

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 23-09-19-08

In The Matter of Amending Lane Manual
Chapter 9 to Add a Provision for Erosion
Prevention, Effective May 1, 2024 (LM 9.030).

WHEREAS, certain changes to Lane Manual Chapter 9 are required to add a provision for erosion prevention;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

Lane Manual Chapter 9 is amended effective May 1, 2024, by removing, substituting, and adding the following sections:

REMOVE THESE SECTIONS

NONE

INSERT THESE SECTIONS

9.030 – 9.030.115

If any section, subsection, sentence, clause, phrase, or portion of this Order or the referenced Lane Manual provisions are for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

Said sections are attached hereto and incorporated herein by reference. The purpose of this addition is to add a provision for erosion prevention effective May 1, 2024.

ADOPTED this 2nd day of April, 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners



ORDINANCE 23-06 / In the Matter of Amending Lane Code to Update/Establish an Erosion Policy

Eighth Reading
April 2, 2024



Staff Report Overview

- ✦ At the 3-12-24 hearing, the Board approved the 7th Reading of the erosion prevention code as presented. The hearing was closed.
 - ✦ At this reading, staff requests that the Board adopt Ordinance 23-06 and Order 23-09-19-08 as presented.
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- Recap of DEQ stormwater regulations and previous code proposals
 - Overview of process to date and current proposed code
 - Request for Board to adopt



Erosion Prevention Regulations

Lane County maintains two federal permits/programs through the DEQ that require the adoption of erosion prevention code:

- **MS4**: Municipal Separate Storm Sewer System (MS4) Phase II General Permit
 - Erosion prevention regulations were required to be adopted February 2023. Must be adopted ASAP.
- **TMDL**: Total Maximum Daily Load for the Willamette River Basin
 - Erosion prevention regulations must be adopted by Fall 2025.
 - **Staff will begin TMDL erosion prevention code writing process this summer.**
 - Will be modeled after adopted code for the County MS4 Area.
 - Will be limited to the Willamette River Basin.
 - Will include public outreach.



 The County MS4 Area

COBURG

SPRINGFIELD

EUGENE

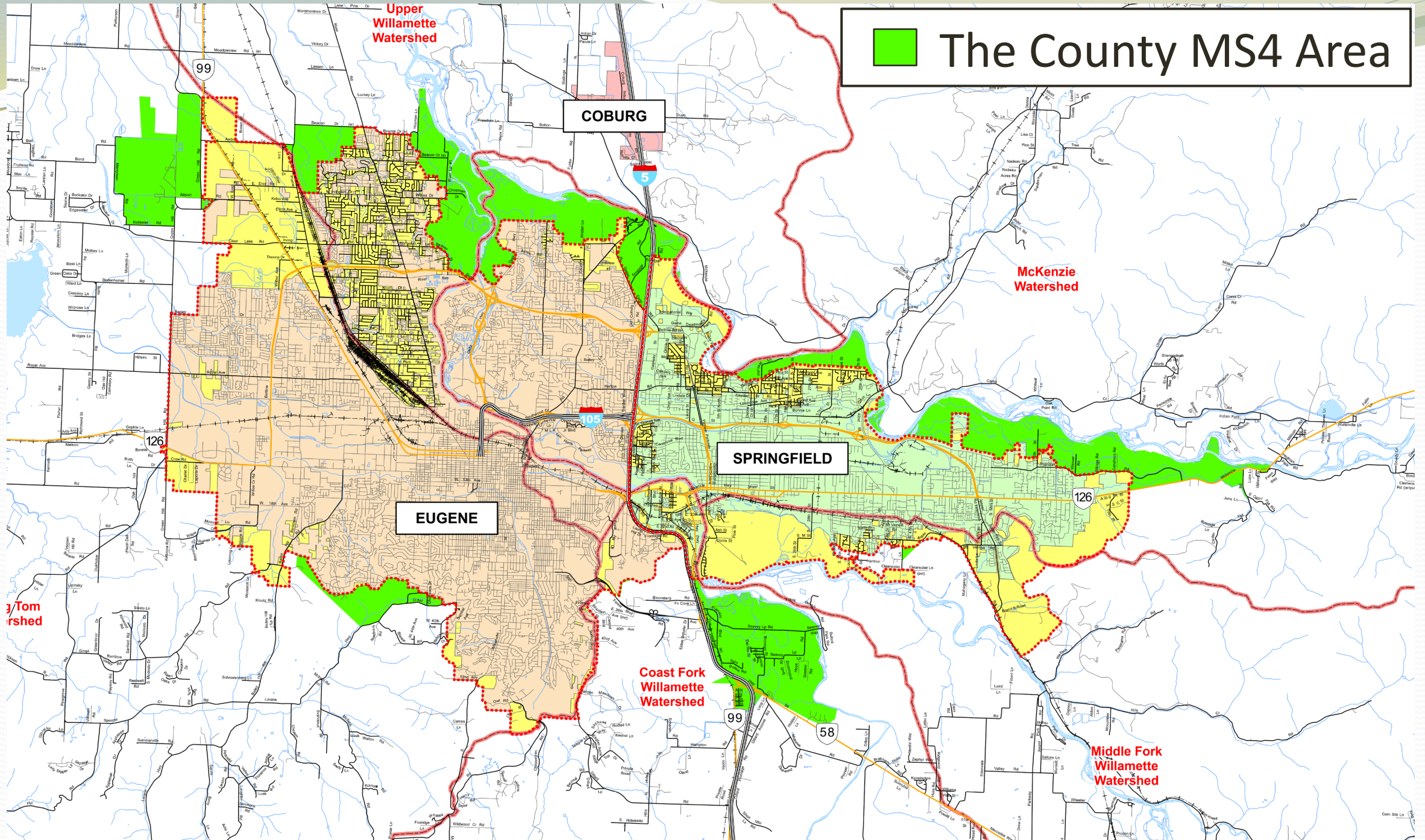
Upper
Willamette
Watershed

McKenzie
Watershed

Coast Fork
Willamette
Watershed

Middle Fork
Willamette
Watershed

g/Tom
rshed



Where We Have Been – Code Writing Process

- Except for the Eugene and Springfield UGBs, the County currently does not have code requirements for land disturbances on properties.
 - Per intergovernmental agreements, the Cities will continue to administer their erosion prevention codes within their UGBs.
- The erosion prevention code was written by Public Works staff with guidance from:
 - The Stormwater Policy Team, including the Public Works Director, Division Managers, and Facilities staff
 - Legal counsel
- Staff consulted with professional organizations and agencies and with other jurisdictions:
 - Oregon DEQ
 - Clean Water Services and Oregon Association of Clean Water Agencies
 - Springfield; Eugene; Marion and Benton Counties; and Clark County in Washington
- Staff received comments from:
 - Private developers and contractors
 - Watershed stewardship councils

Where We Have Been – Approval Process

- The proposed code went through several iterations as we moved through the public hearing process. Changes included:
 - The applicability scope was reduced from County-wide to the County MS4 Area only, per Board direction.
 - The following items were clarified:
 - Definitions
 - Exceptions to permitting requirements (e.g., landscape and trail maintenance)
 - Language explaining the County's education-first approach
 - Emergency construction language
 - Appeal language
 - Permit triggers for sensitive areas and for commercial, industrial, and multi-family development were reduced from the original proposal.

Where We Have Been – Approved Code

- At the Seventh Hearing on March 12th, the Board approved the code as presented.
- An erosion permit is required for 1/4-acre land disturbance or greater.
- The following requirements have been approved by the Board to supplement the minimum state-wide requirements of the MS4 Phase II General Permit and to protect Lane County properties and resources:
 - **Outcome protections** are required for all land disturbances
 - Application of **volume-based permit thresholds**, in addition to square footage
 - 1/4 acre or 400 CY permit threshold
 - Smaller area/volume permit triggers (5000 SF or 200 CY or more) for:
 - Projects in **sensitive areas** (15%+ slopes, or highly erodible soils)
 - Projects for **commercial, industrial, and multi-family development** or for development on property that is zoned for such uses.

Moving Ahead

- Staff request that the Board adopt the erosion prevention code as it was approved on March 12, 2024.

- **Ordinance 23-06**

- LC 9.090.005 – 9.090.065
- LC 10.091
- LC 11.016
- LC 16.096

- **Order 23-09-19-08**

- LM 9.030

- ★ Once adopted, staff will begin implementing the new code on May 1st.



Thank You.

