

STORM WATER ADVISORY TEAM

MEMORANDUM

To: City and County Floodplain Administers in the Rogue Valley
From: The Stormwater Advisory Team (see attached signature page)
Date: April 22, 2026
RE: Stormwater Design Standards for FEMA NFIP ESA Ordinance

STORM WATER ADVISORY TEAM BACKGROUND

The Storm Water Advisory Team (SWAT) is a committee that provides collaboration on MS4 permit compliance including the publication of the Rogue Valley Stormwater Quality Design Manual (RVSQDM). The following agencies are members of the committee: Rogue Valley Sewer Services, City of Ashland, City of Central Point, City of Eagle Point, City of Medford, City of Phoenix, City of Talent, and Jackson County. The SWAT holds quarterly meetings which are open to the public and allow for discussion of stormwater issues including revisions to the RVSQDM which are voted on by the member agencies.

STORMWATER FACILITY DESIGN AND “NO NET LOSS” FOR NFIP ESA

The SWAT has analyzed the Model Floodplain Management Ordinance published in November 2024 for the NFIP Endangered Species Act Integration in Oregon. The SWAT has concluded that the Rogue Valley Stormwater Quality Design Manual (RVSQDM) can be used for stormwater facility design when development includes an increase in impervious area and satisfies the intent of the Model Ordinance for “No Net Loss”. Furthermore, the SWAT believes that local agencies should draft their updated floodplain ordinances to reference the RVSQDM for stormwater facility design standards instead of using the Model Ordinance language because it will provide clarity and consistency for project engineers to comply with one set of standards.

To provide background support for the SWAT’s position, the Model Ordinance language is provided below with explanations for how the intent of each subsection of the Model Ordinance is met with the RVSQDM.

MODEL ORDINANCE REVIEW AND DISCUSSION

6.2 STORMWATER MANAGEMENT

Any development proposal that cannot mitigate as specified in 6.1.2(A)-(B) must include the following:

- A. *Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and*
- B. *Water quantity treatment (retention facilities) unless the outfall discharges into the ocean.*

As noted above, the RVSQDM requires treatment for new or redeveloped impervious area which is consistent with section 6.2A of the Model Ordinance.

C. *Retention facilities must:*

- i. *Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).*

Section 2.5 of the RVSQDM requires peak discharge of the post-development site to match the pre-development peak discharge for the 10-year storm. This is consistent with section 6.2C of the Model Ordinance.

- ii. *Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.*

Section 2.3 of the RVSQDM requires treatment facilities for new impervious areas and redeveloped areas and requires any treatment facility to be selected from the approved facilities listed in Chapter 4 of the RVSQDM, which meet the 80 percent total suspended solids removal requirement.

- iii. *Be designed to not entrap fish and drain to the source of flooding.*

Section 2.8 of the RVSQDM requires fish entrapment to be considered.

- iv. *Be certified by a qualified professional.*

Section 6.4 of the RVSQDM requires a Professional Engineer to perform stormwater facility designs.

D. *Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:*

- i. *Access to stormwater treatment facilities at the site by the COMMUNITY TYPE (e.g., city, county) for the purpose of inspection and repair.*
- ii. *A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.*

- iii. *For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.*
- iv. *The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the COMMUNITY TYPE (e.g., city, county) for five years.*

Section 2.7 of the RVSQDM requires an Operations and Maintenance Plan (O&M) to be developed for any stormwater facility. The O&M template is provided in Appendix H of the RVSQDM and includes a Declaration of Covenants which must be signed by the property owner and recorded on the property for on-going maintenance of the stormwater facility. The O&M also includes requirements for inspection and maintenance of different types of facilities including infiltration facilities. This is consistent with section 6.2D of the Model Ordinance.

CONCLUSION AND PROPOSED ORDINANCE

As noted above, the RVSQDM complies with the intent of the Model Ordinance Stormwater Management language. Therefore, the SWAT proposes the following edits to the Model Ordinance for local jurisdiction adoption.

6.1.2 IMPERVIOUS SURFACES

Impervious surface mitigation shall be mitigated through any of the following options:

- A. *Development proposals shall not result in a net increase in impervious surface area within the SFHA, or*
- B. *use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface **areas under 5,000 square feet**, as documented by a qualified professional, or*
- C. *If prior methods are not feasible **or for over 5,000 square feet of impervious area, a stormwater facility shall be required in accordance with the Rogue Valley Stormwater Quality Design Manual and shall be documented by a qualified professional.** and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See section 6.2.C for stormwater retention specifications.*

6.2 STORMWATER MANAGEMENT

*Any development proposal that cannot mitigate as specified in 6.1.2(A)-(B) must include **a stormwater facility designed in accordance with the Rogue Valley Stormwater Quality Design Manual.** the following:*

- E.—Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and*
- F.—Water quantity treatment (retention facilities) unless the outfall discharges into the ocean.*
- G.—Retention facilities must:*
- v.——Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).*
 - vi.——Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.*
 - vii.——Be designed to not entrap fish and drain to the source of flooding.*
 - viii.——Be certified by a qualified professional.*
- H.—Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:*
- v.——Access to stormwater treatment facilities at the site by the COMMUNITY TYPE (e.g., city, county) for the purpose of inspection and repair.*
 - vi.——A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.*
 - vii.——For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.*
 - viii.——The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the COMMUNITY TYPE (e.g., city, county) for five years.*

STORM WATER ADVISORY TEAM APPROVAL

The SWAT voted in support of this Memo on April 22, 2026.