CHAPTER 7.
STORMWATER ORDINANCES AND CITY CODES

The City of Medford is expecting to receive an NPDES Phase II permit from the DEQ for management and discharge of stormwater. The permit is expected to be issued in 2005. This permit will be for a term of five years and will require the City to perform a variety of stormwater management activities. The management activities will involve continuation of current activities, enhancement of or change to current activities, and performing new activities.

A key component of effective stormwater management requires the development, review, approval and implementation of City codes/ordinances, and related requirements. This chapter reviews existing City stormwater-related codes and ordinances and summarizes changes to be considered. Recommendations are provided for ordinances to update existing stormwater codes and create new codes.

EXISTING STORMWATER-RELATED CODES AND ORDINANCES

Summary

The following existing codes, ordinances and related documents were obtained and reviewed:

These documents were reviewed by stormwater professionals including consultants and City staff. Several meetings and communications were held to discuss related items; this chapter summarizes those discussions and suggests next steps for preparing ordinances and updates to City codes.

Discussion

Generally, requirements for stormwater management are incorporated within City ordinances and codes that are not exclusively related to stormwater. Other than Chapter 4.7 and 4.850, there is no City code that deals with stormwater as a stand-alone topic. The past effectiveness of this integrated format has not been discussed in detail, but it seems appropriate to consider developing a separate code title for stormwater requirements. We recommend that the City explore the appropriateness of creating a new code section for stormwater requirements.

To date, the key stormwater topics addressed by existing codes and ordinances have focused primarily on flooding and safety issues. A stormwater utility has been set up to generate a source of revenue for operations and maintenance, and a system development charge has been established to generate revenue for capital facilities. These functions would continue with, and be supported by, additional activities described below.

POTENTIAL CHANGES TO EXISTING CODES AND ORDINANCES

The following comments are offered for considering changes to existing codes. Specific language is not provided at this time; codes and ordinances that are currently being revised by the City are indicated:

- Chapter 4.6: Stormwater Detention Facilities, Sections 4.601 to 4.617 (draft revisions are proposed by the City)—These sections currently being proposed by the City discuss design, construction, and O&M of stormwater detention facilities. Suggested updates are generally appropriate; however, they need to be reviewed along with other recommendations in this chapter. Specific comments related to the draft revisions are as follows:
  - Section 4.609 (1) (e). The term “approved stormwater facility” should be defined.
  - Section 4.609 (2) (a) allows detention in depressed areas of parking lots. This has the potential of impacting water quality wherever the water is released. The ordinance should be expanded to address the prevention of mixing cleaner runoff with parking lot runoff, as well as the treatment of parking lot detention water before it is released. It might be simple to modify the ordinance to indicate that parking lot detention can only be used for runoff from parking lots and roof areas.
  - Section 4.609 (2) (b) discusses underground detention. This could be misunderstood by a developer as more than just detention, but rather as a way to release stormwater into the ground (e.g. underground injection) and should be clarified.
Section 4.609 (2) (c) does not address where water can be discharged or how water quality requirements are met. This should be clarified and added.

Section 4.609 (4) addresses erosion as it affects property damage, but not as it relates to water quality or the construction phase of a project. This should be expanded and coordinated with the future construction phase erosion control program.

Section 4.613 discusses operation and maintenance of stormwater detention facilities. It does not address inspection and enforcement of O&M requirements, which should be added.

Section 4.617 indicates that the engineer must file a construction inspection report. Construction phase erosion control, etc. are not discussed, and should be added.

Section 4.725: Collection of Delinquent Drainage Charges—This section gives the City the authority to withhold water service if storm drain utility fees are not paid. This probably can remain as is, however it should be reconfirmed as the most appropriate method.

Section 10.012: Definitions (draft revisions are proposed by the City)—Proposed changes include paragraphs relating to detention and detention facilities but do not address where water is released. The revisions briefly mention= “little or no infiltration;” this should be clarified.

Section 10.485: Storm Water (draft revisions are proposed by the City)—Edits are proposed to this section to coordinate with the proposed detention facilities chapter. The paragraph starts with the words “Storm drains.” It might be clearer if it said “Storm drain systems.” Direct discharge to a watercourse is discussed with no mention of treatment. This section should have language added about treatment and/or water quality. The term “good drainage requirements” is used; “good” probably is too vague and should be modified for clarity.

Section 10.486: Stormwater Detention Facilities Required (draft revisions are proposed by the City)—This proposed section mentions that detention is required because it will help improve water quality, but water quality is not defined and should be.

POTENTIAL NEW STORMWATER CODES AND ORDINANCES

New codes and ordinances, based on the anticipated requirements of the NPDES Phase II permit to be issued to Medford by DEQ, are recommended as described below. Several of these topics are described in more detail in the Regional NPDES Phase II Stormwater Program Guide, Rogue Valley, Oregon (March 2004). The specific text of ordinances and codes will need to be prepared as part of the overall program development.

Illicit Discharge Detection and Elimination Program

No formal program is in place that deals with this topic. A program should be developed and ordinances should be updated or created to establish it. Chapter 4 of the Regional
**NPDES Phase II Stormwater Program Guide, Rogue Valley, Oregon** describes the details of such a program.

**Construction Phase Erosion Control Program**

The DEQ has a program and a permitting process in place to manage erosion during construction, but soon will expect the City to administer its own program. Medford has no formal program that deals with erosion during construction. A program should be developed and ordinances should be updated or created to establish it. Chapter 5 of the *Regional NPDES Phase II Stormwater Program Guide, Rogue Valley, Oregon* describes the details of such a program. The DEQ is also in the process of developing a guidance document and providing training for such programs. The City should track this effort by DEQ and incorporate it into the City program as appropriate.

**Post-Construction BMPs for Stormwater Management**

Flow control is discussed in detail in the City’s proposed stormwater detention code chapter, but there is no mention of water quality or treatment of runoff. Technical requirements for flow control should be updated, and new requirements for stormwater quality and stormwater treatment BMPs should be added. These requirements are typically handled by adopting a technical stormwater manual, and the City should consider such a manual.

**Riparian Corridor Management**

This topic is discussed in detail in Sections 10.920 to 10.928. Currently the riparian corridor is defined from the “top of bank;” however, other ways to define the corridor boundaries can be used. It is recommended that the City consider appropriate updates to the code sections dealing with riparian corridors.

**Hillside Development Ordinance**

The City has indicated an intention to develop an ordinance for controlling hillside development. No outline or text for this ordinance was reviewed or discussed.

**Infiltration Requirements**

Infiltration requirements are not discussed in current ordinances and codes. This topic relates primarily to underground injection control (UIC) program requirements, which are outside the scope of NPDES Phase II. Nevertheless, City codes and ordinances should refer to the state’s UIC program where appropriate.

**Maintenance Provisions**

Basic maintenance provisions and requirements are addressed in the proposed ordinance for detention facilities; however, maintenance requirements for other stormwater BMPs need to be added, as described in Chapter 6.
Maintenance Enforcement

This is not addressed effectively and should be added. The City also needs to add code provisions that give the City the authority to “stop work” due to pollution, or potential pollution, during construction.