

Port Orford Stormwater Ordinance Amendment Frequently Asked Questions

What is it?

The proposed amendments would change and update the current City Ordinance that manages stormwater (Chapter 17.18 of the City Code). The amendment updates the code to align it with the City's Engineering Standards. The Engineering Standards are construction requirements for developers and builders to assure that construction is sound and will not damage neighboring properties or cost taxpayers money to fix problems in the future caused by inadequate stormwater control.

The draft provisions use recommendations from the U.S. Environmental Protection Agency to deal with stormwater. These measures are called Best Management Practices (BMPs), which improve water quality by capturing, holding and treating stormwater. There are three main categories of BMPs:

- for volume: the amount of stormwater leaving the site
- for rate: the speed of the water leaving the site
- for pollutants: the contaminants held in the water

The City's existing Engineering Standards already requires BMPs for the first two: volume and rate. The third, pollutants, is not accounted for. The draft provisions require pollutants to be captured and treated according to EPA recommended standards.

The draft provisions would be triggered for new development and redevelopment above a certain size threshold that would ordinarily require an engineer's drawings. The size threshold has not yet been determined. If a property is not suitable for BMPs there is a waiver process described in the Draft Ordinance. This would make the Ordinance's requirements mainly applicable to larger development (or redevelopment) that would have already required an engineer's drawings to comply with the City's Engineering Standards. The proposed provisions would add a water quality BMP component to the rate and volume BMP requirements that already exist.

Why is this being done?

On December 18, 2008, the City signed a Memorandum of Understanding with the Port Orford Ocean Resource Team (POORT) at a public hearing of the City Council that created a formal partnership to pursue a Department of Land Conservation and Development (DLCD) grant to create and conduct outreach for amendments to the City's Stormwater Ordinance.

The current code contradicts the City's Engineering Standards, which creates confusion for developers. This contradiction could also result in inappropriate stormwater facilities being constructed in dedicated streets. The City, with public money may then have to fix the facilities. The DLCD grant provides the opportunity to address the issues at this time.

Additionally, the largest single employer in Port Orford, the commercial fishing industry, would like to sustain healthy nearshore fisheries including crab, salmon and rockfish. Clean water is necessary for the health of the fishery and sustaining a healthy

nearshore environment starts on land, where stormwater runoff originates. Using BMPs will help create cleaner streams in the Port Orford area and help make this goal a reality.

In order to accomplish both of their goals, the City of Port Orford and POORT pooled their resources in order to obtain a larger grant.

What other Southwest Oregon cities have done this?

- The City of North Bend has a fee structure to create an incentive to use BMPs during development.
- The City of Brookings is currently amending its Ordinance to include BMPs.
- Dunes City has adopted the City of Portland's code outright – which contains a multitude of BMPs.
- The City of Rogue River has adopted part of the DLCD model code design and performance standards (which were used as a model for Port Orford's draft provisions).

Will it affect a resident when selling a home?

There should be no affect.

What are the costs to the public/taxpayer?

The creation of the draft amendments have been at no monetary cost to the City because of the DLCD grant and because of the partnership formed with POORT. At this time, no general fees or other costs have been introduced as part of the provisions. Developers and/or property owners *may* pay more for development or building engineering design and/or some stormwater facilities due to the requirement of the Ordinance at the time of development.

Some public works projects may require further engineering design to comply with the Ordinance. Stormwater BMPs such as roadside swales will need to be constructed and maintained; however, there are many grant opportunities for these types of facilities.

What does this mean for residential construction and expansion?

New residential construction and expansion over a certain size threshold will need to direct newly generated stormwater into a gutter downspout and away from the house or other structures. The stormwater will ultimately be directed to a pervious area where it can be filtered and slowly absorbed. For areas where this is impractical, waivers are available.

Will this affect what a property owner can do on their property?

No. This Draft Ordinance **does not prohibit land uses.**

As stated above, residential expansion over a certain size will be required to treat stormwater. If properties are not suitable for BMPs there is a waiver process described in the Draft Ordinance.

Will City projects be expected to comply as well?

Yes. All expansion or disturbance over a certain size threshold, whether public or private, will be subject to the requirements.

How is the Draft Ordinance different than the current ordinance?

1. The proposal is for amendments to the current ordinance.
2. The proposed ordinance is designed for a small urban area like Port Orford.
3. The proposed Ordinance uses current EPA recommended measures to address stormwater.

What happens next?

There will be a public Town Hall Forum on Monday, May 4, 2009 at 5:30 PM at City Hall Council Chambers where POORT and City personnel will answer questions.

Draft Ordinance provisions will be discussed at public Planning Commission Workshop on May 12, 2009 at 6:00 pm. The Planning Commission's public hearing will be held on June 9, 2009 at 6:00 pm. After discussing the merits of the Draft Ordinance and taking into account public opinion, the Planning Commission will forward their recommendations to the City Council.

The City Council will also hold a public hearing on this Draft Ordinance Amendment on August 6, 2009 at 6:00 pm. After reviewing the draft and hearing public comment, the City Council will determine what is to be adopted.