



MEMORANDUM

Date: 8/7/2020

To: City of Portland, Planning & Sustainability Commission

From: Multnomah County Drainage District #1

Subject: Draft E-Zone Correction Project

Background:

The Multnomah County Drainage District #1 (MCDD) helps protect lives and property from flooding by operating and maintaining flood management systems for nearly 13,000 acres of land along the Columbia Slough and the lower Columbia River. MCDD also provides operations, maintenance, and administrative services to three other districts along the south shore of the Columbia River: Peninsula Drainage District #1 (PEN1), Peninsula Drainage District #2 (PEN2), and the Sandy Drainage Improvement Company (SDIC). Together, authorized by Oregon Revised Statutes Chapter 547 and 554, these four special districts operate and maintain 27 miles of levee and manage a complex series of sloughs, pipes, and culverts that feed into pump stations and convey water away from the Columbia Corridor into the Columbia River and lower reaches of the Columbia Slough.

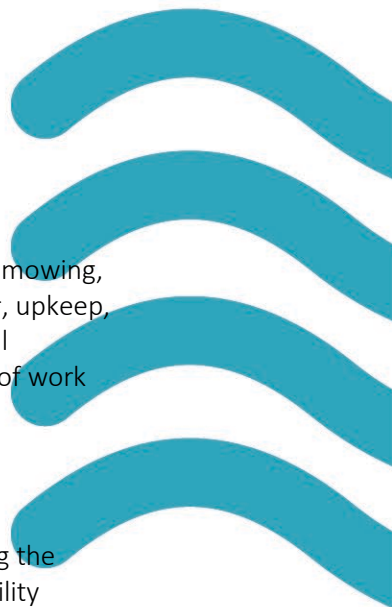
The economic livelihood of Portland is reliant on this levee system as it reduces flood risks for critical regional infrastructure including: the Portland International Airport which serves over 20 million passengers a year; three interstate highways; BNSF and UP rail lines; the Oregon Air National Guard Base; a major natural gas pipeline; and a drinking water supply system for nearly a million people. In addition, the levee system protects 50,000 regional jobs, \$16 billion in annual economic activity and over \$7 billion in real property value

Summary:

Under Portland's Planning and Zoning Code (Title 33), the Drainage Districts have existing exemptions (i.e., 33.430.080) related to operations, maintenance, and repair of drainage facilities, flood control structures and conveyance channels. In recent years, however, we have received conflicting code interpretations depending on which City staff is contacted, making it challenging to perform our statutory duties.

For example, the Code definition for "maintenance" lists as examples "...painting a previously painted surface, or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition." In environmental and plan district chapters, however, reference to maintenance takes a much broader approach,





including not just painting or re-roofing structures, but also vegetation trimming and mowing, invasive species removal, drainageway dredging and debris removal, and levee repair, upkeep, and reinforcement. In other words, these other code chapters understand that not all maintenance activities are the same and that "maintenance" depends on the nature of work being done, by whom, and for what purpose.

Request:

We understand that future phases of the E-Zone Correction Project will be addressing the Columbia Corridor area, but in the interim, we request that the Planning & Sustainability Commission (PSC) consider reviewing our existing exemptions and work with District staff to propose a code clarification.

The Drainage Districts are currently undergoing a major modernization of our governance and infrastructure systems to meet flood protection needs in the region and ensure we are providing adequate levels based on the land use changes in our area over the last 100 years. By working together to clarify existing exemptions, we can align interests that protects the health, safety and general welfare of our local community.



Figure 1.0 – Drainage District Boundary Map

CC: Amber Ayers, Project Manager: aayers@mcdd.org





Memorandum

To: City of Portland Bureau of Planning and Sustainability
From: Amber Ayers, MCDD Project Manager
Duncan Brown, Winterbrook Planning
Date: February 20, 2019
Subject: Proposed City of Portland Development Code Clarification

Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1, and Peninsula Drainage District No. 2 (collectively, "District") is a public safety organization authorized by Oregon Revised Statutes Chapter 547 that provides stormwater conveyance and flood management functions for much of the Columbia Corridor. Within the Corridor lies a significant portion of Portland's industrial land, the Portland International Airport, portions of two interstate freeways, and the City of Portland's domestic water well field, as well as regional recreation facilities and the Bridgeton and East Columbia residential neighborhoods. This infrastructure represents much of the economic base of the City and critical elements in the regional transportation network. It is therefore important both to the District and for the economic vitality of Portland that we are able to carry out our charge safely, quickly, and efficiently. Unnecessary land use regulation has the potential to adversely impact District operations and the ability to serve property owners and the Portland Metropolitan Area in general. Following is a summary of the major issues we are faced with and highlight how working together, safety-related clarifications could be proposed to City land use regulations, thereby ensuring our ability to continue to provide safety:

OHSA Inspections and Recommendations

The purpose of the District is to provide stormwater conveyance and flood protection; District crews often must work under dangerous conditions including nighttime operations and bad weather, with poor visibility and rapidly changing water levels. A series of recent inspections by OHSA has identified the need to improve an estimated 38 District structures and drainageway access points, many of which are in Environmental Zones, to meet basic worker safety requirements. Proposed improvements or modifications are, from the standpoint of environmental impacts, minor in nature, consisting primarily of stairway and pathway relocation or replacement, safety structures such as railings added to already-existing development, and installation or replacement of screens to prevent in-water debris from lodging in and blocking culverts or other "choke points" in the drainageway system.

For safety-related activities or activities that are necessary to comply with new standards that do not require a net change in permanent disturbance, or are limited in additional disturbance area, the Development Code should be clarified or amended to allow these activities outright, or with a number of clear and objective standards that would ensure adequate restoration or impact mitigation. This will allow the District to continue to protect lives, property, and the environment while ensuring that staff is able to work under safer conditions.

The District is in the process of improving its facilities to address the OSHA-identified safety recommendations, as well as increasing the efficiency and effectiveness of flood protection, conveyance, and management. Although the Schmeer Road Pump Station is not in the Environmental Zone, it is an example of the type of activity described above, and can be seen in the illustration below. The deteriorating wood walkway used for accessing the pump station inlet has been replaced by a lower soft surface path and metal guardrails with an opening gate to gain direct access to the grate protecting the pump station inlet. The grate has been moved upstream from, and not directly under the walkway, allowing large woody debris to be removed in order to clear the drainage channel and prevent damage to pump station equipment and reduce flood risk. Some regrading beyond the walkway has been done to provide direct and unhindered access. It is these types of improvements that the District would like to implement without undue delay and expense from unnecessary regulation.

Schmeer Road Pump Station Safety Upgrades



Before



After

Increased Maintenance Requirements

Since the most recent general review and update of land use requirements, development throughout the Columbia Corridor has significantly increased. This has increased impacts on District infrastructure, particularly the drainageways, through increased water passage requirements. Water from impervious surfaces drains more quickly than before, creating more “flashiness” and volume. This, along with the related increase in debris from human activity, results in a commensurate increase in flood risk.

Drainageway access and the ability to conduct prompt and efficient maintenance throughout the system are increasingly restricted by abutting development, limiting the ability to retain drainage or stormwater detention capacity. An emphasis is therefore placed on the ability to efficiently drain stormwater using much of the existing system access and infrastructure rather than expanding or creating new access points. Similar to safety-related or code-related requirements, the Development Code should be clarified such that flood risk mitigation and reduction improvements, that result in minor or no increase in permanent area of disturbance are allowed outright, or with a number of clear and objective requirements that would ensure adequate restoration or impact mitigation.

Delays in City Permit Approvals

Ongoing flood risk mitigation and protection occurs year-round, but is largely dependent on seasonal weather conditions. Many District maintenance and flood protection activities are time sensitive and can only occur during low water periods, in the short term in response to unforeseen events (bank or levee failure, sudden heavy rainfall or flooding, pump equipment breakdown), seasonally (spring river floods, winter storms taxing drainageway capacity), or long term (upgrading drainage capacity and levee protection). Most of these activities are not discretionary; they must be done to comply with statutory District responsibilities and to protect people and property within District boundaries. Further, most of these activities fall into several defined categories and are predictable in scope and mitigation. Subjecting these activities to land use reviews and development permits that require long lead times, particularly in environmentally sensitive areas, unnecessarily delays this flood risk mitigation. Further, these reviews and permits result in predictable mitigation or remediation measures due to the repetitive nature of the activities being reviewed. Rather than subject routine District flood risk mitigation to individual and lengthy processes that result in predictable outcomes and that may extend beyond the seasonal window of opportunity, thereby precluding the District's ability to do the work, Development Code regulations should be clarified to allow these types of routine operations outright, or with a number of clear and objective requirements that would ensure adequate restoration or impact mitigation.

Definitions Do Not Describe Activities Allowed Under the Code

Recently we have experienced different Development Code interpretations by City staff that make it difficult to perform the statutory duties and obligations of the District to provide stormwater conveyance and flood management in a manner consistent with ongoing District operations. For example, the Code definition for “*maintenance*” lists as examples “...*painting a previously painted surface, or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.*” In environmental and plan district chapters, however, reference to maintenance takes a much broader approach, including not just painting or re-roofing structures, but also vegetation trimming and mowing, invasive species removal, drainageway dredging and debris removal, and levee repair, upkeep, and reinforcement. In other words, these other code chapters understand that not all maintenance activities are the same. What is “maintenance” depends on the nature of work being done, by whom, and for what purpose. Review of the manner in which the Development Code regulations refer to “maintenance,” particularly as its relationship with District operations, and incorporating those actions into the definition, will allow the District to perform its statutory obligations without undue burden placed upon it through unnecessarily narrow interpretation.

We believe these issues can be resolved in a manner that can be of benefit to both the City and District, and would like to discuss alternative approaches to them in greater detail. Thank you for your time and consideration.