



OREGON CITY

Public Works

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November 13, 2019

Sent Via Electronic Mail

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Dear Gentlemen:

Thank you for your participation at the November 6, 2019, City Commission meeting to discuss the City's Stormwater Master Plan and Public Works Stormwater and Grading Design Standards amendment efforts. We firmly believe that these documents have provided projects and standards that improve water quality and provide guidance for a funding model to make needed improvements.

To better understand your comments, we would like to invite you to join a meeting with city staff for a cooperative discussion. We invite you to City Hall at 625 Center Street, Oregon City, to discuss your comments on December 3, 2019, at 9:00 a.m. Please confirm your availability with Christina Robertson-Gardiner at crobertson@orc.org or 503.496.1564 on or before November 18, 2019.

Thank you,

John M. Lewis, P.E.
Public Works Director

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December 3, 2019 Meeting
Oregon City-City Hall- Clackamas River Room
Summary Notes
Begin 9:15 AM

John Lewis, Public Works Director: Welcome group. Excited for the meeting, as a stormwater manager we are interested in what you are thinking. Intrigued about group and their thoughts about the plan. My hope is out of this meeting, is to find things that are what I think of the stormwater management side of the house, implementation. We tried to apply all of the practical thinking about stormwater. We all want cleaner water. We want to hear your suggestion about how we can do stormwater management. My role and passion come from stormwater programs.

Agenda starts off for stormwater management- how familiar are you with your plans then we can talk land use questions/recommendation after

Introductions, what are your perspectives?

Jim Nicita: Lives in Oregon City, before law school was employed as a watershed planner. A fair amount of expertise in watershed planning. I went to Lewis and Clark Law School and received an environmental certificate.

Jonah Stanford: Staff attorney NEDC. My primary interest is compliance with Goal 6 NEDC for many years has worked to protect water quality, done work in the Willamette River. See simple ways to ensure compliance with Goal 6

Jesse Buss: Local resident. Sorry I was not involved previously, not my goal to come in at the last minute. Interested in water quality aspects. Interest to see Oregon City incorporate Goal 6 language in implementing regulations

Josh Wheeler: I am the Assistant City Engineer and helped create and manages application of the Stormwater Design Standards.

Carrie Richter: Deputy City Attorney- helped Public Works put together the record. I hope to work with city staff to revise the findings based on what is discussed.

Laura Terway: Community Development Director, I want to ensure that the plan and standards go through a fair process.

Christina Robertson-Gardiner: Staff Planner helping to shepherd the plan and standards through the land use process. Taking notes for the meeting.

Alissa Maxwell- Water Resources Engineer: Brown and Caldwell. Working with Oregon for 6-7 years. Stormwater planning for more than 20 years. Was involved with creating the adopted grading and design standards. I am the consultant project manager on the master plan as well as being involved in creating the adopted grading and design standards.

John Lewis- Passionate about stormwater. Oregon City has 15 basins. It is split because of the topography of city. Before Oregon City, I worked in Lake Oswego and have a fair amount of practical experience in sewer and stormwater facilities.

Paul Edgar- Canemah resident, Canemah is a unique place with aquifers and springs coming out of the bluff. I have a spring that flows between my house and my garage. I personally believe in recharging and not putting it into pipes and taking it out of the soil. I want to see nature work. Helping nature be more effective

John -invites all four parties to talk about what they are interested in relating to stormwater practices and what should be revised or added to the management portions of the Stormwater Master Plan.

Jim - Asks to go last to make sure others in the group have time to speak.

Jesse- A question- I don't know how to separate agenda item 3 from 4. Suggestions for stormwater management is mixed up with land use.

Jonah- Interested more in ensuring water quality standards protected in land use framework.

John - am I correct that land use concerns are based on development and redevelopment compared to stormwater management which is more managing existing resources? General concurrence in the room with that comment.

Paul - Geologic Hazards impact stormwater. Canemah is so unique that we need to be smart. A lot of water in the wrong location can make it go faster.

Jim - the objective is to meet state water quality standards which have been created through a scientific process such as what instream limits that a salmon can tolerate before it gets sick or dies off. That is why we are talking about the language meeting the water quality standards are important.

As far as technical concerns, I support a treatment train Best Management Practices approach. Are you going to be flexible in how an applicant uses onsite compare to a more mandatory approach? You should want your treatment train lined up with many approaches such as sending water through green roofs to greywater to onsite stormwater rain garden to regional stormwater facility. I do not believe we do enough to require treatment train approach for development. For example, porous pavement should be allowed on the small stub streets like the one near my house.

Alissa – Do you know of a city that does a treatment train? That is more than would be required.

Jim- no, I haven't done the research. I was hoping Oregon and Oregon City could take the lead on this

Pringle Creek in Salem was a good development example of taking the lead on the porous pavement; Porous sidewalk is a good approach as well

Legal matter question whether determination of compliance with the Stormwater Grading Standards is resolved as a land use matter.

Josh- Public Works Permit is the way we do this. We review the preliminary plan for general compliance and condition the stormwater standards to final implementation.

Jim- Compliance with the stormwater standards should be a Land Use review. What is appropriate in a treatment train is not ministerial and should have public comment.

Josh- We analyze the standards in the staff report for all Type II decisions and above (commercial, subdivision, partition, multi-family)

John- What about single-family residential infill? Should they require a noticed review of stormwater standards?

Jim- not sure

Josh- The trigger is 5,000 square feet of new impervious area. NROD is 1,000 square feet.

Jim- Goal 5 in the inventoried- water resources not covered by the NROD. Oregon City Goal 5 component took a long time to approved. Took forever for DLCD to require enforcement. Very frustrated with DLCD not enforcing its rules.

Goal 2- every agency has required to have a State Agency Coordination program. ODFW has the technical expertise on fish. A real Goal 2 Coordination program should have technical information to add to standards

John Lewis/Alissa- Monitoring- we have a coordinating monitoring program. Abernethy, Cove. We have two water quality staff onsite. We could include a recommendation to add a water quality monitoring site in Newall Creek, Coffee Creek, Singer Creek maybe?

Paul-Can we get school district involved in testing?

John - CCC used to be involved in monitoring.

Alissa -Jim, can you tell me more about the capital projects you identified and the stormwater effect.

Jim- Micro-hydro HHPR report- didn't know of an existing project.

Alissa- It is done on potable water. A bigger issue in non-potable water sticks and interment nature of Stormwater.

Jim- Outfall of Singer Creek is an excellent example of micro-hydro as materials getting stuck would not be as much of an issue.

Paul- Outreach, and education are important- bringing people onboard to make good decisions. Educate people- better consensus about doing things the right way.

Alissa - We shift messaging about including the benefits of existing natural resources in education plan.

Jesse- Comment pretty simple- Goal 6 specifically- first couple paragraphs of Goal 6 should be added to Mater Plan and Design standards. *"To maintain and improve the quality of the air, water and land resources of the state. All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2)degrade such resources; or (3) threaten the availability of such resources. Waste and Process Discharges--refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products there from. Included here also are indirect sources of air pollution which result in emissions of air contaminants for which the state has established standards."*

Proposes to include this language as a criterion in the Stormwater Master Plan. State law requires Comprehensive Plan Compliance with State Lands Use Goals and should reference [OAR 340 Div. 41](#) as well.

Recommends people read *Speaking for the River* book- an illuminating picture of current state Willamette.

Josh- If we put it in the purpose statement is that enough

Jesse- it should be an approval standard. Practical distinction of which.

Laura- Are they clear and objective?

Carrie- We have an obligation to provide clear and objective standards for needed housing.

Jim- Even though MS4 permits do not have to comply with state water quality standards. Oregon City has to comply with state law with our Master Plans, which is Goal 6.

Carrie- Are there specific sections of OAR 340 that are clear and objective that we can add to the Master Plan or Stormwater Grading and Design Standards?

Jesse- Current Comprehensive Plan References Goal 6. But not very well

Jonah- Clear that state laws require compliance with Goal 6. Including this would be legally defensible and would satisfy NEDC.

John – This was a deep discussion. Thank you. We will follow-up with notes. We are heading back to Commission on the 18th.

Local agencies know the goals. Cities adopt specific code and tools for people to apply on their site to show compliance with Goal 6. We help translate the Goals into workable standards and not leave the burden of compliance up to each applicant.

Alissa- checking in with some research- OC is currently monitoring- Coffee, Singer, Abernethy Creeks, and the Clackamas River.

John- Next steps for the Master Plan- It has a list of projects- we will have to ask our customers to cover some of the costs beyond the current rates. Pipe projects and stormwater retrofits, we struggle to afford. How do we get to collect resources to build things that improve stormwater management?

Jim- Can we get people to pay their proportional share for offsite improvement?

Josh- Yes, we do some downstream analysis, and people have to fix downstream problems that they contribute to or over detain on their site.

John - Many of the areas in the Master Plan projects are existing development deficiencies and are not eligible to use SDCs.

Jim- We can get a lot of progress with existing technologies. Basic concepts, longer treatment trains, Goal 6 language, coordinating with agencies on salmon, inventory resources not on Goal 5 inventory.

Jesse- Detailed OAR should be looked at to see if they are objective standards.

Paul- Public education: All front-line staff should have a detailed knowledge of 340 Div. 41. Bringing everybody on board is a key component of education to get people to vote on issues. Lack of knowledge is a key component. The city needs to get on the offense. We should have some Yes's & No's.

John- We are being iterative right now with a stormwater standards, returning two years later and making revisions to clarify and revise.

Laura- We want to make sure we are meeting our state goals and legal requirements with this process.

Christina- I will write up summary notes and send them along in an email for comment. I plan on deleting the voice recorder after the notes are complete. Please let me know if you want me to keep it.

John- thank you for taking the time to talk today. We have a lot of information to review. We plan on coming back to the City Commission on the 18th.

Meeting end 10:45 am

Draft notes sent to group on December 6, 2019.

Response email from James Nicita on December 12, 2019 with no suggested revisions.

