

PHASE 1 UPDATES TO DESIGN AND CONSTRUCTION STANDARDS

INITIAL DRAFT FOR

Chapter 2

ADMINISTRATIVE PROCEDURES

Reader Notes (2/7/17 draft)

As part of the Phase 1 Design and Construction Standards Update, CWS has drafted proposed changes to Chapter 2 that incorporate new NPDES permit requirements and reflect new technologies, approaches and development patterns. This initial draft includes, but is not limited to, the following revisions:

1. Submittal requirements for erosion control permits on sites less than one acre, where there is no site development.
2. Criteria for obtaining Connection Permits for model homes prior to substantial completion of the site development project.
3. Parameters used to determine when an erosion control permit is not required.
4. General housekeeping updates to reflect current practice and submittal requirements that facilitate District and City plan reviews.

This text format (black text within grey text box) is used for Reader Notes through this initial draft. Reader Notes summarize proposed changes; actual language changes are formatted within the body of the Standards as indicated below:

New Text ~~Removed Text~~

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Chapter 2

ADMINISTRATIVE PROCEDURES

2.01 General

2.01.1 Application of Chapter

- a. Except as defined in subsections (b) and (c) below, the requirements and administrative provisions of this Chapter apply to the construction of any and all components of the public sanitary sewer and storm systems, and to all activities with the potential to cause erosion, create or modify impervious surfaces, or increase the amount of stormwater runoff or pollution leaving a site, within the unincorporated area of the District, and within the following Cities: Banks, Durham, Gaston, King City, and North Plains, and within any other City which formally adopts these requirements.
- b. The following requirements shall apply to all areas within the District:
 1. Section 2.02 - Site Certification and Assessment
 2. Erosion Control
The requirements for Erosion Control Permits and NPDES 1200-C Permits as stated in Sections 2.03.3 and 2.03.4 respectively
 3. Section 2.04.1 and 2.04.2 (d)-~~(nm)~~ – Plan Submittal Requirements and Initial Plan Submittal Requirements
 4. Sections 2.10 and 2.11 - Maintenance Assurance and Maintenance Period Completion
 5. Administrative Provisions
Sections 2.12.5, District Maps/Plans Not Guaranteed, and Section 2.12.6, Technical Guidance Documents, apply throughout the District.
- c. Requirements related to stormwater and vegetated corridors shall not apply to projects within the City of Gaston.

2.01.2 Fees

The District and Cities shall collect fees to defray the costs of reviewing plans, issuing permits, and performing inspections of projects permitted under these rules. The fees are identified in the District's Rates and Charges Resolution and Order and, where appropriate, City ordinances.

2.02 Pre-Development Site Certification and Assessment

a. Site Certification Required

Prior to undertaking any development or completing a land use application to the land use authority for development, as defined in Chapter 1, the Owner or the Owner's authorized agent shall submit a site certification, and if required, a natural resource assessment, for the Water Quality Sensitive Areas and Vegetated Corridors on or adjacent to the development site, to the District for review and concurrence in accordance with the requirements of Chapter 3, or receive a determination from the District that a Site Certification is not necessary.

b. Expiration of Site Certification

District Site Certification is valid for two years from the date of approval, or until the project's current land use approval expires, unless substantial construction has started and is continuing. After two years, if land use application has not been completed, or a Site Development Permit has not been issued or if substantial construction is not continuing, the plans must be resubmitted to the District for review and approval, and the District shall require an updated natural resource assessment to document current conditions of the Sensitive Area and Vegetated Corridor.

2.03 Construction Permits

Reader Notes (2/7/17 draft)

Section 2.03.1 clarifies when a Site Development Permit is required.

Under 2.03.1.c, modified reference to permit agreements to reflect the addition of the private stormwater facilities agreement to Section 2.07. The reference to acceptance and approval by the District is deleted because this information is included in Section 2.07.

2.03.1 Site Development Permit

No person shall undertake the construction of, or modification to, any ~~facilities sanitary or stormwater infrastructure or development~~ governed by these rules without first obtaining a Site Development Permit from the District, with the exception of residential construction on existing lots of record. The Site Development Permit will not be issued until the Owner or its authorized agent has satisfied the following requirements:

- a. Submitted easements as required in Section 2.05;
- b. Submitted required performance assurances as required in section 2.06;
- c. Executed and submitted a Construction Permit Agreement and Private Stormwater Facilities Agreement which has been accepted by an authorized representative of the District and been approved by District Legal Counsel as required in Section 2.07;

- d. Paid all required fees including plan review and inspection fees, erosion control fees, and systems development charges; and
- e. Gained approval of engineering plans as required in Section 2.04.

2.03.2 Erosion Control Only Permit, Prior to Site Development Permit

a. Criteria for Issuance

Erosion Control Only permits may be issued on all or a portion of the site in advance of the Site Development Permit when application for an Erosion Control Permit is made separately from application for a Site Development Permit. The District/City shall make the determination, at its sole discretion, as to whether an Erosion Control Only permit may be issued, based on its evaluation of the following factors:

- 1. A preliminary site development plan shall have been submitted separately and have undergone initial review by the District or City for compliance with this Resolution and Order. The site development plan shall be of sufficient detail to determine that no major revisions are required that may substantially affect grading, pipe alignments, water quality or quantity facilities, sensitive areas or vegetated corridor requirements.
- 2. All other agency (i.e., COE, DSL, DEQ) permits must have been issued for the portion of the site or development for which the Erosion Control Only permit is being requested and a copy of these permits shall be provided to the District.
- 3. The timing of the request is appropriate based on the following factors:
 - A) A significant amount of grading can be performed prior to site development approval;
 - B) A reasonable expectation exists that site development permits will be issued near the time grading is complete so that the site does not remain open during the wet weather season; and
 - C) An early grading approval will not increase the risk of erosion from the site.

b. Submittal Requirements

The application for an Erosion Control Only permit shall include the following:

- 1. ~~Three~~Four sets of folded plans, on 24" x 36" sheets, shall be submitted to the District or City for review. This plan set shall only include the title sheet, grading and Erosion Prevention and Sediment Control Plan, and related sheets. The plan shall be clearly marked for Erosion Control Only and shall be separate from the development plan submittal. With District or City

concurrency, some or all documents in a submittal may be submitted in an electronic format approved by the reviewing jurisdiction.

2. The grading and Erosion Prevention and Sediment Control Plan shall show the methods and interim facilities to be constructed or used concurrently and to be operated during construction to control erosion. The grading and Erosion Prevention and Sediment Control Plan shall meet the requirements of Section 2.04.2 (k) and the provisions of Chapter 6.

Reader Notes (2/7/17 draft)

Section 2.03.3.a clarifies how to obtain erosion control permits.

Section 2.03.3.d simplifies conditions where an erosion control permit is required.

Section 2.03.3.e is changed to clarify that the requirements of Chapter 6 apply whether or not a permit is required. Section 6.02.1 maintains the prohibition on any visible or measurable erosion leaving a site, regardless of whether a permit is required.

2.03.3 Erosion Control Permits

a. Erosion Control Permit Required

Except as noted in Section 2.03.3 (d), no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the District or City and paying prescribed fees. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.

1. Except as provided in Section 2.03.2, **where Site Development Permits are required**, Erosion Control Permits are issued in conjunction and included with Site Development Permits and do not need to be obtained separately.

2. **Where Connection Permits are required separate from the Site Development Permit, Erosion Control Permits are issued in conjunction and included with Connection Permits and do not need to be obtained separately.**

3. **Where a development activity does not require a Site Development Permit or Connection Permit, Erosion Control Permits need to be obtained separately.**

b. Coordination with Other Agencies

No jurisdiction shall issue a permit for construction, land development, grading, excavating, filling, or clearing of land without first verifying in writing that the District or City has issued an Erosion Control Permit

covering such work, or the District or City has determined that no permit is required.

c. Erosion Control Permits Required on Public Projects

No public agency or body shall undertake any public works project without first obtaining an Erosion Control Permit covering such work, or receiving a determination from the District or City that no permit is required.

d. Erosion Control Permit Not Required

Erosion Control Permit from the District or City is required for the following:

1. For work of a minor nature ~~provided all the following criteria are met:~~
 - ~~A) The activity does not require a development permit or approval from the local jurisdiction having land use decision authority, and~~
 - ~~B) No land development activity or disturbance of land surface occurs within 100 feet of a Sensitive Area, and~~
 - ~~C) The where the work on the site involves ~~the~~ disturbance of less than 500 square feet of land surface, ~~where the slope is less than 20 percent or less than 50 square feet where the slope is 20 percent or greater, and~~~~
 - ~~D) The excavation, fill, or combination thereof involves less than 20 cubic yards of material.~~
2. Permits and approvals for land division, interior improvements to an existing structure, and other approvals for which there is no physical disturbance to the surface of the land.
3. Activities within the boundary of CWS that constitute accepted farming practices as defined in ORS 30.930 and 215.203.
4. Pavement maintenance including overlays where the pavement area is not expanded beyond the existing pavement boundaries and minor pavement patch work involving less than 500 square feet of area.

e. Erosion Prohibited in All Cases

~~Exception from the permit requirement does not exempt~~ In all cases the Property Owner, together with any person or persons, including but not limited to the Contractor or the Engineer who causes such erosion, shall be from their responsible ities for compliance with ~~of Section 6.02.1 and at District or City discretion a permit may be required.~~

Reader Notes (2/7/17 draft)

Changes to 2.03.4 allow flexibility in the 1200-C program procedures in anticipation of the pending Memorandum of Agreement with DEQ.

2.03.4 NPDES 1200-C Permit

Through an agreement with the Department of Environmental Quality (DEQ), the District acts as DEQ's agent in receiving registration applications for the General Permit 1200-C program for the control of stormwater associated with construction activities where required by DEQ. Persons who develop within the District boundary and who would be required to obtain a DEQ 1200-C permit shall submit the required 1200-C forms and fees, as applicable, to the District or City prior to obtaining the ~~site~~ Site development ~~Development~~ permit. The District shall review ~~and forward~~ the permit application for compliance and inclusion in the DEQ General Permit program to DEQ, which will formally issue the permit.

Reader Notes (2/7/17 draft)

Section 2.04.1 is updated to clarify that Stamped Engineering Plans are not required for construction on single family lots.

2.04 Requirements for Engineering Plan Approval

2.04.1 Plan Submittal Minimum Requirements

- a. The Owner or the Owner's authorized agent shall submit to the District or City for review and approval plans prepared by an Engineer registered in Oregon for the construction or modification of any public sanitary or storm system, stormwater facility, Erosion Control Permit, or other facility covered by these rules; with the exception of a single family home site on an existing lot of record.
- b. The following plan submittal requirements are the minimum required to satisfy the District's standards. Cities may require additional information.

Reader Notes (2/7/17 draft)

Changes to section 2.04.2 clarify existing submittal requirements to facilitate District and City plan review. For privately maintained facilities, the requirement to provide a maintenance plan is moved from the drainage report (subsection 2.04.2 (m)) to its own subsection 2.04.2 (n).

2.04.2 Initial Plan Submittal Requirements

No submittal shall be considered complete until the following information is received and all the requirements of this section are met as determined by the District or City.

- a. ~~Non-refundable~~ Plan Check Application Fee, Review Deposit, if applicable.

- b. Land Use Authority Conditions of Approval.
- c. Three sets of folded plans on 24" X 36" sheets, or as otherwise approved by the District, and two copies of associated documents such as drainage reports. Individual plan sets that exceed 20 pages may be rolled and stapled. With District or City concurrence, some or all documents in a submittal can be submitted in an electronic format approved by the reviewing jurisdiction.
- d. The following information shall be included on the first plan sheet:
 - 1. Vicinity map sufficient in scope to locate the proposed development.
 - 2. The proposed name of the development, the name and address of the Owner and developer, the name and address of the engineer, and the land use authority case file number, on the lower right-hand quarter of the sheet.
 - 3. A description that includes township, range, quarter section and tax lot numbers of the areas impacted by the development.
 - 4. The total square footage of new and existing impervious areas within the project area. This calculation shall be separated into the square footage:
 - A) Within Public Right-of-Way;
 - B) Within Private Right-of-Way; ~~and~~
 - C) On Private Property;-
 - D) Building(s) footprint (commercial properties only); and
 - E) Onsite drives, parking, walks, etc. (commercial properties only).
 - 5. Index of plan sheets.
 - 6. A site map showing the limits of the proposed development including the area of the overall site size and limits of ground disturbance. For multi-phase projects, ~~an~~ the overall site map ~~shall~~ showing the limits of each phase.
 - 7. Corps and/or DSL permit application number (if permit is required), and the project or permit application number(s) for any other federal, state or local entity, or wetland delineation. Copies of the permit applications shall be included with the submittal. A Site Development Permit shall not be issued until CWS or City has received confirmation of the permit conditions from the permitting authority and reviewed the plans to determine if any changes are necessary as a result of the permit conditions.
- e. Clear, readable plan and profile views of all proposed sanitary sewer lines, storm sewer and surface water systems, shall be provided. The plan and profile drawings shall meet the requirements outlined in 2.04.2(e) (1)-(15), or as otherwise approved by the District. If the design Engineer anticipates

that any of the requirements will not be met due to the configuration of the proposed development, the design Engineer is advised to meet with District staff to gain approval for the deviation prior to submittal.

1. Sanitary sewer plan and profile information presented on separate sheets from the storm and surface water plan and profile information.
 2. Plan and profile views displayed one over the other on the sheet.
 3. Public and private lines and facilities clearly marked on both the plan and profile view.
 4. Existing sanitary manholes labeled with the designated CWS or City number.
 5. The distance from the nearest existing manhole where a new manhole structure is constructed over an existing line, or where a main line connection is made to a trunk line.
 6. Existing and proposed utilities shown on the plan and profile views. ~~The profile view shall show the~~ utility crossings ~~shown on the profile~~. Utilities other than sanitary and storm sewer shall be shown “ghosted”.
 7. A plan view scale no smaller than 1"= 50', and the profile view scale no smaller than 1"= 50' horizontal and 1"=10' vertical. Architectural scales shall not be used.
 8. North arrow.
 9. Type of backfill labeled on profile using CWS or City standard nomenclature.
 10. All existing and proposed easements including the distance from the mainline to easement line.
 11. Location of the low points of street grades and curb returns.
 12. Drainage hazard areas and FEMA designated 100 year floodplains and floodways.
 13. The stationing of each new main line section beginning at 0+00 or other even station (e.g., 1+00, 10+00, etc.) at the downstream terminus. In phased developments, previous stationing may be continued.
 14. The edge of all Water Quality Sensitive Areas, as defined in Chapter 1.
 15. The boundaries of the defined Vegetated Corridor.
- f. The calculations for sizing of the sanitary system submitted in a separate document. This requirement may be waived by the District where the sanitary conveyance system is known to have adequate capacity for the proposed development.
- g. If a water quantity or quality facility is required, a plan sheet(s) showing all the following information:
1. Profile of facility including inlet and outlet structures.

2. Cross section(s) of facility. Multiple cross sections may be required for facilities with walls or grade changes.
 3. For water quantity facilities, detail of the outlet structure including orifice sizes and elevations. Standard details of structures to be included.
 4. Access road design, including access to structures and bottom of facility.
 5. If walls are used, wall construction details and notes identifying wall maintenance responsibility.
 6. Fence and gate design and standard details.
 7. Easement and tract boundaries around facility.
 8. Planting and landscape design for the facility meeting the requirements of Appendix A.
- h. If vegetated corridor restoration is required in accordance with Chapter 3, a plan addressing the requirements shall be submitted which includes the following:
1. A plan view at no smaller than 1"=100' scale, showing the location, ~~and dimensions~~ and the total square footage of the Vegetated Corridor;
 2. Design information to meet the requirements of the Service Provider Letter; and
 3. Planting Plans and Specifications meeting the requirements of Appendix A.
- i. Planting plans, tabular plant counts, and landscaping and maintenance instructions for sensitive areas and vegetated corridors shall be illustrated separately from those for water quality facilities.
- j. Details for all ditch grading including cross sections, restoration, erosion control measures and channel protection.
- k. An Erosion Prevention and Sediment Control Plan including at a minimum the ~~following~~ items outlined in 2.04.2 (k) (1)-(3). Persons who would be required to obtain a permit under the 1200-C Program shall substitute Aan erosion control plan set meeting the requirements of the 1200-C program ~~may be substituted for this Erosion Prevention and Sediment Control Plan~~as outlined in subsection 2.03.4. Persons who are required to obtain an erosion control permit for a single family home site less than 1 acre may use the District or City documented site sketch showing use and placement of Best Management Practices (BMPs) and list of approved BMPs.
1. If submitted independently of the full project plans, a cover sheet with the proposed name of the development, the name and address of the Owner and developer, the name and address of the Engineer,

- and the land use authority case file number.
2. The total acreage of the site and the total acreage of the proposed disturbed area.
 3. Site features as identified below.
 - A) Existing site topography.
 - B) Adjacent off-site drainage patterns indicated by arrows.
 - C) Contours at 2-foot intervals. Where slopes exceed 15 percent, contours may be shown at 5-foot intervals.
 - D) North arrow.
 - E) Existing and proposed structures for the project site.
 - F) Existing and proposed access location for the project site.
 - G) Existing project boundaries, rights-of-way, easements, and jurisdictional boundaries clearly identified by note, symbol, or key.
 - H) Adjacent streets with street names and right-of-way boundaries.
 - I) Capacity and condition of existing drainage facilities, including roadside or other drainage ditches, that transport surface water onto, across, or from the project site.
 - J) Existing Sensitive Areas, Vegetated Corridors, and water quality and quantity facilities. For natural drainage features, show direction of flow, Drainage Hazard Areas, and the 100-year floodplain.
 - K) Clearing and grubbing limits.
 - L) Proposed ground contours.
 - M) For multi-phase projects, phasing of any erosion prevention and sediment control work clearly indicated on the plan.
 - N) Details of proposed erosion prevention and sediment control ~~devices~~BMPs. When sedimentation ponds are proposed, at least one cross section detail shall be shown.
 - l. If alternative methods, materials, or designs other than those included within this Resolution and Order are proposed, a written report shall be submitted which includes design drawings, calculations, maintenance and operation requirements, and other pertinent information necessary to review and evaluate the proposal.
 - m. A drainage report containing the information listed below. The District may waive some or all of these report requirements for single-family residential partition projects and projects where post-development impervious surfaces constitute less than 25% of the parcel. In order to apply for a waiver, the applicant must submit a written request to the District and the applicant or applicant's Engineer must participate in a pre-design meeting to discuss the proposed project and its stormwater impacts prior to initial plan submittal.

1. Maps showing the following information:
 - A) Upstream basin flowing through the site with contours.
 - B) Downstream basin to the point where analysis is required in the downstream analysis detailed in subsection (3) below, with contours.
 - C) Site plan showing development layout with contours.
 - D) Existing stormwater facilities on and adjacent to the site.
 - E) Stormwater facilities proposed to be constructed by the project.
2. Calculations for:
 - A) Sizing of water quality and quantity facilities.
 - B) Sizing of conveyance system, including calculations showing portions of existing conveyance system that are not proposed to be altered have adequate capacity according to the criteria in these rules.
3. Review of Downstream System:
 - A) For each development constructing new impervious surface of greater than 5,280 square feet, or collecting and discharging greater than 5,280 square feet of impervious area, except for the construction of a detached single family dwelling or duplex, the design Engineer shall perform a capacity and condition analysis of existing downstream storm facilities and conveyance elements receiving flow from the proposed development.
 - B) The analysis shall extend downstream to a point in the drainage system where the additional flow from the proposed development site constitutes 10 percent or less of the total tributary drainage flow.
 - C) Where the additional flow from the proposed development drops to less than 10 percent of the total tributary drainage flow, then the analysis will continue for the lesser of:
 - i. One-quarter (1/4) of a mile; or
 - ii. Until the additional flow constitutes less than 5 percent of the total tributary drainage flow.
 - D) When the downstream analysis does not continue for at least one-quarter (1/4) mile, the design engineer shall provide a stamped Certification of Investigation that states the design Engineer has visually investigated the downstream system for at least one-quarter (1/4) mile downstream and is aware of no observable downstream impacts to structures.
4. Narrative, with tables where appropriate, describing:
 - A) How water quality and quantity requirements of these rules are met by the project.
 - B) Areas and flows used for design calculations in subsection (2) above with results of analysis clearly stated.
 - C) Results of downstream analysis.

- ~~n5~~. For privately maintained water quantity or quality facilities or conveyance systems, a maintenance plan that clearly identifies maintenance activities and frequency in a form that can be easily provided to and understood by the people responsible for maintenance.

2.04.3 Timing for Plan Review

- a. The District shall endeavor to perform a completion check of the initial plan submittal for compliance with Section 2.04.2 within three working days of receipt. Submittals which are not in substantial compliance with Section 2.04.2 will be returned without further review.
- b. Upon acceptance of a complete plan submittal in compliance with Section 2.04.2, the District shall endeavor to approve, return for revision, or reject the plans within 15 working days of receipt. If plans are rejected, the reasons shall be indicated in writing.
- c. The District shall endeavor to approve, return for revision, or reject subsequent submittals within 10 working days.

2.04.4 Revised Plan Submittal and Approval

a. Plan Re-Submittal

After the initial review pursuant to section 2.04.3 is completed, a set of plans with comments and/or revisions shown in red shall be returned to the Engineer. Two sets of revised construction plans addressing all comments made by the District shall then be submitted for approval. Upon approval of the plans, a minimum of ~~four~~ five plan sets shall be provided to the District.

b. Bonding Calculation Requirement

Upon approval of the plans, an Engineer's cost estimate of construction, erosion control (EC), and planting details shall be submitted to the District for the calculation of bonds and fees. Onsite area is defined as the pre-development parcel limits. The cost estimate shall be itemized as follows:

1. Onsite Storm Sewer Improvements itemized for each pipe size and type.
2. Offsite Storm Sewer Improvements itemized for each pipe size and type.
3. Onsite Sanitary Sewer Improvements itemized for each pipe size and type.
4. Offsite Sanitary Sewer Improvements itemized for each pipe size and type.
5. Water Quantity/Quality Facility Construction itemized by public and private facility type for the following:
 - A) Excavation/Site Preparation

- B) Control Structures, piping and water quality manholes
- C) Fencing and maintenance access road costs
- 6. Water Quantity/Quality Facility Landscaping. This includes any plantings in the treatment area or on the side slopes of the Water Quality facility along with any trees planted solely to provide shade for the facility.
- 7. Vegetated Corridor/Water Quality Sensitive Area Restoration, Mitigation or Sensitive Area Site Preparation and Planting for Restoration and Mitigation requirements.
- 8. Erosion Control Installation and Maintenance
 - A) Cost to install and maintain Erosion Control measures for the period of construction.
 - B) If significant erosion control installation and maintenance costs are anticipated following construction due to project size or duration, or if the erosion control plan will be amended due to changing site conditions or differing recovery times between areas, a separate estimate for Post Construction Erosion Control shall be provided.
- c. Expiration of Plan Approval

District plan approval is valid for two years from the date of approval, or until the project's current land use approval expires, unless substantial construction has started and is continuing. After two years, if a Site Development Permit has not been issued and if substantial construction is not continuing, then the plans must be resubmitted to the District for review and approval and the District shall require revisions so that the plans meet the current construction standards.

2.04.5 Notification of Start of Construction

The Owner or their designee shall notify the District or City at least two working days in advance of starting construction on any project covered by these rules.

2.04.6 Post-Approval Plan Modifications

- a. When modification of the approved plan is requested by the Owner, ~~three~~ four sets of plans showing the revisions shall be submitted to the District for approval. With District or City concurrence, the modifications may be submitted in an electronic format approved by the reviewing jurisdiction.
- b. No construction of the modified section can commence until these revised plans are approved. Plan review fees for modification of the approved plans will be charged at the District's established plan review rates.

Additions to Section 2.05 clarify the easement requirements for water quantity and quality facilities and Vegetated Corridors and Sensitive Areas. The standards do not change.

2.05 Easements

- a. Off-site easements and on-site easements for projects not involving a land division shall be granted to the District ~~on an instrument in a form~~ approved by ~~the~~ District ~~Legal Counsel~~ prior to the issuance of the Site Development Permit. On-site easements for projects involving land division shall be granted to the District and shown on the final plat before plat approval and recording.
- b. Easement dimensions for public sanitary sewers and storm facilities shall meet the requirements of Section 5.03.
- c. Easement dimensions for publicly maintained water quality or quantity facilities shall meet the requirements of Section 4.02.5.
- d. Easement dimensions for vegetated corridors and sensitive areas shall meet the requirements of Section 3.06.3 and the District's concurred upon Site Certification.

2.06 Performance Assurances

2.06.1 Performance Assurance Requirement

- a. Performance assurances shall be submitted by the owner for work authorized by the District to ensure quality and completeness of the project. Assurances should be in the form of a letter of commitment, performance bond, or cash deposit in form and substance satisfactory to the District.
- b. If the Contractor provides the performance assurance for the project, both the Contractor and Owner are required to execute the Construction Permit Agreement required by Chapter 2.07.
- c. The District will require submission of certificates of insurance in form and substance satisfactory to the District by the Owner and/or the Contractor prior to the permitting of any project under these rules.

2.06.2 Performance Assurance Amount and Duration

Except as may be allowed in ~~Chapter Section~~ 2.06.3, the amount of the performance assurance shall be as identified in Table 2-1. Modifications to plans approved by the District may require an increase in the performance bond amount.

TABLE 2-1
PERFORMANCE ASSURANCES

Type of Performance Assurance	Purpose	Amount	Required	Duration and Conditions for Release
1. Performance Assurance (if development is to be platted prior to completion of construction or if no plat is required)	Ensures that all public facilities and all public or private water quality and quantity facilities are built in accordance with terms and conditions of development permit	<ul style="list-style-type: none"> • 100% of the cost to construct all public sanitary and storm sewer systems; PLUS • 100% of the cost to construct all public or private water quality and water quantity facilities, including landscaping; PLUS • 100% of the cost to install Erosion Control; PLUS • 100% of the costs related to vegetated corridor restoration 	Prior to issuance of a Site Development Permit	<ul style="list-style-type: none"> • Released upon completion of all terms and conditions of the Site Development Permit, EC Plan, Construction Permit Agreement; and • Completion and acceptance of the public sanitary and storm sewer systems, water quality and water quantity facilities, and vegetated corridor restoration • NO Partial Releases are allowed
2. Performance Assurance (if development will not be platted prior to completion of construction)	Ensures that all public facilities and all public or private water quality and quantity facilities are built in accordance with terms and conditions of development permit	<ul style="list-style-type: none"> • 100% of the cost to construct all OFFSITE public sanitary and storm sewer systems; PLUS • 100% of the cost to construct all public or private water quality and water facilities, including landscaping; PLUS • 100% of the cost to install Erosion Control; PLUS • 100% of the costs related to vegetated corridor restoration; PLUS • 10% of the cost to construct all ONSITE public sanitary and storm sewer systems 	Prior to issuance of a Site Development Permit	<ul style="list-style-type: none"> • Released upon completion of all terms and conditions of the Site Development Permit, EC Plan, Construction Permit Agreement; and • Completion and acceptance of the public sanitary and storm sewer systems, water quality and water quantity facilities, and vegetated corridor restoration • NO Partial Releases are allowed
3. As Built	Ensures completion of as-built drawings in accordance with Section 2.09	\$2000 or 1% of cost of construction of the sanitary and storm systems and the water quality/ quantity facility, whichever is greater	Prior to issuance of Site Development Permit	Released upon completion and acceptance of as-built drawings in accordance with Section 2.09
4. Vegetated Corridor, water quality	Ensures completion of vegetated corridor restoration	100% of the costs related to vegetated corridor restoration and	Prior to issuance of Site	Released upon completion and acceptance of vegetated

Type of Performance Assurance	Purpose	Amount	Required	Duration and Conditions for Release
and water quantity facility landscaping performance assurance	and water quality and water quantity facility landscaping in accordance with Chapter 3	water quality and quantity facility landscaping	Development Permit	corridor restoration and water quality and water quantity facility landscaping

2.06.3 Performance Assurance Exemptions

The District may at its discretion, exempt a project of a governmental unit from the performance assurance requirements of Section 2.06.2 when the governmental unit provides a letter of intent and commitment, satisfactory to the District, to complete the project in accordance with the District approved construction plans.

2.06.4 Performance Assurance Release

The District shall release its interest in public facility performance assurances and any additional performance assurances when a project meets the criteria for ~~construction-Project completion-Completion~~ set out in Section 2.08.1. No partial releases of performance assurances will be given.

Reader Notes (2/7/17 draft)

Section 2.07.2 incorporates the existing requirement for submittal of the Private Stormwater Facilities Agreement prior to issuance of the Site Development Permit. Existing requirements and standards do not change.

2.07 ~~Construction-Permit~~ Agreements

2.07.1 A Construction Permit Agreement, in a form approved by the District, Legal Counsel, shall be fully executed by the Owner and submitted to the District prior to the issuance of the Site Development Permit.

2.07.2 For privately maintained water quantity or quality facilities or conveyance systems, a Private Stormwater Facilities Agreement, in a form approved by the District, shall be fully executed by the Owner and submitted to the District prior to the issuance of the Site Development Permit. This agreement, recorded with Washington County Records, identifies maintenance requirements, schedule, and the party responsible for long-term maintenance of private facilities.

Reader Notes (2/7/17 draft)

Section 2.08.2 (b) clarifies existing requirements for planting in the water quality treatment area, and provide flexibility with planting schedules for areas outside the water quality treatment areas.

Section 2.08.3 incorporates criteria for issuing connection permits to Model Homes prior to substantial completion.

2.08 Project Construction Phase Completion and Acceptance

2.08.1 Project Completion

The construction phase of a project is complete when all of the following criteria are met, where applicable:

- a. All components of the sanitary and storm sewer systems have been constructed, tested, and accepted by the District according to the standards described in this Resolution and Order.
- b. Water quantity and/or water quality facilities have been constructed, landscaped, and accepted by the District.
- c. Vegetated corridors have been established, restored, and enhanced in accordance with the requirements of Chapter 3 of these rules.
- d. Post construction erosion control measures have been installed and accepted by the District.
- e. As built drawings have been submitted and accepted by the District.
- f. Maintenance Assurances have been submitted and accepted by the District.

2.08.2 Substantial Completion

A project shall be deemed substantially complete and eligible for issuance of sanitary and stormwater connection permits when all the requirements of ~~2.08.1~~this section are met, ~~with the following exceptions:~~

- a. Construction and testing is completed on those portions of the public sanitary and storm sewer systems required for the systems to function, with the exception of final manhole frame and lid grouting and manhole testing.
- b. Water quality and/or water quantity facilities have been constructed according to the approved plans and protected from erosion. Vegetation in the treatment area of the facility must be established prior to Substantial Completion. The facility vegetation outside of the treatment area is either established or a written request for a delay in planting is submitted and approved by the District. The request shall include justification for the delay, a planting schedule, name of the contractor who will perform the planting work, and date of completion of the planting. The planting work and a date of completion shall be completed on a schedule approved by

~~the District, but no later than April 1st, following Substantial Completion of the project. not be more than 120 days from Substantial Completion.~~ As a condition of acceptance of the planting schedule, the District may limit the number of connection permits until the planting has been completed. If planting has not been completed and accepted ~~within 120 days~~consistent with the approved schedule, no additional sanitary or stormwater connection permits shall be issued and no inspections shall be performed until planting work has been completed.

- c. Vegetated corridors have been established, restored, and enhanced according to the approved plans and protected from erosion. New vegetation is established or a written request for a delay in planting is submitted and approved by the District. The request shall include justification for the delay, a planting schedule, name of the contractor who will perform the planting work, and date of completion of the planting. The planting work and a date of completion shall be completed on a schedule approved by the District, but no later than April 1st, following Substantial Completion~~not be more than 120 days from Substantial Completion~~. As a condition of acceptance of the planting schedule, the District may limit the number of connection permits until the landscaping has been completed. If landscaping has not been completed and accepted ~~within 120 days~~consistent with the approved schedule, no additional sanitary or stormwater connection permits shall be issued and no inspections shall be performed until landscaping work has been completed.
- ~~d. An as-built performance assurance in accordance with Table 2-1 has been submitted.~~
- ~~e. A post construction erosion control performance assurance in accordance with Table 2-1 has been submitted.~~

2.08.3 Model Homes

For construction of model homes prior to substantial completion of the site development project, connection permits will not be issued until the Owner or its authorized agent has satisfied the following requirements:

- a. Model Home Application Fee
- b. Written approval by Building jurisdiction for model homes
- c. Verification of assigned unique address for each model home
- d. Site plan that includes all lots and right-of-ways; location of proposed model home sites; and extent of completed utilities, right-of-way and other infrastructure improvements (on and off-site) needed to serve the model

homes

e. Completed Model Home Application

f. Paid all required permit fees including plan review and inspection fees, erosion control fees, and systems development charges.

g. For model homes served by privately-maintained water quantity or quality facilities or conveyance systems, an executed Private Stormwater Facilities Agreement which has been accepted and approved by an authorized representative of the District.

2.09 As-Built Drawings

The Owner or Engineer shall submit a full set of reproducible as-built drawings of the project, stamped and signed by the Engineer of Record and in a form acceptable to the District. An electronic copy of the as-built drawings shall also be submitted in a format determined by the District. The as-built drawings shall accurately represent the constructed project as determined by a post-construction survey. As-built survey notes may be required by the District if a discrepancy is noted between the submitted as-built drawings and the District inspection notes.

2.10 Maintenance Assurance

2.10.1 Maintenance Assurance Requirement

Maintenance Assurances shall be required for work to ensure post construction quality in accordance with Table 2-2. Assurances shall be in the form of a letter of commitment, bond, or cash deposit in form and substance satisfactory to the District or City.

2.10.2 Maintenance Assurance Exemptions

Upon request, the District may exempt a project of a governmental unit from the requirements of Section 2.10.

Reader Notes (2/7/17 draft)

In Table 2.02, a row is added for proprietary treatment facilities in order to clarify that the two-year maintenance period applied to vegetated treatment approaches also applies to proprietary treatment systems. Sections 2.11.2 and 2.11.3 are written summaries that accompany the table for the proprietary treatment maintenance period and the existing post-construction erosion control assurance.

2.10.3 Maintenance Assurance Amount and Duration

Except as allowed in 2.10.2, the amount and duration of the maintenance assurance shall be as identified in Table 2-2.

TABLE 2-2
MAINTENANCE ASSURANCES

Type of Performance Maintenance Assurance	Purpose	Amount	Required	Duration and Conditions for Release
<u>1. Construction of Sanitary and Storm Infrastructure Maintenance Assurance</u>	Ensures correction of defects in materials and workmanship after initial construction	<ul style="list-style-type: none"> • 10% of the cost to construct all public sanitary and storm sewer systems; PLUS • 100% of the cost to construct all public or private water quality and quantity facilities 	Prior to Release of Performance Assurance	<ul style="list-style-type: none"> • Released one year after completion and acceptance of construction; and • After correction of all defects identified during the maintenance assurance period
<u>2. Proprietary Treatment Systems Maintenance Assurance</u>	<u>Ensures correction of any proprietary system defects after initial installation</u>	<ul style="list-style-type: none"> • <u>100% of the cost to construct all parts of the proprietary system; PLUS</u> • <u>100% of the cost to maintain the proprietary system for a period of 2 years.</u> 	<u>Prior to Release of Performance Assurance</u>	<ul style="list-style-type: none"> • <u>Released two years after completion and acceptance of construction providing deficiencies do not exist that would require an extension.</u>
<u>23. Landscaping for Vegetated Stormwater Approaches and Vegetated Corridors Maintenance Assurance</u>	Ensures correction of any landscaping defects after initial installation	<ul style="list-style-type: none"> • 100% of the cost to install all required landscaping; PLUS • 100% of the cost to maintain the landscaping for a period of 2 years 	Prior to Release of Performance Assurance	Released two years after acceptance of landscaping providing 80% of landscaping is established and healthy
<u>34. Post Construction Erosion Control</u>	Ensures maintenance and effectiveness of EC measures after construction	<ul style="list-style-type: none"> • <u>100% of cost to install and maintain post construction erosion control for one year</u> • <u>100% of cost to remove temporary post construction erosion control measures</u> 	<ul style="list-style-type: none"> • Prior to Release of Performance Assurance; and • Prior to issuance of connection permits 	Released one year after completion and acceptance of construction <u>providing that site is stable, vegetation is established, and exposed soil does not remain.</u>

2.11 Maintenance Period Inspection and Completion

2.11.1 Infrastructure Inspection for One Year Warranty

The District or City shall perform a visual and video inspection of the storm and sanitary conveyance systems and visual inspection of the water quality/quantity facility(ies) during the one-year warranty period and identify any defects in the systems. The Owner shall correct any defects identified

prior to conclusion of the one-year warranty period. The maintenance assurance shall not be released until all defects have been corrected and inspected.

2.11.2 Proprietary Systems Inspection for Two Year Warranty

- a. The District or City shall inspect the condition of the proprietary treatment system materials periodically throughout the maintenance period. The District or City may provide an interim inspection report to the Owner with a specific summary of any deficiencies. Failure of the District or City to provide the interim report shall not release the Owner from their responsibility to provide a functioning proprietary system at the end of the required materials inspection period.
- b. If at any time during the warranty period the proprietary system is not functioning, the Owner shall address the deficiency. The required maintenance period may be extended from the date of remediation if, in the opinion of the District or City, an additional time period is needed to ensure the required treatment can be achieved over the long term. The extension of the maintenance period may be up to two years.

2.11.32 Landscaping Inspection for Two Year Warranty

- a. The District or City shall inspect the condition of the water quality/quantity facility and Vegetated Corridor landscaping periodically throughout the required maintenance period. The District or City ~~shall~~ may provide an interim inspection report to the Owner with a specific summary of any deficiencies. Failure of the District or City to provide the interim report shall not release the Owner from their responsibility to provide established landscaping at the end of the required landscaping maintenance period.
- b. If at any time during the warranty period the landscaping falls below 80% survival of trees and shrubs, or 90% areal coverage by herbaceous plants, or if the amount of undesirable vegetation cover including target non-native species exceeds 10%, the Owner shall remove undesirable vegetation and reinstall all deficient planting at the next appropriate planting opportunity. The required maintenance period may be extended from the date of replanting if, in the opinion of the District or City, an additional time period is needed to ensure the required landscaping becomes established and can survive long term. The extension of the maintenance period may be up to two years.

Reader Notes (2/7/17 draft)

Section 2.11.4 accompanies the information in Table 2-2.

2.11.4 Post Construction Erosion Control for One Year Warranty

The District or City shall inspect the condition of the post construction erosion control measures periodically through the required maintenance period. The Owner shall correct any defects identified prior to conclusion of the one-year warranty period. The maintenance assurance shall not be released until all defects have been corrected and inspected, vegetation has been established, and temporary post construction erosion control measures have been removed per Section 6.04.4.

2.11.53 Warranty Period Completion

The one year warranty period shall be complete when all the requirements of Section 2.08.1 have been met, the one-year maintenance assurance period, including any extensions, has expired on all elements of the project, and any repairs required during the maintenance period have been completed and accepted.

2.12 General Administrative Rules

2.12.1 Additional Permits

Nothing in these standards alleviates the need for the Owner to obtain and comply with all required local, special district, state or federal permits. Any required permits for the project issued by other jurisdictions, including but not limited to the Oregon Division of State Lands and the US Army Corps of Engineers, shall be maintained on site and available to District Inspectors upon request.

2.12.2 District Inspection

- a. A District representative ~~shall~~ may inspect the project at any time, and as necessary and shall check materials, equipment, and the construction of the project to determine whether the work is proceeding in accordance with the approved plans and the requirements of this Resolution and Order. The purpose of these inspections is to monitor compliance with District construction standards and the inspections are for the benefit of the District.
- b. The Owner has primary responsibility for project inspection. The District's inspections are to monitor the quality of work performed by others only. The District has no responsibility, by virtue of such inspections, for any construction means, methods, or techniques, or compliance with safety requirements, all of which remain the sole responsibility of the Contractor.

2.12.3 Change in Plans/Standards

The District has the right to require changes in the plans or in standards

contained herein in order to protect the public interest or the normal operations of the District. Such changes are at the sole discretion of the District and may include, but are not limited to, the allowance of new or different materials or products that are equivalent to or better than the product specified in the approved plans.

2.12.4 Guaranty

If the Owner, after notice of defective work, fails within thirty days to proceed to comply with the terms of Section 1.08.5, the District may have the defects corrected. The Owner's surety or issuer of the performance or maintenance assurances under Section 2.06 and Section 2.10 shall be liable for all expenses incurred, provided, however, that in case of an emergency where, in the opinion of the District, delay would cause serious loss or damage, repairs may be made without notice being given to the Owner, and the Owner and the Owner's surety shall be jointly and severally liable for the cost thereof.

2.12.5 District Maps/Plans Not Guaranteed

The District may provide property owners, engineers, contractors and other members of the public with information from District maps, "as-built" plans, etc. The District does not guarantee and is not liable for the accuracy of the measurements, locations or other information on such maps and plans.

2.12.6 Technical Guidance Documents

The District may develop Technical Guidance documents to provide assistance in compliance with this Resolution and Order. The District shall review the Technical Guidance documents periodically in order to comply with new laws, regulations, or permit requirements, to correct deficiencies or to respond to changes in technology.

The guidance documents are for guidance only and are not intended to supersede any provisions of these standards.

The District may solicit review of the Technical Guidance documents and any revisions by the interested public. Revisions shall become effective upon approval by the General Manager and Conveyance Department Director.