



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/27/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Gladstone Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, November 10, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Pete Boyce, City of Gladstone
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Amanda Punton, DLCD Regional Representative

<paa> YA

Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**



Jurisdiction: **Gladstone**

Local file number: **Z0353-09-Z**

Date of Adoption: **October 13, 2009**

Date Mailed: **October 19, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: **April 15, 2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to the Drainage provisions in municipal code Chapter 17.56. Amendment of development standards as required by State Department of Environmental Quality, to help ensure waters drained from new or redeveloped sites with 5,000 square feet or more of increased impervious area are substantially free of pollutants. May be accomplished through erosion and sediment control as outlined in City's Stormwater Treatment and Detention Standards, to be incorporated by reference in Chapter 17.56

Does the Adoption differ from proposal?

no

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Gladstone**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- 1**
- 2**
- 3**
- 4**
- 5**
- 6**
- 7**
- 8**
- 9**
- 10**
- 11**
- 12**
- 13**
- 14**
- 15**
- 16**
- 17**
- 18**
- 19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Pete Boyce**

Phone: **(503) 557-2766** Extension:

Address: **525 Portland Avenue**

Fax Number: **503-650-8938**

City: **Gladstone**

Zip: **97027**

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

ORDINANCE 1419

AN ORDINANCE AMENDING CHAPTER 17.56 OF THE GLADSTONE MUNICIPAL CODE PERTAINING TO DRAINAGE AND REAFFIRMING ALL REMAINING PROVISIONS OF THE GLADSTONE MUNICIPAL CODE.

The City of Gladstone does ordain as follows:

Section 1. Chapter 17.56 of the Gladstone Municipal Code is amended in the following respects:

17.56.010 Applicability

17.56.020 Standards

17.56.010 Applicability

The development standards for surface water drainage shall apply to all new or redevelopment activities in the City of Gladstone that result in the creation or disturbance of 5,000 square feet or more impervious surface except for substantial improvement or lesser remodel or reconstruction of existing single-family or two-family dwellings.

17.56.020 Standards

Adequate provisions shall be made to ensure proper drainage of surface waters, to preserve natural flow of watercourses and springs and to prevent soil erosion and flooding of neighboring properties or streets. Such provisions shall include, but not be limited to the following:

- (1) Generally. All development shall be planned, designed, constructed and maintained to:
 - (a) Protect and preserve existing drainage channels to the maximum practicable extent;
 - (b) Protect development from flood hazards;
 - (c) Provide a system by which water within the development will be controlled and managed without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
 - (d) Assure that waters drained from new or redevelopment sites are substantially free of pollutants, including sedimentary materials, through the use of stormwater treatment facilities as referenced herein and appropriate erosion and sediment control practices;
 - (e) Assure that runoff drained from new and redevelopment sites is managed in accordance with criteria outlined in the City of Gladstone Stormwater Treatment and Detention Standards as to not cause erosion to any greater extent than would occur in the absence of development;
 - (f) Avoid placement of surface detention or retention facilities in road rights-of-way.

- (3) Easements. In the event that a development or any part thereof is traversed by any watercourse, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the city. This does not imply maintenance by the city.
- (4) Obstructions. Channel obstructions are not allowed, except as approved for the creation of a detention or retention facility. Fences with swing gates may be utilized.
- (5) Surface Drainage and the Storm Sewer System. Stormwater treatment and detention facilities shall be designed and installed in accordance with criteria outlined in the City of Gladstone Stormwater Treatment and Detention Standards.

Section 2. All remaining provisions of Chapter 17.56 of the Gladstone Municipal Code are reaffirmed in their entirety.

THIS ORDINANCE ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 13th DAY OF OCTOBER, 2009.

ATTEST:



Mayor



Assistant City Administrator

Chapter 17.56

DRAINAGE

Sections:

17.56.010 Applicability.

17.56.020 Standards.

17.56.010 Applicability.

The development standards for surface water drainage shall apply to all new or redevelopment activities in the City of Gladstone that result in the increase of 5,000 square feet or more impervious surface, except for substantial improvement or lesser remodel or reconstruction of existing single-family or two-family dwellings.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2 (part), 1990.

17.56.020 Standards.

Adequate provisions shall be made to ensure proper drainage of surface waters, to preserve natural flow of watercourses and springs and to prevent soil erosion and flooding of neighboring properties or streets. Such provisions shall include, but not be limited to the following:

(1) Generally. All development shall be planned, designed, constructed and maintained to:

(a) Protect and preserve existing natural drainage channels to the maximum practicable extent;

(b) Protect development from flood hazards;

(c) Provide a system by which water within the development will be controlled and managed without causing damage or harm to the natural environment, or to property or persons within the drainage basin;

(d) Assure that waters drained from the new and redevelopment sites are substantially free of pollutants, including sedimentary materials, through such through the use of construction and drainage techniques water quality facilities as referenced herein and appropriate erosion and sediment control practices, ~~as sedimentation ponds, reseeding, phasing or grading;~~

(e) Assure that waters ~~are~~ runoff drained from the new and redevelopment

sites is managed in accordance with criteria outlined in the City of Gladstone Stormwater Treatment and Detention Standards, ~~in such a manner that will as to~~ not cause erosion to any greater extent than would occur in the absence of development;

~~(f) Provide drywells, french drains, or similar methods, as necessary to supplement storm drainage systems;~~

~~(g) Avoid placement of surface detention or retention facilities in road rights-of-way.~~

(2) Watercourses. Where culverts cannot provide sufficient capacity without significant environmental degradation, the city may require the watercourse to be bridged or spanned.

(3) Easements. In the event that a development or any part thereof is traversed by any watercourse, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the city. This does not imply maintenance by the city.

(4) Obstructions. Channel obstructions are not allowed, except as approved for the creation of a detention or retention facility. Fences with swing gates may be utilized.

(5) Surface Drainage and the Storm Sewer System. Stormwater treatment and detention facilities should be installed in accordance with criteria outlined in the City of Gladstone Stormwater Treatment and Detention Standards. ~~Drainage facilities shall be provided within each development and to connect the development's drainage to drain ways or storm sewers outside the development. Design of drainage within the development shall take into account the capacity and grade necessary to maintain (unrestricted) flow from areas draining through the development and to allow extension of system to serve such areas.~~

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2 (part), 1990.

6-3

Stormwater Treatment and Detention Standards for the City of Gladstone

- I. General Standards and Design Requirements
 - a. Stormwater Treatment and Detention Thresholds – Stormwater treatment and detention standards shall apply to all new and redevelopment activities in the City of Gladstone that result in the creation or disturbance of 5,000 square feet or more impervious surface, except for substantial improvement or lesser remodel or reconstruction of existing single family or two-family dwellings.
 - b. Drainage System Plan Review – All drainage plans and calculations, including those specific to the proposed stormwater treatment and detention system, must be stamped and signed by a civil engineer licensed by the State of Oregon. Unless otherwise specified in this document, the design and supporting plans and calculations shall meet the Standard Surface Water Specifications of Clackamas County Service District #1 (CCSD #1); general surface water management standards outlined in Section 5.1 of the CCSD #1 Surface Water Management Rules and Regulations; and subsequent amendments and revisions to these documents.
 - c. Off-site Drainage Limitations – It shall be the responsibility of the owner to provide a drainage system, including stormwater treatment and stormwater detention, for all water on-site and water entering the property from off-site. Existing surface waters, springs, and groundwater shall be incorporated into the drainage design. Management, in accordance with construction erosion and sediment control standards, of springs or groundwater that surface during construction shall be the responsibility of the owner.
 - d. Treatment and Detention Facilities Required – All applicable new and redevelopment activities shall provide for water quality, water quantity, and infiltration in accordance with provisions outlined in Sections 5.2 and 5.3 of the CCSD #1 Surface Water Management Rules and Regulations and subsequent amendments and revisions, unless otherwise specified in this document.
 - e. Maintenance – All surface drainage facilities, specifically stormwater treatment and detention systems, shall be maintained regularly in accordance with a mutually acceptable schedule defined during the project approval phase (see Section II.d of this document). Proof of maintenance shall be annually submitted to the City.
- II. Drainage Submittal Requirements – Drainage submittal requirements for the City of Gladstone shall coincide with Appendix A, Standard Surface Water Standard Specifications of Clackamas County Service District #1 (CCSD #1) and subsequent amendments and revisions to these documents, unless otherwise specified in this document.

- a. General Information and Title Sheet – General information and information to be included on the title sheet of the submittal shall meet requirements outlined in Appendix A, Sections 1.0 and 2.0 of the Standard Surface Water Specifications of Clackamas County Service District #1 (CCSD #1) and subsequent amendments and revisions to this document.

Total square footage of impervious area for the project shall be documented on the title sheet for both new development (new impervious area) and redevelopment (redeveloped impervious area).

- b. Existing and Proposed Drainage Plan – Design sheets showing plan and profile configurations shall meet requirements outlined in Appendix A, Section 3.0 of the Standard Surface Water Specifications of Clackamas County Service District #1 (CCSD #1) and subsequent amendments and revisions to this document.

Information included on the design sheets shall also include locations of existing and proposed stormwater treatment and detention facilities including system elevations and inlet and outlet piping configurations.

- c. Design Calculations – To justify the proposed design, supporting information including design calculations shall be provided, meeting requirements outlined in Appendix A, Section 3.0 of the Standard Surface Water Specifications of Clackamas County Service District #1 (CCSD #1) and subsequent amendments and revisions to this document.
- d. Operations and Maintenance Agreement – At the time of the drainage submittal, an operations and maintenance agreement for any proposed stormwater treatment facility shall also be included, specifying proposed maintenance activities and responsible parties for such activities. See Attachment 1 for the Operations and Maintenance Agreement.

III. Minimum Design Criteria

- a. Stormwater Conveyance – Surface water collection standards for the City of Gladstone shall conform to guidelines established in Section 5.2.1 of the CCSD #1 Surface Water Management Rules and Regulations and subsequent amendments and revisions, unless otherwise specified in this document.

Surface water collection specifications shall conform to requirements outlined in Sections 3 and 4 of the Standard Surface Water Specifications of Clackamas County Service District #1 and subsequent amendments and revisions. System details are provided in Appendix C of the Standard Surface Water Specifications of Clackamas County Service District #1.

All private storm drain systems shall meet requirements of the Uniform Plumbing Code. All public storm drain main lines shall be a minimum of twelve inches (12") in diameter. All lateral lines to catch basins and other inlet structures shall be a minimum of ten inches (10") in diameter. Storm drain lines, which convey water from building rain drains and/ or footing drains, may be a minimum of four inches (4") in diameter.

6-5

- b. Stormwater Treatment – Stormwater treatment standards for the City of Gladstone shall conform to guidelines established in Section 5.3 of the CCSD #1 Surface Water Management Rules and Regulations and subsequent amendments and revisions, unless otherwise specified in this document. Standard details for select treatment systems are provided in Appendix C of the Standard Surface Water Specifications of Clackamas County Service District #1.
- i. Threshold and Exemptions - For residential subdivisions and partitions of parcels with the potential to create more than two additional lots as currently zoned, and for new and redevelopment resulting in the creation or disturbance of 5,000 square feet or more of impervious surface, stormwater treatment shall be provided. Stormwater treatment need not be required for substantial improvement or lesser remodel or reconstruction of existing single family or two-family dwellings.
 - ii. Design reference – Water quality facilities shall be designed in accordance with guidelines documented in Section 5.3 of the CCSD #1 Surface Water Management Rules and Regulations and subsequent amendments and revisions.
 - iii. Preferred treatment systems – The City of Gladstone promotes the use of vegetated stormwater treatment systems including vegetated swales, filter strips, constructed wetlands, wet ponds, and extended dry detention ponds. Alternative systems may be considered with approval by the City if the alternative system provides equivalent treatment to a vegetated system.
- c. Stormwater Detention - Stormwater detention standards for the City of Gladstone shall conform to guidelines established in Section 5.2.4 and Section 5.2.5 of the CCSD #1 Surface Water Management Rules and Regulations and subsequent amendments and revisions, unless otherwise specified in this document. Standard details for select detention system components are provided in Appendix C of the Standard Surface Water Specifications of Clackamas County Service District #1.
- i. Threshold and Exemptions - For residential subdivisions and partitions of parcels with the potential to create more than two additional lots as currently zoned, and for new and redevelopment resulting in the creation or disturbance of 5,000 square feet or more of impervious surface, stormwater detention shall be provided. Stormwater treatment need not be required for substantial improvement or lesser remodel or reconstruction of existing single family or two-family dwellings.
 - ii. Design reference - Water quantity facilities shall be designed to capture and detain the 2-year, 24 hour post developed runoff rate to a rate equal to ½ of the 2-year, 24 hour pre-developed runoff rate, in accordance with guidelines documented in Section 5.2.4 of the

CCSD #1 Surface Water Management Rules and Regulations. In addition, the allowable post-development discharge rate for the 10 and 25 year, 24 hour events shall be that of the pre-development discharge rate.

The definition of pre-developed conditions shall correlate with the timeframe used by CCSD #1.

Use of landscaping and low-impact development practices that utilize infiltration are required in accordance with Section 5.2.6 of the CCSD #1 Surface Water Management Rules and Regulations, and subsequent amendments and revisions. Infiltration may be incorporated into the detention system design, in order to reduce the required detention volume.

The process for determining detention quantities shall coincide with Section 5.2.5 of the CCSD #1 Surface Water Management Rules and Regulations and subsequent amendments and revisions.

- d. *In-lieu of Fees for Stormwater Treatment and Detention* – In lieu of fees for stormwater treatment and detention may be applied under the following conditions:
- i. Subregional or regional detention and treatment is available downstream and the project area has been accounted for in its sizing and design; and
 - ii. Fees for “in lieu of” detention and treatment would be applied as a percentage of the downstream facility costs including engineering and administration. Percentage of costs would be based on percentage use of facility.
 - iii. Maintenance costs of the downstream facility shall be determined and agreed upon in a maintenance agreement.

Attachment 1
PRIVATE STORM DRAINAGE FACILITIES MAINTENANCE PLAN

name of facility

at:

Tax Lot _____
Street Address _____
City _____, OR Zip _____

Facilities to be maintained:

- Trapped Catch Basin(s)
- Drywell(s)
- Lineal feet - 12" storm line
- Lineal feet - _____" storm line
- Pollution control manhole(s)
- Outlet / Flow control manhole(s)
- Detention pond(s) _____ [tank(s) _____] (Check one or both.)
- Treatment facilities as described below

Acknowledgment:

- The owner(s) will maintain the above private storm drainage facilities annually. All oils, sediment and debris will be removed and deposited in an approved dumpsite. Any damaged equipment will be repaired promptly.
- Particular attention will be given to sedimentation and pollution control manholes, and detention outlet structures. All debris will be removed to assure proper functioning.
- The grates of all catch basins will be kept free of debris and leaves.
- The detention system's outlet or flow control structure will be checked to assure that sediment accumulation has not encroached on the required detention volume. Sediment will be removed as necessary to maintain that required volume.
- The outlet control manhole will be inspected to assure that all parts are intact and the orifice is free of any debris that could cause malfunction.
- The above maintenance activities will be documented each year by sending records of what was completed to: City of Gladstone Public Works Supervisor, 525 Portland Ave., Gladstone, OR 97045

I hereby certify that the storm system described above will be maintained according to this schedule, that I have authority to make this agreement, and that I will disclose this perpetual maintenance obligation to all future prospective owners of said property.

Owner (print name)

On behalf of (Company)

Owner Signature

Date

This instrument was acknowledged before me on this _____ day of _____, 20__ to be the free act and deed of said corporation/individual.

Notary Public for Oregon
My Commission Expires _____

6-8

Development Services Building
Dept. of Transportation & Development
Planning Division
150 Beaver Creek Road
Oregon City, OR 97045

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION & DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540