

ORDINANCE No. 187904

Facilitate implementation of the City Stormwater Management Manual and Source Control Manual (Ordinance; amend Code Chapter 17.38)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) protects public health, water quality and the environment. It provides sewer and stormwater collection and treatment services to accommodate Portland's current and future needs. BES protects the quality of surface and ground waters and conducts activities that plan and promote healthy ecosystems in our watersheds.
2. The City values healthy watersheds with natural and man-made systems that mimic environmentally sustainable functions. Through the Council's adoption of the Framework for Watershed Health and the Portland Watershed Management Plan (PWMP) on March 8, 2006, via Resolution No. 36384, the City established four primary objectives for restoring watershed health. Controlling stormwater run-off before it runs off of individual sites, known as on-site hydrologic control, is one of the primary objectives of the PWMP; watershed health is negatively impacted by the flow rate, flow volume, and pollution load associated with post-development stormwater run-off in an urban environment.
3. Portland's Post-2011 Combined Sewer Overflow Facilities Plan, approved as required by the state's Environmental Quality Commission in 2011, calls for the City to use its Stormwater Management Manual (SWMM) to manage capacity of the combined sewer system to avoid or reduce combined sewer overflows.
4. The federal Clean Water Act and the Safe Drinking Water Act require Portland to implement post-construction stormwater management for both private property and the public right-of-way.
5. The City's federal Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit # 101314, issued under the Clean Water Act, requires the City to implement measures to control pollutants in post-construction stormwater run-off to the maximum extent practicable, including through controls triggered by new development and redevelopment.
6. The SWMM has regulated run-off from new development and redevelopment sites since 1999. Portland has revised its SWMM several times, most recently in 2014, and the latest round of proposed revisions are scheduled to take effect on July 1, 2016.
7. A number of narrow, targeted changes to Portland City Code (PCC) would facilitate implementation of the 2016 SWMM. Certain code changes would be necessary before the proposed 2016 SWMM could be implemented. Other code changes would clarify existing code language or correct drafting errors.
8. The proposed 2016 SWMM would move pollution source control requirements (located in Chapter 4 of the 2014 SWMM) into a freestanding rule, the Source Control Manual (SCM). To take effect, this rule change must be accompanied by changes to PCC Chapter 17.38; existing

references to the SWMM should be deleted, or amended to add or be replaced by references to the SCM, as appropriate.

9. The proposed 2016 SWMM incorporates changes regarding administrative review that are consistent with forthcoming revisions to other BES administrative rules that will together promote consistency in administrative review processes between bureau programs. Minor revisions to PCC Chapter 17.38 would both support these changes to the SWMM and SCM and make the Chapter consistent with new citywide laws adopted in 2015 governing citizen appeals to the Code Hearings Officer.
10. In anticipation of forthcoming revised pavement restoration standards of the Portland Bureau of Transportation, PCC Chapter 17.38's definition of "redevelopment" should be revised; the existing exclusion of utility trench work from the definition of "redevelopment" should be relocated to the SWMM and updated while still respecting Council's original intent that utility maintenance work in the public right of way and associated repaving would not trigger the stormwater management requirements of PCC Chapter 17.38 and the SWMM. The proposed 2016 SWMM would accomplish this.
11. PCC Chapter 17.38 should be amended to make "removal of a permanently installed stormwater management facility without prior approval from BES" an explicit violation of PCC Chapter 17.38, consistent with the original intent of PCC Chapter 17.38. Permanent stormwater management facilities are required as a condition of development, and the City enforces stormwater management facility requirements through an Operations and Maintenance (O&M) Plan that is recorded against a property's title and deed. The removal of a required stormwater facility is a violation of a number of BES administrative rules and this change provides greater consistency and transparency in Portland City Code.
12. PCC Chapter 17.38 should be amended to correct drafting errors, such as typographical errors and misspellings.
13. The City held a public comment period for the proposed changes for the 2016 SWMM, the proposed SCM, and proposed changes to PCC Chapter 17.38. No comments on the proposed changes to PCC Chapter 17.38 were submitted, and a hearing was not requested.
14. This Ordinance will not require additional funds for implementation.

NOW, THEREFORE, the Council directs:

- a. That PCC Chapter 17.38 be amended as shown in the attached Exhibit A.

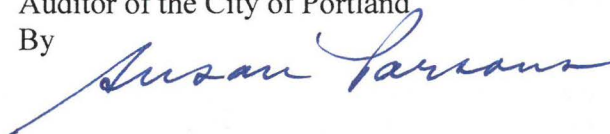
Passed by the Council,
Commissioner Nick Fish

Rachele Altman (RA)
[5/27/2016]

Cost object – ESWS00013

Mary Hull Caballero
Auditor of the City of Portland

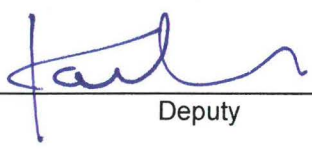
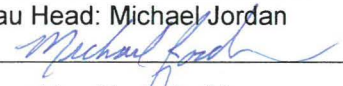
By




Deputy

Agenda No. **ORDINANCE NO. 187904**
Title

Facilitate implementation of the City's Stormwater Management Manual and Source Control Manual (Ordinance; amend Code Chapter 17.38)

INTRODUCED BY Commissioner/Auditor: Fish	CLERK USE: DATE FILED <u>JUN 28 2016</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance and Administration - Hales	By:  Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Environmental Services Bureau Head: Michael Jordan 	JUL 06 2016 PASSED TO SECOND READING JUL 13 2016 9:30 A.M.
Prepared by: Rachele Altman Date Prepared: 5/27/16	JUL 13 2016 Rescheduled to JUL 20 2016 9:30 A.M.
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances <i>Diane</i>	
<input checked="" type="checkbox"/> City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>Wes</i>	
Council Meeting Date <u>7/6/16</u>	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 15 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz		
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	<input checked="" type="checkbox"/>	
Hales	<input checked="" type="checkbox"/>	