

MEMORANDUM

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: FIRST VOTE FOR ORDINANCE AMENDING CHAPTER 14.35
SURFACE WATER MANAGEMENT OF THE COTTAGE
GROVE MUNICIPAL CODE REGARDING ADDING
SECTION 14.35.200 STORMWATER DETENTION AND
TREATMENT

DATE: October 19, 2022

Background

Council has held a public hearing on the proposed Ordinance amending the Cottage Grove Municipal Code Chapter 14.35 regarding Surface Water Management adding Section 14.35.200 Stormwater Detention & Treatment.

The Planning Commission held a public hearing on the attached Ordinance on September 21, 2022 and recommended approval to Council. It is now appropriate that Council consider the Ordinance. This Ordinance has been available for more than one week prior to this meeting and staff is recommending adoption.

Recommendation

After Council deliberation it is recommended that City Council hold the first vote on the attached Ordinance. The Ordinance was prepared and has been available for at least one week prior to this meeting. This Ordinance could be adopted at one meeting.

Cost

None



Richard Meyers, City Manager



Eric Mongan, City Planner

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 14.35 OF THE COTTAGE GROVE MUNICIPAL CODE REGARDING SURFACE WATER MANAGEMENT TO ADD SECTION 14.35.200 STORMWATER DETENTION AND TREATMENT

WHEREAS, Title 14 of the Cottage Grove Municipal Code sets forth the City's Development Code, which implements the Cottage Grove Comprehensive Plan; and

WHEREAS, Erosion Prevention is one of the primary regulatory tools used in Oregon to reduce sediment transfer through stormwater runoff from construction sites and hence maintain or improve overall water quality in the streams and rivers; and

WHEREAS, the Cottage Grove City Council adopted a Natural Resource Element in the Cottage Grove Comprehensive Plan to protect the community's water quality, which includes objectives that encourage development practices that minimize runoff, contribute to groundwater recharge and reduce the likelihood of contamination of the community's water system, and policies that recommend the employment of site design review, development code standards, zoning, and other regulatory means as appropriate in order to maintain or improve overall water quality; and

WHEREAS, in 2018, the City of Cottage Grove submitted its 2018-2023 Cottage Grove Total Maximum Daily Load (TMDL) Implementation Plan (the TMDL Implementation Plan), to the Oregon Department of Environmental Quality to show how the City intended to take active means to improve water quality in its Class 3D listed streams; and

WHEREAS, the TMDL Implementation Plan provided that the City would adopt Erosion Prevention regulations within 1-2 years; and

WHEREAS, the City's Development Code contains standards and requirements for development in Cottage Grove, and has reserved section 14.35 for Surface Water Management water quality standards; and

WHEREAS, pursuant to 14.41.500 of the Municipal Code of the City of Cottage Grove, after a properly noticed public hearing, the Planning Commission, recommended adoption of the code amendment as a proper implementation of the City's comprehensive land use plan and in the public interest; and

WHEREAS, after holding a properly noticed public hearing, and based on the testimony provided at the public hearing, the Planning Commission recommendation, and the Staff Report, the City Council of the City of Cottage Grove deems it appropriate to modify its Development Code in order to adopt Section 14.35.200 Stormwater Detention and Treatment.

NOW, THEREFORE, THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the above recitals and the findings of fact set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. Adoption. The following is hereby adopted and added to Chapter 14.35 of the Cottage Grove Municipal Code:

14.35.200 Stormwater Detention and Treatment

A. Purpose:

As the City of Cottage Grove develops, impervious surfaces create increased amounts of stormwater runoff, disrupting the natural hydrologic cycle. Without stormwater management, these conditions decrease groundwater recharge while increasing channel erosion and the potential for localized flooding. The City continues to use swales and other more natural methods to control and convey stormwater run-off, incorporating wetlands and other natural systems into stormwater drainage plans to the greatest extent possible rather than relying exclusively on pipes. Runoff from urban areas is a major source of pollution and watershed degradation. The City is currently a Designated Management Agency (DMA) under the Willamette Basin TMDL and as such, is responsible for reducing pollutant loads transported to surface waters from runoff. In order to protect and enhance watershed health and long-term livability, the City requires that development comply with the following stormwater management criteria.

B. When Standards Apply.

For all projects that create greater than or equal to 1000 square feet of new impervious surface, when the development site is greater than or equal to 0.5 acres, stormwater detention and treatment facilities shall be provided. Detention and treatment facilities shall be designed and sized according to the City of Eugene Stormwater Management Manual (2014), which is adopted as the City's Stormwater Management Manual. Where the manual and this section conflict, this section shall prevail.

C. Expected Outcomes.

The intent of these requirements is as follows:

1. To maintain runoff peak flows at predevelopment levels
2. To provide treatment of runoff to limit the transport of pollutants to area waterways.
3. To limit accumulation of ponded water by discouraging the use of detention ponds and other centralized stormwater facilities through the dispersal of small detention and treatment facilities throughout a development. Preference shall be given to detention and treatment systems designed to drain completely within 24 hours to limit standing water.
4. To encourage the use of vegetated treatment systems over structural pollution control devices.
5. Exceptions or alternatives to the requirements and standards of the Stormwater Management Manual may be allowed by the City Engineer based on specific site conditions provided that detention and treatment requirements are met in conformance with the intent as stated above. Applicants are encouraged to use either

- the Simplified Approach or Presumptive Approach to size facilities.
6. The following storm data shall be used in sizing facilities.

24-HOUR RAINFALL DEPTHS					
Recurrence Interval, Years	2	5	10	25	100
Flood Control, Destination: 24-Hour Depths, Inches	3.12	3.6	4.46	5.18	6.48
Pollution Reduction: 24-Hour Depths, 1.4 Inches					

SECTION 3. Severability. The sections, subsections, paragraphs, and clauses of this ordinance and the attached Code provisions are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, paragraphs, and clauses.

SECTION 4. Savings. Notwithstanding these amendments, the City Code provisions in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said provision(s) or portions thereof were operative.

SECTION 5. Unamended Sections. All unamended sections of the Cottage Grove Municipal Code shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance will take effect thirty (30) days after its passage.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS _____
DAY OF _____, 2022.

Jeffrey D. Gowing, Mayor

Dated: _____

ATTEST:

Richard Meyers, City Manager

Dated: _____

ORDINANCE NO. _____

EXHIBIT A: FINDINGS

1. The City of Cottage Grove has made an application to amend the Cottage Grove Municipal Code Chapter 14.35 regarding Surface Water Management to add Stormwater Detention and Treatment as Section 14.35.200.
2. The Development Code implements the policies and Land Use Diagram of the City of Cottage Grove's Comprehensive Plan (the Comprehensive Plan).
3. This request is consistent with the Comprehensive Plan, as modifications to the Comprehensive Plan and its adopted implementing documents are expected over time. The Natural Resource Element of the Comprehensive Plan addresses the City's water quality, air quality, climate, and both riparian and terrestrial habitat resources. This Element finds that "The protection of these resources is essential to maintaining the health and vitality of our living environment." Natural Resource Element Water Quality Objective 1(a) strongly encourages practices that minimize runoff, contribute to groundwater recharge, and reduce the likelihood of contamination." The policies that implement this Objective specifically encourage the adoption of Surface Water Management, Erosion Prevention, and Stormwater Detention and Treatment regulations. Policy 1.3 states that the "City shall employ site design review, development code standards, zoning and other regulatory means as appropriate in order to maintain or improve overall water quality." The proposed Stormwater Detention and Treatment regulations meet the objectives and policies of the Comprehensive Plan, by maintaining pre-development stormwater runoff and sediment volumes, into the City stormwater system to prevent or minimize negative impacts to water quality resulting from development.
4. The Department of Land Conservation and Development was given thirty-five-day notice prior to the first hearing on August 16, 2022 pursuant to Oregon Revised Statutes.
5. The Planning Commission held a public hearing on these code amendments on September 21, 2022, and forwarded a recommendation to adopt the code amendments to City Council.
6. City Council held a public hearing on the code amendments to Title 14 of the City of Cottage Grove Municipal Code regarding development. The Council adopted Ordinance No. ____ amending Chapter 14.35 regarding Surface Water Management to add Stormwater Detention and Treatment section.
7. The following Statewide Planning Goals are not applicable to the proposed code amendment: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 8 – Recreational Needs; Goal 9 – Economic Development; Goal 10 – Housing; Goal 12 – Transportation; Goal 13 – Energy Conservation; Goal 15 – Willamette River Greenway; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
8. The following Statewide Planning Goals are applicable and the amendment complies with them as noted below:
 - a. Goal 1 – Citizen Involvement. This request is consistent with Goal 1. Adequate public notice of the proposed changes has been provided through the Type IV public notice process as specified in Section 14.41.500 of the Development Code. The

Department of Land Conservation and Development was notified of the intended modification and did not express any concerns in writing about the changes. Public hearings have been held at the Planning Commission and City Council levels. The City process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and recognized neighborhood groups. The Planning Commission has forwarded said amendment to the Code to the City Council with a favorable recommendation after holding a public hearing on September 21, 2022.

- b. Goal 2 – Land Use Planning. The City has established 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 proposed change followed the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found compatible with the City’s Comprehensive Plan.
 - c. Goal 5 – Open Spaces, Scenic & Historic Areas and Natural Resources. The adoption of Stormwater Detention and Treatment regulations complies with the City’s Comprehensive Plan Natural Resources Element, specifically implementing recommendations adopted by Cottage Grove City Council in 2013 to improve water quality and to comply with Goal 5. The proposed amendments will limit the amount of development-related stormwater and sediment that gets into the City stormwater system, and help maintain and/or improve water quality in our rivers and streams, protecting the quality of our natural resources. This amendment is in compliance with Goal 5.
 - d. Goal 6 – Air, Water & Land Resources Quality. The adoption of Stormwater Detention and Treatment regulations complies with the City’s Comprehensive Plan Natural Resources Element, specifically implementing recommendations adopted by Cottage Grove City Council in 2013 to improve water quality. The proposed amendments will limit the amount of development-related stormwater and sediment runoff that gets into the City stormwater system, and help maintain and/or improve water quality in our rivers and streams. This amendment is in compliance with Goal 6.
 - e. Goal 7 – Areas Subject to Natural Hazards. This amendment adopts code that will help protect Sensitive Lands and other areas subject to natural hazards from development related stormwater runoff. The adoption of this code will preserve help to preserve riparian areas, and prevent damage within hillside and landslide hazard areas. Hence this amendment is in compliance with Goal 7.
 - f. Goal 11 – Public Facilities and Services. This amendment is consistent with Goal 11 as no changes to the adopted Public Facilities Plan are required or proposed. This code implements the City’s adopted Stormwater Management Plan, and the TMDL Implementation Plan 2018-2023. This amendment is in compliance with Goal 11.
 - g. Goal 14 – Urbanization. This will facilitate the development of existing residential lands and is consistent with Goal 14.
9. City Council finds it appropriate to modify Title 14 Development Code regulations to adopt Section 14.35.200 Stormwater Detention and Treatment regulations, as the regulations will reduce sediment transfer through stormwater runoff associated with the creation of new impervious surfaces associated with development and hence maintain or improve overall water quality in the community’s streams and rivers.

10. The proposed change is in the public's interest; is in keeping with the development pattern in this area of the city; is in keeping with the intent of the City Comprehensive Plan; and serves the public's health, safety and welfare.