



Multnomah County Drainage District #1
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October 26, 2015

Portland Planning and Sustainability Commission
1900 SW Fourth Avenue, Suite 7100
Portland, Oregon 97201

Re: *Testimony for the Discussion Draft of the Employment Zoning Project*

Members of the Portland Planning and Sustainability Commission,

Thank you for the opportunity to provide testimony on the *Discussion Draft* for proposed amendments to the Employment Zone and related chapters of the Portland Zoning Code.

The Multnomah County Drainage Districts (Districts) represents three drainage districts (Multnomah County Drainage District No. 1 and Peninsula Drainage Districts Nos. 1 and 2). The Districts operate and maintain a series of drainageways, pumping facilities, and levees to protect land in the Columbia Corridor, an area that encompasses 12,000 acres on the south shore of the Columbia River in the Portland, Oregon Metropolitan area, from both external and internal flooding.

Recognition of all aspects of Levee Ready Columbia

The City of Portland, along with over twenty other stakeholders, is participating in the Oregon Solutions Levee Ready Columbia process, a multimillion-dollar project that aims to both maintain Federal Emergency Management Agency (FEMA) accreditation for the levees in the Columbia Corridor as well as remain active in the US Army Corps of Engineers Rehabilitation and Inspection Program (RIP). These levees are critical infrastructure for the region. Without maintaining accreditation, FEMA will remap much of the land behind the levees as a Special Flood Hazard Area, which will have multiple impacts on the opportunity for future industrial development.

The majority of the Employment Zoning area lies between levees managed by the Districts that provide flood protection from the Columbia River. It is also in an area where wetland storage and pump stations maintained by the Districts maintains the Base Flood Elevation (BFE). Significant changes to wetland storage areas could have a direct impact on the Districts ability to maintain the BFE effectively and would likely necessitate additional pumping capacity.

There are many unknowns in this process, particularly around potential federal mitigation requirements. Extensive mitigation, in excess of two acres, may need to occur onsite within the Prime Industrial Overlay. It is important that the prime industrial overlay, meant to protect industrial lands, should not hinder the accreditation process and the ability to remain in the RIP. The proposed code language prohibition on certain types of mitigation could be a hindrance. Actions that allow for both accreditation, and compliance in the RIP, should be exempt from the industrial overlay conditions.

To facilitate accreditation and active status in the RIP within the Columbia Corridor, the Districts' request that language be added to the Employment Zone Project that recognizes the importance of the Levee Ready Columbia program, intended to ensure continued integrity of the flood control system in the Columbia Corridor through a comprehensive coordinated effort of the City, Districts, and partner agencies. Language that should be included in the Employment Zone Project should recognize the importance of the Levee Ready Columbia program.

Recognition of Floodplain Management Services

The managed floodplains of the Districts contain much of Portland's prime industrial land as well as the Portland International Airport, major transportation facilities including interstate highways and multiple transit lines, and the Columbia South Shore well field. Thus, these flood protection and management activities are critical to the City's economy, transportation system, and infrastructure. Fundamentally, the Districts support the Comprehensive Plan update's Guiding Principles of Economic Prosperity, Human Health, Environmental Health, Equity, and Resilience. The Districts' contribution to these Guiding Principles, especially Portland's resilience—our ability as a community to recover from natural and human-made disaster, climate change, and economic shifts—is essential to Portland's continued vitality.

To facilitate floodplain management activities within multiple employment zones within the Columbia Corridor, the Districts' request that language be added to the Employment Zone Project that recognizes the act of floodplain management. Language that should be included in the Employment Zone Project should recognize the importance of the Districts operations and the need for support and coordination between the City and the Districts.

The Districts have participated in the Recommended Comprehensive Plan (Plan) update that is now before the City Council for hearing and adoption. With our urging, the Plan updates a number of policies that recognize the importance of our operations and the need for support and coordination between the City and the Districts. What is before you today, in the form of Draft Zoning Code additions and modifications, is the major implementation measure of those Plan policies and, of particular interest to us, those related to interagency coordination (Policy 8.6) and flood management (Policies 8.73 through 8.77). The Districts believes this is the appropriate time and place to bring our concerns and suggested changes before you given the amount of prime industrial land that is in the managed floodplain and the status of the Levee Ready Columbia program, intended to ensure continued integrity of the flood control system in the Columbia Corridor through a comprehensive coordinated effort of the City and Districts.

To provide these critical services within these zones, the following list of zoning code additions and modifications are requested:

Proposed Zoning Code Additions and Modifications

The existing Zoning Code does not recognize the critical importance of the Districts' flood management operations to the extent now contained in the Recommended Comprehensive Plan. Definitions of flooding, flood-prone areas, and flood management, as well as inclusion of flood management facilities as a basic utility need, and regulations regarding flood management facilities and activities need to be incorporated to meet the Recommended Plan policies. Following are a number of suggested additions or modifications to the proposed Draft Zoning Code amendments that the Districts believe will help define or clarify the flood management efforts we undertake:

33.910 Definitions

- Replace *Public Safety Facilities* with *Public Facilities* as defined in the Recommended Comprehensive Plan:

Public facility: Any facility, including buildings, property, and capital assets, that is owned, leased, or otherwise operated, or funded by a governmental body or public entity. Examples of public facilities include sewage treatment and collection facilities, stormwater and flood management facilities, water supply and distribution facilities, streets, and other transportation assets, parks, and public buildings.

As it exists in the Zoning Code, *Public Safety Facilities* are limited to those under the operation or control of the City:

Public Safety Facility. A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Portland. Public safety facilities include fire

and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

The Plan definition of *Public Facilities* is broadened to include other public entities such as the Districts, recognizing their role in providing safety, services, and infrastructure to the City.

- Add *Special Service District* as defined in the Recommended Comprehensive Plan:

Special service district: An independent governmental unit that exists separately from the general purpose government. Special service districts provide specialized services to persons living within a geographic area. Examples include drainage districts, port authorities, and mass transit agencies.

This addition recognizes non-City service providers and allows the opportunity, through land use regulations, to offer the specialized services under the same restrictions as equivalent City utilities and services.

- Add *Managed Floodplain*:

Managed Floodplain: The land protected from flooding through a combination of flood management facilities that are managed by the City or a Special Service District.

The Zoning Code already defines Special Flood Hazard Area, so a Managed Floodplain would include those portions of the Special Flood Hazard Area protected by the levee system. The Managed Floodplain also includes areas where stormwater is managed through pump stations, drainageways and other stormwater facilities to maintain the Base Flood Elevation (BFE). The term *Managed Floodplain* identifies the land protected by the District facilities and maintenance activities throughout the Columbia Corridor.

Special Flood Hazard Area. Land area covered by the floodwaters of the base flood, as shown on the Federal Emergency Management Agency (FEMA) maps in effect on November 26, 2010. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood."

- Add *Flood Management Facilities*:

Flood Management Facilities: the internal and external system that includes drainageways, flood storage areas, pump stations, flood walls, closure structures, and levees under the control of the City or Special Service District for the purpose of flood management and protection.

This definition clarifies the operational facilities that are necessary for flood protection operations and activities.

- Add *Flood Management*:

Flood Management: The act of reducing, controlling, or preventing flooding through the control, use, or operation of Flood Management Facilities.

This definition simply recognizes that Flood Management Facilities may need to be operated to provide the desired level of flood protection.

- Add *Flood*:

Flood: Overflowing of water beyond its normal confines of water bodies, drainageways or stormwater facilities.

Addition of this definition distinguishes floods from normal stormwater drainage, and requires additional measures to protect surrounding land from inundation.

33.920 Descriptions of the Use Categories

- Add *Flood Management Facilities* to 33.920.400.C, Basic Utilities Examples:

C. *Examples. Examples include water and sewer pump stations; sewage disposal and conveyance systems;*

*electrical substations; water towers and reservoirs; small scale energy production, water quality and flow control facilities; water conveyance systems; water harvesting and re-use conveyance systems and pump stations; stormwater facilities and conveyance systems; telephone exchanges; mass transit stops or turn arounds, light rail stations, suspended cable transportation systems, transit centers; **flood management facilities**, and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.*

Under the existing definition, it is not clear that flood management is considered a basic utility. This acknowledges the facilities required for flood management as a basic utility similar to but distinct from stormwater facilities and conveyance systems, and recognizes them as an allowed/conditional use in the Industrial and Employment Zones (Table 140-1).

33.475 Prime Industrial Overlay Zone

- Add *Flood Management* to 33.475, Prime Industrial Overlay Zone (Use Regulations):

Use Regulations

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33.475.090 Flood Management. All proposed development within a Drainage District boundary must obtain review and written approval from the Drainage District prior to issuance of a development permit to ensure development meets District and Federal regulations related to flood management.

Development within Drainage District boundaries affects the ability of the District to carry out its obligations for flood management. This requirement will provide the ability of the District to review a development proposal proactively to determine conformance with District requirements.

33.475.050 Parks and Open Areas

The Drainage Districts support significant land and water trails for all ages. Boat ramps and access to the slough and other drainageways are beneficial for maintaining the stormwater conveyance system while trails provide access to Drainage District crew for both maintenance and emergency activities.

We recommend that there is no acreage limit for trail and boat launches, although the accessory facilities are limited to two acres. Since trails are a linear feature, it is possible that their footprint will be larger than two acres on large lots, thus, it is important to retain flexibility for both trails and boat launches.

In conclusion, the Districts have a long history of providing flood management services while also serving as environmental stewards. We believe these proposed modifications clarify our role in providing flood management services within the Columbia Corridor and support Portland's vision for growth and prosperity.

The Districts very much appreciate the time and effort the City has invested in working with us to explain the process, discuss issues, and accommodate our specific needs. We look forward to continuing this dialog during any future review of the Code amendments.

Sincerely,



Reed Wagner
Executive Director
Multnomah Drainage District No. 1
Peninsula Drainage District No. 1
Peninsula Drainage District No. 2