

ORDINANCE NO. 519-0

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF TROUTDALE TO ESTABLISH INTERIM DRAINAGE GUIDELINES; REGULATING THE USE OF PUBLIC AND PRIVATE STORM SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF AREA DRAINS, CATCH BASINS AND OTHER POINT SOURCES OF SURFACE AND STORM WATER; REQUIRING APPLICATION, PERMITS AND FEES; PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Troutdale Ordinance No. 280 establishes the right and authority for the City to acquire, own, construct, equip and maintain storm sewers and storm water collection systems and disposals systems; and,

WHEREAS, Portions of the City are experiencing rapid development within the north Troutdale water shed, it is necessary to establish a consistent, fair and fore-sighted drainage policy pending the formulation and adoption of our master drainage plan; and,

WHEREAS, The ultimate drainage system configuration is not known, and it is difficult for the City of Troutdale to know what to require of a developer for both on-site and off-site improvements; and,

WHEREAS, It is in the best long-term financial and compliance interest of the City of Troutdale to establish a temporary procedure to address drainage issues in the north Troutdale water shed (See Exhibit "A");

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

SECTION 1. SHORT TITLE

This ordinance shall be known as the North Troutdale Drainage Action Plan (Interim Guidelines).

SECTION 2. AUTHORITY AND INTENT

A. Pursuant to the statutes of the State of Oregon and the powers granted in the charter of the City of Troutdale, the City does hereby declare and reaffirm its intention to:

1. acquire, own, construct, equip, and maintain such storm sewers and storm water collection, treatment and disposal systems as may be deemed proper by the City Council; and,

2. administer, monitor and comply with both existing and future regulations as may be established by the Oregon State Department of Environmental Quality, the United States Environmental Protection Agency, and/or other superior regulatory agencies together with their current and future rules and regulations.

### SECTION 3. DEFINITIONS

The definitions set forth in City Ordinance No. 280 and all subsequent revisions and modifications of said ordinance shall apply to this ordinance.

### SECTION 4. INTERIM GUIDELINES

- A. No permanent buildings, signs, et cetera are to be constructed within 50 feet of the public right-of-way in the specific areas cited below. Also, new developments adjoining, the public right-of-way in these areas shall indicate on the site concept plan how the site, and utilities to the site, would function if an open channel drainageway were constructed the full width of the 50 foot setback.
  1. The west side of Marine Drive from the intersection of Marine Drive and North Frontage Road northward a distance of 1,300 feet as measured along the road centerline.
  2. The north side of Marine Drive from a point 1,200 feet north of the intersection of Marine Drive and North Frontage Road westward approximately 7,000 feet to the intersection of the existing main drainageway with Marine Drive.
  3. The east side of 244th Avenue between Halsey Street and the Union Pacific railroad tracks approximately 750 feet to the north.
- B. The filling of lands, which are indicated on the Corps of Engineers' Flood Insurance Maps as being within the 100 year floodplain, is prohibited unless an approved equal volume is excavated. Both cut and fill volumes are measured below the estimated local floodplain elevation. The excavated volume is to be in the same general vicinity as the fill and is to be contiguous with the drainageway at an elevation below the estimated local floodplain level. These provisions for compensating cut and fill apply to the areas listed. Plans for compensating cut and fill work must be approved by the Director of Community Services prior to the commencement of such work.

1. The area east of 244th Avenue, south of Sandy Road/West Columbia River Highway, and west of 257th Avenue.
  2. The wedge of land immediately to the west of the intersection of Interstate I-84 and the Union Pacific Railroad which is below 50 feet in elevation (NGVD).
- C. The filling of lands is prohibited in the following area:
1. The low-lying land between the Motel 6 access road and the east bound off ramp of I-84.
- D. No storm drainage pipes are to be placed in the drainageway reaches listed below except where necessary to cross public rights-of-way and to where necessary to access a property from a public right-of-way. In both cases, the culvert is to be the minimum length possible.
1. Arata Creek from the upstream point where the creek enters the City of Troutdale to the Sandy Drainage District pump station.
  2. The ditch located on the south side of the truck stop developments which are adjacent to South Frontage Road from the point where the ditch leaves the property of origin eastward to its confluence with the easterly drainageway.
  3. The easterly drainageway between the underpass of West Columbia River Highway and the Union Pacific Highway and the point where the drainageway enters the culvert underneath the Troutdale Airport runway.
  4. The easterly drainageway from the point where it emerges from the culvert under the Troutdale Airport runway to the point where it joins Arata Creek on the north side of the railroad spur to the Reynolds Aluminum Plant.
  5. The drainage ditch located on the south side of 7th Street in the vicinity of the westbound on-ramp to I-84 between the culvert crossing under 7th Street and the intersection of the westbound on-ramp and Marine Drive.
- E. Any developments in the areas listed below which create more than 150,000 square feet of new impervious surfaces including new roads, roofs, and pavements shall provide for on-site, off-channel detention of storm waters equal to the difference in volume between the 25

year frequency, 6 hour duration runoff from the site under pre-development conditions and the runoff from the site for the same storm under post-development conditions. The HEC-1 model is recommended for this computation.

- F. Any culvert installation or channel reconstruction in the major drainageways listed under provision #4 above shall be of a capacity to accommodate a flow in cubic feet per second (CFS) equal to 0.44 times the area of the watershed upstream of the structure/channel as measured in acres. Flow is to be considered as non-surcharged, simple gravity flow.
- G. Any storm sewer construction, culvert installation, or channel reconstruction in minor drainageways shall be sized according to the Rational Method for determination of peak storm water flows. A 10 year design storm event shall be used to select rainfall intensity.
- H. All developments or developers deemed subject to these guidelines shall submit engineering drawings signed by an Oregon Licensed Professional Engineer. Such designs must be submitted with a "statement of compliance."

#### SECTION 5. FUTURE REVISIONS

This ordinance is intended to impose "interim" guidelines. As more refined data is generated, as additional EPA or DEQ regulations are promulgated, et cetera, this ordinance shall be modified accordingly.

This ordinance may be replaced with a comprehensive drainage utility ordinance following the completion of a city wide Master Drainage Plan.

#### SECTION 6. FEES AND CHARGES

This ordinance does not establish fees and charges associated with the plan review, checking, or administration of its provisions. Any fees or charges levied will be based upon time and materials plus applicable overhead.

#### SECTION 7. ENFORCEMENT PROCEDURES

- A. Whenever the Director finds that any person has violated or is violating this Ordinance, or any limitation or requirement contained herein, he may serve upon such

person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.

B. In the event a person fails to comply with this Ordinance within a reasonable time as stated in the Notice given pursuant to paragraph "A" of this SECTION, the Director may set a time for a hearing before Common Council for said person to show cause why he should not be required to comply with this Ordinance. In the event of such a hearing, the following procedure shall be followed:

1. A Notice shall be served on the person in violation of the Ordinance.
2. The Notice shall specify the time, date and place of the hearing.
3. The Notice shall direct the person in violation of the Ordinance to show cause why he should not be required to comply with the Ordinance.
4. The Notice shall also inform the person in violation of the Ordinance of any other action which may be taken by the Common Council or other hearings officer.
5. The Notice shall be served upon the person personally or by certified mail not less than ten (10) days prior to the hearing. Notice of Hearing may also be published in a newspaper of general circulation in the City of Troutdale one time within thirty (30) days of the date of hearing, but not less than ten (10) days before the date of hearing.
6. The hearing shall be conducted by the Common Council or a hearings officer designated by the Common Council.
7. The Common Council or the Director may request the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.

8. Evidence shall be given and received at the public hearing under oath and shall be recorded either electronically or stenographically.
9. The Common Council or hearings officer shall make findings of fact upon the conclusion of the hearing. Pursuant thereto, the Common Council or hearings officer may issue an order to the person requiring compliance and may make such other orders and directives as are necessary and appropriate requiring the Director to take such action as may be reasonable to enforce this Ordinance.

C. Remedies.

1. In the event the person fails to comply with SECTION 4 of this Ordinance, after hearing as set forth above, the Common Council or hearings officer may, upon finding that a condition of non-compliance or hazard exists or is likely to occur, direct the Building Official not to issue a Certificate of Occupancy and direct the Director to construct or remove such facilities as may be necessary to achieve compliance. An accurate record of the cost of such work shall be kept and shall include a surcharge of 25% of the cost for administrative overhead. Upon completion of said work a billing for the amount of the cost shall be forwarded by certified mail to the person failing to comply with this Ordinance. Payment thereon shall be due within thirty (30) days of the date of the billing.
2. The Director shall certify the amount of cost to the recorder and the cost shall constitute a lien against the property to which the connection has been made until payment in full has been made.
3. The recorder shall record the lien on the City's main docket.
4. The lien provided for herein may be foreclosed in the manner prescribed by State law for the enforcement of liens and collection of assessments.
5. Subject to the procedure stated above for hearings, any person who is the owner of property subject to a lien provided by this SECTION may request a hearing before the Common Council or hearings officer to determine the reasonableness of the amount of the lien and such hearing shall be granted within forty-five (45) days of request by

the affected party. However, if the affected party does not request such hearing on or before forth-five (45) days after the billing is made, he shall be deemed to have waived hearing.

- D. Any person disputing the interpretation of this Ordinance by any member of the City Administration or any person who disputes the amount of charges or fees to be levied or assessed under this Ordinance may appeal to the Common Council or hearings officer. In such event, the Director shall set a date, time and place for hearing as set forth above. The aggrieved party shall make such appeal to the Director or the Common Council in writing and shall set forth therein all issues relevant to the Ordinance which he wishes to be heard.
- E. Any violation of this Ordinance or an order of the Common Council may be enforced through appropriate legal action. Upon authorization by the Common Council, the City may seek legal or equitable relief to enforce the provisions hereof. In the event a health hazard exists or other emergency, judicial relief may be sought prior to the hearing asset forth above.

#### SECTION 8. PENALTY: COSTS

- A. Any person who is found to have violated an order of the Common Council or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules and regulations issued hereunder, shall be fined not more than one thousand dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules and regulations issued hereunder.
- B. Any person or persons who, as the result of violating any of the provisions of this Ordinance, causes any expenses, loss or damage to the City of Troutdale shall immediately become liable to the City for the full sum of such expense, loss, or damage. The Council may, at its discretion, instruct the City Attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the City of Troutdale, for the recovery for the full sum of any such expense, loss, or damage sustained by the City.

SECTION 9. SEVERABILITY CLAUSE

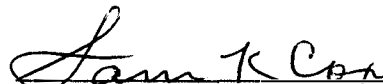
If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words sections, and articles shall not be affected and shall continue in full force and effect.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS  
22ND DAY OF NOVEMBER, 1988.

YEAS 3

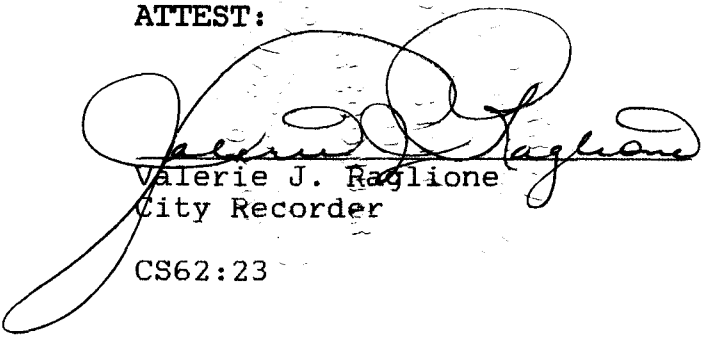
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ABSTAINED 1-BUI

  
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Sam K. Cox, Mayor

Date Signed: 11/23/88

ATTEST:

  
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Valerie J. Raglione  
City Recorder

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