

ORDINANCE No. 190166

Update Drainage and Water Quality Code provisions to facilitate the implementation of the Stormwater Management Manual and the Source Control Manual (Ordinance; replace Code Chapter 17.38)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) manages Portland's wastewater and stormwater infrastructure to protect public health and the environment.
2. The federal Clean Water Act and the Safe Drinking Water Act require Portland to implement construction and post-construction stormwater management for both private property and the public right-of-way. Additionally, Portland is required to implement source control requirements for most commercial and industrial site activities with the potential to impact the environment or City storm and sanitary systems.
3. BES regularly reviews its Portland City Code (PCC) Chapters and administrative rules to identify changes needed to update language, correct cross-references, and improve clarity.
4. PCC Chapter 17.38 should be updated to clarify language to support implementation of the Stormwater Management Manual (SWMM) and Source Control Manual (SCM) and to conform with more recently adopted city best practices for drafting code. This includes updating wording to use gender-neutral language, conforming with the City of Portland Drafting Manual, correcting drafting errors, and renumbering to accommodate the new code structure.
5. Changes in the Code are proposed to clarify definitions, to remove terms that are no longer used, and to add new terms that are referenced in the SWMM and the SCM.
6. Subsections 17.38.035 B. and 17.38.035 C., discussing offsite management fees, are rearranged to mirror each other for consistency.
7. Retrofits are added to Section 17.38.040, "Applicability," to reflect triggers in the SWMM and SCM.
8. Drainage reserves were added to Section 17.38.040, "Applicability," for transparency to reflect triggers that exist in the SWMM and that BES already had code authority to implement.
9. Exemptions listed in Subsection 17.38.040 B. have been removed and will remain detailed in administrative rules to better support adaptive management of exemptions in the future.

10. Parking lot stormwater requirements are removed from Section 17.38.041 and moved to Subsection 17.38.040 A., “Applicability,” to reference when stormwater and water quality management is required and to consolidate applicability requirements. The terms “parking lot stormwater requirements” are now called “nonconforming landscaping upgrades” to better reflect the naming conventions used in code and rule.
11. Operations and Maintenance (O & M) Requirements were moved from Subsection 17.38.040 C. to Section 17.38.041 to make the Section heading more prominent and easier to find. Details about information that is required in O & M plans were removed and remain referenced in applicable administrative rules to avoid duplication and to support adaptive management of such details in the future.
12. Subsection 17.38.045 E. has been added to the enforcement section. This language provides more transparency about BES procedures to recover those costs incurred by BES in the repair or replacement of City storm infrastructure that was damaged or modified without approval.
13. Section 17.38.055, “River Restoration Program,” has been updated to remove referenced programs that no longer exist, while maintaining the intent of the Section.
14. Although BES was not required to do so, BES put the proposed code changes to PCC Chapter 17.38 out for public comment from May 18, 2020 through June 19, 2020, concurrent with the required public comment period for proposed changes to the BES SWMM. The SWMM was out for public comment from May 18, 2020 to July 2, 2020. Six comments were received for PCC Chapter 17.38 from internal sources. Approximately 380 comments were received for the SWMM from both internal and public sources.
15. Changes were made to Section 17.38.040 as a result of the public comment period. Changes include minor wordsmithing to Subsection 17.38.040 A. and moving the preamble for Section 17.38.040 to Subsection 17.38.040 B. Moving the preamble to a separate subsection better communicates that the actions a property owner takes are what require compliance with the SWMM and SCM and then that the development review process is how compliance is confirmed.
16. This Ordinance will not require additional funds for implementation.
17. PCC Chapter 17.38, Drainage and Water Quality, will be updated in substantial conformance with the attached Exhibit A.

NOW, THEREFORE, the Council directs:

- a. That PCC Chapter 17.38, Drainage and Water Quality, is replaced with the attached Exhibit B.

Passed by the Council: October 14, 2020
Mayor Ted Wheeler

Prepared by: Adrienne Aiona
Date prepared: [8/11/20]

Cost object - ord

Mary Hull Caballero
Auditor of the City of Portland

By

Keelan McClymont

Deputy

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 Agenda No.
ORDINANCE NO. 190166
 Title

Update Drainage and Water Quality Code provisions to facilitate the implementation of the Stormwater Management Manual and Source Control Manual (Ordinance; replace Code Chapter 17.38)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioner Fritz</p>	<p>CLERK USE: DATE FILED <u>September 29, 2020</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u>Keelan McClymont</u> <small>Digitally signed by Keelan McClymont Date: 2020.09.29 15:04:05 -07'00'</small> Deputy</p> <p>ACTION TAKEN: October 7, 2020 Passed to Second Reading October 14, 2020 at 9:30 a.m.</p>
<p>Mayor—Finance & Administration - Wheeler</p>	
<p>Position 1/Utilities - Fritz <small>Tim Crail on behalf of Commissioner Fritz Digitally signed by Tim Crail on behalf of Commissioner Fritz Date: 2020.09.29 16:30:56 -07'00'</small></p>	
<p>Position 2/Works - Ryan</p>	
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Eudaly</p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: Environmental Services Bureau Head: Michael Jordan <small>Digitally signed by Michael Jordan Date: 2020.09.23 08:02:45 -07'00'</small></p>	
<p>Prepared by: Adrienne Aiona Date Prepared: 8/11/2020</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: DB required for Code Ordinances</p>	
<p>City Attorney Approval: Eric Shaffner required for contract, code, easement, franchise, comp plan, charter <small>Digitally signed by Eric Shaffner Date: 2020.08.24 17:08:04 -07'00'</small></p>	
<p>Council Meeting Date October 7, 2020</p>	

AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: 10 minutes
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Ryan	✓	
3. Hardesty	✓	
4. Eudaly	✓	
Wheeler	✓	