

ORDINANCE NO. 24-1008

**AN ORDINANCE ADOPTING AMENDMENTS TO OREGON CITY MUNICIPAL CODE;
TITLE 17: EROSION AND SEDIMENT CONTROL OF THE OREGON CITY MUNICIPAL
CODE**

WHEREAS, the City of Oregon City is a municipal separate storm sewer system community, commonly called MS4;

WHEREAS, by being defined as an MS4 community, the City of Oregon City is required to obtain an MS4 permit from the Oregon Department of Environmental Quality;

WHEREAS, the City of Oregon City is part of the Clackamas Group of MS4 communities;

WHEREAS, Clackamas County obtains the MS4 permit on behalf of the communities who are part of the Clackamas Group;

WHEREAS, the Clackamas Group renewed its MS4 permit on September 15, 2021; and

WHEREAS, the renewed MS4 permit requires amendments to Title 17.47 of the Oregon City Municipal Code in order to comply with Clackamas County and the Clackamas Group communities' MS4 permit requirements.

NOW, THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby amends the portions of the existing Oregon City Municipal Code, Title 17: Erosion and Sediment Control of The Oregon City Municipal Code; which are attached hereto as Exhibit 'A'.

Section 2. The Commission adopts the Staff Report and Recommendation.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 4. Effectiveness. This Ordinance shall take effect 30 days from the date of adoption.

Read for the first time at a regular meeting of the City Commission held on the 4th day of December 2024 and the City Commission finally enacted the foregoing Ordinance this 18th day of December 2024.



Mayor Denyse C. McGriff

Attested to this 18th day of December 2024:

Jakob S. Wiley
Jakob Wiley, City Recorder

Approved as to legal sufficiency:

[Signature]
City Attorney

Exhibits:

Exhibit A – Amended Sections of the Oregon City Municipal Code

Exhibit B – Staff Report

Chapter 17.47 CONSTRUCTION SITE RUNOFF CONTROLS¹

17.47.010 Purpose.

- A. The purpose of this chapter is to require erosion prevention measures, sediment control, and waste materials control practices for all development during construction to prevent and restrict the discharge of sediments and construction site wastes, and to require final permanent erosion prevention measures, which may include landscaping, after development is completed. Erosion prevention techniques shall be designed to protect soil particles from the force of water and wind and other mechanical means so that they will not be transported from the site. Sediment and waste materials control measures shall be designed to capture construction site wastes, and capture soil particles after they have become dislodged by erosion and attempt to retain the soil particles on-site.
- B. The objective of these measures is to control, at the source, construction site wastes as well as waterborne and airborne erosion and the air and water pollution that results from such erosion mechanisms. This chapter recognizes that all non-point discharges eventually end up in surface water bodies. This chapter is intended to control water quality degradation from construction and development activities and it applies in addition to any other applicable provision of this Code, state or federal law. This chapter is not intended to serve as a guideline for stormwater management control measures for already constructed developments.

17.47.030 Applicability.

- A. This chapter, which may also be referred to as "construction site runoff controls" in this Code, applies to development that may cause discharge of construction site waste materials or the visible or measurable erosion on any property within the city limits of Oregon City.
- B. All development that results in 1,000 square feet of new or replaced impervious surface or 1,000 square feet of earth disturbance shall be subject to the construction site runoff controls requirements and the standards found within the Stormwater and Grading Design Standards as referenced in OCMC 13.12.
- CB. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

17.47.040 Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of the zoning ordinance, regional, state or federal law, the provisions that are more restrictive shall govern. Where this document imposes restrictions that are more stringent than regional, state and federal law, the provisions of this document shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

¹Editor's note(s)—Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.47 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.47 similar subject matter. See Ordinance Disposition List for derivation.

17.47.050 Severability.

The provisions of this chapter are severable. If any section, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this chapter.

17.47.060 Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.

17.47.070 Erosion and sediment control plans.

- A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control construction site wastes and erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.
- B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:
 - 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for construction site wastes and erosion and sediment control incorporated by reference as part of this chapter;
 - 2. The erosion and sediment control plan indicates that construction site wastes and erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that construction site wastes and erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.
- C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.
- D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.
- E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.
- F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion and the discharge of construction site wastes, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim construction site wastes and erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

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- G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

17.47.080 Plan implementation.

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

- A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.
- B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.
- C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.
- D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these construction site waste management controls and erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment or pollutant-laden water does not leave the site.
- E. Any observation of visible or measurable discharges of construction site wastes or erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.
- F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.

17.47.090 Plan performance guarantee and security.

After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Management of construction site waste as well as erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

17.47.100 Correction of ineffective measures and enforcement.

- A. If the owner or his/her designated representative fails to follow the plan as approved by the manager or fails to submit a plan when one is required, the manager may, after inspecting the property, issue a stop work order halting all work on the development site until the requirements of the plan are met or implemented as applicable.

Accompanying the stop work order shall be a written statement or list from the manager specifying what is wrong and what steps the owner must take to bring the development into compliance. The stop work order shall not be lifted until mitigation measures are implemented that comply with Oregon City performance standards for erosion and sediment control and are approved by the manager.

- B. If the facilities and techniques in the approved plans are not effective or sufficient to meet the purposes of this chapter, based on an on-site inspection, the Manager may require a revision to the plan. Such

requirement shall be in writing and shall explain the problem and suggested measures to remedy the problem. The notice shall be presented to the owner and any other responsible parties.

1. The revised plan shall be provided within three business days of when written notification by the manager is received. Receipt of such notice shall be deemed complete three days after simultaneous regular mail and certified mail is deposited in the mail.
 2. The owner or his/her designated representative shall implement fully the revised plan within three business days of receipt of the revised plan as provided in the previous subdivision, or within such other time frame as the manager may specify.
 3. In cases where significant erosion is occurring, the manager may require the owner or his/her designated representative to install immediately interim control measures before submittal of revised plan.
 4. If there is a confirmed or imminent threat of significant off-site erosion, or the offsite discharge of construction site wastes, the manager shall issue a stop work order, upon issuance of which work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with Oregon City performance standards for construction site runoff control and are approved by the manager.
- C. Enforcement. Erosion that migrates off of a development site is considered to be a nuisance that threatens the health, safety and welfare of the citizens of Oregon City and is a violation of this chapter. Any owner who violates, or is responsible for a violation of this chapter or an approved plan, shall be subject to the enforcement procedures of this Code including by the code enforcement officer.