

ORDINANCE NO. 1453-21

AN ORDINANCE RELATING TO THE STORMWATER MASTER PLAN; AMENDING THE TUALATIN COMPREHENSIVE PLAN; AND AMENDING TUALATIN DEVELOPMENT CODE SECTIONS 74.630 and 74.640 (PTA 21-0001).

WHEREAS, the City updated its Stormwater Master Plan;

WHEREAS, the Council wishes to amend the Tualatin Comprehensive Plan and Tualatin Development Code to adopt Stormwater Master Plan (2019) and establish new goals and policies related to stormwater;

WHEREAS, upon the application of Community Development Department, a public hearing was held before the City Council of the City of Tualatin, to consider adopting the proposed amendments to the Tualatin Comprehensive Plan and Tualatin Development Code;

WHEREAS, the City provided notice of proposed amendments to the Oregon Department of Land Conservation and Development, as provided in ORS 197.610;

WHEREAS, the City provided notice of the public hearing, as required by TDC 32.250 and TDC 33.070;

WHEREAS, at the public hearing, the Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing, and approved the proposed amendments; and

WHEREAS, the Council finds the proposed amendments to be in the best interest of the residents and inhabitants of the City and the public, the public interest will be served by adopting the amendments at this time, and the amendments conform to the Tualatin Community Plan and Tualatin Development Code.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** The “Tualatin Drainage Plan and Surface Water Management” section of Chapter 9 (Public Facilities and Services) of the Tualatin Comprehensive Plan is retitled “Stormwater Management” and amended to read as follows:

**DRAINAGE PLAN AND SURFACE WATER STORMWATER MANAGEMENT**

~~The Tualatin Drainage Plan is the City's drainage plan. It was originally prepared by Robert A. Wright, Consulting Engineers in 1972 and adopted in 1975 (Ord. 280-75) and in 1979 as an element of the Tualatin Community Plan (Ord. 491-79). The Tualatin Drainage Plan is referenced in the Technical Memoranda. With the supporting technical material, the Tualatin Drainage Plan provides an overall view of the drainage system, its major problems and their solutions, and is the City's stormwater and surface water drainage policy.~~

~~The Tualatin Drainage Plan was updated in the fall of 1995 by the Hedges Creek Subbasin Plan. The HCS Plan is outlined in Chapter 1 of the HCSS Report and implements the recommended drainage and stormwater management activities and facilities. The HCS Plan relies on the technical data and analysis documented in the HCSS report. The HCSS Report and the HCS Plan identify the critical importance of the Hedges Creek Marsh to drainage, stormwater management and water quality in the subbasin. The HCS Plan provides for drainage improvements, stormwater detention requirements and a number of non-structural activities for better management of water quantity and water quality in the Hedges Creek Subbasin.~~

~~Map 14-1 is from Figure I-1 of the HCS Plan. It shows the drainage pattern revisions and drainage system improvements for the Hedges Creek Subbasin. The drainage pattern revisions and drainage system improvements shown in Map 14-1 are incorporated into the Tualatin Drainage Plan.~~

~~The HCSS Report is a comprehensive technical document that provides data and analysis of stormwater drainage in the Hedges Creek Subbasin. From an analysis of several alternatives, the report recommended specific management activities and facilities to control water quantity and quality problems associated with urban stormwater runoff in the Hedges Creek Subbasin. The HCS Plan incorporates the report's recommended activities and facilities.~~

~~The Northwest Tualatin Concept Plan 2005 identifies stormwater drainage options for the area west of Cipole Road and south of Pacific Highway 99W.~~

~~The Southwest Tualatin Concept Plan 2010 identifies stormwater drainage options for the area south of SW Tualatin-Sherwood Road and east of SW 124th Avenue. Goals and Policies.~~

The Stormwater Master Plan (2019) is adopted as a background document to the Comprehensive Plan as seen in Part II. Capital projects and related information is contained in the Stormwater Master Plan. The Plan supports regulatory directives under Clean Water Services (CWS).

Goal 9.3 Provide a plan for routing surface drainage through the City, utilizing the natural drainages where possible. Update the plan as needed with drainage studies of problem areas and to respond to changes in the drainage pattern caused by urban development.

Policy 9.3.1 Coordinate the City's ~~Drainage Plan~~ and Stormwater Management regulations with the City's Floodplain District, Wetland Protection District and Natural Resource Protection Overlay District regulations, and with the plans of USA Clean Water Services and other regional, state, and federal agencies to achieve consistency among the plans.

Policy 9.3.2 Protect areas of the city with observed and/or reported instream erosion and hydromodification risk by requiring development to implement controls related to flow control.

Policy 9.3.3 Increase water quality treatment throughout the City by expanding treatment area coverage through water quality retrofits and enhancing the level of treatment provided. Continue working with state and regional agencies on surface water management and water quality. Reduce sediment and other pollutants reaching the public storm and surface water system by implementing the Oregon Department of Environmental Quality (DEQ) and USA requirements for surface water management and water quality in the Tualatin River basin. Reduce soil erosion, manage surface water runoff and improve surface water quality.

Policy 9.3.4 Identify and solve existing problems in the drainage system and plan for construction of drainage system improvements that support future development.

Policy 9.3.5 Provide standards for surface water management and water quality by which development will be reviewed and approved. Review and update the standards as needed.

Policy 9.3.6 Clearly indicate responsibilities for maintaining stormwater management and water quality facilities.

Policy 9.3.7 Enforce drainage and stormwater management standards.

Policy 9.3.8 Route stormwater runoff from the upper Hedges Creek Subbasin through the Wetland Protected Area marsh which as a wetland provides important drainage, stormwater management and water quality benefits.

Policy 9.3.9 Protect the Wetland Protected Area marsh and its important drainage, stormwater management and water quality functions in the Hedges Creek Subbasin.

Policy 9.3.10 Require new development to provide onsite pollution reduction facilities when necessary to treat stormwater runoff prior to entering Hedges Creek and protect the marsh from urban stormwater pollutants.

Policy 9.3.11 To reduce sedimentation and erosive stormwater flow volumes, require onsite stormwater detention facilities for new development in the Hedges Creek Subbasin upstream from the Wetland Protected Area marsh.

Policy 9.3.12 Consider opportunities to construct regional pollution reduction facilities to treat stormwater runoff prior to entering Hedges Creek and protect the marsh from urban stormwater pollutants.

Policy 9.3.13 Restrict beaver dam activity in the Wetland Protected Area marsh to retain the drainage flow through the marsh area and to reduce flooding between Teton Avenue and Tualatin Road. Implement beaver management techniques to selectively encourage/discourage beaver activity based on the characteristics of the stormwater drainage systems, topography, and vegetation.

Policy 9.3.14 As outlined in the HCS Plan, the City will a Coordinate with CWS with non-structural activities including to implement public education programs and water quality and management activity monitoring.

Policy 9.3.15 Comply with Metro's Urban Growth Management Functional Plan, Title 3.

Policy 9.3.16 Develop and support a program for continual public water quality facility maintenance, including both routine maintenance and larger system restoration and redesign as needed.

Policy 9.3.17 Validate and construct water quality retrofits, prioritizing project opportunities based on annual inspection efforts.

**Section 2.** Map 9-3 of Comprehensive Plan is adopted as set forth in Exhibit 1, which is attached and incorporated by reference.

**Section 3.** TDC 74.630 (Storm Drainage System) is amended to read as follows:

TDC 74.630. - Storm Drainage System.

(1) Storm drainage lines must be installed to serve each property in accordance with City standards and Clean Water Services standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

(2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations and Clean Water Services standards.

(3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the adopted Stormwater Master Plan Tualatin Drainage Plan in TDC Chapter 14.

**Section 4.** TDC 74.640 (Water Quality, Storm Water Detention and Erosion Control.) is amended to read as follows:

TDC 74.650. - Water Quality, Storm Water Detention and Erosion Control.

(1) All Applications. The applicant must comply with the water quality, stormwater detention, and erosion control requirements in the Surface Water Management Ordinance Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers) and Clean Water Services standards. If required:

~~(1) On subdivision and partition development applications, prior to approval of the final plat, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be satisfied and obtain a Stormwater Connection Permit from Clean Water Services; or~~

(2) Subdivisions and Partitions. Prior to approval of the final plat, an application for subdivision and partition development must:

(a) Submit a stormwater facilities design with calculations to satisfy the requirements of the Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building And Sewers) and applicable Clean Water Services standards;

(b) Obtain a Stormwater Connection Permit from Clean Water Services; and

(c) Either construct a permanent on-site water quality facility and stormwater detention facility; or enter into an agreement with the City, as provided in TDC 36.320 and TMC 3-5-390, recorded against the property, to guarantee construction of a permanent on-site water quality facility and stormwater detention facility.

~~(2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.~~

(3) All Development, Except Subdivisions and Partitions. Prior to issuance of any building permit, an applicant for any development, except Subdivisions and Partitions, must:

(a) Submit a stormwater facilities design with calculations to satisfy the requirements of the Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building And Sewers);

(b) Obtain a Stormwater Connection Permit from Clean Water Services; and

(c) Either construct a permanent on-site water quality facility and stormwater detention facility; or enter into an agreement with the City, as provided in TMC 3-5-390, recorded against the property, to guarantee construction of a permanent on-site water quality facility and stormwater detention facility.

(3) On-Site Private and Regional Non-Residential Facilities. For on-site private and regional non-residential public facilities, the applicant must:

(a) ~~submit~~ Enter into a stormwater facility agreement, as provided in TMC 3-5-390, recorded against the property. The stormwater facility agreement which will

include an operation and maintenance plan, provided by the City and consistent with Clean Water Services requirements, for the water quality facility ~~for the City's review and approval.~~

~~(b) The applicant must~~ submit an erosion control plan prior to issuance of a Public Works Permit, consistent with TMC 3-5 and Clean Water Services standards. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

**Section 5. Findings.** The Council adopts the Findings as set forth in Exhibit 2, which are attached and incorporated by reference.

**Section 6. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision does not affect the validity of the remaining portions of this ordinance.

**Section 7. Effective Date.** As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

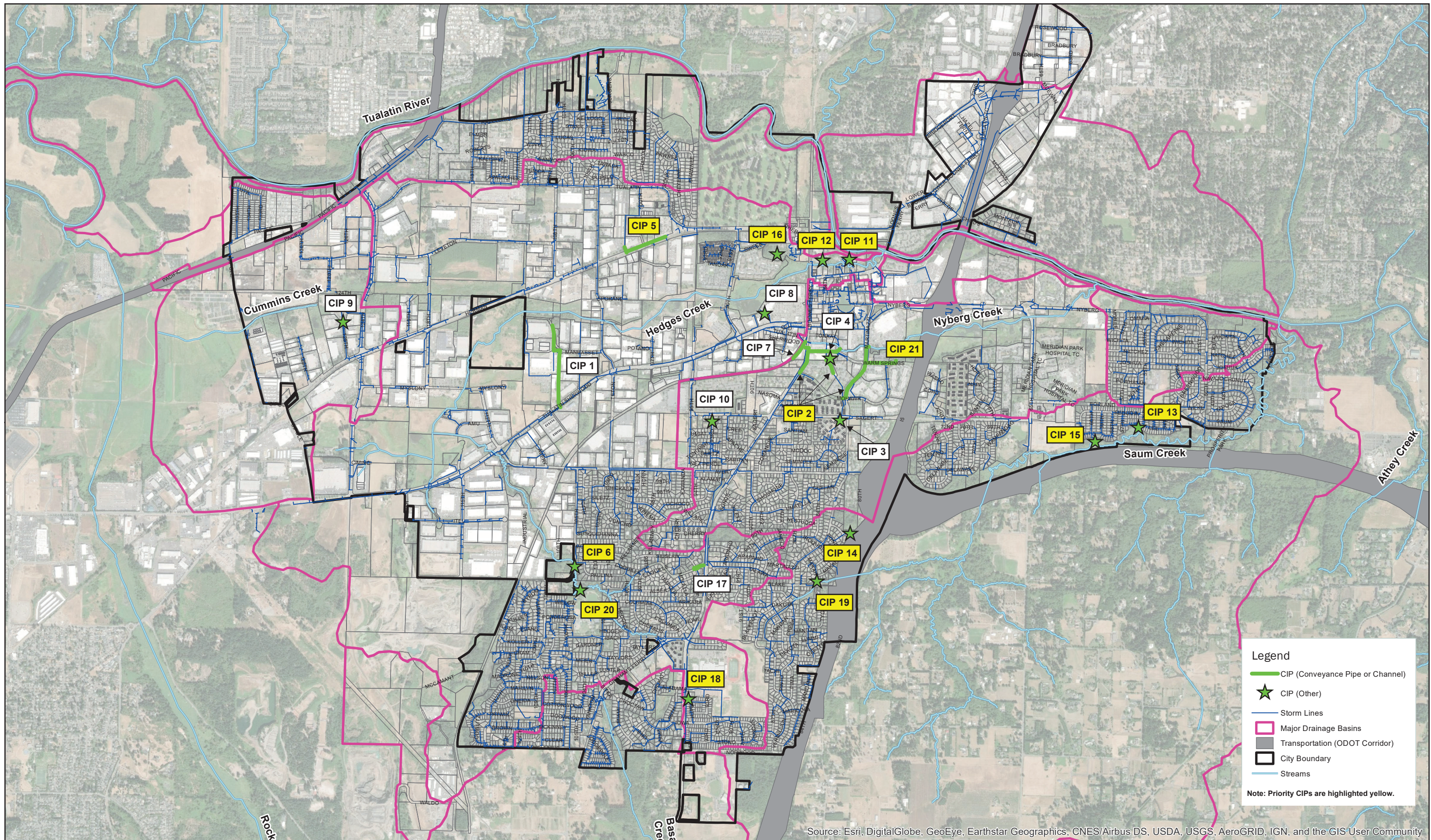
APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

# Exhibit 1 to Ordinance No. 1453-21 - Comprehensive Plan Map 9-3



**Legend**

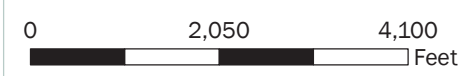
- CIP (Conveyance Pipe or Channel)
- ★ CIP (Other)
- Storm Lines
- Major Drainage Basins
- Transportation (ODOT Corridor)
- City Boundary
- Streams

Note: Priority CIPs are highlighted yellow.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**City of Tualatin**  
**Stormwater Master Plan**  
 Date: April 2019  
 Project: Project 149233



Notes:  
 1. Projection: NAD 1983 State Plane Oregon North (feet)

**Comprehensive Plan Map 9-3**  
**Capital Project Location Overview**