

## **Title 15**

### **BUILDINGS AND CONSTRUCTION**

#### **Chapters:**

- 15.04 State Building Codes Adopted**
- 15.08 Design Review Procedures**
- 15.12 Moving of Buildings**
- 15.16 Trailer Coaches and Trailer Parks**
- 15.20 Flood Hazard Protection Regulations**
- 15.24 Post-Construction Stormwater Runoff Control**

## Chapter 15.04

### STATE BUILDING CODES ADOPTED

#### Sections:

- 15.04.010 Standards applicable to building.**
- 15.04.020 Adoption of state codes.**
- 15.04.030 City administration of codes.**
- 15.04.040 Local interpretation.**
- 15.04.050 Violation—Penalty.**

#### **15.04.010 Standards applicable to building**

In addition to compliance with the ordinance codified in this chapter and other pertinent ordinances of the city, building and related activities shall comply with state building code standards adopted by the Administrator of the Building Codes Agency as these codes apply at the time of the building or related activity. No person may undertake building or related activities without compliance with these standards. (Ord. 5-1990 § 1)

#### **15.04.020 Adoption of state codes**

A. The City hereby adopts and enforces the Oregon Building Code per ORS 455 and the rules adopted thereunder.

B. The City adopts and enforces all Appendices of the Oregon Structural Specialty Code.

C. Building and related activities shall comply with the State Structural Specialty Codes, including the Building, Mechanical, Plumbing and Electrical Codes, adopted by the Director of the

Oregon Department of Commerce and the Fire and Life Safety Code Standards adopted by the State Fire Marshal, as these codes apply at the time of the building or related activity. No person may undertake building or related activities without compliance with these codes.

D. The City also adopts the 1997 International Conference of Building Officials Uniform Code for the Abatement of Dangerous Buildings. (Ord. 6-2005 § 1; Ord. 4-2004 § 1; Ord.7-2009)

#### **15.04.030 City administration of codes**

The City shall provide for specialty code administration, including plan checking, permit issuance and inspection for structural, mechanical, plumbing and electrical work. Administrative provisions adopted by the City for such purpose shall at all times be consistent with the intent of pertinent state statutes relating to Code enforcement and shall be approved and adopted by Council resolution. Such administrative provisions may, from time to time, be modified as required in the same manner. (Ord. 5-1990 § 3)

#### **15.04.040 Local interpretation**

In addition to the provisions of Section 106 of the Structural Specialty Code and similar provisions of other Specialty Codes, the building official of the city may approve a material or a method of construction not specifically prescribed by this chapter, provided he finds that the proposed design is satisfactory and that the material, method

or work offered is for the purpose intended, and is at least the equivalent of that specifically prescribed by this chapter in quality, effectiveness, fire resistance, durability, safety, and energy conservation, and that the Administrator of the Building Codes Agency has not issued a report disapproving the material or method for the purpose. The building official of the city may refer the proposed design to the Structural Code Advisory Board within thirty (30) days of the date of the ruling. The provisions of this section shall not be interpreted to preclude a person from requesting a ruling from the Administrator of the Building Codes Agency prior to submitting an application to the city for a permit or after withdrawing a previously submitted application. (Ord. 5-1990 § 4)

**15.04.050 Violation—Penalty**

The violation of this chapter is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 23; Ord. 2-2001 § 2)

## Chapter 15.08

### DESIGN REVIEW PROCEDURES

#### Sections:

- 15.08.010 Findings.**
- 15.08.020 Purpose.**
- 15.08.030 Design Review Board established.**
- 15.08.040 Membership, officers.**
- 15.08.050 Meetings, quorum, offices.**
- 15.08.060 Commission records.**

#### **15.08.010 Findings.**

The Wood Village City Council finds that excessive dissimilarity or uniformity, or inappropriateness or poor quality of design in the exterior appearance of structures and signs, and the lack of proper attention to site characteristics, including compatibility with and the effect upon the surrounding environment and neighborhood and general landscaping in those areas of the city provided for business, commercial and industrial development, as well as certain multiple residential areas, hinders the harmonious development of the city and impairs the desirability of residence, occupation or investment in the city, and limits the opportunity to obtain the optimum use and value of the concerned land and improvements thereupon, which adversely affects the stability and value of property, produces a degeneration thereof in such areas, with attendant deterioration of conditions affecting the peace, health, safety and welfare of the city, its residents and inhabitants, and limits the development of a proper relationship between the taxable value of such properties and the cost of municipal services therefor. (Ord. 4-1981 § 1)

#### **15.08.020 Purpose**

It is the Council's intent and purpose and objective as expressed by this chapter and the creation of a Design Review Board for the city, to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment appertaining thereto, and to encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design thereof, and to discourage monotonous, drab, unsightly, dreary and inharmonious developments, and to conserve the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements in the areas of concern are properly related to their sites and to surrounding sites and structures, with due regard to the quality of the natural terrain and landscaping, and to promote the stabilization and improvement of property values, prevent blighted areas and thus increase tax revenues, and finally to sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the city's favorable environment and thus promote and protect the peace, health, safety and welfare of the city, while fostering civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and community growth. (Ord. 4-1981 § 2)

**15.08.030 Design Review Board established**

There is established for the city a Design Review Board. (Ord. 4-1981 § 3)

the City Hall and all such records shall be open to Council inspection at all times and may, if appropriate, be audited annually by the city treasurer or auditor. (Ord. 4-1981 § 15)

**15.08.040 Membership, officers**

Membership of the Wood Village Design Review Board shall consist of the members of the city Planning Commission, who shall serve during their term of office as Planning Commission members. The Board of review shall select from among its members, a chairman who shall be counted to determine a quorum and have a voting right. The City Recorder or the city planning director shall serve as secretary to the Board, and also in an advisory capacity. (Ord. 4-1981 § 4)

**15.08.050 Meetings, quorum, offices**

The Board shall make and establish rules and regulations necessary to carry out its designated functions. Meetings shall be held as required, either mandated before or after Planning Commission meetings at the same location; meeting notices shall be given in the same manner as required of the Planning Commission. (Ord. 4-1981 § 5)

**15.08.060 Commission records**

Complete records shall be kept of all actions of the Design Review Board, including minutes of all formal, executive or other meetings. Records of the Commission shall be kept and maintained at appropriate location within

## Chapter 15.12

### MOVING OF BUILDINGS

#### Sections:

- 15.12.010 Permit required.**
  - 15.12.020 Application—Contents.**
  - 15.12.030 Application—Attachments.**
  - 15.12.040 Application—Statement of agreement not to damage property.**
  - 15.12.050 Notification of nearby property owners—Public hearing when.**
  - 15.12.060 Notification of public hearing—Decision of Council.**
  - 15.12.070 Permit fee.**
  - 15.12.080 Bond or insurance policy.**
  - 15.12.090 Approval of permit by chief of police, building inspector and City Council.**
  - 15.12.100 City engineer—Approval of equipment and route.**
  - 15.12.110 Moving to be continuous—Exceptions.**
  - 15.12.120 Special requirements for hours of darkness.**
  - 15.12.130 Permit contents—Mode, route, expiration date, restrictions.**
  - 15.12.140 Building permit required.**
  - 15.12.150 Failure to remove building—Separate violation.**
  - 15.12.160 Violation—Penalty.**
- 15.12.010 Permit required**

It is unlawful for any person, firm, association or corporation to move any building or structure upon, over or along any public street, alley or public way within the city without first obtaining a permit from the City Recorder. (Ord. 4-1974 § 1)

#### **15.12.020 Application—Contents**

Application for permit to move any building or structure upon, over or along any public street, alley or public way within the city shall be made in writing to the office of the City Recorder upon form provided by said office. The application shall be signed by the owner of the building or structure to be moved and by the person, firm or corporation engaged to move the same and shall contain the following information:

A. Name and address of owner of building or structure;

B. Location of building before moving;

C. Proposed location where building is proposed to be moved, including a plot and so far as is necessary, a structural plan showing where upon the proposed plot the structure or building will be located and that it will conform to the building code, plumbing requirements, fire code and other restrictions or regulations governing structures in said proposed location;

D. The type, age, width, length and height of the building;

E. The use or purpose for which building will be put and that for which building was in the past used for;

F. Name and address of person, firm or corporation engaged to move the building;

G. The means or manner the building is to be moved and type of equipment to be used therefor;

H. Route over and along which the building is proposed to be moved;

I. The time required to move the building, including the day and hour every part of the building will be off every street, alley or public way;

J. Such other information as the City Recorder, city building inspector or city engineer may deem necessary.

Where the building or structure is to be moved outside the corporate limits of the city, the information required by subsections C and E of this section may be omitted. (Ord. 4-1974 § 2)

**15.12.030 Application—Attachments**

There shall be attached to every completed application as above provided, written statements from each person, firm or corporation operating any public utility maintaining any wires, conduits, cables, poles or other appliances or appurtenances thereto, along, over or across any street, alley or public way along the route over which the building or structure is to be moved by or for the applicant, stating that the moving of such building will not molest, damage or interfere with or interrupt the service thereof or that the applicant has made appropriate arrangements for clearing the same at the time the building is to be moved; in such instance as tracks laid in any street a similar statement from the operator of said railroad or his duly authorized agent shall be furnished. (Ord. 4-1974 § 3)

**15.12.040 Application—Statement of agreement not to damage property**

Any such application as above indicated shall also contain a statement of agreement to the effect that the applicant shall not damage any real or personal property upon, along or adjacent to any street, alley or public way while moving any building and that in case any damage is so caused, that the applicant will pay therefor. (Ord. 4-1974 § 4)

**15.12.050 Notification of nearby property owners—Public hearing when**

Upon receipt of application for moving a building or structure into a residential zone of the city, the City Recorder shall advise, in writing, property owners within two hundred (200) feet of the property upon which said structure or building is to be moved of said application, which notice shall be given the affected property owners within seven days of receipt of such application. If within ten days of notification to the affected property owners of such application by the City Recorder, the owners of at least twenty-five (25) percent of the affected property, which shall be deemed that lying within two hundred (200) feet of the applicant property, shall in writing, filed with the City Recorder, object to such moving or request the right to be heard concerning said application, public hearing shall be had thereon before the City Council at the next regularly scheduled Council meeting unless said meeting shall be scheduled within ten days of the expiration of said ten-day “protest or

hearing request,” in which case public hearing shall be held at the next following, regularly scheduled Council meeting; provided further, that the Council may, whenever it believes public interest warrants, call a public hearing upon said application whether the twenty-five (25) percent requirement be met or not. (Ord. 4-1974 § 5)

**15.12.060 Notification of public hearing—Decision of Council**

When public hearing shall be required or called as hereinabove provided, the City Recorder shall within five days of the expiration of said ten-day “protest or hearing demand period,” notify in writing, the affected property owners and post notice thereof in two public places in the property area affected and also post notice thereof at the City Hall, which notice shall state the purpose, time and place of said hearing. In all instances, the applicant requesting the moving permit shall be notified and his presence requested at said public hearing. That the purpose of said public hearing shall be to permit the City Council to obtain all pertinent information, facts and material relating to said application and the effect thereof upon the public interest of the “affected” area and the city as a whole. Following said public hearing, the City Council may, if in its discretion the granting of such application would be adverse to the best interests of the public and the city, deny such application. The City Council may also request various public officials, the applicant or others to furnish such additional information as it may feel necessary to reach an appropriate decision. In the event that said

application is denied, the City Recorder shall, within seven days of such denial, notify the applicant of such denial and the reasons therefor. (Ord. 4-1974 § 6)

**15.12.070 Permit fee**

Each application for moving a building or structure within the city as above indicated, shall be accompanied by a permit fee as follows:

A. For buildings or structures having less than one thousand (1,000) square feet in floor area, fifty dollars (\$50.00);

B. For buildings in floor area of one thousand (1,000) square feet or more, fifty dollars (\$50.00) plus five cents (\$.05) for each additional square foot in excess of one thousand (1,000).

The area of the several floors shall be counted; in case of story and a half buildings, only one-half of the second floor area shall be used in calculation of the permit fee. All fees collected shall be credited to the street repair fund. (Ord. 4-1974 § 7)

**15.12.080 Bond or insurance policy**

No permit shall be issued to move a building or structure as above indicated unless the mover shall furnish a bond or insurance policy, approved by the City, as follows:

The mover shall furnish a public liability insurance policy or certificate of insurance in the sum of not less than thirty thousand dollars (\$30,000.00) covering such truck with respect to injuries to or death of any person or persons and in a sum of not less than ten thousand dollars (\$10,000.00) covering such truck with respect to damage to the property of any person, including

damages to any street, bridge or other public property of the city or any other public corporation and the above limits shall be the minimum required for each truck or motor vehicle towing any building while moving over or upon any public street, alley or way; provided further, that such mover shall also furnish an insurance policy or bond in a sum not less than thirty thousand dollars (\$30,000.00) conditioned that the mover will pay any injuries to or for the death of any person or persons, or any other public property owned or maintained by the city or other public corporation on account or by reason of any of the operations of the mover while engaged in moving any building or structure, including injuries or damages occasioned by the falling or collapsing of, or the weight of, or collisions with any such building or structure while any part thereof is upon any part of a public street; provided that the City Council may require a greater or additional bond or insurance policy if in their just determination conditions so require. Evidence of the above requirement being met must be furnished the City Recorder upon his request and before issuance of permit. (Ord. 4-1974 § 8)

**15.12.090 Approval of permit by chief of police, building inspector and City Council**

A. No permit shall be issued until the application shall be approved by the chief of police, the building inspector, and in case of a structure other than wood frame or in excess of two thousand five hundred (2,500) square feet, the City Council.

B. The chief of police shall consider the probable effect of the proposed moving on the public safety and he shall approve the application for moving only where such moving will not jeopardize the public safety and the route proposed or finally adopted is the one least dangerous to the citizens of the city and the general public.

C. The building inspector shall inspect the building to be moved and if he finds that the building is of substantial construction and in condition that it may be moved without collapsing or falling apart and without endangering any person upon, along or adjacent to any public street, and further finds that the building is designed and adaptable for the purpose, use or occupancy to which it is proposed to be put the same at the new location and that it conforms to the requirements of the building code and fire zones of the new location, he shall approve the application. (Ord. 4-1974 §§ 9-11)

**15.12.100 City engineer—Approval of equipment and route**

Before permit is granted as herein provided, the city engineer or other responsible official shall determine that the mover has safe and sufficient equipment and facilities for moving, adequate barricades, lights, flags and personnel for warning the public both day and night and for the safe direction of traffic; that the streets and bridges along the route to be traversed by the moving are of sufficient width and strength and in condition to bear the moving of the building or structure described in the application and that said moving will not endanger any trees,

shrubs or improvements in, upon or adjacent to any street. (Ord. 4-1974 § 12)

**15.12.110 Moving to be continuous—Exceptions**

The removal of a building or buildings under a permit herein granted when commenced shall be continuous during all hours of the day and night unless exception be granted by the City Recorder and such exception shall apply only to that provision requiring said moving to continue during hours of darkness, until such building reaches its destination or is removed from any and all streets, alleys or public ways. Other exceptions must be granted only by the City Council. (Ord. 4-1974 § 13)

**15.12.120 Special requirements for hours of darkness**

In case any building is moved at night or left standing on a public street, alley or way during hours of darkness, the mover shall at all times provide such barricades, lights, flares and watchmen as may be necessary to safeguard the traffic and persons using said public street, alley or way. (Ord. 4-1974 § 14)

**15.12.130 Permit contents—Mode, route, expiration date, restrictions**

Each permit shall prescribe thereon the mode and route for such moving and the date upon which the permit will expire, together with such restrictions as the public interests may require, which

restrictions shall be sufficient to protect all sidewalks, street improvements and other public improvements and private property from injury or damage. (Ord. 4-1974 § 15)

**15.12.140 Building permit required**

A building permit shall be required for all buildings moved to a location within the city. The building permit required is in addition to, not in lieu of, the moving permit herein required. In addition to all requirements set forth in the city's building codes, the following requirements must also be met to the satisfaction of the building official or of the City Recorder before a building permit may be issued:

A. The building to be moved shall be located and used in a manner consistent with all zoning and land use ordinances of the city, together with any other applicable ordinances, laws or governmental regulations.

B. The buildings shall be similar to the other buildings in the immediate vicinity in size, age, architectural style and structural condition so as to be compatible with other buildings in the areas and so as not to cause property in the areas to decrease in value.

Denial of a building permit application for failure to comply with subsection A of this section may be appealed to the City Council by written notice filed within ten days following such denial. In any event, the City Recorder may refer the application to the City Council for a determination of compliance with subsection B of this section. (Ord. 4-1974 § 17)

**15.12.150 Failure to remove building—Separate violation**

Failure to remove said building or structure for which permit shall be herein granted from a public street, alley or way within the time specified in the permit shall be considered a separate violation of this chapter apart from any and all other violations which may occur hereunder. (Ord. 4-1974 § 16)

**15.12.160 Violation—Penalty**

Any person, firm, association or corporation violating any provision of this chapter commits a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 24; Ord. 4-1974 § 18)

## Chapter 15.16

### RECREATIONAL VEHICLES AND MANUFACTURED HOME PARKS

#### Sections:

- 15.16.010 Definitions.**
- 15.16.020 License.**
- 15.16.030 License fees.**
- 15.16.040 License application—  
How made.**
- 15.16.050 Supervision.**
- 15.16.060 Parking of recreational  
vehicle outside RV park  
prohibited—Exception.**
- 15.16.070 Compliance with city,  
county and state  
regulations required.**
- 15.16.080 Violation—Penalty**

#### **15.16.010 Definitions**

As used in this chapter:

“Manager” means the City Administrator or his/her designee.

“Manufactured home” means a structure constructed for movement on public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. “Manufactured home” does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.61 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

“Manufactured home or RV space” means a plot of ground within a manufactured home or RV park designed for the accommodation of one living unit.

“Manufactured home park” also “recreational vehicle park” referred to as “park” herein, means any lot or parcel of land upon which one or more mobile homes, used for dwelling or sleeping purposes are located for generally more than a 30 day period, regardless of whether or not a charge is made for such accommodation.

“Person” means any natural individual, firm, co-partnership, association or corporation.

“Recreational vehicle” referred to as “RV” herein, means a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes. (Ord. 11-2003; Ord. 4-1959 § 1)

#### **15.16.020 License**

It is unlawful for any person to maintain or operate within the limits of the city any manufactured home or RV park unless such person shall first obtain a license therefore. (Ord. 11-2003; Ord. 4-1959 § 2)

#### **15.16.030 License fees**

The annual license fee for each park shall be the amount set by resolution of the City Council. No license shall be issued for a period of less than one year and the license year shall be considered from January 1<sup>st</sup> through December 31<sup>st</sup>. Should application be first made and license issued during the period of October 1<sup>st</sup> to December 31<sup>st</sup> a charge of

one-fourth of the annual fee shall be made and should license be issued during the period of July 1<sup>st</sup> to September 30<sup>th</sup>, one-half the annual fee shall be charged, and if issued during the period of April 1st to June 30th three-fourths the annual fee shall be charged. All licenses shall expire on December 1<sup>st</sup> of each year, and application for renewal must be made and the license fee paid on or before the fifteenth day of January or otherwise a violation of this chapter will be considered to exist. (Ord. 11-2003; Ord. 4-1959 § 3)

**15.16.040 License application—  
How made**

Application for a park license shall be made to the City and be accompanied by the annual license fee. The application shall contain the following information:

- A. Name and address of applicant;
- B. The location and legal description of the proposed or existing park;
- C. The number of manufactured home or RV spaces to be provided in said park;
- D. A complete plan of the park known as a plot plan showing the following (two copies):
  - 1. Boundaries of the park site,
  - 2. Location of each space sewer connection and electrical outlet,
  - 3. Each drinking water supply outlet (except those in buildings),
  - 4. Each lighting fixture for lighting the park, spaces and grounds,
  - 5. Driveways, and how connected with outside highways, streets or alleys, also indicating type of road surface,
  - 6. Water system,
  - 7. Sewage system,

8. Complete floor plan of each building located within or serving the park, drawn to scale, showing type of construction, type and location of wiring, sanitary, water and other utilities located therein,

9. Arrangements made for fire protection, recreation,

10. Sufficient information to indicate compliance with all other requirements of this chapter and the State Board of Health.

The above requirements shall not apply to any person holding a license under the terms of this chapter for a park seeking a renewal thereof unless said park is not in operation for a period of three months or more or unless enlargement or improvements are contemplated. (Ord. 11-2003; Ord. 4-1959 § 4)

**15.16.050 Supervision**

A responsible attendant, owner or operator shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition and any failure on the part of the management and/or licensee to comply with any provision of this chapter shall be sufficient grounds for revocation or suspension of license by the manager. (Ord. 11-2003; Ord. 4-1959 § 9)

**15.16.060 Parking of recreational vehicle outside RV park prohibited—Exception**

It is unlawful to park or place any RV in use for sleeping or living purposes within the city for any period of time exceeding eight hours, except in an RV park, and no cooking shall be done in an

RV outside an RV park, provided however, that an RV used for sleeping or living purposes may be parked in the city, outside of a park for a period of time not to exceed ten days, after an owner or applicant thereof has secured from the City a permit fee for the sum set by resolution of the City Council. This permit shall be issued only if the applicant shall show to the City that the proposed parking and use of the RV will comply with the rules and regulations of the Oregon State Board of Health pertaining to tourist camps with respect to access, water supply, garbage disposal and sanitation.

This permit shall be temporary only and when once issued for a particular RV, cannot be renewed; nor can another temporary permit be issued for said RV within the same calendar year.

It is understood that the parking of RV's in the city under the terms of this section, or otherwise whether used for sleeping purposes or living purposes or not are not to be parked on the city streets for longer than said eight hours and not then if for some other reason or by some other ordinance of the city and whatever pertinent provisions therein might apply as concerns vehicular parking on city streets or alleys. (Ord. 11-2003; Ord. 4-1959 § 21)

**15.16.070 Compliance with city, county and state regulations required**

Every court, park, court or park owner, attendant, manager, owner, operator and every person residing in a manufactured home or RV park shall comply with each and every rule and regulation of the Oregon State Board of Health, the City of Wood Village, the

Multnomah County health department as now existing or hereafter amended and applicable to any or all of such persons. Every owner, manager or person in control of said park shall see that every person above named complies with said rules and regulations. (Ord. 11-2003; Ord. 4-1959 § 22)

**15.16.080 Violation—Penalty**

Any person, firm, association, partnership or corporation who shall violate or fail to comply with any of the applicable provisions of this chapter commits a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 25; Ord. 11-2003 § Ord. 4-2011)

## Chapter 15.20

### FLOOD HAZARD PROTECTION REGULATIONS

#### Sections:

- 15.20.010 Statement of purpose.**
- 15.20.020 Definitions.**
- 15.20.030 Determination of areas of special flood hazard and application.**
- 15.20.040 Designation of program administrator.**
- 15.20.050 Duties and responsibilities of the program administrator.**
- 15.20.060 Development permit, application procedure and establishment.**
- 15.20.070 General standards.**
- 15.20.080 Specific standards.**
- 15.20.090 Penalties for noncompliance.**

#### **15.20.010 Statement of purpose**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer

lines, and streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for appropriate use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To encourage proper notification to concerned parties of the flood hazards relating to property in said areas;

H. To place appropriate responsibility upon the owners and occupants of properties located in special flood hazard areas for adherence to standards established for the preservation of life and property therein. (Ord. 1-1981 § 4)

#### **15.20.020 Definitions**

As used in this chapter:

“Area of special flood hazard” means the land in the floodplain within the city of Wood Village subject to a one percent or greater chance of flooding in any given year.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Hazard Boundary Map (FHBM)” means the official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

“Habitable floor” means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

“Mobile home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

“Structure” means a walled and roofed building, a mobile home, or a gas or liquid storage tank, that is principally above ground.

“Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. (This term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.) (Ord. 1-1981 § 5)

**15.20.030 Determination of areas of special flood hazard and application**

A. The provisions of this chapter shall apply to all areas designated as areas of special flood hazard by the Federal Insurance Administration on its current Flood Hazard Boundary Map (FHBM), applicable to and including all areas within the boundaries of the city.

B. The current Federal Insurance Administration (FHBM) No. 410185, dated October 31, 1975, marked Exhibit “A” and attached to the ordinance codified in this chapter and on file in the City Recorder's office, is by this reference made a part hereof as if fully set forth herein at this point.

C. In recognition of the fact that the Federal Insurance Administration may from time to time revise the FHBM applicable to the city or that additional map or maps may be required for identification of flood hazard areas due to annexations or other land acquisitions by the city, the City Council shall have authority upon receipt of due notice by appropriate agency of the United States Government, to substitute, add and/or subtract appropriate FHBM maps by appropriate resolution, making the same applicable hereto.

D. In those concerned areas where base flood elevations are not shown on the FHBM, the administrator herein set forth, shall make reasonable effort to obtain, review and utilize other base flood elevation data that may be available and pertinent from the federal, state or other source, in order to provide the optimum degree of implementation of this chapter, and especially the specific standards hereinafter set forth in Section 15.20.080. (Ord. 1-1981 § 6)

**15.20.040 Designation of program administrator**

The program administrator (PA) shall be designated by the City Council to administer and implement the provisions of this chapter. Such program administrator shall be the chief building inspector, city engineer or public works superintendent. (Ord. 1-1981 § 7)

**15.20.050 Duties and responsibilities of the program administrator**

A. The program administrator shall administer, implement and enforce the rules and regulations, intent and purposes of this chapter, which shall include the preparation and approval of appropriate forms and applications, and information and materials necessary to carry out the same.

B. The PA or his duly designated assistant shall review and consider, and in appropriate instances, approve all applications for development permit as herein provided.

C. The PA shall review all development permit applications to determine that the requirements and provisions of this chapter have been duly satisfied. Such review shall include, but not be limited to, the following:

1. Determine that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required;

2. Determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. (For the purposes of this chapter, “adversely affects” means damage to adjacent properties because of rises in flood stages attributed to

physical changes of the channel and the adjacent overbank areas).

a. If by such review, the PA shall determine that there is no adverse affect or no adverse affect of consequence as addressed by this chapter, then a development permit may be granted consistent with the provisions of this chapter.

b. If the PA determines that there is an adverse affect, of a material nature, then flood damage mitigation measures shall be made a condition of the permit.

D. The PA shall obtain and maintain as a requirement of this chapter, the following information:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not the structures contain a basement;

2. For all new or substantially improved flood-proofed structures (a) obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed, (b) maintain the flood-proofing certifications required in Section 15.20.060(B)(2);

3. Maintain for public inspection all the records pertaining to the provisions of this chapter.

E. The PA shall notify adjacent communities (and the state coordinating agency, if any) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

F. The PA shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

G. The PA shall, where needed, make interpretations as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a map, boundary and actual field conditions). (Ord. 1-1981 § 8)

**15.20.060 Development permit, application procedure and establishment**

A. A development permit shall be obtained before construction or development begins within any area of special flood hazard as established in Section 15.20.030.

B. Application for a development permit shall be made on forms furnished by the program administrator as herein designated, and may include, but not be limited to, the following information:

1. Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facility; and the location of the foregoing;

2. The following specific information is required of applicant for a development permit: (a) elevation in relation to mean sea level of the lowest floor (including basement) of all structures, (b) elevation in relation to mean sea level to which any structure has been flood-proofed, (c) certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria set forth in Section 15.20.070(B)(2);

3. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. (Ord. 1-1981 § 9)

**15.20.070 General standards**

In all areas of special flood hazards, the following standards are required:

**A. Anchoring.**

1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.

2. All mobile homes shall be anchored to resist floatation, collapse, or lateral movement by providing over the top and frame ties to ground anchors. Specific requirement shall be that:

a. Over the top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring one additional tie per side;

b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;

c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

d. Any additions to the mobile home be similarly anchored.

**B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**C. Utilities.**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**D. Subdivision Proposals.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five acres, whichever is less.

**E. Encroachments.** Any proposed development shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazard as set forth under permit review, Section 15.20.050. (Ord. 1-1981 § 10)

**15.20.080 Specific standards**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section

15.20.030D, use of other base flood data, the following standards are required:

**A. Residential Construction.** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

**B. Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided the program administrator as herein defined. (Ord. 1-1981 § 11)

**15.20.090 Penalties for noncompliance**

The following penalties are established for violation of the various provisions of this chapter and amendments thereto:

A. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations

of the City. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 26)

B. In the event any building or structure is, or is proposed to be erected, constructed, altered, maintained or used, or any land is, or is proposed to be used in violation of any provision of this chapter, the proper city officials or their duly authorized representatives or any person whose interest in real property in the city is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate proceeding to prevent temporarily or permanently enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

C. In accordance with the building code of the City and the subdivision ordinance of the City, the building official of the city shall, in addition to the remedies hereinabove set forth, have available to him such remedies as provided in said ordinances which shall include stop work orders. (Ord. 1-1981 § 13)

**CHAPTER 15.24**

**POST-CONSTRUCTION  
STORMWATER RUNOFF  
CONTROL**

**Sections:**

- 15.24.010 General Provisions**
- 15.24.020 Definitions**
- 15.24.030 Permit Procedures and Requirements**
- 15.24.040 Waivers to Stormwater Management Requirements**
- 15.24.050 General Performance Criteria for Stormwater Management**
- 15.24.060 Basic Stormwater Management Design Criteria**
- 15.24.070 Requirements for Stormwater Management Plan Approval**
- 15.24.080 Construction Inspection**
- 15.24.090 Maintenance and Repair of Stormwater Facilities**
- 15.24.100 Enforcement and Penalties**

**15.24.010 General Provisions**

**A. Findings of Fact**

It is hereby determined that land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;

This stormwater runoff contributes to increased quantities of water-borne pollutants, and; stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

Therefore, the City establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

**B. Purpose**

The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

1. minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

2. minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
3. minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
4. reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

### **C. Applicability**

This ordinance shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the City under the specifications of Section 4 of this ordinance. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post

construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of stormwater runoff, the City has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing 1,000 or more square feet of land. The following activities may be exempt from these stormwater performance criteria:

1. Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by the State, as applicable;
2. Additions or modifications to existing single family structures;
3. Developments that do not disturb more than 1,000square feet of land, provided they are not part of a larger common development plan;
4. Repairs to any stormwater treatment practice deemed necessary by the City.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 2 of this ordinance, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the current stormwater design manual. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all

redevelopment projects will be determined after a review by the City.

#### **D. Compatibility with Other Permit and Ordinance Requirements**

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

#### **E. Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

#### **F. Development of a Stormwater Design Manual**

The City has adopted the City of Portland's Stormwater Design Manual yet may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide other such information. This manual will include a list of acceptable stormwater treatment practices, including the specific design criteria and operation and

maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the local review authority, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards. Where the City's policies and the Stormwater Design Manual are in conflict, the City's policies will take precedence.

#### **15.24.020 Definitions:**

**"Accelerated Erosion"** means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

**"Applicant"** means a property owner or agent of a property owner who has filed an application for a stormwater management permit.

**"Building"** means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

**"Channel"** means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**"City"** means the City of Wood Village, Oregon.

**"City Administrator"** means the City Administrator of Wood Village, Oregon, or the City Administrator's Designee.

**"Dedication"** means the deliberate appropriation of property by its owner for general public use.

**"Detention"** means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

**"Detention Facility"** means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

**"Developer"** means a person who undertakes land disturbance activities.

**"Drainage Easement"** means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

**"Erosion and Sediment Control Plan"** means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

**"Fee in Lieu"** means a payment of money in place of meeting all or part of the storm water performance standards required by this ordinance.

**"Hotspot"** means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

**"Hydrologic Soil Group (HSG)"** means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

**"Impervious Cover"** means those surfaces that cannot effectively infiltrate

rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**"Industrial Stormwater Permit"** means an National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**"Infiltration"** means the process of percolating stormwater into the subsoil.

**"Infiltration Facility"** means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

**"Jurisdictional Wetland"** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**"Land Disturbance Activity"** means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation,, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

**"Landowner"** means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**"Maintenance Agreement"** means a legally recorded document that acts as a property deed restriction, and which

provides for long-term maintenance of storm water management practices.

**"Nonpoint Source Pollution"** means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**"Offset Fee"** means a monetary compensation paid to a local government for failure to meet pollutant load reduction targets.

**"Off-Site Facility"** means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

**"On-Site Facility"** means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

**"Recharge"** means the replenishment of underground water reserves.

**"Redevelopment"** means any construction, alteration or improvement exceeding square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

**"Redevelopment"** means any construction, alteration or improvement exceeding square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

**"Stop Work Order"** means an order issued which requires that all construction activity on a site be stopped.

**"Storm Water Management"** means the use of structural or non-structural practices that are designed to reduce

storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

**"Storm Water Retrofit"** means a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

**"Stormwater Runoff"** means flow on the surface of the ground, resulting from precipitation.

**"Stormwater Treatment Practices (STPs)"** means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**"Water Quality Volume (WQv)"** means the storage needed to capture and treat 90% of the average annual stormwater runoff volume. Numerically (WQv) will vary as a function of long term rainfall statistical data.

**"Watercourse"** means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

#### **15.24.030 Permit Procedures and Requirements**

##### **A. Permit Required.**

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

## **B. Application Requirements**

Unless specifically excluded by this ordinance, any land owner or operator desiring a permit for a land disturbance activity shall submit development a permit application on a form provided for that purpose.

Unless otherwise excepted by this ordinance, a permit application must be accompanied by the following in order that the permit application be considered: a stormwater management concept plan; a maintenance agreement; and a non-refundable permit review fee.

The stormwater management plan shall be prepared to meet the requirements of Sec. 5 of this ordinance, the maintenance agreement shall be prepared to meet the requirements of Sec. 9 of this ordinance, and fees shall be those established by the City.

## **C. Application Review Fees**

The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the City. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any building permit for the development.

## **D. Application Procedure**

1. Applications for land disturbance activity permits must be filed with the City on any regular business day.
2. A copy of this permit application shall be forwarded to the City for review

3. Permit applications shall include the following: two copies of the stormwater management concept plan, two copies of the maintenance agreement, and any required review fees.
4. Within business days of the receipt of a complete permit application, including all documents as required by this ordinance, the City shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.
5. If the permit application, stormwater management plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement. If additional information is submitted, the City shall have seven (7) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
6. If the permit application, final stormwater management plan and maintenance agreement are approved by the City, all appropriate land disturbance activity permits shall be issued.

## **E. Permit Duration**

Permits issued under this section shall be valid from the date of issuance through the date the City notifies the permit holder that all stormwater management practices have passed the final inspection required under permit condition.

**15.24.040 Waivers to Stormwater Management Requirements**

**A. Waivers for Providing Stormwater Management**

Every applicant shall provide for stormwater management as required by this ordinance, unless a written request is approved to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the ODEQ and the City for approval.

The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the ODEQ and the City and the implementation of the plan is required by local ordinance.
3. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term

operation and maintenance of the stormwater practice.

4. The ODEQ and the City finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
5. Non-structural practices will be used on sites that reduce: a) the generation of stormwater from the site, b) the size and cost of stormwater storage and c) the pollutants generated at the site. These non-structural practices are explained in detail in the current design manual and the amount of credit available for using such practices shall be determined by the ODEQ and the City.

In instances where one of the conditions above applies, the ODEQ and the City may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the ODEQ and the City that the variance will not result in the following impacts to downstream waterways:

- Deterioration of existing culverts, bridges, dams, and other structures;
- Degradation of biological functions or habitat;
- Accelerated streambank or streambed erosion or siltation;
- Increased threat of flood damage to public health, life, property.

Furthermore, where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the jurisdictional stormwater authority. Mitigation measures may include, but are not limited to, the following:

- The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat,
- The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this ordinance,

### **B. Fee in Lieu of Stormwater Management Practices**

Where the City waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the City. When an applicant obtains a waiver of the required stormwater management, the monetary contribution required shall be

in accordance with a fee schedule (unless the developer and the stormwater authority agree on a greater alternate contribution) established by the City, and based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

### **C. Dedication of land**

In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with the City for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and the City prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

### **15.24.050 General Performance Criteria for Stormwater Management**

Unless judged by the ODEQ and the City to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites:

- A. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious

- areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- B. All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the ODEQ and the City. In no case shall the impact on functional values be any less than allowed by the Army Corp of Engineers (ACE) or ODEQ responsible for natural resources.
- C. Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.
- D. For new development, structural stormwater treatment practices shall be designed to remove 70% of the average annual post development total suspended solids from 90% of the annual runoff.(TSS). It is presumed that a STP complies with this performance standard if it is:
- sized to capture the prescribed water quality volume (WQv).
  - designed according to the specific performance criteria outlined in the local stormwater design manual,
  - constructed properly, and
  - maintained regularly.
- E. Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- F. Certain industrial sites are required to prepare and implement a stormwater pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) general permit. The stormwater pollution prevention plan requirement applies to both existing and new industrial sites.
- G. Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural STPs and pollution prevention practices.
- H. Prior to design, applicants are required to consult with the ODEQ and the City to determine if they are subject to additional stormwater design requirements.

- I. The calculations for determining peak flows as found in the Stormwater Design Manual shall be used for sizing all stormwater management practices.

#### **15.24.060 Basic Stormwater Management Design Criteria**

##### **A. Minimum Control Requirements**

All stormwater management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10 year, 100 year) as identified in the current stormwater design manual are met, unless the City grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

##### **B. Site Design Feasibility**

Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

1. Topography
2. Maximum Drainage Area
3. Depth to Water Table
4. Soils
5. Slopes
6. Terrain
7. Head
8. Location in relation to environmentally sensitive features or ultra-urban areas

Applicants shall consult the Stormwater Design Manual for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

##### **C. Conveyance Issues**

All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

1. Maximizing of flowpaths from inflow points to outflow points
2. Protection of inlet and outfall structures
3. Elimination of erosive flow velocities
4. Providing of underdrain systems, where applicable

The Stormwater Design Manual shall provide detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.

##### **D. Pretreatment Requirements**

Every stormwater treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current stormwater design manual. Certain stormwater treatment practices, as specified in the Stormwater Design Manual, are prohibited even with pretreatment in the following circumstances:

1. Stormwater is generated from highly contaminated source areas known as "hotspots"

2. Stormwater is carried in a conveyance system that also carries contaminated, non-stormwater discharges
3. Stormwater is being managed in a designated groundwater recharge area.
4. Certain geologic conditions exist (e.g., karst) that prohibit the proper pretreatment of stormwater

**E. Treatment/Geometry Conditions**

All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Stormwater Design Manual. These specifications will designate the water quantity and quality treatment criteria that apply to an approved stormwater management practice.

**F. Landscaping Plans Required**

All stormwater management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a registered landscape architect or soil conservation district.

**G. Maintenance Agreements**

All stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. In addition, a legally binding covenant specifying the parties responsible for the

proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities.

**H. Non-Structural Stormwater Practices**

The use of non-structural stormwater treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the current design manual and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.

**15.24.070 Requirements for Stormwater Management Plan Approval**

**A. Stormwater Management Plan Required for All Developments**

No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by an individual approved by the City and must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments

must be addressed in a final stormwater management plan. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the Submittal Checklist found in the stormwater design manual. No building, grading, or sediment control permit shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this ordinance.

### **B. Stormwater Management Concept Plan Requirements**

A stormwater management concept plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

1. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas,

utilities, structural stormwater management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading; a written description of the site plan and justification of proposed changes in natural conditions may also be required.

2. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications of the Stormwater Design Manual.
3. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
4. A written description of the required maintenance burden for any proposed stormwater management facility.
5. The City may also require a concept plan to consider the maximum development potential

of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this Ordinance to the maximum extent practicable.

### **C. Final Stormwater Management Plan Requirements**

After review of the stormwater management concept plan, and modifications to that plan as deemed necessary by the City, a final stormwater management plan must be submitted for approval. The final stormwater management plan, in addition to the information from the concept plan, shall include all of the information required in the Final Stormwater Management Plan checklist found in the Stormwater Design Manual. This includes:

#### 1. Contact Information

The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

#### 2. Topographic Base Map

A 1" = 200' topographic base map of the site which extends a minimum of 100 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and

wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

#### 3. Calculations

Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this ordinance. Such calculations shall include (i) description of the design storm frequency, intensity and duration, (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area, (v) infiltration rates, where applicable, (vi) culvert capacities, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the design storms referenced in the Stormwater Design Manual, and (ix) documentation of sources for all computation methods and field test results.

#### 4. Soils Information

If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

#### 5. Maintenance and Repair Plan

The design and planning of all stormwater management facilities shall include detailed maintenance and repair

procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

6. Landscaping plan

The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation district.

7. Maintenance Easements

The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.

8. Maintenance Agreement

The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure in accordance with the specifications of this ordinance.

9. Erosion and Sediment Control Plans for Construction of

Stormwater Management Measures

The applicant must prepare an erosion and sediment control plan for all construction activities related to implementing any on-site stormwater management practices.

10. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

**D. Performance Bond/Security**

The City may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security

based on the completion of various development stages can be done at the discretion of the City.

#### **15.24.080 Construction Inspection**

##### **A. Notice of Construction Commencement**

The applicant must notify the City in advance before the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the staff of the City or certified by a professional engineer or their designee who has been approved by the jurisdictional stormwater authority. All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved stormwater management plan
3. Variations from the approved construction specifications
4. Any violations that exist

If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the City

##### **B. As Built Plans**

All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final

design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the City is required before the release of any performance securities can occur.

##### **C. Landscaping and Stabilization Requirements**

Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within ten (10) days from the substantial completion of such clearing and construction. The following criteria shall apply to revegetation efforts:

Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion. Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative

stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation district, and must be approved prior to receiving a permit.

#### **15.24.090 Maintenance and Repair of Stormwater Facilities**

##### **A. Maintenance Easement**

Prior to the issuance of any permit that has an stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the City in the land records.

##### **B. Maintenance Covenants**

Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded into the land record prior to final plan

approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts. The City, in lieu of an maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

##### **C. Requirements of Maintenance Covenants**

All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

##### **D. Inspection of Stormwater Facilities**

Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based

upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

#### **E. Right of Entry for Inspection**

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

#### **F. Records of Installation and Maintenance Activities**

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least ten (10) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

#### **G. Failure to Maintain Practices**

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the **City**, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the **City** shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have days to effect maintenance and repair of the facility in an approved manner. After proper notice, the City may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

### **15.24.100 Enforcement and Penalties**

#### **A. Violations**

Any development activity that is commenced or is conducted contrary to this Ordinance, may be restrained by

injunction or otherwise abated in a manner provided by law.

### **B. Notice of Violation**

When the **City** determines that an activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

1. the name and address of the owner or applicant;
2. the address when available or a description of the building, structure or land upon which the violation is occurring;
3. a statement specifying the nature of the violation;
4. a description of the remedial measures necessary to bring the development activity into compliance with this Ordinance and a time schedule for the completion of such remedial action;
5. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

### **C. Stop Work Orders**

Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the City confirms that the development activity is in compliance and the violation has been satisfactorily

addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

### **D. Civil Penalties**

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Ordinance shall be punished by a fine of not less than 1,000 Dollars pursuant to Chapter 1.06 of the Wood Village Municipal Code. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

### **E. Restoration of lands**

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

### **F. Holds on Occupancy Permits**

Occupancy permits will not be granted until corrections to all stormwater practices have been made and accepted by the City. (Ord. 3-2011)