

24.300 Water Quality Standards

24.310 Purpose. The purpose of the water quality standards are to protect the quality of the water resources of the area in order to assure maximum reasonable protection of public health, safety and welfare, and to protect the riparian environment for the enjoyment of the community.

24.320 Concept. This section is applicable to all new construction and land development. It is intended to regulate any activity that involves the discharge of waste, water, and the development or alteration of resources related to the natural flow of water.

24.330 Water Quality Regulations

The provisions of Chapter 340, Oregon Administrative Rules, Water Quality Control shall apply for control of water pollution sources.

¹²24.340 Water Quality Standards

24.341 Stream Corridor Setback. No structure other than accesses, loadings, docks, bridges pumping or water treatment facilities shall be located closer than 20 feet from the edge of the stream-bank.

24.342 Rogue River Buffer Area. Development shall be located outside the 100 year floodway pursuant to the provisions of Article 13.

24.343 Preservation of Riparian Vegetation. The stream corridor setback shall be used to preserve riparian vegetation within the banks of streams or the floodway of the Rogue River. Trimming of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

24.344 Stream Channelization, Diking or Filling. Stream channelization is prohibited. Stream-bed alteration, stream-bank stabilization, removal of material from a stream-bank or bed, or the filling of a stream may require a permit from the Division of State Lands pursuant to ORS Chapter 196 and OAR Chapter 141 Division 85. Should such a permit be required, a development

permit shall not be issued by the Director until a duly executed permit is received from the Division of State Lands.

24.345 Wetlands. For purposes of this Code, "Wetlands" shall be designated for protection only within the bed and banks of the Rogue River and its tributaries. Wetlands within the Rogue River floodway shall be left in their natural state. Wetlands within the Rogue River floodplain shall be protected as much as possible. Alteration of wetlands of tributary streams shall be subject to the conditions of a permit from the State Division of Lands. (See Section 24.344 above.) Development runoff shall not be carried through these riparian wetlands

¹³24.346 Wetlands Notice.

- (1) State notice requirements apply to all areas identified as wetlands on the Statewide Wetlands Inventory for the Grants Pass Urban Area. Initially this inventory shall consist of the National Wetlands Inventory produced by the United States Department of Interior, U.S. Fish and Wildlife Service, 1974, or superseding inventory for the Grants Pass Urban Area. Once the Oregon Division of State Lands provides the City with a copy of the Statewide Wetlands Inventory for the Grants Pass Urban Area in accordance with ORS Chapter 215, that inventory shall supersede the National Wetlands Inventory.
- (2) The Directory shall provide notice to the Oregon Division of State Lands, the applicant and the owner of record, within five working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands of the State-wide Wetlands Inventory:
 - (a) Subdivision tentative plats.
 - (b) Building permits for new structures.
 - (c) Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in the flood-plains and flood-ways.
 - (d) Variances that involve physical alterations to the land or construction of new structures.
 - (e) Planned Unit Developments.
- (3) The provisions of subsection (2) above do not apply if a permit from the Oregon Division of State Lands has been issued for the proposed activity.

- (4) If the Oregon Division of State Lands fails to respond to any notice provided under subsection (2) above within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits.
- (5) For comprehensive plan map or zoning map amendments for specific properties, the City may issue local approvals for parcels identified as or including wetlands on the State-wide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Oregon Division of State Lands with a copy of the notification.

¹⁴24.347 Storm Water Detention and Retention. See Sections 25.033(4) and 28.091.

24.350 Residential

24.351 Public Water Systems. Residential developments that provide for the provision of piped water for human consumption to three or more service connections and/or ten or more citizens, shall comply with the provisions of Chapter 333, Oregon Administrative Rules, Public Water Systems.

24.360 Commercial, Industrial and Municipal

24.361 National Pollution Discharge Elimination System Permit. No commercial, industrial or municipal development shall discharge any wastes into the waters of the streams and Rogue River without first obtaining a permit pursuant to Chapter 340, Division 45, Oregon Administrative Rules.

24.362 Waste Water Pollutants. No commercial or industrial development shall contribute any pollutant into the waste water that will interfere with the operation or performance of the municipal waste water treatment works pursuant to Municipal Ordinance No. 4469, Regulating Discharge of Pollutants, or its most recent update or replacement.

24.363 Municipal Water Systems. The municipal water system shall conform to the provisions of Chapter 333, Oregon Administrative Rules, Public Water Systems.

24.364 Paved Surfaces. All developments shall maintain their impervious surfaces in a litter and chemical free condition. New developments shall demonstrate that provisions are made to maintain the impervious surfaces in such clean conditions. Where new development is proposed abutting existing dirt roads and alleys will be paved with an impervious surface.

24.400 Land Quality Standard

24.410 Purpose. The purposes of land quality regulations are to assure that the health and safety of the citizenry is protected and that the land environment remains aesthetically pleasing for the community.

24.430 Solid Waste Management Standards

The provisions of Chapter 340, Oregon Administrative Rules, Solid Waste Management, shall be applicable for the control of solid waste disposal.

24.440 Commercial and Industrial

¹⁵24.441 Storage of Material and Equipment. All materials and equipment shall be stored and all grounds shall be maintained in a manner that will not attract or aid in the propagation of insects or rodents otherwise create a health hazard. The open storage of materials and equipment is permitted providing the storage area is contained within a sight obscuring fence or vegetative planting as provided in Section 23.036, Type F Screening.

The outside storage of chemicals and/or disposal of residues or products on site shall be permitted only after provisions are made for impermeable containment. Method of containment shall be approved by the City Engineer and the City Public Works Department as part of Site Plan Review process.

¹⁶24.500 Wetlands

24.510 Purpose. The purpose and intent of this section is to protect, conserve, and enhance locally significant wetlands. These wetlands are an important natural resource for flood and erosion control, water-storage and purification, wildlife habitat, open space, and recreation.

- 24.520 Wetlands Inventory. Wetlands are designated using methodologies approved by state and federal governments. The approximate boundaries of wetlands within the Grants Pass urban area depicted in the Grants Pass Urban Area Wetland Inventory, which is incorporated herein by reference.
- 24.521 Inventory Amendments. Where further scientific study or changes in state and/or federal regulations indicate wetland locations or boundaries other than those shown on the official inventory, and where such changes are accepted by the appropriate state and/or federal agencies, the Director shall cause such changes to be reflected on the Grants Pass Urban Area Wetland Inventory.
- 24.530 Wetland Conservation Classes. Inventoried wetlands are categorized by the Grants Pass Wetland Resource Plan in four classes.
- (1) Not Locally Significant Wetlands: This category includes wetlands that meet state and federal regulatory definitions, but that, based on information that is available on location, quality and quantity, are not important enough to warrant inclusion on the inventory of locally significant wetlands.
 - (2) Development Class Wetlands: This class includes wetlands that are ecologically and scientifically significant, but, based on the analysis of ESEE consequences and other goals, conflicting uses should be allowed fully.
 - (3) Conservation Class Wetlands: This class includes those wetlands that are ecologically and scientifically significant, and that, based on the analysis of the Economic, Social, Environmental, and Energy (ESEE) consequences, both the wetland and conflicting uses are important relative to each other. Conflicting uses are allowed, but in a limited way so as to protect the resource site to the desired extent.
 - (4) Protection Class Wetlands: This class includes those wetlands that are ecologically and scientifically significant, and that are of such importance, based on the analysis of the Economic, Social, Environmental, and Energy (ESEE) consequences, that they should be protected from conflicted uses.

24.540 Development Class Wetlands and Not Locally Significant Wetlands

Development or alteration of development class wetlands, or wetlands that are not locally significant, is not restricted by this Section. State and federal permits must be acquired prior to the activity as required.

24.550 Conservation Class Wetlands

24.551 Allowed activities. The following activities are allowed in conservation class wetlands without a development permit provided they do not reduce the extent of the wetland or the degree to which a wetland performs any functions, nor does it involve any activity listed in Section 24.552:

- (1) Educational and scientific research.
- (2) Outdoor recreational activities such as fishing, bird watching, hiking, boating, and swimming.
- (3) Mowing of grasses and forbs to alleviate a fire hazard, or removal of a hazardous tree. Removal of any tree greater than eight inches diameter or mowing of an area greater than one acre requires prior approval from the Director.
- (4) Construction and maintenance of recreational trails.
- (5) Continuation of agricultural practices in effect at the date of adoption of this ordinance.
- (6) Maintenance of an existing public or private lawfully located facility, including roads, trails, dams, fences, and utility services.
- (7) Removal or fill that does not exceed 50 cubic yards of material and that does not alter more than 1,500 square feet of ground and/or vegetation. Removal of any tree greater than eight inches diameter requires prior approval from the Director.

24.552 Conditionally permitted activities. The following activities are allowed in conservation class wetlands provided a development permit is first obtained in accordance with Section 24.553 below:

- (1) Removal and or placement of more than 50 cubic yards of material, including soil, sand, gravel, minerals, aggregate, or organic material, or alteration of more than 1,500 square feet of ground.
- (2) Construction of any structure.
- (3) Removal of any existing vegetation or any activity which will cause any loss of vegetation in a wetland, except as listed in Section 24.551(3) and (7) above.
- (4) Disturbance of existing surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means, including grading and alteration of existing topography.
- (5) Alteration of the water level or water table by any means, including draining, ditching, trenching, impounding, or pumping.
- (6) Disturbance of water quality by any means including storm water run-off.
- (7) Construction of street or utility improvements as shown on applicable master plans.

24.553 Criteria. The activities listed in Section 24.552 above may only be permitted provided the review body finds that the following criteria are met:

- (1) The disturbance to the wetland is the minimum necessary to allow the permitted use. In no case shall the area disturbed exceed one acre cumulative on any wetland.
- (2) The activity maintains to the extent practical the essential functions of the wetland.
- (3) The wetland to remain is protected to the extent possible. Measures may include fencing of the area during construction, providing a buffer around the area to remain or other measures deemed necessary to protect the wetland.

¹⁷24.554 Procedure Type. Any activity listed in Section 24.552 shall be processed using the procedures in Schedule 2-1. Where the activity is in conjunction with an application requiring a higher procedure type, such as a subdivision or site plan, the application shall be processed concurrently using the higher procedure type.

24.555 State permits required. Prior to engaging in any of the activities listed above, the applicant shall obtain any necessary permits from the applicable state and/or federal agencies.

24.560 Protection Class Wetlands

24.561 Allowed activities. The following activities are allowed in protection class wetlands without a development permit provided they do not reduce the extent of the wetland or the degree to which a wetland performs any functions, nor does it involve any activity listed in Section 24.563.

- (1) Educational and scientific research.
- (2) Outdoor recreational activities such as fishing, bird watching, hiking, boating, and swimming.
- (3) Mowing of grasses and forbs to alleviate a fire hazard, or removal of a hazardous tree. Removal of any tree greater than eight inches diameter or mowing of an area greater than 0.25 acres requires prior approval from the Director.
- (4) Construction and maintenance of recreational trails.
- (5) Continuation of agricultural practices in effect at the date of adoption of this ordinance.
- (6) Maintenance of an existing public or private lawfully located facility, including roads, trails, dams, fences, and utility services.
- (7) Removal or fill that does not exceed 50 cubic yards of material and that is necessary to maintain the functions of the wetland, such as removal of silt.

24.563 Prohibited activities. The following activities are prohibited within protection class wetlands:

- (1) Those activities listed in Section 24.552 above.
- (2) Removal or fill of material, except under 24.561(7).

24.570 Wetland Buffers. Wetland buffers are the impact area that must be protected in order to protect or conserve a wetland. Wetland buffers are designated in the Grants Pass Wetland Resource Plan, which is incorporated herein by reference. Where a buffer is designated, it extends 25

feet beyond the boundary of the wetland, unless a different distance is specified in the plan.

24.571 Permitted uses in buffers. Wetland buffer areas shall receive the same protection as the wetland itself. Allowed, conditionally permitted, and prohibited uses within the adjacent wetland are equally treated within the buffer.

24.572 Buffer Modifications. The review body may permit modifications to buffers. The width of a buffer may be reduced to no less than 10 feet provided an equal area of buffer is provided elsewhere adjacent to the wetland. An application to modify a buffer shall be processed using a Type I procedure, unless a concurrent application requires a higher procedure type.

24.580 Wetlands Notice.

- (1) State notice requirements apply to development within all wetlands within Grants Pass urban area wetland inventory.
- (2) The Director shall provide notice to the Oregon Division of State Lands, the applicant and the owner of record, within five working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Grants Pass Urban Area Wetland Inventory:
 - (a) Subdivision tentative plats.
 - (b) Building permits for new structures.
 - (c) Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in the flood-plains and flood-ways.
 - (d) Variances that involve physical alterations to the land or construction of new structures.
 - (e) Planned Unit Developments.
- (3) The provisions of subsection (2) above do not apply if a permit from the Oregon Division of State Lands has been issued for the proposed activity.
- (4) If the Oregon Division of State Lands fails to respond to any notice provided under subsection (2) above within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal

permits. Any City approval shall comply with the provisions of this Article.

- (5) For comprehensive plan map or zoning map amendments for specific properties, the City may issue local approvals for parcels identified as or including wetlands on the Grants Pass Urban Area Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Oregon Division of State Lands with a copy of the notification.

24.590 Variance Procedures. Any variance to the provisions of the Section shall be processed in accordance with Article 6: Variance Procedures and Criteria.

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- ¹ Revised 8-7-91
² Revised 8-7-91
³ Revised 5-16-95
⁴ Revised 8-7-91
⁵ Source: HUD, Circular 1390
⁶ Revised 8-7-91
⁷ Source: HUD-953-CPD
⁸ Revised 5-16-91
⁹ Revised 8-7-91
¹⁰ Revised 8-7-91
¹¹ Revised 8-7-91
¹² Revised 8-1-84
¹³ Revised 1-8-92
¹⁴ Revised 1-8-92
¹⁵ Revised 1-8-92
¹⁶ Added 1-7-98 by Ordinance 4919
¹⁷ Revised 4-20-05 by Ordinance 5285