



Community Development – Planning

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FILE NO.: Legislative File: L 15-01 – Adoption of Stormwater and Grading Design Standards

HEARING DATES: Planning Commission
Monday, April 13th, 2015
7:00 p.m., City Hall - Commission Chambers
625 Center Street, Oregon City, OR 97045

City Commission
Wednesday, May 6th, 2015
7:00 p.m., City Hall - Commission Chambers
625 Center Street, Oregon City, OR 97045

APPLICANT: Oregon City Public Works Department
John Lewis, P.E., Public Works Director
Martin Montalvo, P.E., Public Works Operations Manager
Aleta Froman-Goodrich, P.E., City Engineer
625 Center Street, Oregon City, Oregon 97045

REPRESENTATIVE: Brown and Caldwell, Consulting Engineers
6500 SW Macadam Avenue, Suite 200, Portland, OR 97239

REVIEWER: Pete Walter, AICP, Associate Planner
Carrie Richter, Deputy City Attorney
Tony Konkol, Community Development Director

REQUEST: Updates to the Oregon City Stormwater and Grading Design Standards, along with updates to Oregon City Municipal Code Chapter 13.12, Stormwater Management.

LOCATION: City-wide.

REVIEWER: Tony Konkol, Community Development Director
Pete Walter, AICP, Associate Planner

RECOMMENDATION: Staff recommends approval of the proposed amendments to OCMC 13.12 (Exhibit 2), and to the Stormwater and Grading Design Standards (Exhibit 1) as an ancillary document to the Oregon City Comprehensive Plan to the Planning Commission and City Commission.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. *Hearing Required.* The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. *The community development director's Report.* Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.

3. *Planning Commission Recommendation.* At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. *City Commission Action.* Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. *Notice of Final Decision.* Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2). (Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

Proposed Project

The proposal is to update the Stormwater and Grading Design Standards, which implement the Drainage Master Plan, an adopted Ancillary Document to the Oregon City Comprehensive Plan (2004).

Existing Standards

The City last updated its Stormwater and Grading Design Standards in 1999 (Reso. 99-41).

Stormwater Management

Oregon City's stormwater management facilities and services are funded by user fees and governed by the following ancillary documents:

- *City of Oregon City Sanitary Sewer Master Plan (2003)*
- *Caufield Basin Master Plan (1997)*
- *South End Basin Master Plan (1997)*
- *Drainage Master Plan (1988), updated in 1999 as the City of Oregon City Public Works Stormwater and Grading Design Standards*

The 2004 Oregon City Comprehensive Plan, under *Section 11: Public Facilities*, states the following with respect to stormwater management (Excerpt from Page 81):

Stormwater Management. The focus of stormwater management has changed over the years from underground stormwater and sanitary sewers combined and piped systems to open, natural drainage channels where possible.

The *Caufield Basin Master Plan* (1997) and *South End Basin Master Plan* (1997) call for drainageways to remain in a natural state for maximum water quality, water resource preservation, and aesthetic benefits. The *City of Oregon City Public Works Stormwater and Grading Design Standards* (1999) encourages the use of open ponds for stormwater runoff control where feasible. Detention ponds that serve more than one development and regional detention facilities are preferred because they require a lower level of monitoring and maintenance effort than single- or on-site detention. Updated plans for all of the drainage basins in Oregon City should be developed using a watershed planning approach.

The City's stormwater management program is subject to the City's National Pollution Discharge Elimination System Municipal Separate Storm and Sewer System (NPDES) MS-4 permit, which is administered by the Oregon Department of Environmental Quality (DEQ) for the U.S. Environmental Protection Agency (EPA).

Oregon City and the other urban municipalities in Clackamas County have operated since 1996 under a joint NPDES permit that prescribes requirements for each agency. Oregon City is responsible for monitoring and maintaining its stormwater management system to ensure the environmental integrity of the system's receiving waters (the Willamette and Clackamas rivers), and for preparing annual reports showing permit compliance.

Relationship to the Comprehensive Plan

According to the 2004 Oregon City Comprehensive Plan (Introduction, "Implementing the Plan" Page 4, Exhibit 3): "Ancillary Plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the Comprehensive Plan."

The Oregon City Stormwater and Grading Design Standards implement the City's 1988 Drainage Master Plan, which is a "public facilities plan", which is defined in the administrative rules implementing Goal 11, OAR 660-0110005(1), and provides: "A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500. Certain elements of the public facility plan also shall be adopted as part of the comprehensive plan, as specified in OAR 660-11-045."

Plan Document

The following excerpt is from the Forward [sic] or Foreword section of the proposed Manual:

Pursuant to Oregon City Municipal Code (OCMC) 13.12.020 these Stormwater and Grading Design Standards have been developed to implement the Stormwater Management standards as outlined in OCMC 13.12.

Stormwater management is a key element in maintaining and enhancing livability within the City of Oregon City (City). There is a direct link between stormwater runoff and the City's surface and ground water quality and quantity. As land is developed, creation of new impervious surfaces and loss of vegetation increases stormwater runoff during rainfall events, altering the natural hydrologic cycle. Without stormwater management, the increase in flows erodes stream channels and limits groundwater recharge. In addition, runoff that flows over roadways, parking areas, rooftops, and other impervious surfaces collects pollutants that are transported within the watershed to streams, rivers, and groundwater resources. Properly managing stormwater is vital to protecting our water resources for a great number of uses, including fish and wildlife habitat, recreation, and drinking water.

The Federal Clean Water Act of 1972 (CWA) established a national commitment to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The CWA prohibits the discharge of pollutants into water of the United States, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit. The CWA requires cities such as Oregon City to obtain an NPDES permit for discharge from the Municipal Separate Storm Sewer System (MS4). The City's MS4, which is comprised of catch basins, pipes, ditches, stormwater management facilities, and other structures, conveys runoff from private and public properties within the City and drains directly into the Willamette River, Clackamas River, and other local waterways such as Abernethy Creek. The Oregon Department of Environmental Quality (ODEQ) administers the state's NPDES program and issues NPDES permits on the federal government's behalf. The City was reissued its current NPDES MS4 permit in 2012, which requires the City to implement a comprehensive stormwater management program, including establishing controls for stormwater runoff from developing areas.

The City's stormwater management standards, set forth in OCMC 13.12 and these Stormwater and Grading Design Standards, emphasize low-impact development (LID) practices, source controls for higher pollutant generating activities, erosion prevention and sediment controls, and operation and maintenance practices designed to properly manage stormwater runoff and protect our water resources. Each of these measures have been or are being implemented as direct requirements under the City's existing NPDES MS4 permit.

The goal of these updated standards is to provide local engineers, developers, builders, and City staff clear guidance in planning and designing stormwater conveyance and management systems that are appropriate to the local climate, hydrogeology, and geology. These standards apply to public and private projects throughout the City.

How is the Manual Used?

Much of the information covered in the proposed Stormwater and Grading Design Standards manual is addressed to professional engineers. In order to assist the professional engineer in fulfilling his or her

responsibilities related to a development project, the manual includes specific directions to engineers that address the City's expectations regarding the responsibilities of the project engineer and other design professionals (See sections 1.7.1. through 1.7.3 of manual).

How can I find the Manual?

The Stormwater and Grading Design Manual and the following associated documents have been available for review on the Oregon City website at the following address: <http://www.orcity.org/publicworks/updated-stormwater-and-erosion-control-standards>

- Description
- 1a. Stormwater Standards from Oregon City (pdf)
- 1b. E-sizing application for download
- 2a. Erosion Control Manual (link to Clackamas County)
- 2b. Erosion Control Supplement (Oregon City PDF)
- 3. Title 13 revisions
- Proposed Stormwater and Grading Design Standards 2014
- City of Oregon City Erosion Control Manual Addendum
- City of Oregon City Erosion and Sediment Control Requirements
- Clackamas County Erosion Prevention Planning and Design Manual
- BMP Sizing Tool

Erosion Control

The Stormwater and Grading Design Standards manual includes an addendum for the Oregon City Erosion Prevention and Sediment Control Planning and Design Manual. This includes resources and information to provide a comprehensive and detailed approach towards controlling erosion on construction sites to assist those performing work in Oregon City.

Planning Process and Public Involvement

The Stormwater and Grading Design Standards update process included public involvement in the legislative decision making process through a project website, public hearing process, newspaper noticing, open houses, meetings with the Citizen Involvement Committee, workshops with engineers and work sessions.

Public Notice

Notice of the first evidentiary Planning Commission and City Commission public hearings for the proposal was published in the Clackamas Review on September 1, 2015.

In accordance with ORS 197.610 and OAR 660-018-000, a Post Acknowledgement Plan Amendment will be provided to the Oregon Department of Land Conservation and Development within 20 days of the City's final decision.

Copies of the applicable notices are provided in the Exhibits.

Public Comment

Public comments provided throughout the previously described planning process have been incorporated into the document as needed.

Planning staff has not received any written public comments regarding the Legislative File update as of the date of this staff report.

DECISION-MAKING CRITERIA:

According to the 2004 Oregon City Comprehensive Plan (Introduction, “Implementing the Plan” Page 4): “Ancillary Plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the Comprehensive Plan.”

Consistency with Oregon City Comprehensive Plan

Chapter O of the 2004 Oregon City Comprehensive Plan, Comprehensive Plan Maintenance and Update, contains criteria for approving changes to the comprehensive plan and plan map. Review of the comprehensive plan should consider:

1. *Plan implementation process.*
2. *Adequacy of the Plan to guide land use actions, including an examination of trends.*
3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*
4. *Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.*

Chapter O. Comprehensive Plan Maintenance and Update

Regular Review and Update

Another method of Plan maintenance and updating is a continuous technical review of the Plan by the Planning staff. This review and any subsequent recommendations for Plan updating should be presented to the Neighborhood Associations, Planning Commission and City Commission for input and discussion in the same manner as requested Plan changes. The continuous review should consider:

1. *Plan implementation process.*

Finding: The Stormwater and Grading Design Standards Manual is a technical document that requires regular review in order to maintain and update it in accordance with federal state and local requirements. The applicant, Oregon City Public Works Department, has presented the update for input by the Citizen Involvement Committee, engineering community, Planning Commission and City Commission in accordance with the recommended method described in the Comprehensive Plan and pursuant to the applicable process described in Oregon City Municipal Code section 17.50.170. The plan implementation process is consistent with the Comprehensive Plan.

2. *Adequacy of the Plan to guide land use actions, including an examination of trends.*

Finding: The Federal Clean Water Act of 1972 (CWA) established a national commitment to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The CWA prohibits the discharge of pollutants into water of the United States, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit. The CWA requires cities such as Oregon City to obtain an NPDES permit for discharge from the Municipal Separate Storm Sewer System (MS4). The City's MS4, which is comprised of catch basins, pipes, ditches, stormwater management facilities, and other structures, conveys runoff from private and public properties within the City and drains directly into the Willamette River, Clackamas River, and other local waterways such as Abernethy Creek. The Oregon Department of Environmental Quality (ODEQ) administers the state's NPDES program and issues NPDES permits on the federal government's behalf. The City was reissued its current NPDES MS4 permit in 2012, which requires the City to implement a comprehensive stormwater management program, including establishing controls for stormwater runoff from developing areas.

The City's stormwater management standards, set forth in OCMC 13.12 and these Stormwater and Grading Design Standards, emphasize low-impact development (LID) practices, source controls for higher pollutant generating activities, erosion prevention and sediment controls, and operation and maintenance practices designed to properly manage stormwater runoff and protect our water resources. Each of these measures have been or are being implemented as direct requirements under the City's existing NPDES MS4 permit.

The update also includes improved tools to assist with the design and sizing of Best Management Practices (BMPs).

Adoption of the Stormwater and Grading Design Standards Manual will assist with the guidance of land use actions and responds to new requirements for improved stormwater management as discussed above.

3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*

Finding: As part of this effort, the consultant conducted technical analyses of the City's existing storm design standards. Since the manual is strictly an engineering document, any changes in demographic patterns and economic are reflected in the design requirements. For example, the stormwater design requirements for a dense multi-family development will differ from those for a low-density single family residential lot. Adoption of the Stormwater and Grading Design Standards Manual will address necessary improvements to ensure the orderly review of stormwater, drainage and erosion control management to accommodate the projected growth envisioned in the City's Comprehensive Plan.

4. *Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.*

Finding: The update includes updated criteria based on the direct requirements of the City's existing NPDES MS4 permit. The addition of this updated information will allow the City to keep the Drainage Master Plan current.

“Statements of Principle - Page 3.

Provide efficient and cost-effective services. Water, sewer, fire protection, police services, streets, storm drainage, and other public services are directly affected by land-use decisions. This plan ensures that land-development decisions are linked to master plans for specific services such as water or sewer and to capital improvement plans that affect budgets and require taxes to build. The City Commission believes that citizens are economically well-served through compact urban form, redevelopment of existing areas, and public investments (for example, street improvements) that are carefully tied to private investments when development occurs.”

Finding: Adoption of the standards will ensure efficient and cost-effective storm drainage through the proper design, sizing jurisdiction and maintenance of on-site and off-site stormwater facilities.

“Implementing the Plan – Page 4

The Oregon City Comprehensive Plan is implemented through City Codes, ancillary plans, concept plans, and master plans. *Ancillary plans* are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the comprehensive plan.”

Finding: The adoption of the Stormwater and Grading Design Standards Manual update requires approval of the Planning Commission and City Commission.

“Ancillary Plans. – Page 15

Since 1982, several documents have been adopted as ancillary to the 1982 Comprehensive Plan: the *Public Facilities Plan* (1990), *Oregon City Transportation System Plan* (2001), *Oregon City Downtown Community Plan* (1999), *Oregon City Waterfront Master Plan* (2002), *City of Oregon City Water Master Plan* (2003), *City of Oregon City Sanitary Sewer Master Plan* (2003), *Drainage Master Plan* (1988, updated in 1999 as the *City of Oregon City Public Works Stormwater and Grading Design Standards*), *Caufield Basin Master Plan* (1997), *South End Basin Master Plan* (1997), *Molalla Avenue Boulevard and Bikeway Improvements Plan* (2001), the *Oregon City Park and Recreation Master Plan* (1999), and the *Oregon City Trails Master Plan* (2004).”

Finding: The update implements the Drainage Master Plan, and requires approval of the Planning Commission and City Commission.

“Page 81 – NPDES MS-4 Permit

The City’s stormwater management program is subject to the City’s National Pollution Discharge Elimination System Municipal Separate Storm and Sewer System (NPDES) MS-4 permit, which is administered by the Oregon Department of Environmental Quality (DEQ) for the U.S. Environmental Protection Agency (EPA).”

CONSISTENCY WITH STATEWIDE PLANNING GOALS

STATEWIDE PLANNING GOAL 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: This goal is implemented through the applicable Goals and Policies in Section 1 of the Oregon City Comprehensive Plan: Citizen Involvement. Open Houses and work sessions with the City Commission have or will be held to review the proposed standards. Public notice was provided and public meetings to discuss the new standards have been summarized. The update process is consistent with Statewide Planning Goal 1.

STATEWIDE PLANNING GOAL 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This goal is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. Because the Comprehensive Plan contains specific goals and policies related to stormwater and drainage standards, and because the Drainage Master Plan is an ancillary document to the City's Comprehensive Plan, the application was processed pursuant to the legislative hearing process outlined in Section 17.50.170 of the Oregon City Municipal Code.

Based on the existing review processes defined in the Oregon City Municipal Code and the adequacy of the facts provided in the proposed application, the proposed Stormwater and Grading Design standards update is consistent with Statewide Planning Goal 2.

STATEWIDE PLANNING GOAL 5: To protect natural resources and conserve scenic and historic areas and open spaces.

Comprehensive Plan Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

Comprehensive Plan Policy 5.4.11

Maintain and enhance the function and quality of natural wetlands and create, where appropriate, wetlands or swales to moderate the quantity and velocity of water runoff entering streams during storm events and to reduce the amount of pollutants carried into streams.

Comprehensive Plan Policy 5.4.13

Adopt and/or establish standards for all new development that promote the use of pervious surfaces and prevent negative ecological effects of urban stormwater runoff on streams, creeks and rivers.

Comprehensive Plan Policy 5.4.16

Protect surfacewater quality by:

- *providing a vegetated corridor to separate protected water features from development*
- *maintaining or reducing stream temperatures with vegetative shading*
- *minimizing erosion and nutrient and pollutant loading into water*
- *providing infiltration and natural water purification by percolation through soil and vegetation*

Finding: This goal is implemented through the applicable Goals and Policies in Section 5 of the Oregon City Comprehensive Plan: Open Spaces, Scenic and Historic Areas, and Natural Resources. As stated in the responses to Statewide Planning Goal 2 above, the city code contains specific review criteria for the placement of public utilities within overlay districts to assure that designated Goal 5 resources are appropriately considered when development is proposed.

The Natural Resource Overlay District designation provides a review process for development proposals that have the potential to affect protection of Metro Title 3 and 13 lands (streams, wetlands, sensitive habitat areas) and Goal 5 resources within Oregon City. Utilities repair, replacement and expansions, including storm drainage facilities, are either exempted from review or reviewed as a limited land use decision (Type II) or Planning Commission review (Type III) depending on the location.

Within the Historic Overlay District, which includes the Canemah historic district, McLoughlin Conservation district, designated Landmarks and Historic corridors, proposed public utility projects may be reviewed by the Historic Review Board if they are potential impact historic resources. The Historic Review Board has adopted character guidelines that pertain to improvements in the public right of way, utilities and related equipment to assure compatibility with historic resources.

Goal 5 resources outside the city limit within the Urban Growth Boundary are reviewed as part of the required Concept Planning for those areas prior to and subsequent with annexation. Concept plans must be implemented through zoning designations and overlay protections zones to assure that Goal 5 resources are protected to the extent required by State law and Metro. The City has mapped the known Goal 5 resource areas out to the current UGB based on the following documents:

1. The 1999 Oregon City Local Wetland Inventory.
2. The Oregon City Water Quality Resource Area Map (Ord. 99-1013).
3. 2004 Oregon City slope data and mapping (LIDAR).
4. Metro Regionally Significant Habitat Map (Aerial Photos taken 2002).
5. National Wetland Inventory (published 1992).
6. Beaver Creek Road Concept Plan (adopted September 2008).
7. Park Place Concept Plan (adopted April 2008).

The City's stormwater management standards, set forth in OCMC 13.12 and the Stormwater and Grading Design Standards, emphasize low-impact development (LID) practices, source controls for higher pollutant generating activities, erosion prevention and sediment controls, and operation and maintenance practices designed to properly manage stormwater runoff and protect our water resources. Each of these measures have been or are being implemented as direct requirements under the City's existing NPDES MS4 permit.

Based on the existing review processes defined in the Oregon City Municipal Code, the proposed stormwater and drainage design standards are consistent with Statewide Planning Goal 5 and the applicable natural resources goals and policies of the City's comprehensive plan.

STATEWIDE PLANNING GOAL 6: To maintain and improve the quality of the air, water and land resources of the state.

Comprehensive Plan Goal 6.2 Water Quality

Control erosion and sedimentation associated with construction and development activities to protect water quality.

Comprehensive Plan Policy 6.2.1

Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

Comprehensive Plan Policy 6.2.2

Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

Finding: Statewide Goal 6 is implemented through the applicable Goals and Policies in Section 6 of the Oregon City Comprehensive Plan: Quality of Air, Water and Land Resources and various code section and city policies and standards. The City's stormwater management standards, set forth in OCMC 13.12, OCMC 17.47 *Erosion and Sediment Control*, and the Stormwater and Grading Design Standards, emphasize low-impact development (LID) practices, source controls for higher pollutant generating activities, erosion prevention and sediment controls, and operation and maintenance practices designed to properly manage stormwater runoff and protect our water resources. Each of these measures have been or are being implemented as direct requirements under the City's existing NPDES MS4 permit. Based on the existing review processes defined in the Oregon City Municipal Code, the proposed stormwater and drainage design standards are consistent with Statewide Planning Goal 6 and the applicable natural resources goals and policies of the City's comprehensive plan.

STATEWIDE PLANNING GOAL 7: To protect people and property from natural hazards.

Comprehensive Plan Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

Finding: This goal is implemented through the applicable Goals and Policies in Section 7 of the Oregon City Comprehensive Plan: Natural Hazards and through the Geologic Hazard Overlay District OCMC 17.44, and city GIS maps which include LIDAR data and other hazard information. New stormwater facilities will be designed to avoid seismic hazards and identified hazard areas to the extent practicable. New facilities shall be constructed in conformance with the standards and retrofitted where necessary according to the recommendations provided. The proposed standards, along with the existing review processes defined in the Oregon City Municipal Code, will assure consistency with Statewide Planning Goal 7.

STATEWIDE PLANNING GOAL 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: This goal is implemented through the applicable Goals and Policies in Section 11 of the Oregon City Comprehensive Plan: Public Facilities. The relevant goals and policies and findings are provided below.

Comprehensive Plan Goal 11.1 Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Finding: The City's Drainage Master Plan and the implementing standards are necessary to maintain compliance with Statewide Planning Goal 11, Public Facilities. Goal 11 requires that public facilities and services be provided in a timely, orderly and efficient manner. The goal's central concept is that local governments should plan public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur. This includes stormwater drainage. The proposed update of the Stormwater and Grading Design Standards is consistent with Goal 11.1.

Comprehensive Plan Policy 11.1.1

Ensure adequate public funding for the following public facilities and services, if feasible:

- *Stormwater Management*

Comprehensive Plan Policy 11.1.2

Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.

Comprehensive Plan Policy 11.1.5

Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.

Finding: Developers are primarily responsible for the construction of on-site stormwater facilities and also for constructing off-site facilities if required. Where feasible, the standards provide guidance for the construction of regional stormwater facilities. Fees may be charged for the use of existing or future City-owned regional stormwater facilities. In such case, the fees shall be proportional to the City's cost to acquire property, design, construct, and maintain the regional facility. When a proposed development is unable to meet the flow control or water quality requirements of these standards through the above strategies, the City may allow applicants to pay a fee in lieu of stormwater management improvements. In such a case, the fee shall be based on the proportional cost for the City to construct an equivalent stormwater management facility, including costs for land acquisition, design, construction, maintenance, and administration. The financial viability of designing and constructing onsite or offsite stormwater management facilities is not sufficient justification to utilize the fee in lieu program. Regional stormwater facilities have the potential to decrease the overall cost of stormwater management. The proposed update of the Stormwater and Grading Design Standards is consistent with this policy.

The proposed Stormwater and Grading Design Standards promote timely, efficient and economic provision of stormwater management within the existing city and to new development areas within the Urban Growth Boundary consistent with the relevant goals, policies and implementing measures of the Comprehensive Plan. The proposed Stormwater and Grading Design Standards are consistent with the above policies.

Comprehensive Plan Policy 11.2.4

Seek economical means to reduce inflow and infiltration of surface- and groundwater into the wastewater collection system. As appropriate, plant riparian vegetation to slow stormwater, and to reduce erosion and stream sedimentation.

Finding: The following stated purposes of the Stormwater and Grading Design Standards include:

- Minimize the introduction of pollutants and provide water quality treatment of stormwater runoff to preserve the beneficial uses of drainageways, lakes, ponds, wetlands, and other sensitive areas.
- Enhance water quality by protecting sensitive areas and the required vegetative buffers.
- Reduce stormwater runoff volumes and maximize groundwater recharge through the process of infiltration of runoff into vegetated stormwater facilities.
- Maintain the pre-development stormwater runoff characteristics to minimize effects on the drainageways such as sediment transport, erosion, and degradation generally associated with urbanization, through the use of Low Impact Development (LID) facilities and/or flow controls to address hydromodification.

Adoption of the Stormwater and Grading Design Standards is consistent with this policy.

Goal 11.4 Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policy 11.4.1

Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing Urban Growth Boundary and plan strategically for future expansion areas.

Policy 11.4.2

Adopt "green streets" standards to reduce the amount of impervious surface and increase the use of bioswales for stormwater retention where practicable.

Policy 11.4.3

Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption through the use of bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and tree planting.

Policy 11.4.4

Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Policy 11.4.5

Design stormwater facilities to discharge surfacewater at pre-development rates and enhance stormwater quality in accordance with criteria in City of Oregon City Public Works Stormwater and Grading Design Standards.

Policy 11.4.6

Regularly review and update the above standards to reflect evolving stormwater management techniques, maintenance practices, and environmental compatibility.

Policy 11.4.7

Provide stormwater management services and monitor, report and evaluate success of the services consistent with the NPDES MS-4 permit requirements.

Finding: Adoption of the Stormwater and Grading Design Standards is consistent with Goal 11.4 and the above Policies.

STATEWIDE PLANNING GOAL 13: To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Finding: This goal is implemented through the applicable Goals and Policies in Section 13 of the Oregon City Comprehensive Plan: Energy Conservation.

The city promotes the efficient use of land and conservation of energy through its Comprehensive Plan and Zoning Code and through the implementation of public facility improvements and building codes. Higher density and mixed use zoning, land division, and site plan design standards promote more compact development patterns, and promote bicycling and walking instead of relying on the automobile for routine errands. New annexations are required to show that public utilities can be efficiently extended to new urban areas. Metro-approved Concept Plans are required prior to annexation to the city to assure that urban services and amenities will be developed in logical places as the community develops. Building codes require that new homes and businesses conserve energy through choice of materials, insulation, and installation of efficient plumbing, heating and cooling systems. The proposed stormwater and grading standards will assure that public facilities are efficiently used and that energy is conserved.

RECOMMENDATION

The Planning Commission may recommend that the City Commission adopt of the Stormwater and Grading Design Standards and code amendments finding that they are consistent with the City's Comprehensive Plan and the Statewide Land Use Goals.

Staff recommends that the Planning Commission recommend approval of the proposed amendments to OCMC 13.12 (Exhibit 2), and to the Stormwater and Grading Design Standards (Exhibit 1) as an ancillary document to the Oregon City Comprehensive Plan to the City Commission.

EXHIBITS

1. Final Stormwater and Grading Design Manual
2. Code Amendments Chapter 13.12
 - a. Tracked Changes Version
 - b. Clean Version
3. Public Notice