of the stormwater runoff from the development site that will result from the water quality design storm. The pollution reduction facilities must be sited, designed and constructed according to the Manual and must be designed using one of the three methodologies outlined in the Manual.

3. EC 9.6792, Stormwater Flow Control, applies to all land use applications for development sites in the headwaters area requesting approval of a cluster subdivision, a conditional use, a partition, a planned used development, site review, or a subdivision tentative plan and is intended to protect waterways in the headwaters area from the erosive effects of increases in stormwater runoff peak flow rates and volumes resulting from development. The provision requires that applicants demonstrate, using methodology in the Stormwater Management Manual, that peak rates of flow delivered to an existing open waterway at a point above 500 feet in elevation will not increase during storms larger than the water quality design storm and smaller than the flood control design storm as a result of the development. The facilities to control the rate of stormwater runoff must be sited,

designed and constructed according to the Manual.

4. EC 9.6793, Stormwater Oil Control, applies to all new commercial and industrial development with parking lots that store wrecked vehicles, all development and redevelopment that would result in an expected daily traffic count greater than 100 vehicles per 1,000 square feet of gross building area, that would result in 100 or more off-street parking spaces or that receives an adjustment approving installation of 125 percent or more of the minimum off-street parking spaces and is intended to protect the City's stormwater system from oil and grease from stormwater runoff of impervious surface areas on properties that produce high concentrations of these pollutants. Applicants must site, design and construct oil control facilities in accordance with the Stormwater Management Manual.

5. EC 9.6794, Stormwater Source Controls, applies to fuel dispensing facilities and surrounding traffic areas where vehicles, equipment, or tanks are refueled on the premises, exterior storage of liquid materials in quantities of 50 gallons or more, all facilities that store solid waste, developments that stockpile or store high-risk or low-risk bulk materials in outdoor containers, developments proposing the installation of new material transfer areas or structural alterations to existing material transfer areas, all development with a designated equipment or vehicle washing or steam cleaning areas, all development projects that disturb property suspected or known to contain contaminants in the soil or groundwater, and all development with new covered vehicle parking areas or existing parking structures that are being redeveloped. This provision is intended to prevent stormwater pollution by eliminating pathways that may introduce pollutants into stormwater . This provision requires applicants to design and construct source control measure in accordance with the Stormwater Management Manual.

- Metro Plan Policies - The above-described stormwater development standards are consistent with the following Metro Plan Policies:

Environmental Resources Element:

18. *Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.*

21. *Local government shall continue to monitor, to plan for, and to enforce applicable air and water quality standards and shall cooperate in meeting applicable federal, state, and local air and water quality standards.*

25. *Eugene shall maintain and improve and Springfield shall adopt hillside development regulations.*

Public Facilities and Services Element - Services to Development Within the Urban Growth Boundary: Stormwater

G.13 *Improve surface and ground water quality and quantity in the metropolitan area by developing regulations or instituting programs for stormwater to:*

a. *Increase public awareness of techniques and practices private individuals can employ to help correct water quality and quantity problems;*
b. *Improve management of industrial and commercial operations to reduce negative water quality and quantity impacts;*
c. *Regulate site planning for new development and construction to better manage pre- and post-construction storm runoff, including erosion, velocity, pollutant loading, and drainage;*
d. *Increase storage and retention and natural infiltration of storm runoff to lower and delay peak storm flows and to settle out pollutants prior to discharge into regulated waterways;*
e. *Require on-site contracts and development standards, as practical, to reduce off-site impacts from stormwater runoff;*
f. *Use natural and simple mechanical treatment systems to provide treatment for potentially contaminated runoff waters;*
g. *Reduce street-related water quality and quantity problems;*
h. *Regulate use and require containment and/or pretreatment of toxic substances;*
i. Include containment measures in site review standards to minimize the effects of chemical and petroleum spills; and
j. *Consider impacts to ground water quality in the design and location of dry well.*

G.14 *Implement changes to stormwater facilities and management practices to reduce the presence of pollutants regulated under the Clean Water Act and to address the requirements of the Endangered Species Act.*

G.15 *Consider wellhead protection areas and surface water supplies when planning stormwater facilities.*

G.16 *Manage or enhance waterways and open stormwater systems to reduce water quality impacts from runoff to improve stormwater conveyance.*

G.17 *Include measures in local land development regulations that minimize the amount of impervious surface in new development in a manner that reduces stormwater pollution, reduces the negative effects from increases in runoff, and is compatible with Metro Plan policies.*

- Refinement Plan Policies: The above-described stormwater development standards are consistent

with following refinement plan policies:

Comprehensive Stormwater Management Plan Policies:

1.1 Incorporate the beneficial functions (flood control, stormwater conveyance, water quality treatment) of natural resources into the City's storm drainage system.

1.2 Maintain flood control, drainage, and water quality treatment capacities along the City's stormwater conveyance corridors while protecting and enhancing the health, diversity and continuity for wildlife habitat, native vegetation, and endangered species.

1.4 Amend existing regulations and administrative policies and practices to be consistent with the goals and policies of the Stormwater Plan.

1.5 Develop new design standards and maintenance practices that meet the multiple objectives of the Stormwater Plan.

1.8 Evaluate the effectiveness and appropriateness of a variety of surface water management facilities for meeting the multiple objectives of this plan.

2.1 Meet or exceed federal flood hazard requirements.

2.2 Protect adjoining land uses from flood and drainage hazards.

2.3 Maximize the capacity of existing stormwater facilities especially where deficiencies exist by encouraging the use of techniques that lower and slow the rate of stormwater runoff.

3.1 Meet or exceed federal and state stormwater quality requirements especially where they conform with existing local policy.

3.3 Reduce stormwater pollution associated with new construction and development, soil erosion, improper use of stormwater facilities, and city operations and maintenance practices.

3.4 Evaluate the effectiveness of stormwater quality management measures.

4.1 Maintain the stormwater system through techniques and practices that balance flood control, drainage services, water quality, and natural resource protection needs.

Willakenzie Area Plan Policies, Public Facilities and Services Element – Natural Drainage:

1 *Encourage development practices that reduce the need for construction of an extensive subsurface storm sewer system.*

2. *Encourage growth and development patterns that are compatible with natural features and discourage the alteration of natural features. Relocation of natural drainage features may be considered as an alternative to replacement with a closed pipe system.*

3. *Encourage measures that will improve the quality of the storm-water runoff discharge into local waterways.*

(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.

The proposed amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.

CITY OF EUGENE
INTER-DEPARTMENTAL MEMORANDUM
CITY ATTORNEY - CIVIL DEPARTMENT

To: **Mary Feldman, City Recorder** **Date: July 19, 2006**

Subject: **Changes to Reflect the Adoption of Ordinance Nos. 20351 and 20353 and Scrivener Error Corrections to EC Provisions Amended by Ordinance 20369**

It has been brought to our attention that due to initial drafts of the recently adopted Ordinance No. 20369 (adding Stormwater Provisions) having been prepared prior to adoption of Ordinance No. 20351 (/WR provisions) and Ordinance No. 20353 (minor amendments) there are a number of changes made by Ordinance Nos. 20351 and 20353 that are not reflected in Ordinance No. 20369. Ordinance No. 20369 did nothing to effect the changes made by Ordinance Nos. 20351 and 20353, thus, Ordinance No. 20369 should be updated to reflect the changes made by those two ordinances as follows:

Section 6 - EC 9.8055(1)(a) and (1)(b) should read exactly as they now appear in the Code; subsections (1) (c) (d) and (e) as they appear in the Ordinance are to be deleted; what is shown as (1)(f) in the Ordinance is to be lettered (1)(c); and the sentence following that subsection in the Ordinance deleted, and the paragraph following (1)(b) in the Code retained.

Section 7 - EC 9.8090(8)(d) should read as currently reflected in (8)(c) of the Code, which changes the reference to EC 9.6870 to 9.6875.

Section 9 - EC 9.8215(1)(a) and (1)(b) should read exactly as they now appear in the Code, not as set out in this Section 9.

Section 10 - EC 9.8220(2)(a) and (2)(b) should read exactly as they now appear in the Code, not as set out in this Section 10.

Section 11 - EC 9.8320(11)(a) should read exactly as it now appears in the Code, not as set out in this Section 11.

Section 12 - EC 9.8325(7)(a) should read exactly as it now appears in the Code, not as set out in this Section 12.

Section 15 - EC 9.8515(1)(a) and (1)(b) should read exactly as they now appear in the Code, not as set out in this Section 15

Section 16 - EC 9.8520(3)(a) and (3)(b) should read exactly as they now appear in the Code, not as set out in this Section 16.

Since there clearly was no intent to undo the prior amendments made by Ordinance Nos. 20351 and 20353 you are requested to make the above administrative updates during the codification of Ordinance No. 20369, as authorized by Section 17 of the Ordinance.

Additionally, as a result of a new section being added to Ordinance No. 20369 during the City Council's adoption process, a number of cross references within the Ordinance are incorrect. The following section of Ordinance No. 20369 is which those errors occur, and the necessary corrections are as follows:

Section 8 - EC 9.8100(4)(h) should read EC 9.6791 through 9.6797.

Section 9 - EC 9.8215(1)(j) should read EC 9.6791 through 9.6797.

Section 10 - EC 9.8220(2)(j) should read EC 9.6791 through 9.6797.

Section 11 - EC 9.8320(11)(j) should read EC 9.6791 through 9.6797.

Section 12 - EC 9.8325(7)(j) should read EC 9.6791 through 9.6797.

Section 13 - EC 9.8440(5)(j) should read EC 9.6791 through 9.6797.

Section 14 - EC 9.8445(4)(j) should read EC 9.6791 through 9.6797.

Section 15 - EC 9.8515(10)(h) should read EC 9.6791 through 9.6797.

Section 16 - EC 9.8520(3)(k) should read EC 9.6791 through 9.6797.

Due to the number of corrections and the potential for confusion in going back and forth between existing Code provisions and the Ordinance, we have attached each of the above sections as they should appear when this Ordinance is codified.

A copy of this memo should also be attached to the original of Ordinance No. 20369. If you have any questions, please do not hesitate to contact me.

HARRANG LONG GARY RUDNICK P.C.
CITY ATTORNEYS

Kathryn P. Brotherton

Kathryn P. Brotherton

KPB:jw

cc: Elissa Hansen
Peggy Keppler

CITY OF EUGENE

INTER-DEPARTMENTAL MEMORANDUM

CITY ATTORNEY - CIVIL DEPARTMENT

To: **Mary Feldman, City Recorder** **Date: August 28, 2006**

Subject: **Scrivener Error Correction to EC 9.8055**

This will confirm that subsection (1)(c) of EC 9.8055 as amended by Ordinance No. 20351 was inadvertently deleted during the codification of Ordinance No. 20353 which amended other portions of that subsection. This omission was also reflected in the final of Ordinance No. 20369.

Please effect a scrivener error correction to EC 9.8055(1) by adding the subsection (c) as set forth in Ordinance 20351, and reletter the (1)(c) set forth in the corrected Ordinance 20369 as (1)(d).

The confusion and codification errors that occurred resulted from the Goal 5 Ordinance (20351), Minor Amendments Ordinance (20353), and Stormwater Ordinance (20369) being drafted, reviewed, and adopted all within a short time period, as evidenced by our prior scrivener memo of July 19, 2006. As it pertains to subsection (1) of EC 9.8055, this memo supercedes that prior memo, and an excerpt that reflects the corrected version of EC 9.8055(1) is attached.

These corrections are authorized by Sections 73 and 17 of Ordinance Nos. 20353 and 20369 respectively, and a copy of this memo should be attached to each of those Ordinances.

If you have any questions, please do not hesitate to contact me.

HARRANG LONG GARY RUDNICK P.C.
CITY ATTORNEYS

Emily N. Jerome

Emily N. Jerome

ENJ:jw

cc: Alissa Hansen

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:

(a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General except for the standards related to EC 9.2760 Residential Zone Lot Standards;

(b) EC 9.2750 Residential Zone Development Standards;

(c) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback, making the lot immediately eligible for an adjustment under EC 9.8030(21)(a);

(d) EC 9.6791 through 9.6797 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

With the exception of density requirements, the residential development standards of EC 9.2750 Residential Zone Development Standards and EC 9.2751 Special Development Standards for T able 9.2750 may be relaxed based on compliance with the remainder of the cluster subdivision criteria. An exception or an adjustment to a development standard constitutes compliance with the standard.

Eugene City Attorney's Office

Memorandum

Date: **April 17, 2025**

To: **Katie LaSala, City Recorder**

From: **Emily Newton Jerome, Deputy City Attorney**

Subject: **Corrections to Ordinance No. 20369**

It has come to our attention that reference errors exist in certain Eugene Code sections that were amended by Ordinance No. 20369, which was adopted on June 12, 2006.

Please effect the following scrivener error corrections:

1. In EC 9.8030(24)(e) (Section 5 of the Ordinance), the reference to "EC 9.6795(3)" should have been a reference to "EC 9.6794(3)." EC 9.8030(24)(e) has subsequently been renumbered as EC 9.8030(24)(f) by Ordinance No. 20724. Therefore, to correct this error, EC 9.8030(24)(f) should read:

> (f) The requirement in EC 9.6794(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.

2. In EC 9.8030(24)(f) (Section 5 of the Ordinance), the references to "EC 9.6796(3)" should have been references to "EC 9.6795(3)." EC 9.8030(24)(f) has subsequently been renumbered as EC 9.8030(24)(g) by Ordinance No. 20724. Therefore, to correct this error, EC 9.8030(24)(g) should read:

> (g) The requirement in EC 9.6795(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 9.6795(3) must submit a completed authorization request form adopted as part of the Stormwater Management Manual.

These corrections are authorized by Section 17 of Ordinance No. 20369. Please attach a copy of this memo to Ordinance No. 20369.