

## Appendix A – June 6, 2002 Authorizing Ordinance

ORDINANCE No. 176555

Amend Chapter 17 for sanitary and sewer easements to protect drainageways and to provide definitions consistent with those in the amended Chapter 33 (Ordinance; amend Chapters 17.32, 17.36 and 17.38)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Planning completed a rewrite of the Land Division Code in 2001. As part of the rewrite project, code relevant to stormwater technical review decisions was removed from Land Division code and identified for inclusion in Chapters 17.32, 17.36 and 17.38 of City Code.
2. Amendments to the Land Division Code of Chapter 33 were adopted by council on September 26, 2001 (Ordinance No. 175965) and become effective July 1, 2002.
3. Amendments to Chapters 17.32, 17.36 and 17.38 are necessary to maintain the City's authority for sanitary and sewer easements, to protect drainageways, and to provide definitions consistent with those in the amended Chapter 33.

NOW, THEREFORE, the council directs:

a. Section 17.32.022 is added as follows:

**17.32.022 Easements for Public Sanitary and Storm Sewers.**

Public storm or sanitary sewers built to provide service to a development shall be located within public easements. The width of public easements shall be adequate to allow reasonable access for inspection, maintenance, repair and replacement, using standard construction methods. The minimum width for public storm and sanitary sewer easements shall be 15 feet. If topographic conditions, the design of a facility or other relevant factors necessitate an easement of greater width, the Director has authority to require enlargement of the easement as is reasonably necessary.

b. Section 17.36.005 is amended as follows:

**F. “Dwelling unit”.** Any housing unit with sanitary and kitchen facilities either designed or used to accommodate one or more residents, including detached residences, multiple housing units, mobile homes and mobile home spaces. This does not include commercial (transient) housing units such as hotel and motel units; overnight trailer or recreational

vehicle spaces; or housing units in institutional care facilities. A single dwelling unit shall be any dwelling unit, as defined above, in a building containing no other dwelling units. This includes units in planned unit developments, and care facilities classed as a single-family unit by the Building Bureau.

The remainder of this section is unchanged.

- c. Section 17.38.021 is added as follows:

**17.38.021 Protection of Drainageway Areas.**

**A. Authority.** The Director may require drainage reserves or tracts over seeps, springs and drainageways as necessary to preserve the functioning of these areas and to limit flooding impacts from natural and man made channels, ditches, seeps, spring, intermittent flow channels and other open linear depressions. Standards and criteria for imposing drainage reserves or tract requirements shall be adopted by administrative rule. Placement and/or sizing of drainage reserves does not relieve property owners of their responsibility to manage stormwater in a manner that complies with the duties of property owners under applicable law. Drainage reserve or tract requirements may be imposed during land reviews, building permit review or other development process that require Bureau of Environmental Services review.

**B. Required Management of the Drainage Reserve.** Storm drainage reserves or tracts shall remain in natural topographic condition. No private structures, culverts, excavations, or fills shall be constructed within drainage reserves or tracts unless authorized by the BES Chief Engineer.

- d. Section 17.38.025 is amended as follows:

**D.** All conveyance systems shall be analyzed designed and constructed for existing tributary off-site runoff and developed on-site runoff from the proposed project in compliance with the City's *Sewer Design Manual*. The general goal of these standards is to convey both on-site and off-site waters in a way that is protective of public health and safety and that minimizes environmental impacts in the downstream receiving system. The Director reserves the right to determine the appropriateness of combination facilities in meeting these standards.

**E.** All disposal systems shall comply with the standards set forth in the SWMM. Public systems shall be reviewed and approved by BES in compliance with the sizing standards in the SWMM. Private onsite disposal systems shall comply with the guidance laid out in the SWMM, but shall be reviewed and approved of by OPDR in compliance with the plumbing code regulations in 25.01.020.

The remainder of this section is unchanged.

- f. Section 17.38.030 is amended as follows:

**A.** "Approved Drainage System." A system approved by BES, which, in general, shall adequately collect, convey, treat and or dispose of stormwater runoff or other site discharge. Approved systems shall meet all requirements and specification laid out in this code or in any BES design guidance document plus any applicable plumbing code provisions relating to the piped portions of any system.

**B.** "Combination Facilities" - Systems that are designed to meet two or more of the multiple objectives of stormwater management.

~~**B.**~~ **C.** "Director." The Director of the Bureau of Environmental Services, or the Director's designee.

~~**C.**~~ **D** "Development." Any human induced change to improved or unimproved real estate, whether public or private, for which a permit is required, including but not limited to construction, installation or expansion of a building or other structure, land division, street construction, drilling, and site alteration such as that due to, dredging, grading, paving, parking or storage facilities excavation, filling or clearing.

**E.** "Drainageway". An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.

~~**D.**~~ **F** "Impervious Surface." Any constructed surface that has a runoff coefficient greater than 0.8 (as defined in the *Sewer Design Manual*, Chart 10 "Runoff Coefficients"). Note: Decks that do not retain water are considered pervious.

~~**E.**~~ **G** "Practicable." Available and capable of being done as determined by the Director, after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

~~**F.**~~ **H.** "Public Works Project." Public Works Project means any development conducted or financed by a local, state, or federal governmental body and includes Local Improvements and Public Improvements as defined in Title 17, PUBLIC IMPROVEMENTS.

~~**G.**~~ **I.** "Redevelopment." Development that requires demolition or removal of existing structures or impervious surfaces at a site and replacement with new development. Maintenance activities such as repavement are not considered redevelopment.

**J.** "Stormwater Management" The overall culmination of techniques used to convey, remove pollutants from, detain, and/or retain, and dispose of stormwater in a manner that best preserves or mimics the natural hydrologic cycle. Stormwater management shall be implemented in a manner that protects public health and safety and fits within the capacity of existing infrastructure on a development site and the approved receiving system(s) for stormwater runoff.

~~**H.**~~ **K.** "Water Body." Rivers, streams, sloughs, drainages including intermittent streams and seeps, and ponds, lakes, aquifers, wetlands, and coastal waters.

**I. L.** "Watercourse." Watercourse means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Watercourses may be either natural or artificial.

**J. M.** "Water Quality Control/Pollution Reduction Facility." Refers to any structure or drainage way 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. These facilities may include, but are not limited to, constructed wetlands, water quality swales, and ponds, which are maintained as stormwater quality control facilities.

**K. N.** "Water Quantity Control Facility." Refers to 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 quantity leaving the development site. These facilities may include, but are not limited to, constructed wetlands, infiltration basins, and wet ponds, which are maintained as stormwater quantity or quality control facilities.

**L. O.** "Wetland." An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas except those constructed as water quality or quantity control facilities. Specific wetland designations shall be made by the Corps of Engineers and the Division of State Lands.

Section 2. The Council declares that an emergency exists because of the July 1, 2002 implementation date for the Land Division regulations. Without these changes, BES would not have certain authorities to require utility easements and drainage reserves for land division proposals. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,  
Mayor Vera Katz

**Gary Blackmer**  
Auditor of the City of Portland

By

Patrice Mango  
May 21, 2002  
14531043 - ord

Deputy